

Resolution # TC-2010

State Highway 75 Abandonment from Rafferty Gardens Avenue to Littleton Boulevard in the City of Littleton

Approved by the Transportation Commission on: August 18, 2011

Project #: S 0162(1)

Location: SH 75 from Rafferty

Gardens Ave. to

Littleton Blvd.

Municipality: City of Littleton

WHEREAS, The Department of Transportation owns 0.47 linear miles of Highway in Littleton, Colorado identified as State Highway 75 (SH 75);

WHEREAS, that portion of SH 75 is located between Rafferty Gardens Ave. and Littleton Blvd. (Exhibit A);

WHEREAS, Region 6 has determined that abandoning this portion of SH 75 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 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 City of Littleton proposed to take ownership of SH 75 from mile marker (MM) 2.179 to MM 2.649, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$500,000 from CDOT; WHEREAS, \$500,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 75 over the next 20 years;

WHEREAS, the abandonment of the above referenced section of SH 75 will be funded with Region 6 Surface Treatment funds;

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 Littleton pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the City of Littleton has adopted a resolution (#19 Series of 2011) agreeing to the state's abandonment of the portion of SH 75 agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the City of Littleton to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the above referenced portion of SH 75, 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 \$500,000 to the City of Littleton, and that shall constitute the total consideration from the State to the City of Littleton 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 SH 75 between mile markers 2.179 and 2.649 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 75 abandoned, as shown in Exhibit B, containing approximately 0.47 miles.



Herman Stockinger, Secretary
Transportation Commission of Colorado