

**Resolution #TC-3204**

Resolution to Approve the Abandonment of 1.42 miles of SH 24E Business in El Paso County, Project #:C R200-203, Project Code: 19965

**Approved by the Transportation Commission on November 20, 2014**

**WHEREAS**, The Department of Transportation owns 1.42 linear miles of Highway in El Paso, Colorado identified as State Highway 24E (SH 24E);

**WHEREAS**, that portion of SH 24E is located between, and connecting 31st Street west to the SH 24A and SH 24E (Manitou Ave.) Interchange (Exhibit A);

**WHEREAS**, Region 2 has determined that abandoning this portion of SH 24E would be in the best interest of Colorado taxpayers;

**WHEREAS**, the Colorado Revised Statutes 43-2-106 (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**, El Paso County proposed to take ownership of SH 24E from 31<sup>st</sup> Street west to the east side of the SH 24A and SH 24E (Manitou Ave) Interchange in El Paso County, as described in Exhibit A which are attached hereto, in exchange for a payment of \$2,602,475.00 from CDOT;

**WHEREAS**, \$2,602,475.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 24E over the next 20 years;

**WHEREAS**, the abandonment of the above referenced section of SH 24E will be funded with Region 2 Surface Treatment funds;

**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 the County of El Paso pursuant to the terms and conditions of the IGA;

**WHEREAS**, the governing body of the County of El Paso will adopt a resolution, agreeing to the state's abandonment of the portion of SH 24E, agreeing that

said highway segment no longer serves the ongoing purposes of the state highway system; committing the County of El Paso to assume ownership of said highway segment in the "as is" condition;

**WHEREAS**, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the above referenced portion of SH 24E, CDOT will execute a quitclaim deed;

**WHEREAS**, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$2,602,475.00 to the County of El Paso, and that shall constitute the total consideration from the State to the County of El Paso related to the abandonment and transfer of the abandoned highway;

**WHEREAS**, 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 the portion of SH 24E as shown in Exhibit A is no longer needed for the state highway purposes;

**NOW THEREFORE BE IT RESOLVED**, pursuant to the provisions of the C.R.S. 43-2-106, the Department of Transportation be given authority to declare that portion of SH 24E abandoned, as shown in Exhibit A.

*Herman F. Stockinger III*

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

*12-8-14*

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Date