

**Resolution #TC-1973**

**Authority to declare that portion of US 160E abandoned**

**Approved by the Transportation Commission on: April 20, 2011**

Project Code: FAP 265-E  
FAP 101-R,  
NH 1602-075/MIPP  
Location: US 160E though Bayfield.  
Municipality: Town of Bayfield

WHEREAS, The Department of Transportation owns 2.242 linear miles of Highway in Bayfield, Colorado identified as United States Highway 160E (US 160E);

WHEREAS, that portion of US 160E is located between Mile Marker 0.085 of US 160E and Mile Marker 2.327 of US 160E, through the Town of Bayfield, (Exhibit A);

WHEREAS, Region 5 has determined that abandoning this portion of US 160E 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 portion thereof, no longer functions as a United States highway, and with the agreement of each affected county or municipality, the 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 Town of Bayfield proposed to take ownership of US 160E between Mile Marker 0.085 of US 160E and Mile Marker 2.327 of US 160E, through the Town of Bayfield, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$6,800,000 from CDOT;

WHEREAS, \$6,800,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 160E 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 Town of Bayfield pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the Town of Bayfield has adopted resolution #255 agreeing to the state’s abandonment of the portion of US 160E agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the Town of Bayfield to assume ownership of said highway segment in the “as is” condition;

WHEREAS, within 90 days of the date of execution of the IGA by CDOT, CDOT will execute a quitclaim deed to be recorded by the by the Town of Bayfield in the La Plata County Clerk and Records Office 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 \$6,800,000 to the Town of Bayfield, and that shall constitute the total consideration from the State to the Town of Bayfield 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 43-2-303, to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that US 160E between mile markers 0.085 and 2.327 is no longer needed for the State’s 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 US 160E abandoned, as shown in Exhibit B, containing approximately 2.242 miles.

Herman J. Stockinger III

Herman Stockinger, Secretary  
Transportation Commission of Colorado