

Resolution #TC-3212

Resolution to Approve the Abandonment of SH 33 BRIDGE #E-17 AH Project # and Project Code 20343 to the City and County of Denver

Approved by the Transportation Commission on December 18, 2014

WHEREAS, on May 24, 2001, the Transportation Commission adopted Resolution Number TC-954 to abandon State Highway 33 (“SH 33”) from Colfax Avenue to Colorado Boulevard, with the exception of bridge structures E-17-AH, F-16-NW, F-16-MV and F-16-NY, to the City and County of Denver (“City”);

WHEREAS, said Resolution Number TC-954 states that Bridge #E-17-AH will be retained by the Department of Transportation until the bridge is reconstructed, and upon completion of construction ownership will be transferred to the City;

WHEREAS, CDOT has proposed to replace Bridge #E-17-AH with a concrete box culvert or new bridge, repair the structure to meet the satisfaction of the City, or pay the City to repair/replace the structure on a schedule as determined by the City;

WHEREAS, the City has agreed to accept ownership of Bridge #E-17-AH in its “as is” condition in exchange for a specific dollar amount to be paid by CDOT to the City on the date of the transfer of ownership of the bridge structure;

WHEREAS, the City has proposed to take ownership of Bridge #E-17-AH as depicted in Exhibit A which is attached hereto, in exchange for a payment of \$2,000,000.00 from CDOT from CBR Funds;

WHEREAS, \$2,000,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve Bridge #E-17-AH 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 conditions of the abandonment of Bridge #E-17-AH by the State and acceptance by the City pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the City shall adopt a resolution agreeing to the State’s abandonment of Bridge #E-17-AH and agreeing that said bridge structure no longer serves the ongoing purposes of the State Highway system; committing the City to assume ownership of said bridge structure in the “as is” condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, the City shall execute a resolution or ordinance accepting the abandoned bridge structure into their city street system;

WHEREAS, within 90 days of the date of execution of the City Resolution or Ordinance accepting the abandoned bridge structure, 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 payment of \$2,000,000.00 to the City, and that shall constitute the total consideration from the State to the City related to the abandonment and transfer of the bridge structure;

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 Bridge #E-17-AH 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 Bridge #E-17-AH abandoned, as shown in Exhibit A.

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

1-12-15
Date