

Resolution #TC-1932
State Highway 187 abandonment to Delta County

Approved by the Transportation Commission on:
December 16, 2010

Project Code: None/MIPP
Project No.: S 0119(11)
Location: SH 187 MP 0.06–0.689
County: Delta

WHEREAS, The Department of Transportation owns 0.629 miles of highway in Delta County, Colorado, identified as State Highway 187 (SH 187);

WHEREAS, that portion of SH 187 is located between and connecting SH 133 and 4th Street in the Town of Paonia (Exhibit A);

WHEREAS, Region 3 has determined that abandoning this portion of SH 187 would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or a portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or a portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the Transportation Commission adopted Policy Directive 1003.0 to authorize the Maintenance Incentive Program as a pilot program and to establish the desirability of an alternative approach for abandonment of highway right of way that is no longer needed for the intent of the state highway system;

WHEREAS, the Executive Director of CDOT adopted Procedural Directive 1003.1 to provide for the implementation of the Maintenance Incentive Pilot Program established by Policy Directive 1003.0;

WHEREAS, Delta County proposed to take ownership of SH 187 from mile marker (MM) 0.06 to MM 0.689, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$860,000.00 from CDOT;

WHEREAS, \$860,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 187 over the next 20 years;

WHEREAS, the Transportation Commission adopted Resolution Number TC-1754 authorizing said proposal of Local Agency(ies) be funded and specifying that the highway segment would be transferred in an “as is” condition in exchange for the payment by CDOT to Local Agency(ies) on the date of transfer of ownership;

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway by the State and acceptance by the County of Delta pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the County of Delta shall adopt a resolution agreeing to the state’s abandonment of the portion of SH 187 agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the County of Delta to assume ownership of said highway segment in the “as is” condition;

WHEREAS, within 90 days of the date of execution of the County of Delta Resolution or Ordinance accepting the abandoned portion of SH 187, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$860,000.00 to Delta County, and that shall constitute the total consideration from the State to Delta County related to the abandonment and transfer of the abandoned highway;

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to Colorado Revised Statutes (C.R.S.) 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-203, to make determinations regarding abandonment of State Highway(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 187 between mile markers 0.06 and 0.689 is no longer needed for the state highway purposes.

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S., Sections 43-1-106, 43-1-110, 43-1-114, 43-202.7, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of SH 187 abandoned, as shown in Exhibit B, containing approximately 0.629 miles.