

Resolution # TC-16-7-5

Abandonment of parcels near SH 265”

Approved by the Transportation Commission on July 21, 2016.

WHEREAS, the Department of Transportation owns 1.05 linear miles of Highway in the City and County of Denver identified as State Highway 265 (Brighton Boulevard);

WHEREAS, that portion of SH 265 is located between I-70 and I-270, beginning at the northerly right of way line of 47th Avenue and ending near the southeasterly right of way line of York Street (Exhibit A);

WHEREAS, Region 1 has determined that abandoning this portion of SH 265 would be in the best interest of Colorado taxpayers;

WHEREAS, Region 1 is currently completing an environmental clearance (Categorical Exclusion, Form 128) as required for the devolution of state highways;

WHEREAS, the Colorado Revised Statute 43-2-103 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a State Highway, and with the agreement of each affected county or municipality, the State Highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the affected county or municipality will assume ownership of the above mentioned roads in “as is” condition on the date of the transfer of ownership of this specified road segment;

WHEREAS, the governing body of the City and County of Denver shall adopt a resolution agreeing to the State’s abandonment of the portion of SH 265 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the City and County of Denver to assume ownership of said highway segment in the “as is” condition;

WHEREAS, subject to completion of the required environmental clearance and within 90 days of the official notification of such abandonment by the Transportation Commission, the City and County of Denver shall execute a resolution or ordinance accepting the abandoned portion of SH 265 as a city street;

WHEREAS, within 90 days of the date of execution of the City and County of Denver Resolution or Ordinance accepting the abandoned portion of SH 265, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim

deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

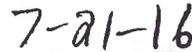
WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to CRS 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highway(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this portion of SH 265 is no longer needed for State Highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 29-1-203, 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of SH 265 abandoned, as shown in Exhibit A, containing approximately 1.05 miles.



Herman Stockinger, Secretary
Transportation Commission of Colorado



Date of Approval