

Resolution # TC-16-3-9

Relinquishment of 1-70 Parcels to Eagle County

Approved by the Transportation Commission on March 16, 2016

WHEREAS, CDOT acquired Parcels 37 REV.3, 38 REV.3, 41-B and E-41A in the early 1970s in Eagle County as a part of CDOT Project No. I 70-2(10) Unit 1 to facilitate the construction of I-70;

WHEREAS, the subject parcels were acquired to effect of a channel change of the Eagle River for the construction of I-70;

WHEREAS, the subject parcels have not been needed for transportation or maintenance purposes subsequent to the river channel change and construction of I-70;

WHEREAS, Parcel 37 REV.3 consists 0.818 acres;

WHEREAS, Parcel 38 REV.3 consists 1.074 acres;

WHEREAS, Parcel 41-B consists 2.174 acres;

WHEREAS, the combined Parcels 37Rev.3, 38Rev.3 and 41-B consists of 4.066 acres of land;

WHEREAS, Parcel E-41A, a permanent easement, contains 0.714 acres;

WHEREAS, Eagle County is interested in the subject parcels to accommodate the development of a whitewater park and associated amenities;

WHEREAS, the Department of Transportation would like to quitclaim Parcels 37Rev.3, 38Rev.3, 41-B and E-41A to the County of Eagle;

WHEREAS, if the 4.066 acres, comprising Parcels 37Rev.3, 38Rev.3 and 41-B, and the 0.714 acres, Parcel E- 41A, to be conveyed to Eagle County ever ceases to use the subject parcels for social, environmental and nonproprietary governmental purposes pursuant to 23 CFR 710.403(d)(1) then the subject parcels shall revert to CDOT;

WHEREAS, in the event the placement of outdoor advertising signs on or near the subject parcels violates the Federal-Aid Highway Act of 1958 and/or the Federal Highway Beautification Act of 1965, the subject parcels shall revert to CDOT, after notice and a reasonable opportunity to cure;

WHEREAS, the disposal of Parcels 37 REV.3, 38 REV.3, 41-B and E-41A will not affect the operation, maintenance, safety or use of any CDOT facility;

WHEREAS, the Department of Transportation, Region 3 has declared through Joshua Laipply as

Chief Engineer, that the 4.066 acres of land and 0.714 acres of permanent easement is not needed for State 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, 23 CFR 710.403(d)(1) allows CDOT to convey property to other governmental entities for nominal value if the property is used for social, environmental, economic or nonproprietary governmental use;

WHEREAS, FHWA has concurred to the disposal of the subject parcels;

WHEREAS, the County of Eagle desires to exercise its right of refusal to purchase the 4.066 acres of land and 0.714 acres of permanent easement in I-70 right of way, which is no longer needed for State transportation purposes;

WHEREAS, the Board of County Commissioners of the County of Eagle adopted Resolution No. 2015-007, authorizing acceptance of the subject parcels solely for social, environmental and nonproprietary governmental purposes pursuant to 23 CFR 710.403(d)(1);

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 Parcels 37Rev.3, 38Rev.3, 41-B and E-41A as excess property and dispose of the I-70 right of way which is no longer needed for State transportation purposes for nominal value.

Herman F. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

3-22-16
Date of Approval