

**Resolution # TC-16-7-4**

Parcel Exchange along SH 74

**Approved by the Transportation Commission on July 21, 2016.**

**WHEREAS**, CDOT acquired Parcel 2 Rev 2-EX in 1975 in Jefferson County as a part of CDOT Project # C 11- 0074-15 for use as SH 74;

**WHEREAS**, the abutting property owner would like to construct a sidewalk between the highway and their property;

**WHEREAS**, the adjacent property owner has requested to exchange Parcel 1A for Parcel 2 Rev 2-EX;

**WHEREAS**, Parcel 1A consists of 971 square feet;

**WHEREAS**, Parcel 2 Rev 2-EX consists of 434 square feet;

**WHEREAS**, the Department of Transportation would like to exchange Parcel 2 Rev 2-EX to the adjacent property owner, Hammond Hardware, LLC;

**WHEREAS**, this property exchange will clear title to CDOT ROW at this location;

**WHEREAS**, the disposal of Parcel 2 Rev 2-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 2 Rev 2-EX is 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 for fair market value;

**WHEREAS**, Parcel 2 Rev 2-EX (434 square feet) and the parcel 1A (971 square feet) have an equal fair market value per square foot;

**WHEREAS**, both parties are aware of the difference in square footage for the exchange and are agreeable to exchanging the parcels without any additional compensation due to the private property ownership;

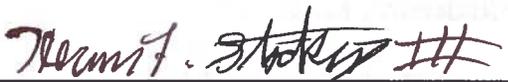
**WHEREAS**, the Department has determined that Parcel 2 Rev 2-EX consisting of 434 sf of right of way is of use only to the adjacent property owner;

**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**, Hammond Hardware, LLC desires to exercise its right of refusal to exchange for the 434 sf of 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 Parcel 2 Rev 2-EX as excess property and dispose of the 434 sf of right of way, which is no longer needed for transportation purposes for exchange of equal value property.

**FURTHER**, as this is an exchange and not a sale there will be no funds to be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.



Herman Stockinger, Secretary  
Transportation Commission of Colorado

7-21-16

Date of Approval