

Resolution #TC-3055

**Declaration of Excess Property - PROJECT #: FAP 9-R-6; PARCEL: 1-EX
LOCATION: SH 34 in Drake, CO; Larimer County**

Approved by the Transportation Commission on: March 21, 2013

WHEREAS, the Colorado Department of Transportation acquired 1-EX in 1933 for SH 34 right of way; and

WHEREAS, Parcel 1-EX is a 1,416 square foot parcel in the NE ¼ SE ¼ of Section 5, Township 4 North, Range 71 West of the Sixth Principal Meridian, Larimer County, Colorado; and

WHEREAS, Parcel 1-EX is an approximately 10 foot wide strip of land that that is well outside the traveled way and approximately 12 feet above the road grade; and

WHEREAS, the corner of the house on the property adjacent to Parcel 1-EX, which was built in 1954, encroaches on the edge of Parcel 1-EX; and

WHEREAS, CDOT Region 4 has made the determination that Parcel 1-EX is no longer needed for transportation purposes; and

WHEREAS, CDOT Region 4 desires to sell Parcel 1-EX to the adjacent property owner for fair market value in accordance with Colorado Revised Statute 43-1-210 (5) ; and

WHEREAS, the sale of Parcel 1-EX will not affect the design, construction or utility of SH 34; and

WHEREAS, the Department of Transportation, Region 4, recommends that the property described as 31-EX of Project FAP 9-R-6 be declared excess property; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n), 43-1-110, 43-1-114(3), and 43-1-210(5) to make determinations regarding property to be declared excess and not needed for transportation purposes; and

WHEREAS, the Department of Transportation, has declared through Timothy J. Harris as Chief Engineer, that Parcel 1-EX is no longer needed for transportation; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 1-EX is no longer needed for transportation purposes.

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 1-EX of Project FAP 9-R-6 containing 1,416 square feet more or less 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.

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

3-26-13
Date