

Resolution # TC-1904
Declaration of Excess Property Region 6

WHEREAS, the Colorado Department of Transportation (Department), formerly known as the Division of Highways, acquired right of way in the early 1960s under Project Number I 70-3(8)268 for the construction of a portion of State Highway 70, and in the early 1980s under Project Number I 70-3(125) for the construction of a portion of State Highway 470;

WHEREAS, the owner of the abutting properties, and underlying owner of the property proposed to be declared excess, has asked that a portion of the right of way be sold to allow assemblage of the two separate parcels into one contiguous tract of land;

WHEREAS, the Department has constructed a bike path on portions of said right of way being requested by the abutting owner, and said bike path will remain in its existing location and alignment;

WHEREAS, the Department will reserve a 20-foot wide permanent easement along the length of the bike path, Parcel PE-266D, Project I 70-3(125) for only the area necessary for its continued operation, use, and maintenance;

WHEREAS, the Department's Region 6 office recommends that the properties labeled Parcels 266XD, 266XD2 of Project I 70-3(125) and Parcels 58XA, and 58XB of Project I 70-3(8)268 be declared excess right of way and no longer needed for transportation purposes, now or in the foreseeable future;

WHEREAS, the Department, has declared through Pamela Hutton as Chief Engineer, that this property is no longer needed for transportation purposes, now or in the foreseeable future;

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

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation be given authority to dispose of Parcels 266XD, 266XD2 of Project I 70-3(125) and 58XA, and Parcels 58XB of Project I 70-3(8)268 as legally described and encompassed in Exhibit A, and contained in the official agenda, containing 294,466 square feet (6.76 acres), more or less, and selling the excess right of way parcel to the abutting property owner at its' fair market value, while reserving a 20-foot wide permanent easement, Parcel PE-266D, Project I 70-3(125) as shown on Exhibit B, and contained in the official agenda, for the continued operation, use and maintenance of a bike path.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.4 of the Department's Right-of-Way Manual