

Resolution #TC-15-3-8

Approval of Parcel Exchange for Project #: NH 2873-068 Unit 2 Code: 91309 on SH 287 in Larimer County

Approved by the Transportation Commission on March 19, 2015

WHEREAS, CDOT acquired Parcels PE-232, TE-232 and TE-232A ("CDOT Owned Easements") (26.85 acres) for a "water quality and drainage buffer" in May, 2003 as part of the US 287 Larimer County Road 6 to SH 402 project NH 2873-068 Unit 2/Code: 91309;

WHEREAS, CDOT constructed three detention ponds on the CDOT Owned Easements;

WHEREAS, the detention ponds did not require the use of the full 26.85 acres;

WHEREAS, the Prairie Star Development owns the underlying fee real estate in the location of the CDOT Owned Easements;

WHEREAS, in November 2010, the Attorney General's office received notice that Prairie Star, the underlying fee owners of the property, had filed a quiet title lawsuit against CDOT that made the assertion that CDOT did not have good title to the easements;

WHEREAS, CDOT and the Attorney General's office have negotiated a settlement with Prairie Star;

WHEREAS, the settlement agreement requires CDOT to terminate the CDOT Owned Easements in exchange for fee simple ownership of the areas needed for the highway water quality and drainage buffer;

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, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III) the department has determined that the CDOT Owned Easements are of use only to the underlying fee owner;

WHEREAS, in the case of an easement the underlying fee owner shall have first right of refusal to purchase or exchange property that is no longer needed for transportation purposes;

WHEREAS, the underlying fee owner has exercised its right of refusal to exchange Lots 1, 4 and 6 in Block 1, Prairie Star Filing No.2 for the release of the CDOT Owned Easements;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) the Department of Transportation be given authority to exchange Parcels PE-232, TE-232 and TE-232A of project NH 2873-068 Unit 2/Code: 91309 for Lots 1, 4 and 6 in Block 1, Prairie Star Filing No.2.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

4-1-15

Date