

Resolution #TC-16-10-3

Disposal of property in Durango.

Approved by the Transportation Commission on Oct. 20, 2016.

WHEREAS, CDOT acquired Area 1, 2 and 3 in 1986 in La Plata County as a part of CDOT Project No. RF 019-2(14) Sec. 2;

WHEREAS, the subject parcels are currently occupied by the City as part of the Santa Rita Park and the City's Waste Water Treatment Plant;

WHEREAS, the subject parcels are not needed for transportation or maintenance purposes;

WHEREAS, Area 1 consists ~1.7 acres;

WHEREAS, Area 2 consists ~1.6 acres;

WHEREAS, Area 3 consists ~10.0 acres;

WHEREAS, the subject parcels total ~13.3 acres of land;

WHEREAS, City of Durango is interested in acquiring the subject parcels for the continued use as a public park, with ancillary public uses and a public waste-water treatment facility and other city utility uses;

WHEREAS, the Department of Transportation would like to dispose the parcels to the City of Durango;

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

WHEREAS, the disposal of the parcels will not affect the operation, maintenance, safety or use of any CDOT facility;

WHEREAS, the Department of Transportation, Region 5 has declared through Joshua Laipply as Chief Engineer, that the 13.3 acres of land 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, the City of Durango desires to exercise its right of refusal to purchase the 13.3 acres of land in SH 160/SH 550 right of way, which is no longer needed for State 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(d) (1) the Department of Transportation be given authority to declare the parcels comprising of Area 1, 2 and 3 as excess property and dispose of the SH 160/SH550 right of way which is no longer needed for State transportation purposes for nominal value.

Herman F. Stockinger #
Herman Stockinger, Secretary
Date Transportation Commission

10-20-16