Resolution #TC-15-3-7

Approval of the Disposal of Project #: F 030-1(3) on SH 36 in Lyons, CO

Approved by the Transportation Commission on March 19, 2015

WHEREAS, CDOT acquired right of way for the purposes of SH 36 right of way as part of project F 030-1(3) in 1967;

WHEREAS, the Lyons Fire District (District) building was destroyed in the September, 2013 floods;

WHEREAS, the District rebuilt their fire station as quickly as possible to regain the ability to provide fire protection and life safety services to the Town of Lyons;

WHEREAS, upon completion of the new fire station a survey was completed. The survey determined that 7,796 square feet of the building encroached on SH 36 right of way;

WHEREAS, the Department has determined that the 7,796 sf of SH 36 right of way the District's building encroaches on is no longer 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 the 7,796 sf of SH 36 right of way is of use only to the District;

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;

WHEREAS, the District desires to exercise its right of refusal to purchase the 7,796 sf of SH 36 right of way which is no longer needed for transportation purposes;

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 the benefit of public safety services;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403(d)(1) the Department of Transportation be given authority to dispose of, for nominal value, the 7,796 sf of SH 36 right of way which is no longer needed for transportation purposes described in Exhibit A.

Herman F. Stockinger III — 4-1-15

Herman Stockinger, Secretary — Date

Transportation Commission of Colorado