

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 #: FAP 9-R-6

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

LOCATION: Drake, CO

PARCEL #: 1-EX

COUNTY: Larimer

DATE: February 27, 2013

SUBJECT: Transportation Commission Agenda for March 21, 2013

Requested Action:

Declaration of Excess Property, Parcel 1-EX, created under Project FAP 9-R-6

Background:

Parcel 1-EX was acquired as part of CDOT Project FAP 9-R-6 in 1933. The Parcel contains a total area of 1,416 square feet.

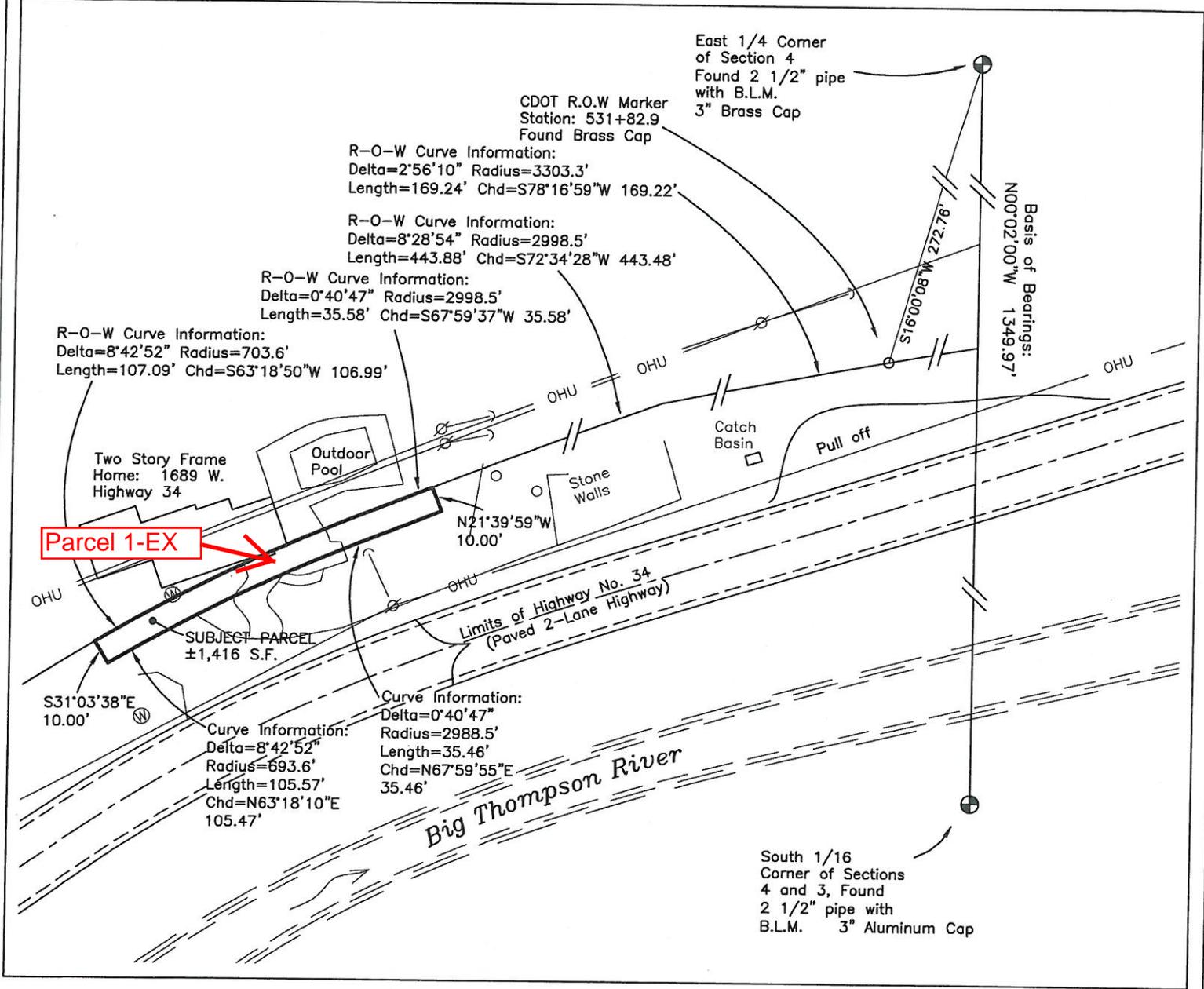
Parcel 1-EX is an approximately 10 foot wide strip of land that that is well outside the traveled way and approximately 12 feet above the road grade. The corner of the house on the adjacent property, which was built in 1954, encroaches on the edge of Parcel 1-EX. The adjacent property owner is in the process of selling their house. The lender for the buyer will not make a loan unless the encroachment issue is cleared up. CDOT Region 4 has made the determination that the Parcel 1-EX is no longer needed for transportation purposes, and they intend to sell the parcel to the adjacent property owner if the Transportation Commission declares it excess.

Parcel 1-EX is currently being appraised by CDOT to establish its fair market value.

Subsequent to the passage of the excess parcel declaration, CDOT will proceed with the sale of Parcel 1-EX, for fair market value, in accordance with Colorado Revised Statue 43-1-210(5). Revenue generated by the sale of the parcel will be reinvested into future CDOT projects.

EXHIBIT A (Page 1 of 2)

LEGAL DESCRIPTION FOR Parcel 1-EX EXCESS RIGHT-OF-WAY FOR U.S. HWY 34, BEING LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 71 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO.



Parcel 1-EX



SEE SHEET 2 FOR LEGAL DESCRIPTION

SCALE
1" = 50'



| | | | | |
|-------|----------|--|----------|-----------|
| DRAWN | DATE | VAN HORN ENGINEERING | SCALE | PROJ. NO. |
| LAS | 12-30-12 | 1043 Fish Creek Road - Estes Park, CO 80517 Phone: (970) 586-9388 - Fax: (970) 586-8101 | 1" = 60' | 12-11-03 |

EXHIBIT A (Page 2 of 2)

LEGAL DESCRIPTION **Parcel 1-EX** OF EXCESS RIGHT-OF-WAY FOR U.S. HWY 34, BEING LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 71 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO.

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR VACATION OF EXCESS RIGHT-OF-WAY:

A PORTION OF ROAD RIGHT-OF-WAY FOR U.S. HIGHWAY 34 BEING LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 71 WEST OF THE 6th P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: CONSIDERING THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 71 WEST OF THE 6th P.M. BEING MONUMENTED ON EACH END BY A BLM CAPPED MONUMENT, AS BEARING NORTH 00°02' WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO: BEGINNING AT THE EAST ONE QUARTER CORNER OF SAID SECTION 4, THENCE S 16°00'08" W 272.76 FEET TO A BRASS CAPPED MONUMENT REPRESENTING THE NORTHERN RIGHT-OF-WAY (R-O-W) OF U.S. HIGHWAY 34, SAID MONUMENT IS STAMPED STA. 531+82.9; THENCE WESTERLY ALONG SAID NORTHERN R-O-W, ON A CURVE CONCAVE TO THE NORTHWEST HAVING A DELTA ANGLE OF 2°56'10", A LENGTH OF 169.24 FEET, A RADIUS OF 3303.3 FEET, AND A LONG CHORD THAT BEARS S78°16'59"W 169.22 FEET; THENCE CONTINUING ALONG SAID ROW ON A CURVE CONCAVE TO THE NORTHWEST HAVING A DELTA ANGLE OF 8°28'54", A LENGTH OF 443.88 FEET, A RADIUS OF 2998.5 FEET, AND A LONG CHORD THAT BEARS S72°34'28"W 443.48 FEET TO THE TRUE POINT OF BEGINNING OF SAID R-O-W-VACATION; THENCE CONTINUING ALONG SAID R-O-W ON A CURVE CONCAVE TO THE NORTHWEST HAVING A DELTA ANGLE OF 0°40'47", A LENGTH OF 35.58 FEET, A RADIUS OF 2998.5 FEET, AND A LONG CHORD THAT BEARS S67°59'37"W 35.58 FEET TO A POINT OF COMPOUND CURVE; THENCE CONTINUING ALONG SAID R-O-W A CURVE CONCAVE TO THE NORTHWEST HAVING A DELTA ANGLE OF 8°42'52", A LENGTH OF 107.09 FEET, A RADIUS OF 703.6 FEET, AND A LONG CHORD THAT BEARS S63°18'50"W 106.99 FEET; THENCE DEPARTING SAID R-O-W ON A RADIAL BEARING TOWARD THE RADIUS POINT, S 31°03'38" E 10.00 FEET; THENCE ON A CURVE CONCAVE TO THE NORTHWEST, HAVING A DELTA ANGLE OF 8°42'52", A LENGTH OF 105.57 FEET, A RADIUS OF 693.6 FEET, A LONG CHORD THAT BEARS N63°18'10"E 105.47 FEET, TO A POINT OF COMPOUND CURVE CONCAVE TO THE NORTHWEST HAVING A DELTA ANGLE OF 00°40'47", A LENGTH OF 35.46 FEET, A RADIUS OF 2988.5 FEET, AND A LONG CHORD THAT BEARS N 67°59'55"E 35.46 FEET; THENCE ON A RADIAL BEARING, AWAY FROM THE RADIUS POINT, N 21°39'59" W 10.00 FEET, TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 1,416 S.F. (0.033 ACRES), MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS OF RECORD, COUNTY OF LARIMER, STATE OF COLORADO.

| | | | | |
|-------|---------|--|-------|-----------|
| DRAWN | DATE | VAN HORN ENGINEERING 1043 Fish Creek Road - Estes Park, CO 80517 Phone: (970) 586-9388 - Fax: (970) 586-8101 | SCALE | PROJ. NO. |
| LAS | 1-02-13 | | | 12-11-03 |



Parcel 1-EX

PROPOSED
P.O. BOX

P.O. BOX

10'

PROJECT #: FAP 9-R-6
PARCEL: 1-EX
LOCATION: SH 34 in Drake
COUNTY: Larimer

PROPOSED RESOLUTION

WHEREAS, the Colorado Department of Transportation acquired 1-EX in 1933 for SH 34 right of way; and

WHEREAS, Parcel 1-EX is a 1,416 square foot parcel in the NE ¼ SE ¼ of Section 5, Township 4 North, Range 71 West of the Sixth Principal Meridian, Larimer County, Colorado; and

WHEREAS, Parcel 1-EX is an approximately 10 foot wide strip of land that that is well outside the traveled way and approximately 12 feet above the road grade; and

WHEREAS, the corner of the house on the property adjacent to Parcel 1-EX, which was built in 1954, encroaches on the edge of Parcel 1-EX; and

WHEREAS, CDOT Region 4 has made the determination that Parcel 1-EX is no longer needed for transportation purposes; and

WHEREAS, CDOT Region 4 desires to sell Parcel 1-EX to the adjacent property owner for fair market value in accordance with Colorado Revised Statute 43-1-210 (5) ; and

WHEREAS, the sale of Parcel 1-EX will not affect the design, construction or utility of SH 34; and

WHEREAS, the Department of Transportation, Region 4, recommends that the property described as 31-EX of Project FAP 9-R-6 be declared excess property; 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 transportation purposes; and

WHEREAS, the Department of Transportation, has declared through Timothy J. Harris as Chief Engineer, that Parcel 1-EX is no longer needed for transportation; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 1-EX is no longer needed for transportation purposes.

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 1-EX of Project FAP 9-R-6 containing 1,416 square feet more or less as shown in Exhibit A and contained in the official agenda.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.