

Resolution #TC-16-1-4

Disposal of property to adjacent property owner.

Approved by the Transportation Commission on January 21, 2016

WHEREAS, CDOT acquired Parcel 1E-EX and access rights AC-1E-EX in the early 1950's in Adams County as a part of CDOT Project # SP-12 382-501 for use as US36 at Federal Blvd Interchange;

WHEREAS, CDOT redesigned and located the on-ramp further North for US36;

WHEREAS, the redesign created excess right of way;

WHEREAS, AC-1E-EX was imposed as a police power and therefore no money was paid to acquire it;

WHEREAS, the Department of Transportation requests approval to sell Parcel 1E-EX and relinquish AC-1E-EX to the adjacent property owner;

WHEREAS, Parcel 1E-EX consists of 15,815 square feet;

WHEREAS, the adjacent property owner would like to purchase the parcel to construct a restaurant;

WHEREAS, the disposal of Parcel 1E-EX and relinquishment of AC-1E-EX 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 1E-EX and AC-1E-EX are no longer 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 1E-EX consisting of 15,815 sf of US36 right of way and AC- 1E-EX are 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 adjacent property owner desires to exercise its right of refusal to purchase the Parcel 1E-EX and AC- 1E-EX which are 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 approve the relinquishment of AC-1E-EX and declare Parcel 1E-EX as excess property and dispose of the 15,815 sf of US36 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 F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

1-26-16

Date