

Resolution #TC-16-9-4

Approval of the disposal of property near SH 287 in Lafayette.

Approved by the Transportation Commission on Sept. 15, 2016.

WHEREAS, CDOT acquired Parcel 11A in 1994 in Boulder County as a part of CDOT Project No. FCU-NH (CX) 287-3(52) Unit 1 to facilitate the re-alignment of SH 287;

WHEREAS, the subject parcel was acquired as a result of the re-alignment of SH 287 leaving the parcel without access;

WHEREAS, the subject parcel is partially located in the Coal Creek channel and flood plain;

WHEREAS, CDOT purchased a permanent easement across the site for the benefit of the adjacent owner for their irrigation lateral;

WHEREAS, the subject parcel has not been needed for transportation or maintenance purposes subsequent to the re-alignment of SH 287;

WHEREAS, Parcel 11A consists 6.071 acres;

WHEREAS, City of Lafayette is interested in acquiring the subject parcel for the preservation of flood plain for Open Space;

WHEREAS, the Department of Transportation would like to quitclaim Parcel 11A to the City of Lafayette;

WHEREAS, the conveyance of Parcel 11A to the City of Lafayette is subject to CDOT's permanent easement;

WHEREAS, if the 6.071 acres, comprising Parcel 11A, to be conveyed to the City of Lafayette ever ceases to be used for social, environmental and nonproprietary governmental purposes pursuant to 23 CFR 710.403(d)(1) then the subject parcel shall revert to CDOT;

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 Parcel 11A will not affect the operation, maintenance, safety or use of any CDOT facility;

WHEREAS, the Department of Transportation, Region 4 has declared through Joshua Laipply as Chief Engineer, that the 6.071 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 Lafayette desires to exercise its right of refusal to purchase the 6.071 acres of land in US 287 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 the Department of Transportation be given authority to declare Parcel 11A as excess property and dispose of the SH 287 right of way which is no longer needed for State transportation purposes without monetary compensation.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

9-75-16

Date of Approval