

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Chief Engineer

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TO: Transportation Commission Members

FROM: Timothy J. Harris, P.E.
Chief Engineer

Location: I-25 COSMIX
Municipality: City of Colorado Springs

DATE: July 26, 2013

SUBJECT: Transportation Commission Agenda for August 15, 2013

Requested Action:

Approval to dispose of Parcels 1-XX, 2-XX and 3-XX of CDOT Project NH(CX)025-2(250) to the City of Colorado Springs.

Background:

Parcels 1-XX, 2-XX and 3-XX (the Parcels) were acquired as part of the COSMIX construction project. The Parcels were acquired to construct a sound wall on the west side of I-25. The intent of this action is to convey the parcels west of the sound wall to the City of Colorado Springs (the City). As a result of this action, the City will obtain ownership, and assume maintenance responsibilities for the Parcels. CDOT will retain a permanent easement across the Parcels that will allow for access to the sound walls for maintenance purposes.

CDOT has the authority to dispose of excess right of way pursuant to C.R.S. 43-1-210(5). Title 23 CFR 710.403(d) allows CDOT to dispose of right of way to other governmental agencies for less than fair market value, with the provision that the property must always be available for public use. No funds will be distributed or accepted as part of this agreement. As part of this transaction the City will quitclaim any interest it may have in I-25 right of way in this location to CDOT. The quitclaim from the City to CDOT will clear up all lingering title issues for this section of I-25.

Upon declaration of excess by the Transportation Commission, CDOT will execute a quitclaim deed to transfer the property to the City of Colorado Springs. The quitclaim deed will contain a reversionary clause. The reversionary clause will guarantee that if the City of Colorado Springs ever ceases to use the Parcels for public access, landscaping and maintenance purposes, the property will revert back to CDOT ownership. The quitclaim deed will be recorded in the El Paso County Clerk and Recorder's Office. A quitclaim deed from the City to CDOT for I-25 right of way will also be recorded in the El Paso County Clerk and Recorders Office.

Project #: NH(CX)025-2(250)
Location: I-25 COSMIX
Municipality: Colorado Springs

PROPOSED RESOLUTION

WHEREAS, the Colorado Department of Transportation (CDOT) acquired Parcels 1-XX, 2-XX and 3-XX (the Parcels) as part of project NH(CX)025-2(250) for the purpose of constructing a sound wall on the west side of I-25, in the City of Colorado Springs (the City); and

WHEREAS, the City desires to acquire the Parcels for public access, landscaping and maintenance purpose; and

WHEREAS, CDOT has authority to dispose of excess property pursuant to Colorado Revised Statutes (C.R.S.) 43-1-210(5); and

WHEREAS, 23 CFR 710.403(d) allows CDOT to dispose of property to other governmental agencies for less than fair market value as long as the property will remain in the public domain; and

WHEREAS, Region 2 has determined that disposing of the Parcels is in the best interest of CDOT; and

WHEREAS, CDOT will retain a permanent easement across the Parcels that will allow for access to the sound walls for continued maintenance; and

WHEREAS, the City will quit claim any interest it may have in adjacent I-25 right of way to CDOT; and

WHEREAS, the quit claim from the City to CDOT will clean up all potential title issues in the I-25 right of way in Colorado Springs; and

WHEREAS, the City shall take ownership and assume maintenance responsibility for the Parcels; and

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the Property, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the Parcels ever ceases to be used for public access, landscaping and maintenance purpose, title to the Parcels will automatically revert to CDOT;

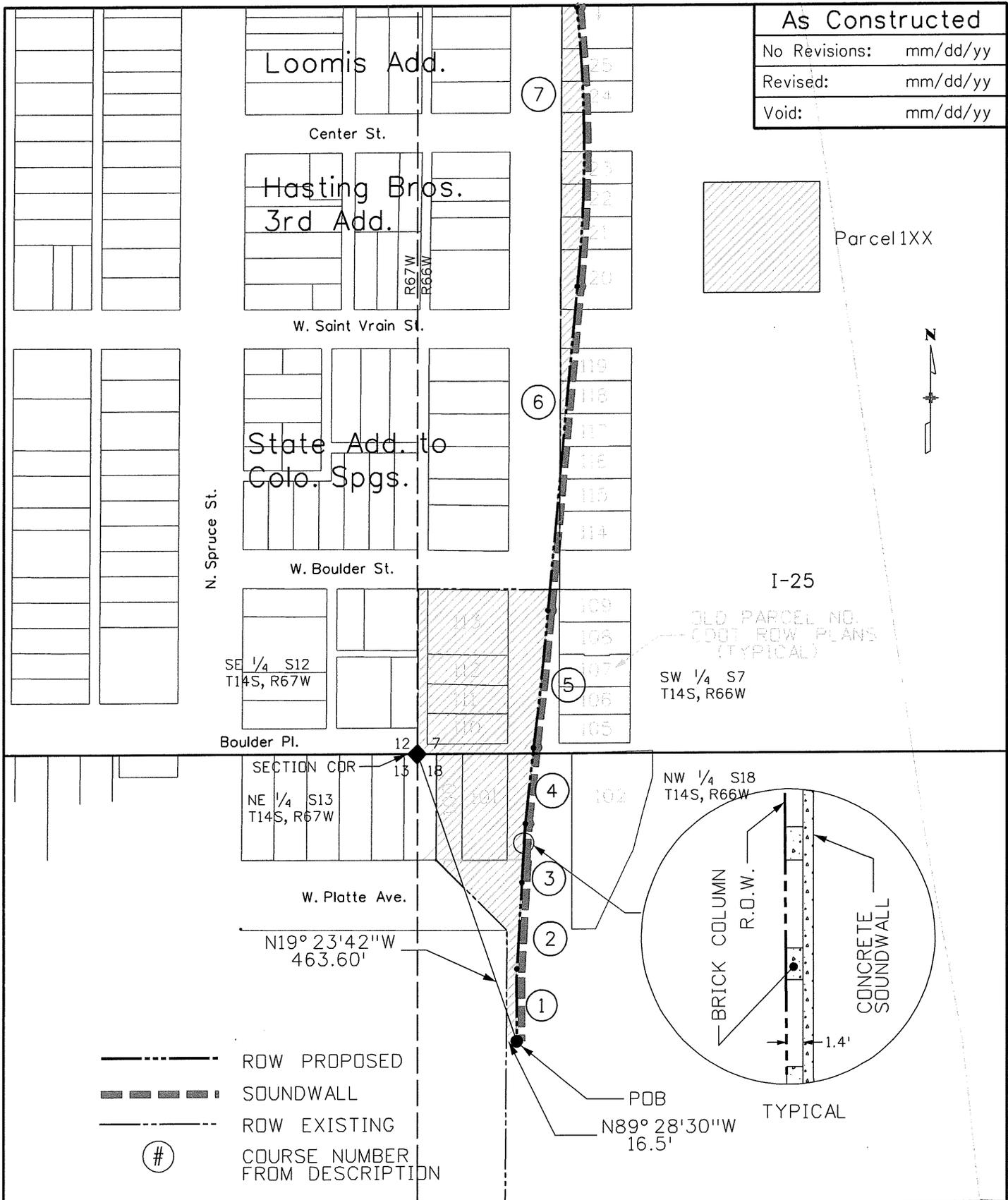
WHEREAS, Pursuant to C.R.S 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-1-210(5), 43-2-144, and 43-2-303, the Chief Engineer of the Department of Transportation in conjunction with the Transportation Commission is authorized to make determinations regarding disposal of State Highway right of way;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcels 1-XX, 2-XX and 3-XX (the Parcels) of project NH(CX)025-2(250) are no longer needed for the State Highway purposes;

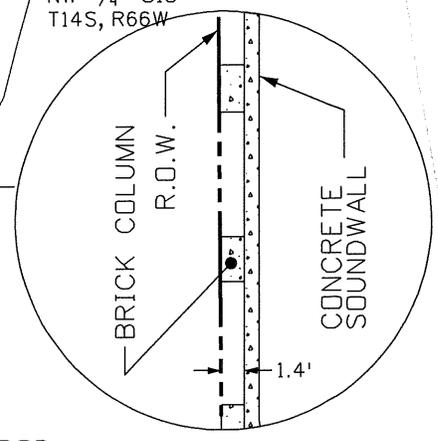
NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of C.R.S, Sections 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-1-210(5), and 43-2-144 the Department of Transportation be given authority to declare Parcels 1-XX, 2-XX and 3-XX (the Parcels) of project NH(CX)025-2(250) excess property.

As Constructed

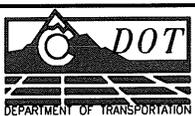
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- PROPOSED ROW
- SOUNDWALL
- EXISTING ROW
- (#) COURSE NUMBER FROM DESCRIPTION



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Unit Information 2153	Detailer: WDM		Unit Leader: Adams	
Unit Leader Initials	Sheet Subset: XXXXXXXX		Sheet:	

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12

NW 1/4 S7
T14S, R66W

Meso Rd.

11

Parcel 1XX

Spruce Add.

10

SE 1/4 S12
T14S, R67W

SW 1/4 S7
T14S, R66W

I-25

W. Dale St.

9

N. Walnut St.

N. Spruce St.

Cahans

W. Monument St.

Add No 2

W. Willamette Ave.

R67W
R66W

8

Loomis Add.

7

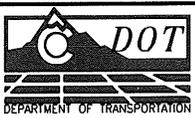
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 Unit Leader Initials

Exhibit "A"
 I-25, Bijou St. to Uintah St.

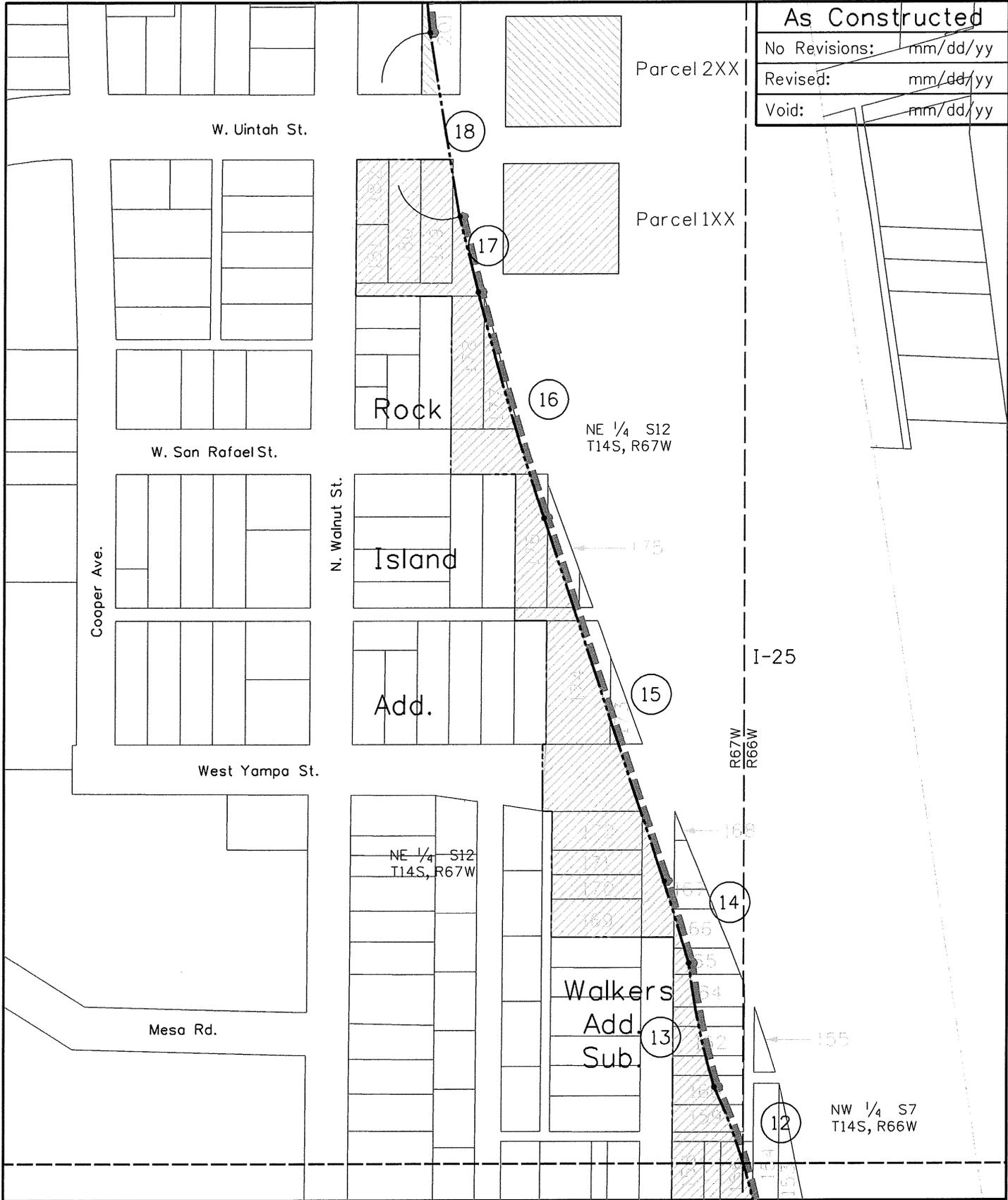
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Project No./Code
 NH(CX) 025-(250)
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 Sheet Number 2 of 9

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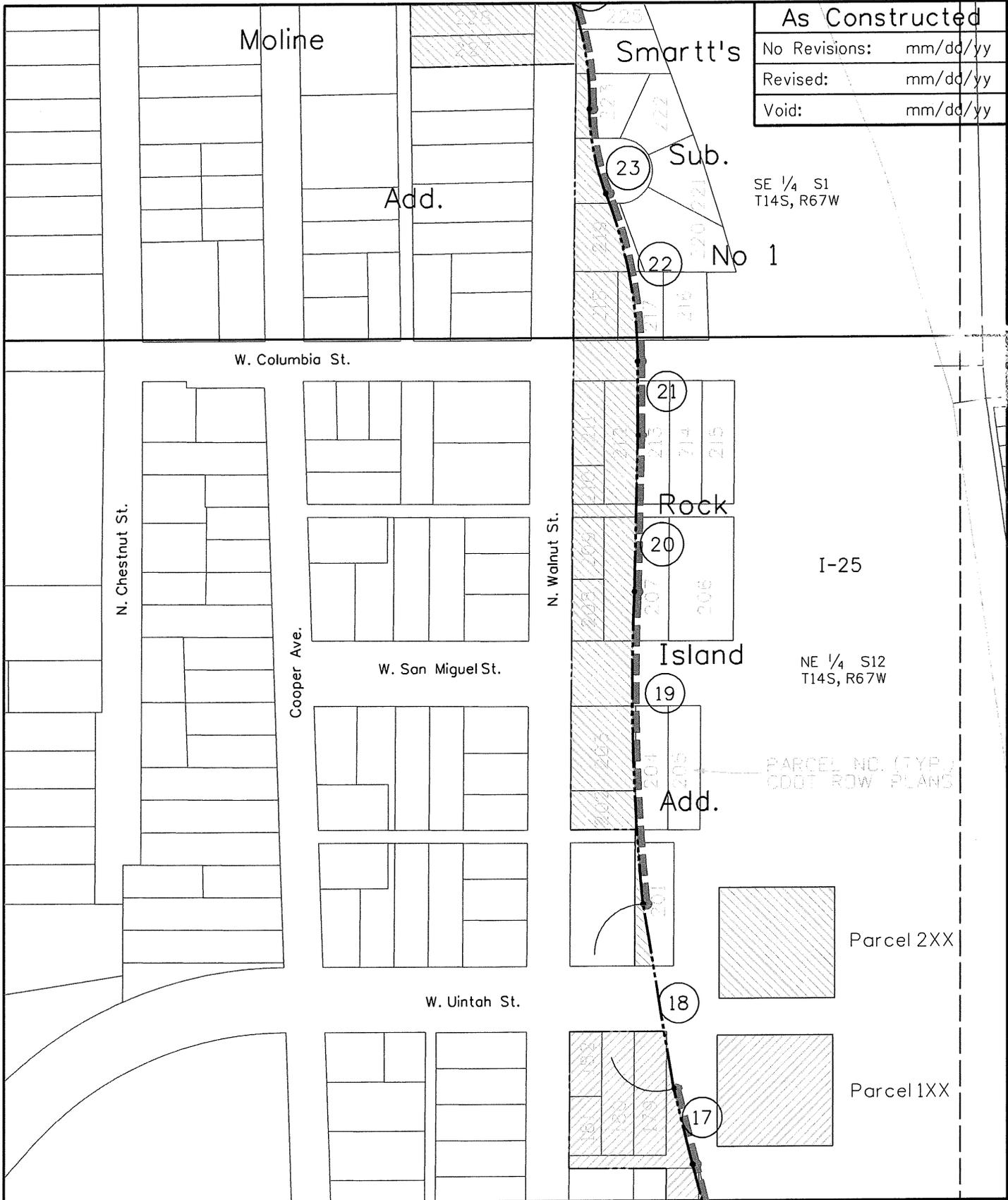


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		Sheet Number 3 of 9



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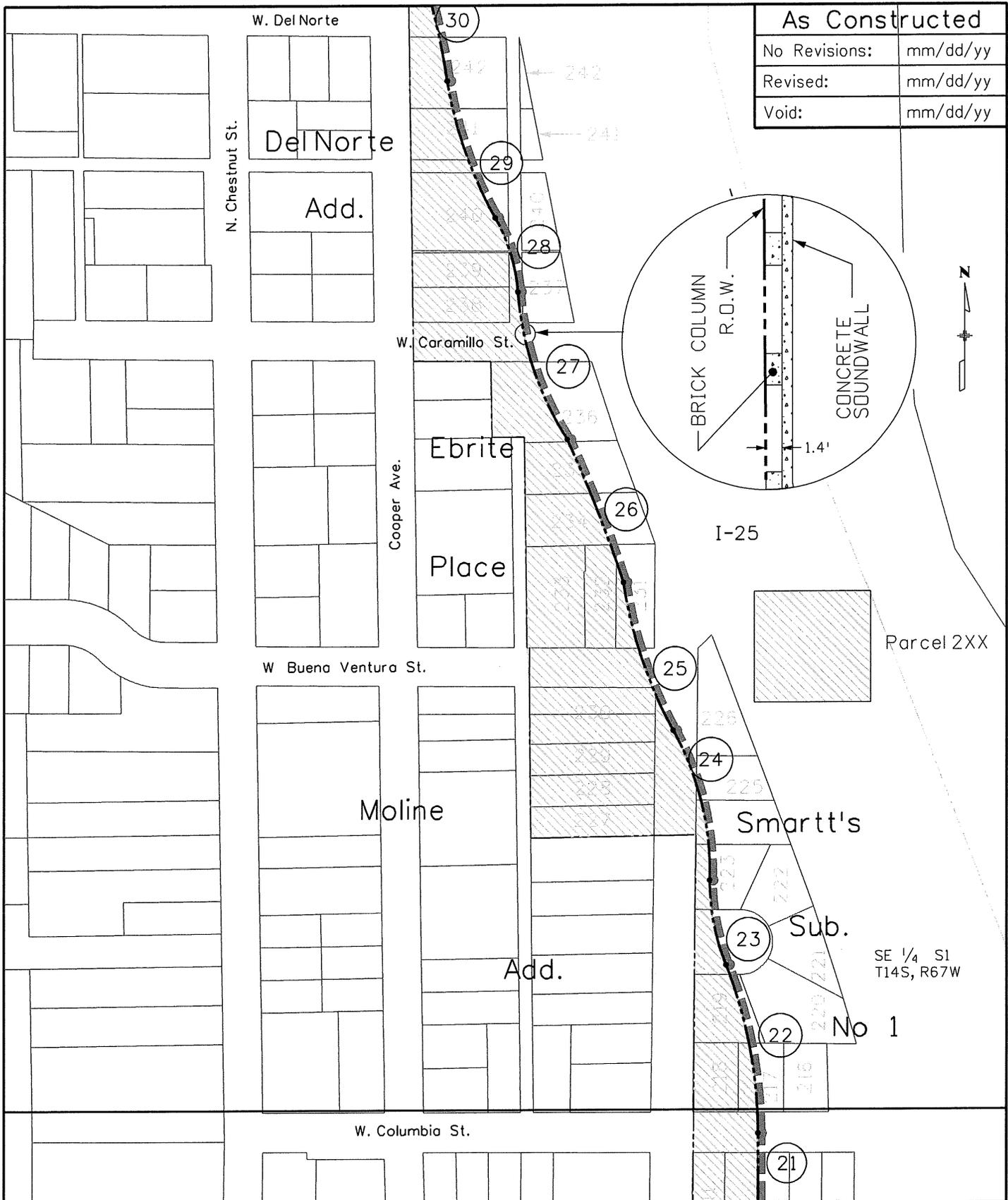
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Unit Information 2153
Unit Leader Initials TA

Exhibit "A"	
I-25, Uintah St. to Fontanero St.	
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Detailer: WDM	
Sheet Subset: XXXXXXXX	

Project No./Code
NH(CX) 025-2(251)
91030
Sheet Number 4 of 9

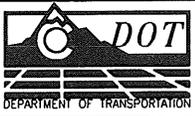
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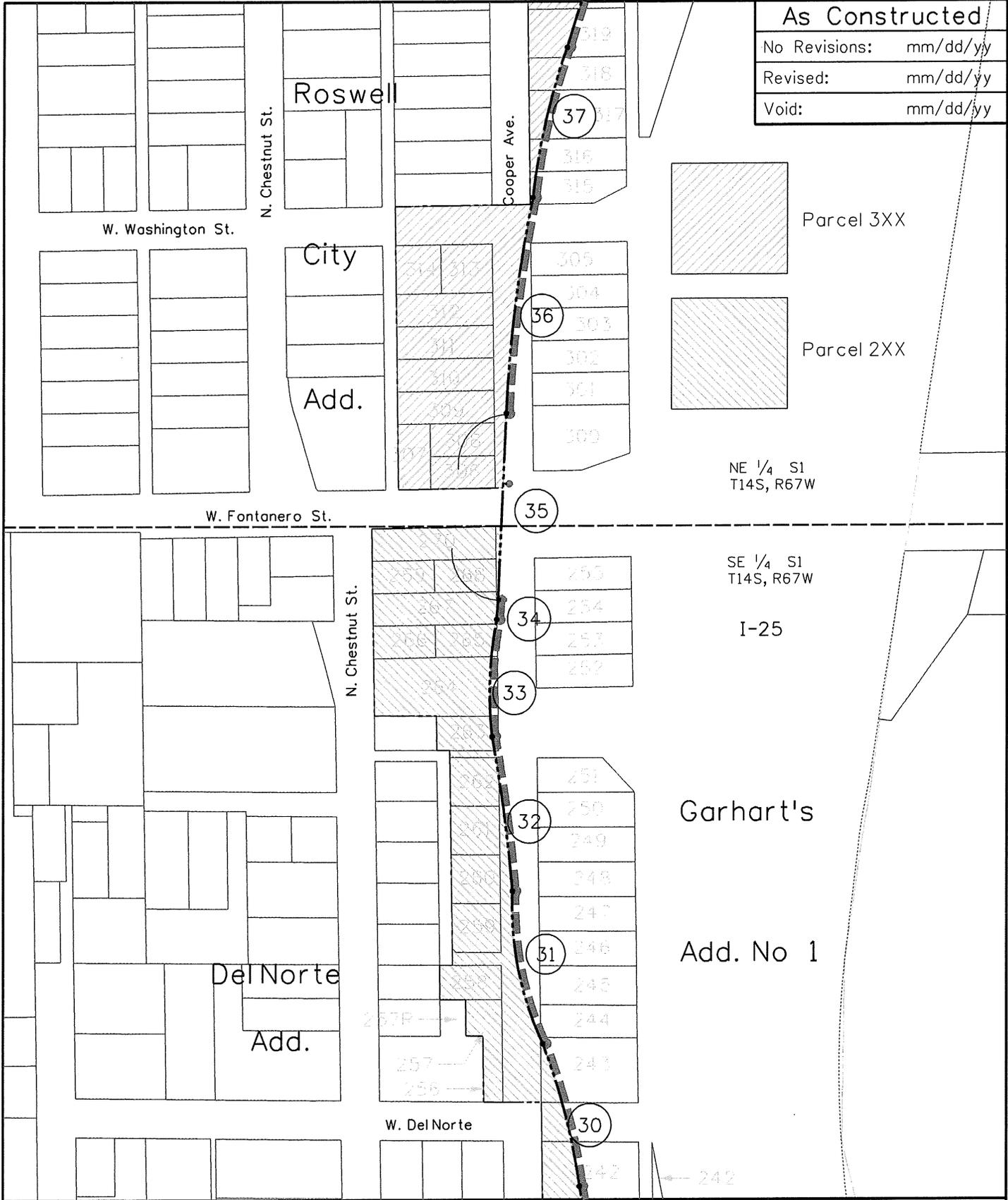
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Unit Leader Initials TA	Sheet Subset: XXXXXXXX	Sheet: _____
		Sheet Number 5 of 9



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NE 1/4 S1
T14S, R67W

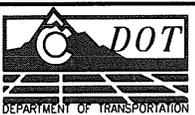
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T14S, R67W

I-25

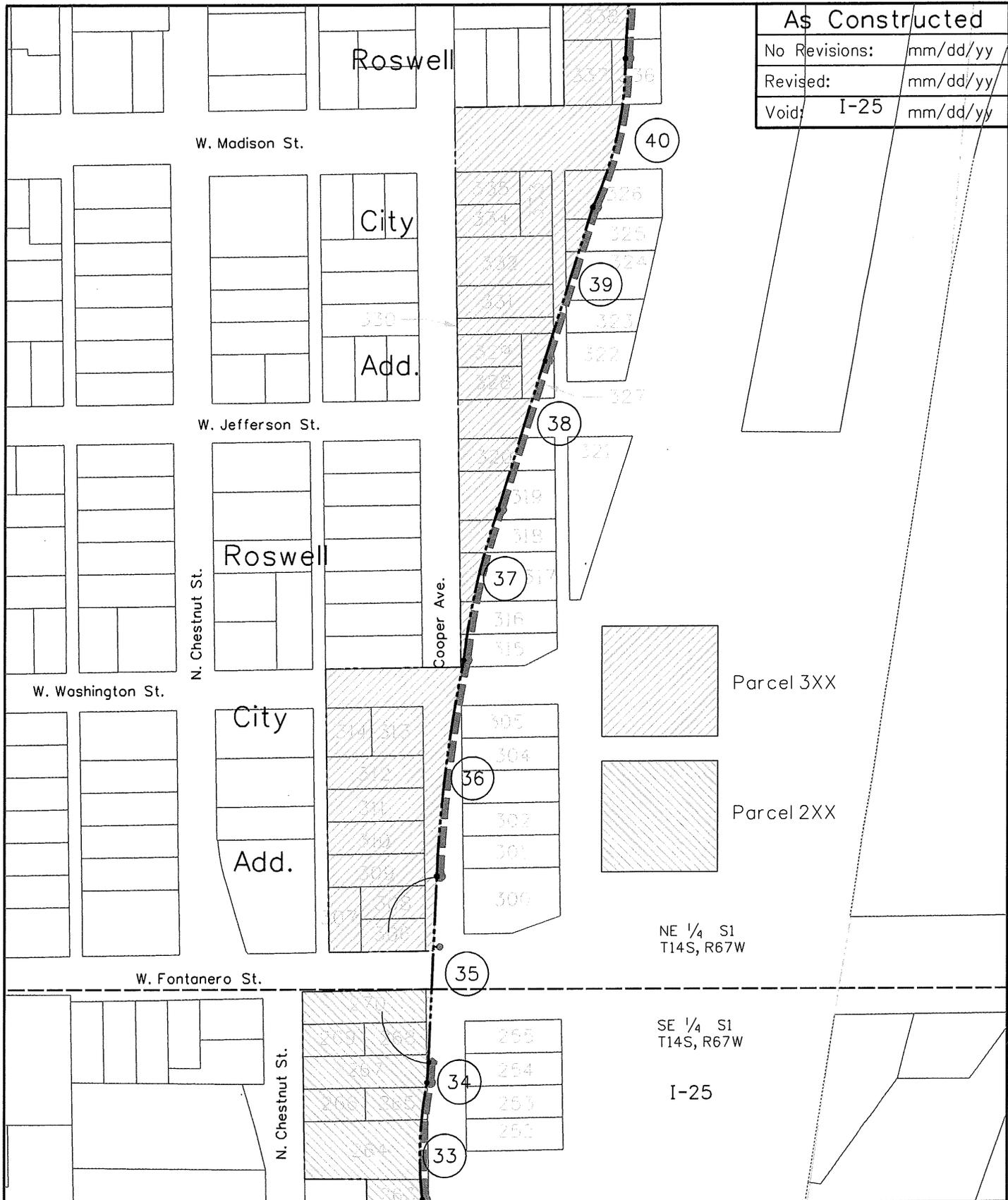
Garhart's

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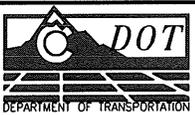
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Unit Leader Initials TA	 Region: 2 Unit Leader: Adams Sheet:	

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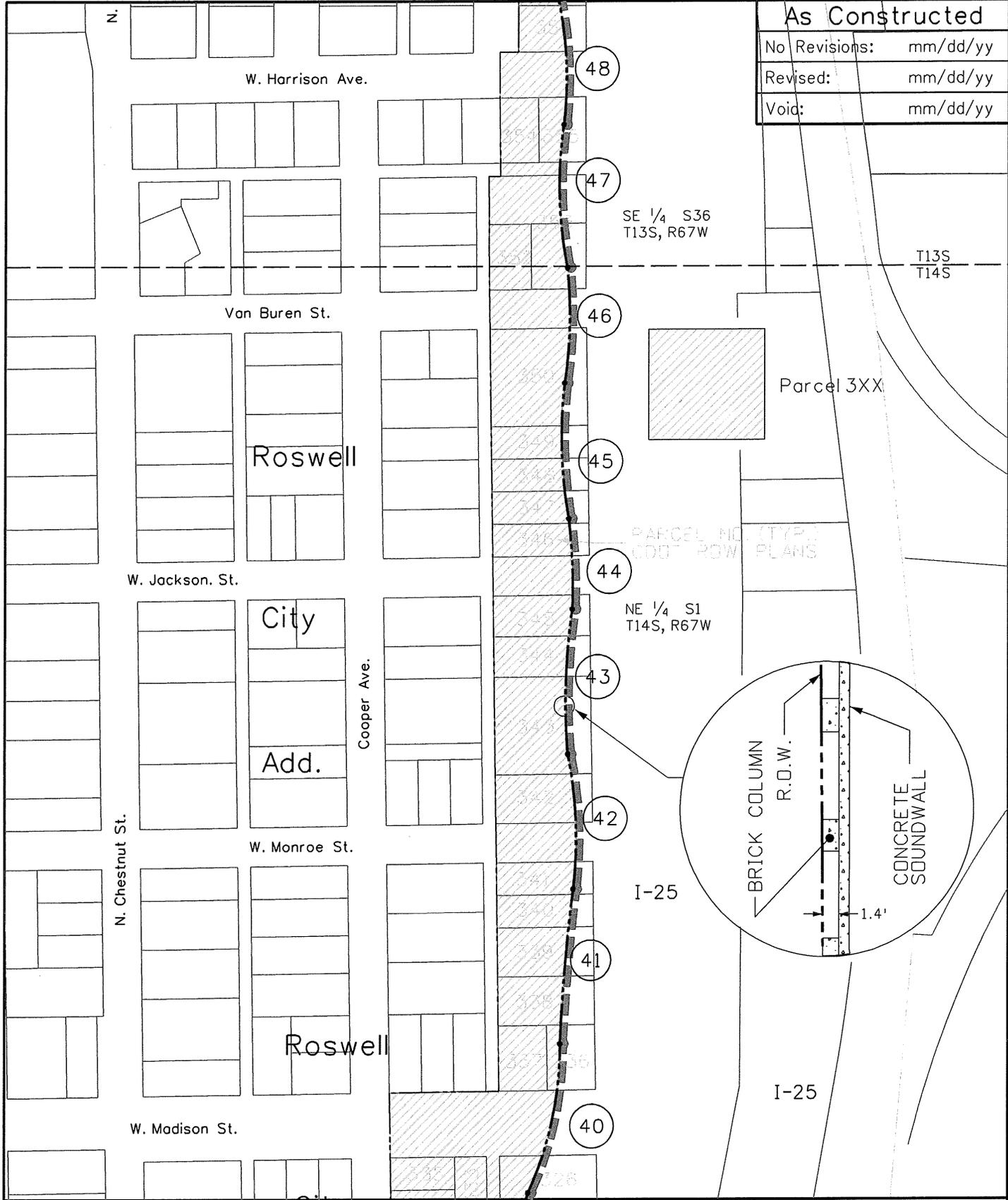
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Unit Leader Initials TA	Sheet Subset: XXXXXXXX	



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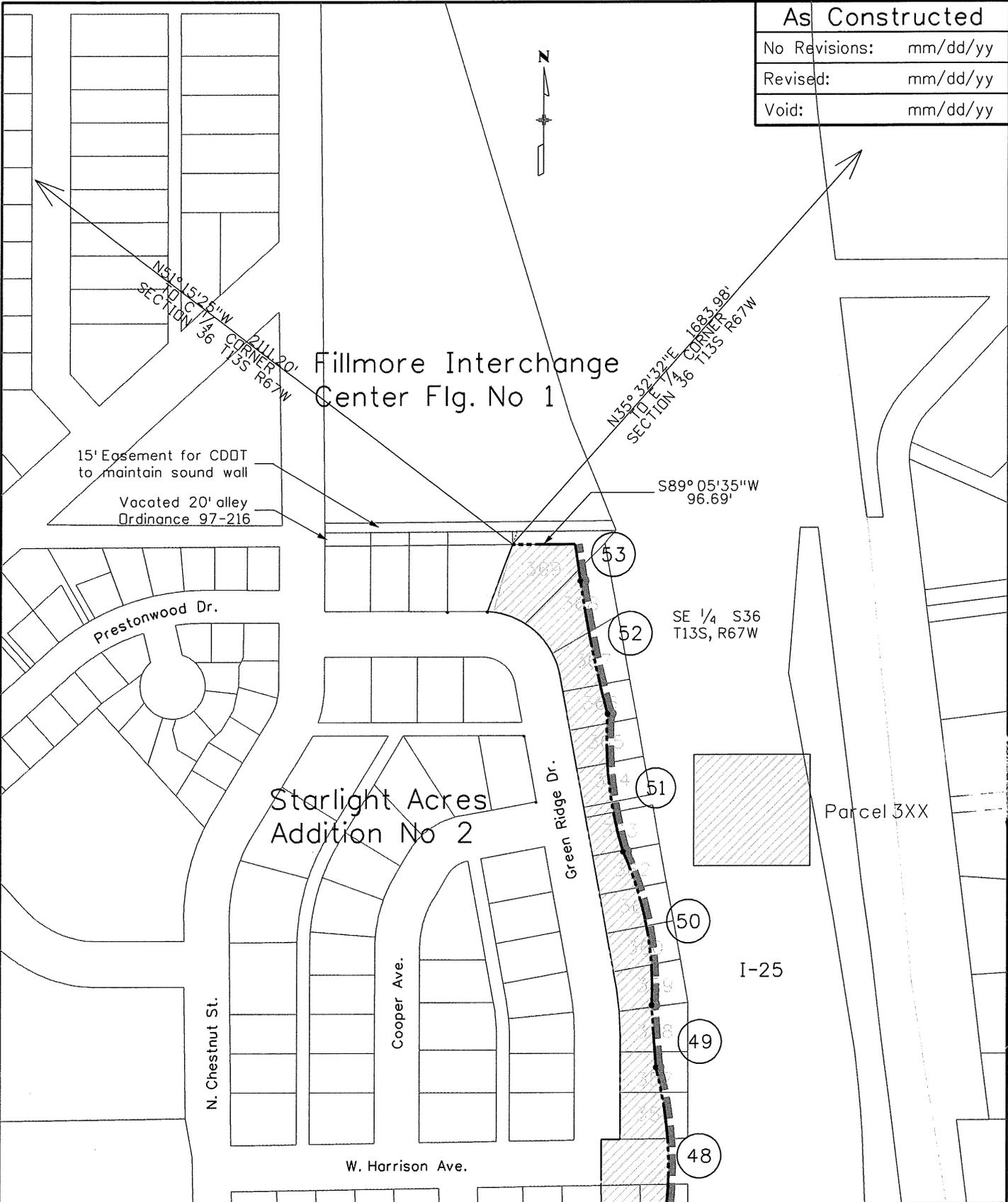
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Unit Leader Initials TA		Unit Leader: Adams
Sheet Subst: XXXXXX	Sheet:	Sheet Number

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Unit Information 2153	Detailer: WDM	Sheet: 9 of 9
Unit Leader Initials TA	Sheet Subset: XXXXXXXX	

