

**Resolution #TC-1898**

**Declaration of Excess Property State Highway 170**

Project #: C 07-0170-03  
Location: SH 170 at Eldorado  
Springs Dr.  
Parcels: 1 Rev X

WHEREAS, the Colorado Department of Transportation acquired right of way in 1958, under Project Number C 07-0170-03, for the construction of a portion of SH 170;

WHEREAS, the Department's Region 4 office recommends that the property labeled 1 Rev X of Project C 07-0170-03 be declared excess right of way and is not needed for highway purposes in the foreseeable future;

WHEREAS, the adjoining private property owner has requested to purchase Parcel 1 Rev X from the Department of Transportation;

WHEREAS, Colorado Revised Statutes 43-1-210(5)(a)(III) authorizes that if the department determines that the property or interest therein is of use only to one abutting owner or, in the case of an easement, to the underlying fee owner, the abutting owner or underlying fee owner shall have first right of refusal to purchase or exchange the property or interest therein upon which disposition is being made at the fair market value.

WHEREAS, the Department of Transportation, has declared through Pamela Hutton as the Chief Engineer, that this property is not needed for highway transportation purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this parcel of right of way is not needed for highway purposes;

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given the authority to dispose of Parcel 1 Rev X of Project C 07-0170-03 as shown in Exhibit A, and contained in the official agenda, and sell the excess right of way to the abutting property owner at fair market value.

FURTHER, funds from the sale of these parcels shall be disbursed in accordance with Section 7.4 of the CDOT Right of Way Manual.