

## **Resolution #TC-3206**

Resolution to Approve the Devolution of SH2, 62<sup>nd</sup> Ave to I-76, in Commerce City, Project # STA 0021-040, Project Code:19970

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

**WHEREAS**, the Department of Transportation owns 8.676 linear miles of Highway in Commerce City identified as State Highway 2 (SH 2);

**WHEREAS**, that portion of SH 2 is located between US 6/US 85 and I-76, beginning at northerly right of way line of 62<sup>nd</sup> Avenue and ending near the southeasterly right of way line of I-76 (Exhibit A);

**WHEREAS**, Region 1 has determined that abandoning this portion of SH 2 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**, Commerce City proposed to take ownership of SH 2 from mile marker 11.100 to mile marker 19.776 as depicted in Exhibit A which is attached hereto, in exchange for a payment of \$15,700,000 from CDOT, of which \$13,600,000 is from RAMP Funds and \$2,100,000 is from Faster Safety Funds;

**WHEREAS**, \$15,700,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 2 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 Commerce City pursuant to the terms and conditions of the IGA;

**WHEREAS**, the governing body of Commerce City shall adopt a resolution agreeing to the State's abandonment of the portion of SH 2 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system;

committing Commerce City 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, Commerce City shall execute a resolution or ordinance accepting the abandoned portion of SH 2 as a city street;

**WHEREAS**, within 90 days of the date of execution of the Commerce City Resolution or Ordinance accepting the abandoned portion of SH 2, 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 \$15,700,000.00 to Commerce City, and that shall constitute the total consideration from the State to Commerce City 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 SH 2 between mile marker 11.100 to mile marker 19.776 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 abandon that portion of SH 2 from mile marker 11.100 to mile marker 19.776 containing approximately 8.676 miles.

Norman J. Stockinger III

Herman Stockinger, Secretary  
Transportation Commission of Colorado

12-8-14

Date