

Resolution #TC-15-8-4

Disposal of Parcels 3A-EX and 3B-EX, SH 285 in Englewood

Approved by the Transportation Commission on Aug. 20, 2015

WHEREAS, CDOT acquired Parcel 3A in 1956 in Arapahoe County, in Englewood, Colorado as a part of CDOT Project # F002-2(33) for use as SH 285;

WHEREAS, CDOT believes it also acquired title to Parcel 53-Rev 3A in 1956 in Arapahoe County, in Englewood, Colorado as a part of CDOT Project # F002-2(33) for use as SH 285;

WHEREAS, the title work for Parcel 53-Rev indicated that Cherry Hills Village may have some interest in Parcel 53-Rev;

WHEREAS, the City of Cherry Hills Village quit claimed any interest they may have in Parcel 53-Rev to CDOT on March 2, 2015 to give CDOT clean title to the property;

WHEREAS, the combined Parcels 3A and 53Rev have been combined into Parcel 3A-EX and consists of 6,854 square feet;

WHEREAS, the Department of Transportation intends to sell Parcel 3A-EX to the adjacent property owner for Fair Market Value in accordance with C.R.S. 43-1-210(5);

WHEREAS, Parcel 3B-EX consists of 945 square feet and is currently being used for an alley;

WHEREAS, the City of Englewood would like to maintain Parcel 3B-EX as its current use, an alley;

WHEREAS, the Department of Transportation intends to relinquish Parcel 3B-EX to the City of Englewood;

WHEREAS, the disposal of Parcel 3A-EX and relinquishment 3B-EX will not affect the operation, maintenance, use or safety of CDOT's facility;

WHEREAS, the Department of Transportation, Region 1 has declared through Joshua Laipply as Chief Engineer, that the 7,799 sf is not needed for transportation purposes;

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of

the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes;

WHEREAS, the Department has determined that Parcel 3A-EX consisting of 6,854 sf of SH 285 right of way is of use only to the adjacent property owner;

WHEREAS, the Department has determined that Parcel 3B-EX consisting of 945 sf of SH 285 right of way is of use only to the City of Englewood;

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III) when a parcel that is no longer needed for transportation purposes has value to only one adjacent owner, that owner shall have first right of refusal to purchase said property for fair market value;

WHEREAS, 23 CFR 710.403(d)(1) allows CDOT to convey property to other governmental entities for nominal value if the property is used for continued transportation purposes;

WHEREAS, if Parcel 3B-EX ever ceases to be used for transportation purposes the property will revert back to CDOT ownership;

WHEREAS, the City of Englewood desires to exercise its right of refusal to purchase the 945 sf of SH 285 right of way which is no longer needed for transportation purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare Parcels 3A-EX and 3B-EX as excess property and dispose of the 6,854 sf (3A-EX) of SH 285 right of way which is no longer needed for transportation purposes for fair market value and relinquish the 945 sf (3B-EX) of SH 285 right of way which is no longer needed for transportation purposes for nominal value.

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

8-20-15
Date