

Resolution Number TC-1816

WHEREAS, The Department of Transportation owns 26.9 linear miles of Highway in Prowers County identified as State Highway 196 (SH 196); and

WHEREAS, that portion of SH 196 is located between, and connecting US 385 and US 287 (Exhibit A, Page 1 of 6); and

WHEREAS, due to improvements to US 287 and US 50, SH 196 no longer supports sufficient traffic to justify the maintenance expense (Exhibit A, pages 1 and 3); and

WHEREAS, Region 2 has determined that abandoning this portion of SH 196 would be in the best interest of Colorado taxpayers; and

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

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; and

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; and

WHEREAS, Prowers County proposed to take ownership of SH 196 from mile post 8.9 to mile post 35.6, as described in Exhibit A and Exhibit C which are attached hereto, in exchange for a payment of \$9,000,000.00 from CDOT; and

WHEREAS, \$9,000,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve SH 196 over the next 20 years; and

WHEREAS, the Transportation Commission adopted Resolution Number TC-1754 authorizing said proposal of Local Agency(s) 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(s) on the date of the transfer of ownership; and

WHEREAS, Colorado Revised Statutes 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; and

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

WHEREAS, the governing body of Prowers County shall adopt a resolution agreeing to the state’s abandonment of the portion of SH 196 agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing Prowers County to assume ownership of said highway segment in the “as is” condition; and

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, Prowers County shall execute a Resolution or Ordinance accepting the abandoned portion of SH 196 as a county road; and

WHEREAS, within 90 days of the date of execution of the Prowers County Resolution or Ordinance accepting the abandoned portion of SH 196, 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 back to CDOT; and

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$9,000,000.00 to Prowers County, and that shall constitute the total consideration from the State to Prowers County related to the abandonment and transfer of the Abandoned Highway;
And

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to Colorado Revised Statutes (C.R.S.) 29-1-203, 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highway(s) to affected county(s) or municipality(s); and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 196 is no longer needed for State Highway purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the Colorado Revised Statutes, Sections 29-1-203, 43-1-106, 43-1-110, 43-1-114, 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 196 abandoned, as shown in Exhibit A, containing approximately 29.6 linear miles.