

Resolution # TC-16-3-8

Property disposal: SH 385 Wray, CO

Approved by the Transportation Commission on March 16, 2016

WHEREAS, CDOT acquired Parcel 1EX (Tract 1) in 1953 in Yuma County as a part of CDOT Project # S 0001 (11) for use as US 385;

WHEREAS, actual construction of US 385 was not centered in the right of way, which created an excess, Parcel 1EX (Tract 1), on one side of the curve;

WHEREAS, Parcel 1EX (Tract 1) consists of 23,142 square feet;

WHEREAS, CDOT discovered signage advertising business on the adjacent property encroaching upon Parcel 1EX (Tract 1);

WHEREAS, the adjacent property owners, William E. Cure and Janet K. Cure would like to resolve the encroachment;

WHEREAS, the disposal of Parcel 1EX (Tract 1) would resolve the encroachment;

WHEREAS, the Department of Transportation would like to sell Parcel 1EX (Tract 1) to the adjacent property owner, William E. Cure and Janet K. Cure for fair market value;

WHEREAS, the disposal of Parcel 1EX (Tract 1) will not affect the operation, maintenance, use or safety of CDOT's facility;

WHEREAS, the Department of Transportation, Region 4 has declared through Joshua Laipply as Chief Engineer, that Parcel 1EX (Tract 1) 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, the Department has determined that Parcel 1EX consisting of 23,142 sf of US 385 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, William E. Cure and Janet K. Cure desires to exercise its right of refusal to purchase the 23,142 sf of US 385 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 1EX (Tract 1) as excess property and dispose of the 23,142 sf of US 385 right of way, which is no longer needed for transportation purposes for fair market value.

FURTHER, 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

3-22-16

Date of Approval