

Resolution Number TC-3096

WHEREAS, the Colorado Department of Transportation (CDOT) acquired Parcels 1-XX, 2-XX and 3-XX (the Parcels) as part of project NH(CX)025-2(250) for the purpose of constructing a sound wall on the west side of I-25, in the City of Colorado Springs (the City); and

WHEREAS, the City desires to acquire the Parcels for public access, landscaping and maintenance purpose; and

WHEREAS, CDOT has authority to dispose of excess property pursuant to Colorado Revised Statutes (C.R.S.) 43-1-210(5); and

WHEREAS, 23 CFR 710.403(d) allows CDOT to dispose of property to other governmental agencies for less than fair market value as long as the property will remain in the public domain; and

WHEREAS, Region 2 has determined that disposing of the Parcels is in the best interest of CDOT; and

WHEREAS, CDOT will retain a permanent easement across the Parcels that will allow for access to the sound walls for continued maintenance; and

WHEREAS, the City will quit claim any interest it may have in adjacent I-25 right of way to CDOT; and

WHEREAS, the quit claim from the City to CDOT will clean up all potential title issues in the I-25 right of way in Colorado Springs; and

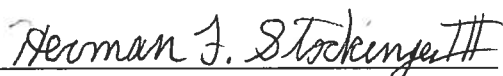
WHEREAS, the City shall take ownership and assume maintenance responsibility for the Parcels; and

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the Property, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the Parcels ever ceases to be used for public access, landscaping and maintenance purpose, title to the Parcels will automatically revert to CDOT;

WHEREAS, Pursuant to C.R.S 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-1-210(5), 43-2-144, and 43-2-303, the Chief Engineer of the Department of Transportation in conjunction with the Transportation Commission is authorized to make determinations regarding disposal of State Highway right of way;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcels 1-XX, 2-XX and 3-XX (the Parcels) of project NH(CX)025-2(250) are no longer needed for the State Highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of C.R.S, Sections 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-1-210(5), and 43-2-144 the Department of Transportation be given authority to declare Parcels 1-XX, 2-XX and 3-XX (the Parcels) of project NH(CX)025-2(250) excess property.



Herman Stockinger III, Secretary
Transportation Commission of Colorado

9-5-13

Date