

**Resolution #TC-15-3-9**

Approval of the Devolution of Project #NH 0703-349 and Project Code 17219 on US 6 and 40, Colorado Boulevard, SH 103, 13<sup>th</sup> Avenue in Idaho Springs

**Approved by the Transportation Commission on March 19, 2015**

**WHEREAS**, the Department of Transportation owns 2.0 linear miles of Highway in Idaho Springs identified as US Highways 6 and 40 (Colorado Boulevard), and operates approximately 500 feet of Highway connecting US 6 and 40 with Interstate 70, identified as SH 103 (13<sup>th</sup> Avenue);

**WHEREAS**, that portion of US 6 and 40 is located between the Interstate 70 interchanges at Exits 239 and 241, beginning at the intersection of Stanley Road and ending near the right of way line of I-70 at the Exit 241 Interchange, and that portion of SH 103 is located between Colorado Boulevard and the I-70 ROW at the Exit 240 Interchange; (Exhibit A)

**WHEREAS**, Region 1 has determined that abandoning these portions of US 6 and 40 and SH 103 would be in the best interest of Colorado taxpayers;

**WHEREAS**, the Colorado Revised Statute 43-2-103 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

**WHEREAS**, the affected county or municipality will assume ownership of the above mentioned roads in "as is" condition in exchange for a specific dollar amount to be paid by CDOT to the local governing body on the date of the transfer of ownership of this specified road segments;

**WHEREAS**, Idaho Springs proposed to take ownership of US 6 and 40 from mile marker (MM) 0+00 to MM 2.0 and SH 103 from Colorado Boulevard to the I-70 ROW, as depicted in Exhibit A which is attached hereto, in exchange for a payment of \$21,900,000 and a piece of surplus maintenance equipment with an approximate value of \$100,000, from CDOT, of which \$21,900,000 is from RAMP Funds and the surplus equipment is selected from equipment slated for disposal by CDOT;

**WHEREAS**, \$22,000,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 6 and 40 and SH 103 over the next 20 years;

**WHEREAS**, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

**WHEREAS**, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by Idaho Springs pursuant to the terms and conditions of the IGA;

**WHEREAS**, concurrent with the execution of the IGA, CDOT will provide an initial payment of \$1,500,000.00 to Idaho Springs, and those funds are to be expended in

design efforts for improvements Idaho Springs plans to construct on US 6 and 40 and SH 103;

**WHEREAS**, upon the execution of the IGA, Idaho Springs will be allowed to inspect and select CDOT surplus maintenance equipment that is periodically disposed of by auction, and this equipment would have an approximate value of \$100,000, and should no suitable piece of equipment be identified and selected by Idaho Springs by September 30, 2015, Idaho Springs may elect to instead accept a cash payment of \$75,000 in lieu of the surplus equipment;

**WHEREAS**, the governing body of Idaho Springs shall adopt a resolution agreeing to the State's abandonment of the portion of US 6 and 40 and SH 103 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing Idaho Springs to assume ownership of said highway segment in the "as is" condition;

**WHEREAS**, within 90 days of the official notification of such abandonment by the Transportation Commission Idaho Springs shall execute a resolution or ordinance accepting the abandoned portion of I-70K and SH 103 as city streets;

**WHEREAS**, within 90 days of the date of execution of the Idaho Springs Resolution or Ordinance accepting the abandoned portion of US 6 and 40 and SH 103, on or about May 15, 2015 CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

**WHEREAS**, concurrent with the execution of the quitclaim deed, CDOT will provide final payment of \$20,400,000 to Idaho Springs, and that shall constitute the total consideration from the State to Idaho Springs related to the abandonment and transfer of the Abandoned Highway;

**WHEREAS**, the Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

**WHEREAS**, the Transportation Commission has determined that portion of US 6 and 40 and SH 103 abandoned, as shown in Exhibit A, containing approximately 2.1 miles is no longer needed for the state highway purposes;

**NOW THEREFORE BE IT RESOLVED**, pursuant to the provisions of the CRS 43-2-106, the Department of Transportation be given authority to declare that portion of US 6 and 40 and SH 103 abandoned, as shown in Exhibit A, containing approximately 2.1 miles.

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

4-1-15  
Date