

Resolution #TC-3143

Approve SH 83 at Arapahoe Road Property Exchange

Approved by the Transportation Commission on: March 20, 2014

PROJECT #: FR 083-1(39)

LOCATION: SH 83 at Arapahoe Road

PARCEL #: 3 Rev 2EX

COUNTY: Arapahoe

WHEREAS, the Department of Transportation acquired Parcel 3 Rev 2EX in 1988 in Arapahoe County, in Aurora, Colorado as a part of CDOT Project #FR 083-1(39) for use as SH 83; and

WHEREAS, the abutting property owner has constructed a soil nail wall that encroaches onto Parcel 3 Rev 2EX; and

WHEREAS, the adjacent property owner has requested to exchange a 1,010 square foot parcel for Parcel 3 Rev 2EX; and

WHEREAS, Parcel 3 Rev 2 contains 360 square feet; and

WHEREAS, this property exchange will straighten the CDOT ROW line in this area; and

WHEREAS, Parcel 3 Rev 2EX (360 square feet) and the adjacent property owner's exchange parcel (1,010 square feet) have an equal fair market value per square foot; and

WHEREAS, both parties are aware of the difference in square footage for the exchange and are agreeable to exchanging the parcels without any additional compensation due to the private property owner; and

WHEREAS, the exchange of the property will not affect the operation, maintenance, use or safety of CDOT's facility; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210(5) to make determinations regarding land to be declared excess and not needed for transportation purposes now or in the foreseeable future; and

WHEREAS, the Department of Transportation, Region 1 has declared through Scott McDaniel as Acting Chief Engineer, that the property is not needed for transportation purposes; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this property is not needed for transportation purposes now or in the foreseeable future; and

NOW THEREFORE BE IT RESOLVED, pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3), 43-1-210 Code of Federal Regulations and Title 23, Part 710, Section 409 (23 CFR 710.409), the Department of Transportation be given authority to declare Parcel 3 Rev 2EX of Project # FR 083-1(39) be excess land.

FURTHER, as this is an exchange and not a sale there will be no funds to be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

4-11-14

Date