

RESOLUTION # TC- 1888
Abandonment of State Highway 2

Project Code: 17829/MIPP
Location: SH 2 from I-76 to SH 7
Municipality: City Brighton

WHEREAS, The Department of Transportation owns 5.464 linear miles of Highway in Brighton, Colorado identified as State Highway 2 (SH 2);

WHEREAS, that portion of SH 2 is located between, and connecting I-76 and State Highway 7 (Exhibit B);

WHEREAS, Region 6 has determined that abandoning this portion of SH 2 would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statute 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;

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, the City of Brighton proposed to take ownership of SH 2 from mile marker (MM) 0.086 to MM 5.550, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$1,116,000.00 from CDOT;

WHEREAS, \$1,116,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 2 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 segment by the State and acceptance by the City of Brighton pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the City of Brighton shall adopt a resolution agreeing to the State's abandonment of the portion of SH 2 agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the City of Brighton to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, the City of Brighton shall execute a resolution or ordinance accepting the abandoned portion of SH 2 as a city street;

WHEREAS, within 90 days of the date of execution of the City of Brighton Resolution or Ordinance accepting the abandoned portion of SH 2, 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;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$1,116,000.00 to the City of Brighton, and that shall constitute the total consideration from the State to the City of Brighton 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 CRS 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(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 2 is no longer needed for the State Highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 29-1-203, 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 2 abandoned, as shown in Exhibit B, containing approximately 5.464 miles.