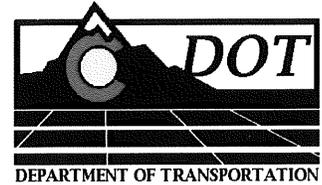


DEPARTMENT OF TRANSPORTATION

Maintenance & Operations Branch
Property Management Section
15285 S. Golden Road, Bldg. 47
Golden, Colorado 80401
(303) 512-5522
Fax (303) 512-5550

**PROJECT #:** FAP 149-D**LOCATION:** SH36 @ Kiowa-Bennett Road**PARCEL #:** EX-2**COUNTY:** Adams**DATE:** January 26, 2012**TO:** Transportation Commissioners**FROM:** Timothy J. Harris, Chief Engineer

A handwritten signature in black ink, appearing to read 'Timothy J. Harris', is written over the 'FROM:' line.

SUBJECT: Transportation Commission Agenda for February 2012**Requested Action:** Declaration of Excess Property, Parcel EX-2, Project #FAP 149-D

Background: Parcel EX-2 contains a total area of 1.148 acres (50,000 square feet). Parcel EX-2 was acquired in the 1930's by Adams County for use as a borrow pit during the construction of SH 36. On August 17, 2011 Adams County transferred title of this section of SH 36, including Parcel EX-2 to CDOT via a quitclaim deed. Parcel EX-2 is no longer needed for transportation purposes

The developer who owns the property adjacent to Parcel EX-2 has expressed an interest in acquiring this parcel.

The sale of this small portion of land will not affect the design, construction or utility of State Highway 36.

Subsequent to the passage of the excess parcel declaration, CDOT will proceed with the disposition of Parcel EX-2. In accordance with Colorado Revised Statute 43-1-210(5), the adjacent owner will have the right of first refusal to purchase the property. Parcel EX-2 was appraised by a CDOT appraiser and the fair market value range was determined to be between \$8,600 and \$36,500. Revenue generated by the sale of Parcel EX-2 will be reinvested into future CDOT projects.

**COLORADO DEPARTMENT OF TRANSPORTATION
TRANSPORTATION COMMISSION AGENDA ITEM REQUEST**

Region 1

**Date:
February 16,
2012**

Title: Excess Parcel Declaration

Description: Parcel EX2 of Project Code FAP 149D - Parcel location is SH36 @ Kiowa-Bennett Road

Describe the Action Requested of Commission

Passage of resolution to declare and dispose of excess property

Justification for Commission Action

- 43-1-210 (5)(a), C.R.S
- 23 CFR § 710.409
- Policy Directive 1300.0
- Procedural Directive 1300.2

List the Potential Effects of the Commission's Action

- a) Legal: None
- b) Fiscal: Revenues derived from the sale will support other CDOT projects
- c) Other: None

Identify who will make the presentation to the Commission – Anthony DeVito

Estimated time needed for presentation and discussion:

Date item should appear on the Commission Agenda: February 16, 2012

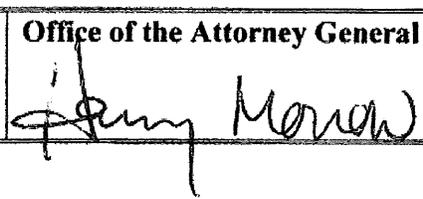
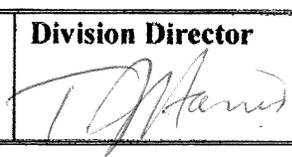
Should item appear on the consent agenda?

YES NO

Branch Manager/Region Director

Office of the Attorney General

Division Director

PROJECT #: FAP 149-D
LOCATION: SH36 @ Kiowa-Bennett Road
PARCEL #: EX-2
COUNTY: Adams

FACT SHEET FOR COMMISSION ACTION

DESCRIPTION OF PROPERTY:

A parcel of vacant land east of the Town of Bennett, Colorado which is located on south side of SH 36 and identified as Parcel EX-2 of CDOT Project FAP 149-D containing a total area of 1.148 acres (50,000 square feet) more or less in the NW ¼ of Section 35, Township 3 South, Range 63 West of the Sixth Principal Meridian, Adams County, Colorado.

HOW AND WHY ACQUIRED:

Parcel EX-2 was acquired in the 1930's by Adams County for use as a borrow pit during the construction of SH 36. On August 17, 2011 Adams County transferred title of this section of SH 36, including Parcel EX-2 to CDOT via a quitclaim deed.

WHY DISPOSE OF PROPERTY:

The developer who owns the property adjacent to Parcel EX-2 has expressed an interest in acquiring this parcel. Parcel EX-2 is no longer need for transportation purposes.

PRESENT ESTIMATED VALUE RANGE:

Appraisal dated 10/28/2011 set the fair market value range of Parcel EX-2 at \$8,600-\$36,500.

TERMS AND CONDITIONS (METHOD) OF SALE:

Parcel EX-2 will be sold at fair market value in accordance with Colorado Revised Statute 43-1-210 (5).

PROJECT #: FAP 149-D
LOCATION: SH36 @ Kiowa-Bennett Road
PARCEL #: EX-2
COUNTY: Adams

PROPOSED RESOLUTION

WHEREAS, Parcel EX-2 is a 1.148 acre (50,000 square feet) parcel in the NW ¼ of Section 35, Township 3 South, Range 63 West of the Sixth Principal Meridian, Adams County, Colorado;

WHEREAS, Parcel EX-2 was acquired in the 1930's by Adams County for use as a borrow pit during the construction of SH 36;

WHEREAS, on August 17, 2011 Adams County transferred title of this section of SH 36, including Parcel EX-2 to CDOT via a quitclaim deed;

WHEREAS, the developer who owns the property adjacent to Parcel EX-2 has expressed an interest in acquiring this parcel;

WHEREAS Parcel EX-2 will be sold at fair market value in accordance with Colorado Revised Statute 43-1-210 (5);

WHEREAS, the sale of Parcel EX-2 will not affect the design, construction or utility of US36;

WHEREAS, the Department of Transportation, Region 1, recommends that the property described as EX-2 of Project FAP 149-D be declared excess property and is not needed in the foreseeable future;

WHEREAS, the Department of Transportation, has declared through Timothy J. Harris as Chief Engineer, that Parcel EX-2 is not needed for transportation purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel EX-2 is not needed for transportation purposes in the foreseeable future;

NOW THEREFORE BE IT RESOLVED, that Parcel EX-2 of Project FAP 149-D containing 1.148 acres more or less be declared excess and the Department of Transportation be given authority to dispose of Parcel EX-2 as shown in Exhibit A and contained in the official agenda.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

EXCESS LAND FINDING

I, Timothy J. Harris, Chief Engineer of the DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, having examined the official files and records of the Department, and being fully advised in the premises, DO HEREBY FIND:

That the following described property, to wit:

PARCEL EX-2 CDOT project FAP 149-D

A tract or parcel of land No. EX-2 of the Department of Transportation, State of Colorado, Federal Aid Project No. 149-D containing 50,000 sq. ft. (1.148 acres) of land, more or less, all that land lying within the southerly one third (1/3) of the existing Right of Way of State Highway 36 (September 2011), between stations 1199+00 and 1204+00 as established by Federal Aid Project No. 149-D (1935), also being a portion of a quit claim deed recorded on August 23, 2011 at Rec. #2011000054241, Adams County Clerk and Recorder, also lying in the northwest quarter (NW 1/4) of Section 35, Township 3 South, Range 63 West, of the 6TH Principal Meridian, in Adams County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the northwest (NW) corner of said Section 35, (whence the southwest (SW) corner of said Section 35 bears S. 00°32'44" E., a distance of 5,356.36 feet, Thence along the line between the northwest (NW) and southwest (SW) corners of said Section 35, S. 00°32'44" E. a distance of 2,541.14 feet, thence departing perpendicular to said line N. 89°27'16" E. a distance of 1,669.57 feet to a point on the southerly Right of Way line of said State Highway 36 (September 2011) said point also being a four (4) inch square concrete post from whence the northwest (NW) corner of said Section 35 bears N. 33°51'04" W., a distance of 3,040.54 feet, said point also being **TRUE POINT OF BEGINNING**,

1. Thence along said existing southerly Right of Way line of State Highway 36 (September 2011) S. 42°10'37" W., a distance of 100.00 feet,
2. Thence continuing along said southerly Right of Way line of State Highway 36 (September 2011) N. 47°49'23" W., a distance of 500.00 feet,
3. Thence continuing along said southerly Right of Way line of State Highway 36 (September 2011) N. 42°10'37" E., a distance of 100.00 feet,
4. Thence departing said southerly Right of Way line of State Highway 36 (September 2011) S. 47°49'23" E., a distance of 500.00 feet to **TRUE POINT OF BEGINNING**.

The above described parcel contains 50,000 sq. ft. (1.148 acres), more or less.

Basis of Bearings: Bearings used in the calculation of coordinates are based on an assumed bearing of N. 81°59'53" E. from CM-MP I-70 304.85 to CM-MP I-70 305.12 as used in the Interstate 70 construction project IR 70-4(134). Both CM-MP's are CDOT type II monuments stamped appropriately.

IT IS THEREFORE ORDERED, that the Department declare the above land as excess property and dispose of it in the manner prescribed by law, subject to approval of the Transportation Commission.

DONE at Denver, Colorado, this 30th day of January, 2012.



Timothy J. Harris, P.E.
Chief Engineer

