

**Resolution # TC-15-10-2**

Disposal of property no longer needed for transportation purposes.

**Approved by the Transportation Commission on October 15, 2015**

**WHEREAS**, CDOT acquired undesignated subject Parcel as right of way for the purposes of SH 24 right of way as part of projects NRH 248-F and NRM 248-H;

**WHEREAS**, approximately four (4) square feet (sf) of a private single family residence extend into and encroaches upon the subject right-of-way;

**WHEREAS**, the adjacent property owner has requested to acquire the 4 square feet of the undesignated Parcel;

**WHEREAS**, the disposal of the subject Parcel, containing four 4 sf, will not affect the operation, maintenance, use, design, construction, utility or safety of CDOT's US24;

**WHEREAS**, the Department of Transportation, Region 3 has declared through Joshua Laipply as Chief Engineer, that the 4 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 the 4 sf of SH 24 right of way is of use only to the adjacent property owner;

**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**, the Department of Transportation, Region 3, recommends disposing of a portion of the subject Parcel, containing four 4 sf, for a nominal sum of \$100.00;

**WHEREAS**, the adjacent property owner desires to exercise its right of refusal to purchase the four 4 sf of SH 24 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 a portion of undesignated Parcel as excess property and dispose of the four 4 sf of SH 24 right of way, as shown on Exhibit A, which is no longer needed for transportation purposes for a nominal fee of \$100.00.

**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

10-20-15  
Date