MEMORANDUM

DEPARTMENT OF TRANSPORTATION
Region Four
970-350-2003
1420 2nd Street
Greeley, CO 80631

DEPARTMENT OF TRANSPORTATION

DATE: August 2, 2013

TO: Transportation Commission Members

FROM: Johnny Olson, R-4 Regional Transportation Director

SUBJECT: Transportation Commission Agenda for August 15, 2013
Abandonment of SH 85 Business (8th Avenue) 22nd Street to 28th Street

Requested Action:
Approval of Abandonment of a portion of US 85 Business (8th Avenue) from 22nd Street to 28th Street in the City of Greeley and Town of Garden City. (Exhibit "A")

Background:
This abandonment was supposed to have occurred in 1993 following the completion of an improvement project along the above stretch. Apparently the Region did not follow through with the request. Both communities are now requesting formal documentation for the abandonment.

Please see the attached Fact Sheet for additional information.

The authority for Abandonment of State Highway to Cities, Towns, or Counties is provided in the Colorado Revised Statutes under title 43-2-106.

FACT SHEET FOR COMMISSION ACTION

Requested Action:

Region 4 is requesting an abandonment resolution for a portion of US Highway 85 Business (8th Avenue). This portion of US 85 Business is located between 22nd Street to 28th Street to the City of Greeley and the Town of Garden City. (Exhibit A)

Goal:

To finalize the transfer of this section of highway to the City of Greeley and the Town of Garden City.

History:

In 1993, the City of Greeley, Town of Garden City, and CDOT entered into a contract stating that they would work together on the design and construction of improvements to the section of US 85 Business identified above. Also within that contract, the City of Greeley and the Town of Garden City agreed to assume responsibility of that section of roadway. CDOT was to request the road be abandoned within 90 days of the project completion. All parties assumed the abandonment request had been made and completed. Both the City of Greeley and Town of Garden City have been maintaining the roadway and CDOT inventory does not reflect this section.

After a great deal of research it has been determined that the roadway was never abandoned by Transportation Commission Resolution.

Site Details:

This portion of US 85 Business (8th Avenue) is located from 22nd Street to 28th Street in the City of Greeley and the Town of Garden City.

Terms and Conditions:

The City of Greeley City Council passed Resolution 24 (Exhibit B) and Resolution 96 (Exhibit C) accepting US 85 Business (8th Avenue) from 22nd Street to 25th Street. The Town of Garden City passed Resolution 1- 1993 (Exhibit D) and Resolution 3-2009 (Exhibit E).

No payment is expected by any of the parties as part of this abandonment.

Resolution Number TC-

WHEREAS, State Highway 85 Business (S. 8th Avenue) is a part of the State Highway System: and

WHEREAS, UNDER Section 43-2-102, Colorado Revised Statutes (C.R.S.), the Colorado Department of Transportation (CDOT) has the responsibility to maintain State Highway 85 Business (S. 8th Avenue) from 22nd Street to 28th Street, and the Transportation Commission of Colorado has the responsibility, under Section 43-1-106, C.R.S. to formulate the general policy with respect to such maintenance; and

WHEREAS, the Transportation Commission also has the authority, under Section 43-2-106, C.R.S., to abandon that portion of State Highway 85 Business (S. 8th Avenue) from 22nd Street to 28th Street (Exhibit A), which is no longer needed as a State Highway; and

WHEREAS, no land owner will suffer damages due to this action provided the City and Town accept the abandoned road as part of their road system; and

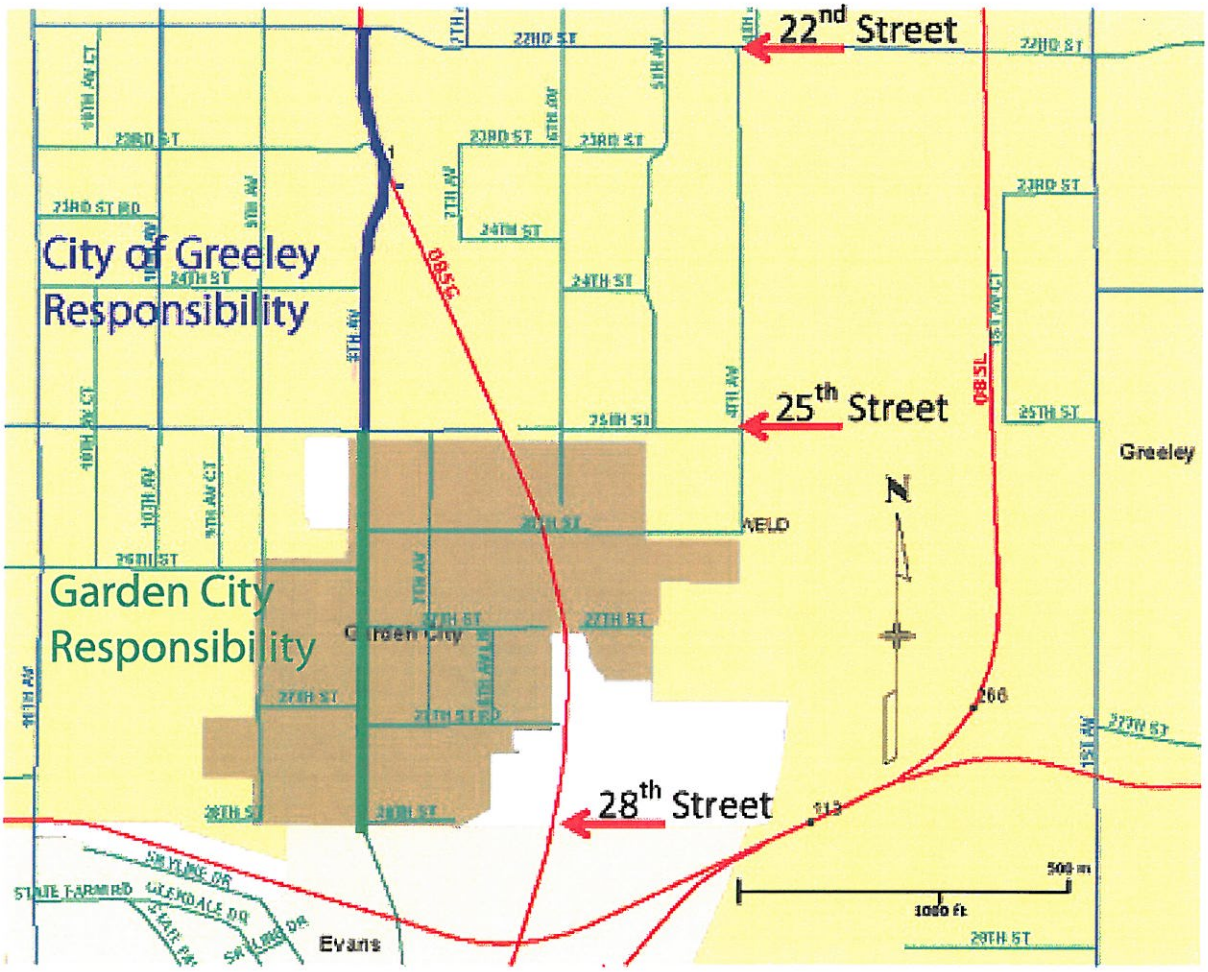
WHEREAS, the City of Greeley will assume full responsibility and ownership of State Highway 85 Business (8th Avenue) from 22nd Street to 25th Street;

WHEREAS, the Town of Garden City will assume full responsibility and ownership of State Highway 85 Business (8th Avenue) from 25th Street to 28th Street;

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission of Colorado abandons the portion of State Highway 85 Business (8th Avenue) from 22nd Street to 28th Street.

EXHIBIT A

Map Including Boundaries of Greeley, CO and Garden City, CO at 25th Street



8/1/2013

THE CITY OF GREELEY, COLORADO

RESOLUTION NO. 24, 1993

A RESOLUTION ACCEPTING STATE HIGHWAY 85 FOLLOWING ABANDONMENT BY THE COLORADO DEPARTMENT OF TRANSPORTATION COMMISSION.

WHEREAS, the Colorado Department of Transportation is desirous of abandoning that portion of State Highway 85 that lies south of the intersection of State Highway 85 (Business) to the intersection of 25th Street, the same being approximately 1,430 feet in length, and

WHEREAS, the Colorado Department of Transportation Commission will only abandon said property if the City of Greeley will accept that portion of said highway and make the same part of the City's street system and assumes maintenance responsibilities, and

WHEREAS, the Colorado Department of Transportation agrees to participate in the costs to construct drainage improvements at Highway 85 and 25th Street and provide a complete overlay of the said Highway, and

WHEREAS, the City of Greeley will accept that portion of said highway upon completion of the drainage improvements at Highway 85 and 25th Street and the completion of the overlay of said Highway.

NOW, THEREFORE, BE IT RESOLVED BY THE GREELEY CITY COUNCIL:

1. The City of Greeley, upon abandonment by the Colorado Department of Transportation of Highway 85 lying south of US 85 (Business) to the intersection of 25th Street, does hereby accept, as a part of the City's system, that portion of said highway.

2. This resolution shall become effective five (5) days after its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED this 15th day of June, 1993.

ATTEST:

City Clerk

THE CITY OF GREELEY, COLORADO

By: Mayor

EXHIBIT "B"

THE CITY OF GREELEY, COLORADO
RESOLUTION 96, 2009

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREELEY AUTHORIZING THE ACCEPTANCE OF 8TH AVENUE FROM 22ND STREET TO 25TH STREET FROM THE COLORADO DEPARTMENT OF TRANSPORTATION.

WHEREAS, by Resolution of the City of Greeley (June 15, 1993) and Garden City (May 25, 1993), the City Councils agreed to accept that portion of former SH 85 (S. 8th Avenue) between 22nd Street in Greeley and 28th Street in Garden City, as part of the City road system upon improvement of the subject roadway segment and State Transportation Commission abandonment (copies attached hereto and incorporated herein by reference as Exhibit A); and

WHEREAS, on December 30, 1993, the City of Greeley (Greeley) entered into an agreement with the Colorado Department of Transportation (CDOT) and Garden City for drainage and roadway resurfacing improvements along 8th Avenue between 22nd Street and US 34 Bypass; and

WHEREAS, the State was willing to assist in the funding of the work in exchange for and in consideration of the agreement of Greeley and Garden City to perform future maintenance services for the subject roadway segment; and

WHEREAS, the City of Greeley approved an IGA with Garden City in January of 1996 for Greeley to do routine maintenance for the described portion of 8th Avenue and for Garden City to reimburse the City of Greeley of which they have been doing; and

WHEREAS, the improvements have been completed; however, the agreement with CDOT required them to abandon this section of road within 90 days of completion of work, which was in 1996. This abandonment was never done by CDOT, but Greeley and Garden City have been maintaining the road as was originally intended; and

WHEREAS, CDOT would like to fulfill the terms of the agreement and formally abandon S. 8th Avenue; and

WHEREAS, the City of Greeley is adequately staffed and suitably equipped to undertake and satisfactorily maintain the road; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:

Section 1. Upon formal abandonment of that portion of former SH 85 (S. 8th Avenue) between 22nd Street in Greeley and 28th Street, the City Council hereby accepts the same as part of the City road system.

EXHIBIT "C"

Section 2. All prior actions of the City of Greeley for maintenance and repair of the roadway are hereby ratified.

Section3. This Resolution shall become effective immediately upon its passage, as provided in the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 1st day of September, 2009.

ATTEST:

City Clerk

THE CITY OF GREELEY, COLORADO

Thomas E. Norton, Mayor

THE TOWN OF GARDEN CITY, COLORADO
RESOLUTION NO. 1-1993

A RESOLUTION ACCEPTING A PORTION OF STATE HIGHWAY 85 FOLLOWING ABANDONMENT BY THE COLORADO DEPARTMENT OF TRANSPORTATION COMMISSION.

WHEREAS, The Colorado Department of Transportation is desirous of abandoning that portion of State Highway 85 Business lying south of 25th Street to the intersection of 28th Street, the same being approximately 1,950 feet in length, and

WHEREAS, the Colorado Department of Transportation Commission will only abandon said property if the Town of Garden City will accept that portion of said highway and make the same part of the Town's street system and assumes maintenance responsibilities, and

WHEREAS, the Colorado Department of Transportation agrees to participate in the costs to construct drainage improvements from 22nd Street to Highway 34 bypass and to provide a complete overlay of said Highway prior to abandonment, and

WHEREAS, The Town of Garden City will accept that portion of said Highway upon completion of the drainage improvements and the completion of the overlay of said Highway together with construction of either curbs, gutters and sidewalks *or* rebuilt concrete gutters as shall be determined by the Town and the Colorado Department of Transportation at a later date.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF GARDEN CITY BOARD OF TRUSTEES:

The Town of Garden City, following completion of the above improvements and abandonment by the Colorado Department of Transportation of that portion of Highway 85 Business lying south of 25th Street to the intersection of 28th Street, will accept, as part of the Town's street system, that portion of said highway.

PASSED, ADOPTED, SIGNED AND APPROVED THIS 25TH DAY OF MAY, 1993

THE TOWN OF GARDEN CITY, COLORADO

By: Mary E. Miller
Mary E. Miller, Mayor

EXHIBIT "D"

ATTEST:
Janice Walter
Janice Walter, Town Clerk

I hereby certify that this is a true and correct copy of the original document which is now on file in the Office of the Clerk of The Town of Garden City.

Dated this 26th day of May, 1993

SEAL:

Janice Walter
Janice Walter, Town Clerk

RESOLUTION NO. 3-2009

A RESOLUTION ACCEPTING A PORTION OF STATE HIGHWAY 85 FOLLOWING ABANDONMENT BY THE COLORADO DEPARTMENT OF TRANSPORTATION COMMISSION

WHEREAS, the Colorado Department of Transportation is desirous of abandoning that portion of State Highway 85 Business lying south of 25th Street to the intersection of 28th Street, the same being approximately 1, 950 feet in length, and

WHEREAS, the Colorado Department of Transportation Commission will only abandon said property if the Town of Garden City will accept that portion of said highway and make the same part of the Town's street system and assume maintenance responsibilities, and

WHEREAS, the Colorado Department of Transportation agreed to participate in the costs to construct drainage improvements from 22nd Street to Highway 34 bypass and to provide a complete overlay of said Highway prior to abandonment and such drainage improvements and overlay were completed as agreed, and

WHEREAS, the Town of Garden City agreed to accept that portion of Highway 85 upon completion of the drainage improvements and the completion of the overlay with the roadway together with reconstruction of the curbs, gutters, and sidewalks as determined by the Town and the Colorado Department of Transportation at the initial agreement for abandonment.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY AS FOLLOWS:

That the improvements described above were made by the Colorado Department of Transportation as agreed and the Town of Garden City hereby accepts that portion of Highway 85 Business lying south of 25th Street to the intersection of 28th Street as part of the Town's street system and will henceforth accept responsibility for maintenance and operation of that portion of the highway.

PASSED, ADOPTED AND APPROVED THIS 20th DAY OF OCTOBER, 2009.

TOWN OF GARDEN CITY

ATTEST:

Cheryl Campbell
TOWN CLERK

BY: Edward D Miller
MAYOR

EXHIBIT "E"