

# STATE OF COLORADO

---

**DEPARTMENT OF TRANSPORTATION**

**Chief Engineer**  
4201 East Arkansas Avenue  
Denver, CO 80222-3400  
(303) 757-9206  
(303) 757-9656 Fax



**TO:** Transportation Commissioners

**PROJECT #:** NH 0821-051 Unit 1

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

**LOCATION:** Aspen, CO

**PARCEL #:** 113-R, 113A, 122A

**COUNTY:** Pitkin

**DATE:** May 23, 2013

**SUBJECT: Transportation Commission Agenda for June 21, 2013**

**Requested Action:**

Declaration of Excess Property, **Parcels 113-R, 113-A and 122-A**, created under Project NH 0821-051 Unit 1. Please reference attached plans depicting the approximate configuration for disposal of the subject Parcels.

**Background:**

**Parcels 113-A and 122-A** were acquired as part of CDOT Project NH 0821-051. CDOT entered into an Intergovernmental Agreement with Pitkin County on August 9, 2000, for project improvements to State Highway 82, the realignment of West Buttermilk Road, and the County's proposed Airport Business Center. CDOT and the County agreed to jointly acquire 23.4 acres for a variety of public uses. At the conclusion of the project, CDOT was to convey to the County property it acquired for the County's Airport Center. Parcel 113-A is one of those parcels, and it should be transferred to the County per the IGA for the purpose of operating and maintaining West Buttermilk Road, a County facility at this location.

Parcel 122-A is a small property adjoining 113-A. Although not included in the IGA between CDOT and Pitkin County, much of the parcel includes slopes and embankment for West Buttermilk Road. It also should be conveyed to the County along with Parcel 113-A for the purpose of operating and maintaining the County's roadway.

CDOT Region 3 has made the determination that these two Parcels are not needed for State transportation purposes. Parcel 113-A should be conveyed as a result of the IGA, and conveyance of Parcel 122-A is allowed by Title 23 Part 710.403(d)(1) whereby CDOT may convey property to other governmental agencies for nominal value in cases where the property will be used for a nonproprietary public use.

**Parcel 113-R** is a remainder parcel, included in the purchase of the 23.4 acres referenced above. The Region has concluded 0.962 acres of this Parcel are not needed for State transportation purposes and its value and use lies with the adjacent property owner for development. Subsequent to the passage of

the excess parcel declaration, CDOT will retain a small portion adjacent to SH 82 (shown as Parcel 113-B consisting of 0.046 acres) and will proceed with the sale of the remainder of Parcel 113-R to the adjacent landowner for fair market value, in accordance with Colorado Revised Statute 43-1-210(5).

In preparation for the disposal process, the survey of these three Parcels found the adjacent landowner is currently using portions of Parcels 113-A and 122-A. The small portions being used are not necessary for the operation and maintenance of West Buttermilk Road, but would be of value and continued use to the adjacent landowner - the same landowner as abuts Parcel 113-R. The attached plan shows a carve out of 0.138 acres from Parcels 113-A and 122-A that is in the best interests of CDOT to dispose of at fair market value to the adjacent landowner along with Parcel 113-R upon the passage of the excess parcel declaration.

Revenue generated by the sale of the Parcel 113-R and the portions of 113-A and 122-A not conveyed to Pitkin County for West Buttermilk Road will be reinvested into future CDOT projects.

NH 0821-051 UNIT 1  
SH 82 PE CORRIDOR



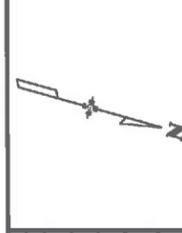
© 2012

**Colorado Department of Transportation**  
 222 South 6th Street  
 Room 317  
 Grand Junction, CO 81501  
 Phone: 970-683-6233 FAX: 970-683-6249  
 Region 3  
 JEM

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXXXX	XXX

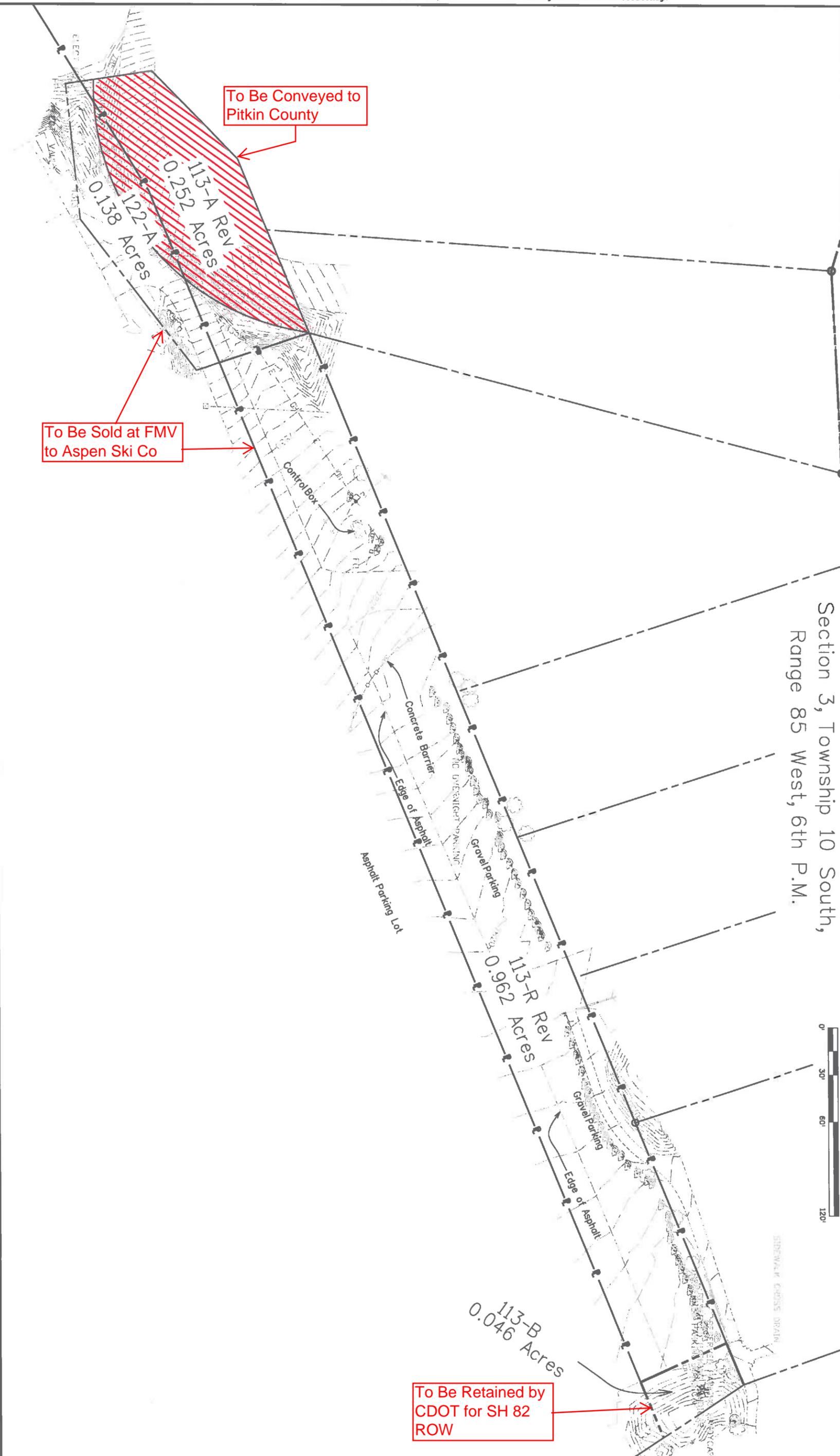
Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXXXX	XXX

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXXXX	XXX



**Exhibit**  
**Parcel 113-R Rev**  
 Project Number: NH 0821-051 Unit 1  
 Project Location: SH 82 PE Corridor  
 Project Codes: Last Mod. Date: 5/22/13  
 Subject: Sheet No.:

Section 3, Township 10 South,  
 Range 85 West, 6th P.M.



To Be Conveyed to Pitkin County

To Be Sold at FMV to Aspen Ski Co

To Be Retained by CDOT for SH 82 ROW

Project # NH 0821-051 Unit 1  
Parcels 113-R, 113-A, 122-A  
Aspen, CO

### PROPOSED RESOLUTION

WHEREAS, Parcels 113-R, 113-A, and 122-A shown in the attached Exhibits were acquired by CDOT for Project NH 0821-051 (Project); and

WHEREAS, CDOT entered into an Intergovernmental Agreement (IGA) with Pitkin County on August 9, 2000, for improvements to State Highway 82, the realignment of West Buttermilk Road, and the County's proposed Airport Business Center; and

WHEREAS, CDOT is obligated by said IGA to convey to the County property CDOT acquired for the operation and maintenance of West Buttermilk Road, a County facility in this location; and

WHEREAS, portions of the infrastructure (slope and embankment) of West Buttermilk Road lie within Parcel 122-A, acquired for this purpose under said Project; and

WHEREAS, the Department of Transportation, Region 3 has determined Parcels 113-A and 122-A are excess land not needed for State transportation purposes; and

WHEREAS, Title 23, Part 710, Section 403(d)(1) of the Code of Federal Regulations, allows CDOT to convey property to other governmental agencies when it be used for a nonproprietary public use; and

WHEREAS, upon the Transportation Commission concurrence that Parcels 113-A and 122-A are not needed for State transportation purposes, Region 3 will convey approximately 0.25 acres of land from Parcels 113-A and 122-A to Pitkin County; and

WHEREAS, if the 0.25 acres comprising portions of Parcels 113-A and 122-A to be conveyed to Pitkin County ever cease to be used as a nonproprietary public use, they will revert back to CDOT ownership; and

WHEREAS, CDOT Region 3 has made the determination that 0.962 acres of Parcel 113-R is not needed for State transportation purposes; and

WHEREAS, CDOT Region 3 desires to sell the 0.962 acres of Parcel 113-R not needed for transportation purposes, along with approximately 0.138 acres from Parcels 113-A and 122-A not needed by Pitkin County, to the adjacent property owner for fair market value in accordance with Colorado Revised Statute 43-1-210 (5) ; and

WHEREAS, the disposal of Parcels 113-R, 113-A, and 122-A will not affect the design, construction or utility of SH 82; and

WHEREAS, the Department of Transportation, Region 3, recommends that 0.962 acres of Parcel 113-R, and the entirety of Parcels 113-A and 122-A of Project NH 0821-051 all be declared excess property; and

WHEREAS, the conveyance of Parcels 113-R, 113-A, and 122-A will alleviate CDOT of future maintenance expenditures and liability associated with said Parcels; and

WHEREAS, the Department of Transportation, Region 3 has declared through Timothy Harris as Chief Engineer, that the said Parcels are no longer needed for State transportation purposes; 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 property to be declared excess and not needed for State transportation purposes; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcels 113-R, 113-A, and 122-A are no longer needed for State transportation purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to 23 CFR 710.409 and 23 CFR 403(d)(1) and C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210 the Department of Transportation be given authority to declare the property shown in the attached Exhibits to be excess and to convey those portions of Parcels 113-A and 122-A necessary for the operation and maintenance of West Buttermilk Road to Pitkin County; and sell Parcel 113-R and those portions of Parcels 113-A and 122-A not needed by Pitkin County for roadway purposes to the adjoining landowner at fair market value, with the funds from such sale to be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.