

**Resolution #TC-16-1-3**

Disposal of property to the Anthony Dam Trust.

**Approved by the Transportation Commission on January 21, 2016**

**WHEREAS**, CDOT acquired Parcel 16Rev and 17 in the late 1980's and early 1990's in Adams County as a part of CDOT Project # ID-1(CX)76-1(138) and FI 003-1(2) for use as I-76;

**WHEREAS**, CDOT in an effort to construct a portion of I-76, acquired several total take parcels;

**WHEREAS**, CDOT did not need all of the parcels for right of way resulting in several remainder parcels;

**WHEREAS**, CDOT did not declare 16Rev and 17 as remainder parcels;

**WHEREAS**, the Department of Transportation would like to sell Parcel 16Rev and a portion of 17 to the adjacent property owner, The Anthony Dam Trust;

**WHEREAS**, Parcel 16Rev consists of 8,962 square feet;

**WHEREAS**, Parcel 17 consists of 9,843 square feet;

**WHEREAS**, the combined Parcels 16Rev is now referred as Area 3 and a portion of 17 is now referred to as Area 2 consists of 18,805 square feet;

**WHEREAS**, CDOT discovered a portion of the private buildings encroaching upon CDOT property;

**WHEREAS**, the Anthony Dam Trust would like to resolve the encroachment and bring the private property up to code for residential/commercial development;

**WHEREAS**, the Department of Transportation would like to sell Parcel 16Rev and a portion of 17 to The Anthony Dam Trust;

**WHEREAS**, the disposal of Parcel 16Rev and a portion of 17 will not affect the operation, maintenance, use or safety of CDOT's facility;

**WHEREAS**, the Department of Transportation, Region 1 has declared through Joshua Laipply as Chief Engineer, that Parcel 16Rev and a portion of 17 are not needed for transportation purposes;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the

Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes;

**WHEREAS**, the Department has determined that Parcel 16 Rev consisting of 8,962 sf and a portion of Parcel 17 consisting of 9,843 sf of I-76 right of way is of use only to the adjacent property owner;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III) when a parcel that is no longer needed for transportation purposes has value to only one adjacent owner, that owner shall have first right of refusal to purchase said property for fair market value;

**WHEREAS**, The Anthony Dam Trust desires to exercise its right of refusal to purchase the 18,805 sf of I-76 right of way which is no longer needed for transportation purposes;

**NOW THEREFORE BE IT RESOLVED**, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare Parcels 16Rev and a portion of 17 as excess property and dispose of the 18,805 sf of I-76 right of way, which is no longer needed for transportation purposes for fair market value.

**BE IT FURTHER RESOLVED**, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

*Herman A. Stockinger III*

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

*1-26-16*

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Date