

**Resolution # TC-16-7-6**

Exchange of SH 85 Parcels

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

**WHEREAS**, on February 15, 2001, the Transportation Commission approved resolution TC-925 which abandoned State Highway 85-B (Business) within the city limits of Brighton; and

**WHEREAS**, the Transportation Commission received from the City of Brighton, Ordinance 1661 accepting the abandoned portion of SH 85-B; and

**WHEREAS**, the City entered into an Intergovernmental Agreement (IGA) with CDOT on June 27, 2001 to set forth the terms of the City taking possession of SH 85-B (now known as Main Street) between Bromley Lane and Denver Street; and

**WHEREAS**, the City also entered into an IGA with CDOT on January 17, 2013 setting forth terms of the realignment of Main Street at Bromley Lane and other safety improvements in the vicinity; and

**WHEREAS**, in accordance with CRS 43-2-106 if the City ceases to use the abandoned portion of SH 85 for the purpose of a city street, title to the abandoned state highway or portion thereof shall revert to the Department of Transportation, State of Colorado; and

**WHEREAS**, Parcel 8 (23,319 square feet) on the attached Exhibit A is a portion of the abandoned SH 85-B which was accepted by the City as part of Main Street; and

**WHEREAS**, the City and the Brighton Urban Renewal Authority have or will acquire the properties abutting the previous (2001) and current Main Street alignments, identified as Parcels 5 (30,402 square feet) and 7A (1,872 square feet) on the attached Exhibit A; and

**WHEREAS**, it is the intent of the City to assemble and develop the parcels with a hotel and conference center. A conceptual draft site plan is shown on Exhibit B; and

**WHEREAS**, Parcel 3Rev (32,583 square feet) on Exhibit A represents a portion of the previously defined right of way of Main Street upon which an existing cul-de-sac serves to currently provide access to Parcel 5; and

**WHEREAS**, the City acknowledges that the intersection of US 85 and Bromley Lane is planned to be a single point urban interchange (SPUI) at some point in the future, and that the right of way beyond the existing boundaries of US 85 will be necessary for the planned interchange; and

**WHEREAS**, the design of the hotel site will keep any structures and parking improvements outside of the anticipated footprint of the SPUI to reduce impacts to the future interchange; and

**WHEREAS**, Parcel 5A (21,887 square feet) and Parcel 8 on the attached Exhibit A comprise a portion of the anticipated right of way required for the interchange

footprint; and

**WHEREAS**, the City and CDOT desire to exchange properties in the area of SH 85 and Bromley Lane to allow the assemblage of properties for a hotel and conference development site and for the preservation of the right of way needed for the future interchange; and

**WHEREAS**, the City intends to convey Parcels 5A and 8 (45,206 total square feet) to CDOT for the right of way preservation in exchange for CDOT conveying Parcel 3Rev (32,583 square feet) to the City for the hotel development site; and

**WHEREAS**, all subject parcels have an equal fair market value per square foot, and both parties are aware of the difference in square footage for the exchange and are agreeable to exchanging the parcels without any additional compensation; and

**WHEREAS**, the exchange of the property will not affect the operation, maintenance, use or safety of CDOT's facility; and

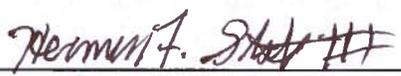
**WHEREAS**, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210(5) to make determinations regarding land to be declared excess and not needed for transportation purposes now or in the foreseeable future; and

**WHEREAS**, the Department of Transportation, Region 1 has declared through Joshua Laipply as Chief Engineer, that the property is not needed for transportation purposes; and

**WHEREAS**, the Transportation Commission concurs with the Chief Engineer that this property is not needed for transportation purposes now or in the foreseeable future; and

**NOW, THEREFORE BE IT RESOLVED**, pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210; Code of Federal Regulations and Title 23, Part 710, Section 409 (23 CFR 710.409) the Department of Transportation be given authority to declare Parcel 3Rev of Project Number NH 0853-068 as excess land.

**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.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

7-21-16  
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Date of Approval