

Transportation Commission of Colorado
Regular Meeting Minutes
October 17, 2013

Chairman Doug Aden convened the meeting at 12:45 pm in the auditorium of the headquarters building in Denver, Colorado.

PRESENT WERE: Doug Aden, Chairman, District 7
Shannon Gifford, District 1
Ed Peterson, District 2
Gary Reiff, District 3
Heather Barry, District 4
Kathy Gilliland, District 5
Kathy Connell, District 6
Sidny Zink, District 8
Les Gruen, District 9
Bill Thiebaut, District 10
Steven Hofmeister, District 11

ALSO PRESENT: Don Hunt, Executive Director
Gary Vansuch, Director of Process Improvement
Scott Richrath, Chief Financial Officer
Heidi Humphreys, Director of Admin & Human Resources
Debra Perkins-Smith, Director of Division of Transportation Development
Herman Stockinger, Director of Policy and Government Relations
Mark Imhoff, Director of Division of Transit and Rail
Mike Cheroutes, Director of HPTE
Barbara Gold, Director of Audit Division
Ryan Rice, Director of Operations Division
Amy Ford, Director of Public Relations
Darrell Lingk, Director of Office of Transportation Safety
Scott McDaniel, Director of Staff Services
Tony DeVito, Region 1 Transportation Director
Tom Wrona, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Myron Hora, Acting Region 4 Transportation Director
Kerrie Neet, Region 5 Transportation Director
Kathy Young, Chief Transportation Counsel
John Cater, FHWA
Vince Rogalski, Statewide Transportation Advisory Committee (STAC)

AND: Other staff members, organization representatives, the public and the news media

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

Audience Participation

Chairman Aden stated that there were no members of the audience wishing to address the Commission.

Individual Commissioner Comments

Commissioner Reiff mentioned his appreciation for the staff's work on RAMP and the spectacular job on flood relief.

Commissioner Thiebaut mentioned his agreement with Commissioner Reiff's remarks specifically about flood relief. He traveled through the communities in District 10. He stated that he would like to learn more about the speed of the EIS process and the consultants that drive that process.

Commissioner Gilliland reiterated that the people from CDOT have gone above and beyond to respond to the flood and could not be thanked enough. The affected communities are very appreciative of the job CDOT has done.

Commissioner Connell also reiterated the comments to thank CDOT employees' response to the floods and mentioned all the budgeting and administrative workers who have made all this happen. She and Don Hunt attended a listening session in Rifle, and there is a very positive atmosphere about what CDOT has done. She met with Highway 9 Citizens for Safe Highways, and they expressed enthusiasm for the innovation and collaboration of this RAMP project.

Executive Director Hunt welcomed Senator Matt Jones to the Transportation Commission Meeting.

Commissioner Zink thanked Executive Director Hunt for continuing his listening tour to Southwest Colorado even through the flooding.

Commissioner Barry acknowledged the commitment of everyone from the Governor down to the frontline employees. She stated that CDOT will be that much more agile and nimble as a result of this learning experience. She also stated that during Bagels with Barry, people were happy with RAMP.

Commissioner Peterson also expressed his appreciation to CDOT employees and the amount of leadership from the Governor's office on down to handle a disaster of this magnitude. He also commended all the agencies that coordinated to save lives and help the population return to normal, including federal, state, local and private agencies.

Chairman Aden commended Executive Director Hunt for continuing the listening tour, especially to the smaller communities. He apologized for an omission in his comments last month: RFTA is the largest rural transit operator in the country and second in Colorado only to RTD. He and Mark Imhoff attended the ribbon cutting ceremony for the BRT. RFTA now has the only rural BRT system in the country. Congratulations, RFTA. CDOT Division 3 and the Division of Transit and Rail were great partners in the project.

Executive Director's Report:

Executive Director Don Hunt mentioned that some people need some special recognition in the flood relief response: Johnny Olson; Scot Cuthbertson; Heidi Humphreys; Myron Hora; Kurt Morrison; Communications Staff: Amy Ford, Mindy Crane, Ashley Moore; John Cater and his people.

The Estes Park Maintenance Patrol William Vogue, Scott Kim, Carrie Edwards, James Barnick all kept Highway 7 to Estes Park open even through the rain. It reopened Friday, Sept 13, and was the only route into Estes Park from the Front Range.

Dan Marcucci and Bill Aldorfer also opened Hwy 119 a few weeks early. RTD bus service was able to go through one week before the highway opened. Kevin Brown and Paul Neiman opened a stretch of Hwy 72 that relieved traffic congestion. He stated that CDOT will rebuild stronger, safer and more resilient highways than were lost. Out of tragedy can come a great learning experience.

Director Hunt attended listening sessions around the state with overwhelmingly positive reactions.

Chief Engineer's Report:

Chairman Aden stated that Chief Engineer Tim Harris is at the AASHTO Conference and deferred this update.

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes ceded time to Senator Matt Jones, who has taken a special interest in HPTE.

- Senator Matt Jones stated his gratitude for CDOT's response in getting Eastern Boulder County back on its feet after the floods. The transportation hubs are critical to helping people get back to their lives.
- Senator Jones then stated that in the FASTER bill, the public-private partnership on Hwy 36 is a lessons learned pilot project. There are some things we can fix and work on with the contracts and disseminating information about them. Constituents continue to present issues including carpooling, alternative fuel vehicles and the 50-year term. We will try to develop a bill to improve that with CDOT staff.

Matt Cheroutes stated HPTE board met in regular session on October 16, 2013.

- The Board discussed how the HPTE can help the local communities with flood recovery efforts. They will be pursuing these ideas, specifically FEMA reimbursements if there is a need.
- The US-36 transaction is on schedule to be closed in early December. An item on the consent agenda is a housekeeping matter that changes the way the project is accounted within CDOT.
- The Board continues to discuss the RAMP projects including C-470.
- The board is going to step back from the I-25 project during the ongoing flood relief.
- I-70 remains a major subject of focus of the HPTE.

FHWA Division Administrator Report

John Cater highlighted the following topics:

- He attended the ribbon cutting for the Dotsero Bridge in Region 3. Because of the cooperation between local, state and federal agencies, they were able to do much more than replace a bridge. There is now also a roundabout, bike trail and access to Colorado River.
- The first bridge was opened as part of the US-36 corridor project. Again, this was directly due to local, state and federal agency cooperation.
- He acknowledged Josh Khiel at the Incident Command Center. He also highlighted Johnny Olson, who has been the point man since the beginning of the floods.

STAC Report

Vince Rogalski stated that STAC met on Friday, October 11, 2013, and discussed the following topics:

- There was an update on the federal and state legislation: it is good to hear that the \$100 million cap was raised to \$450 million.
- MPACT 64: The 2% set aside for bikes and pedestrians will not be a part of the straw man proposal.
- Steve Markovetz updated a project on tracking and project guidance software tool. It will help local agencies determine where certain projects are, and the software is currently in beta testing.
- Scott Richrath provided three budget scenarios.
- Deb Perkins-Smith and Sandi Kohrs provided an update on PD-14. The four performance measures are safety, infrastructure condition, system performance and maintenance.
- Questions that the STAC had include the following:
 - How do you expect to meet transit objectives without an increase in operating funds? RTD and RFTA can cover those increases, but other rural transportation regions are not going to be able to without an increase in operating funds.
 - Program distribution has been a controversy. The consensus is that they would like to see more money in RPP, but they did not provide specifics.
 - There is still some resistance to what is going on in Asset Management, but members have a better understanding of how it will affect the state. Further communication will be helpful for continuing support.
- STAC also wants to thank CDOT for all the work that has been done in response to the floods.
 - Some of the rivers have changed their course, and decisions are necessary to address these changes.
- STAC wants to encourage the TC to move forward to approve the RAMP project list.

Act on Consent Agenda

Chairman Aden removed items A and B for further discussion and correction. Chairman Aden entertained a motion on the Consent Agenda. Commissioner Gruen moved for approval of item C. Commissioner Connell seconded the motion. On a vote of the Commission, item C on the Consent Agenda was unanimously approved.

Chairman Aden noted the corrected version of the minutes from September TC meeting. The resolution included to approve the Department Requested Measures for Immediate Response to Disaster Emergency Efforts was incorrect. Chairman Aden entertained a motion to approve the minutes to include the corrected resolution. Commissioner Connell moved to approved those corrected minutes. Commissioner Peterson seconded the motion, and on a vote of the Commission, the corrected minutes were unanimously approved.

Resolution #TC-3104

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes of September 19, 2013, are hereby approved as published in the official agenda of October 16 & 17, 2013, to include the corrected resolution.

Resolution #TC-3105

Chairman Aden stated that there had been changes to the resolution to Approve the First Amendment to the Intragency Agreement between CDOT and HPTE for the US 36 Concession Project. This change was made to be consistent with the resolution passed by the HPTE Board on October 16, 2013. Chairman Aden entertained a motion to pass resolution. Commissioner Reiff moved to pass the corrected resolution. Commissioner Connell seconded the motion. On vote of the Commission, the resolution was unanimously approved.

Resolution #TC-3105

Approving the First Amendment to Intragency Agreement between CDOT and HPTE for the U.S. 36 Concession Project.

Approved by the Transportation Commission on: October 17, 2013

WHEREAS the Transportation Commission is responsible, pursuant to C.R.S. 43-1-106(8), for formulating the general policy of the Colorado Department of Transportation (CDOT); and

WHEREAS the Transportation Commission's approval is required for CDOT intergovernmental agreements that may involve more than \$750,000; and

WHEREAS the Colorado High Performance Transportation Enterprise (HPTE), in partnership with CDOT, is working towards financial close with its concessionaire, Plenary Roads Denver, for the design, construction, financing, operation and maintenance of the U.S. 36 Corridor between Denver and Boulder and the I-25 Express Lanes (collectively US 36 project); and

WHEREAS in order to finalize the concession agreement between HPTE and Plenary Roads Denver, and reach financial close, an interagency agreement between CDOT and HPTE was necessary to accomplish several purposes including outlining and memorializing CDOT's Executive Director's obligation to make an annual budget request for funds to pay Plenary Roads Denver for snow and ice removal and routine maintenance of the U.S. 36 general purpose lanes; creating a backup loan process between CDOT and HPTE in the event that HPTE needs to borrow money from CDOT to pay for an HPTE Payment Obligation Event that is contained in the concession agreement between HPTE and Plenary Roads Denver; and documenting CDOT's grant of a non-exclusive license over, under, upon and in the U.S. 36 and I-25 site and managed lanes to HPTE.

WHEREAS the Transportation Commission approved the Intragency Agreement (Original Agreement) between CDOT and HPTE for the US 36 Concession Project on May 16, 2013.

WHEREAS in its efforts to reach financial close, Plenary Roads Denver is currently undergoing the credit review processes in connection with the US 36 Project and it has become clear that the Original Agreement needs to be amended to provide for and explain how certain funds CDOT will receive, and that are intended to support the US 36 Project, will be made available to HPTE. The funds at issue include: (i) federal highway funds allocated for the US 36 Project by the Denver Regional Council of Governments; and (ii) local contributions CDOT will receive pursuant to certain intergovernmental agreements with the Regional Transportation District, Town of Superior, City of Louisville, and Boulder County.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves the First Amendment to the Intragency Agreement between CDOT and HPTE for the U.S. 36 Concession Project and authorizes CDOT's Executive Director to sign the amendment on behalf of CDOT.



Herman Stockinger III, Secretary
Transportation Commission of Colorado

October 17, 2013

Date

Discussion of RAMP Project List

Debra Perkins-Smith stated that the Commission has a revised resolution and list of projects from the RAMP Workshop because RTD withdrew their request for a \$50million loan. Chairman Aden entertained a motion to pass the resolution. Commissioner Connell moved to approve the resolution to adopt the RAMP Project List, and Commissioner Gilliland seconded that motion. On vote of the Commission, the resolution was unanimously approved.

Chairman Aden recognized and thanked everyone who had worked to create the project list.

Resolution Number TC-3106

Adopting certain projects for the Partnership and Operational Improvements components of the Responsible Acceleration of Maintenance and Partnerships Program and authorizing certain Fiscal Year 2014 expenditures for the pre-construction of these authorized projects.

Approved by the Transportation Commission on: October 17, 2013

WHEREAS, the State Highway System is an essential component of Colorado's integrated transportation system which is focused on safely moving people and goods to enhance the economic wellbeing, quality of life, and environment of the citizens of Colorado; and

WHEREAS, numerous studies have documented that there are significant unmet maintenance or preservation needs and capacity or mobility needs on the State Highway System; and

WHEREAS, the November, 2002, *Report of the State Auditor: Department of Transportation - Transportation Funding* recommended that the Department revise its cash flow management relating to construction projects but the Department was not able to completely implement the recommendation because of inadequate information technology; and

WHEREAS, the Colorado Department of Transportation has implemented SAP an Enterprise Resource Planning system which can support a cash based approach to project planning and budgeting and the Department is in the process of further refining the ability of the Department to fund and manage the capital construction program enabled by this change in planning and budgeting; and

WHEREAS, Governor John Hickenlooper and Colorado Department of Transportation Executive Director Don Hunt announced on December 14, 2012, the Responsible Acceleration of Maintenance and Partnerships (RAMP) program which is a new approach to budgeting and planning that will accelerate completion of transportation projects and create or sustain more than 10,500 jobs over five years; and

WHEREAS, while it is anticipated that the RAMP program will result in an average increase in the capital construction program of \$300 million per year through 2017, it is acknowledged that this increase in construction is not a solution to the unmet transportation needs of Colorado; and

WHEREAS, the Colorado Department of Transportation determined that it was appropriate to develop selection procedures for Asset Management projects dedicated to slowing the deterioration and improving the safety of the State Highway System, Operational Improvement projects to maximize system operations, and Partnership projects dedicated to leveraging state transportation dollars by creating Public Private Partnerships with industry and Public-Public Partnerships with local governments to maintain, maximize safety and system operations, and expand mobility statewide; and

WHEREAS, the Colorado Department of Transportation developed, documented, and publically announced the Eligibility Criteria and Evaluation/Selection Criteria for the Operational Improvement and Partnership categories; and

WHEREAS, the Colorado Department of Transportation developed, documented, publically announced, and followed a selection process for the Operational Improvement and Partnership categories consisting of pre-applications, a systematic review of the pre-applications to determine eligibility, detailed applications for those projects determined to be

eligible, and a systematic and exhaustive evaluation of the applications to determine merit and feasibility; and

WHEREAS, the Transportation Commissioners have considered the recommendation of the Colorado Department of Transportation and all other information that they have received; and

WHEREAS, the projects adopted in this Resolution are to be completed under accelerated timetables consistent with the intent of the RAMP program thus there may be cases where it is necessary and prudent to begin pre-construction work in advance of an executed Intergovernmental agreement or other evidence of continued financial commitment by the applicant and prior to a regularly scheduled Transportation Commission meeting.

NOW THEREFORE BE IT RESOLVED that the Transportation Commission hereby adopts the list shown in the document titled "RAMP Partnership and Operations Projects - Preliminary Recommendations 10/16/2013" and the document is incorporated by reference into this Resolution; and

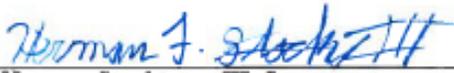
BE IT FURTHER RESOLVED that the Colorado Department of Transportation shall advise the Transportation Commission if a project is unable to be moved forward, and

BE IT FURTHER RESOLVED that the Transportation Commission authorizes the Chief Financial Officer to budget, without additional Transportation Commission action, an amount not to exceed five percent of the total project cost for the project as shown on the "RAMP Partnership and Operations Projects - Preliminary Recommendations 10/16/2013" document for FY 2014 pre-construction expenditures on these projects regardless of whether there is an executed Intergovernmental Agreement or other evidence of financial commitment from the applicant; and

BE IT FURTHER RESOLVED that the Transportation Commission requires for each Public-Public Partnership project on or before January 6, 2014, a project scope, schedule, and budget developed by the Colorado Department of Transportation in the form and to the level of detailed specified by the Chief Engineer; and

BE IT FURTHER RESOLVED that the Transportation Commission also requires for each Public-Public Partnership project on or before January 6, 2014, evidence, in a form specified by the Chief Financial Officer, confirming a commitment by the applicant to the project scope, schedule, and budget developed by the Department, including an agreement to hold a public vote to authorize the local match by no later than April 8 if such vote is necessary; and

BE IT FURTHER RESOLVED that the Chief Engineer may extend the January 6, 2014 deadlines to April 7, 2014, upon application for extension from any applicant or CDOT Region Transportation Director for projects in a flood damaged area.



Herman Stockinger III, Secretary
Transportation Commission of Colorado

October 17, 2013
Date

Discussion of Loan for the 2014 FTA Operating Grants to the Division of Transit and Rail

For the benefit of the new Commissioners, Mark Imhoff explained the loan process that has been in place for several years. He explained that large urban areas, including RTD, Colorado Springs and Fort Collins, receive their federal transit area funds directly from the FTA. All other transit entities get their federal funds funneled through CDOT and the grant program.

The federal fiscal year began October 1, but all the transit entities operate on a calendar year budget cycle. For the entities to operate bus service on January 1, they need to have operating funds available. On January 1, CDOT issues 45-50 operating grants. In order to get the contracts in place, the funds need to be in the bank. With the delays in Washington, CDOT does not expect to have those operating funds by January 1, 2013.

In years past, the Division of Transit and Rail takes out a loan from the TC contingency to cover those operating funds. Last year the Division borrowed a little more than \$13 million. Due to the flood situations and the budget constraints, the Division has scrubbed the request and only asked for \$5.3 million. The Division will repay the loan as soon as they receive the funds from the Federal government. Formal approval is part of the budget supplement resolution.

Chairman Aden stated that this has been the process in place for several years and has been effective to avoid interruptions in service.

Discuss and Act on the 5th Supplement to the FY2014 Budget

Scott Richrath stated that each month comes with a budget supplement requests, but these requests are all outside the Emergency Relief program. While some projects reference the floods, they are not part of the President's or Governor's emergency declaration. Scott then listed out which requests were against the Transportation Commission contingency:

- Region 3 requests are not against the contingency. They are both against other baseline programs in the budget.
- Region 2 requests are against Transportation Commission contingency.
- For the Division of Transit and Rail intrayear loan, standard in prior years, is a \$5.3 million request against the contingency. About \$5 million would come in March, and the balance would come around six months later.
- Staff Maintenance and Operations request is against contingency for radio console upgrades in the current fiscal year.
- The request to fund the new Transportation Systems Management and Operations Innovative Projects that are not asset management eligible projects is against contingency.
- The total against contingency is approximately \$15 million.

Chairman Aden entertained a motion to approve the 5th Supplement to the FY14 budget. Commissioner Gilliland moved to approve the resolution, and Commissioner

Connell seconded. On a vote of the Commission, the Budget Supplement was unanimously approved.

Resolution #TC-3107

BE IT RESOLVED THAT the 5th Supplement to the Fiscal Year 2014 Budget be approved.

Discuss and Act on the Emergency Relief Supplement

Scott Richrath stated that a resolution passed last month gave staff authority to access the contingency outside the monthly supplemental process for purposes of moving budget actions forward on flood projects. This is a \$59 million reconciliation of CDOT's use of TC contingency funding, much of which will be reimbursed, but needed to be spent to get the roads open under the Governor's and the Presidential emergency declaration.

Chairman Aden entertained a motion to approve the First Emergency Relief Supplement. Commissioner Peterson moved to approve the supplement, and Commissioner Gilliland seconded the motion. On a vote of the Commission, the Emergency Relief supplement was unanimously approved.

Resolution #TC-3108

BE IT SO RESOLVED that the First Supplement to the Emergency Relief Funding be approved.

Discuss and Act on the Systems Level Study for the 1601 Interchange Improvements at I-76 and Bridge Street

Tony DeVito respectfully requested to be allowed 15 minutes rather than the allotted 5 minutes so that guests from the City of Brighton would have time to present their System Level study.

He stated that they are seeking approval for a new interchange at Bridge Street and Interstate 76. This is a Type 1 approval under Policy Directive 1601. He discussed the summary of the following requirements and deliverables to which the applicants must adhere:

- A system level study,
- A DRGOG plan amendment,
- An environmental assessment and a decision on that assessment, and
- A preliminary 30% design.

The system level study is complete. It was submitted to DRGOG in September 2013, and CDOT concurs with the results of the studies. The next step is for DRCOG to amend the 2035 plan to include this new interchange following your concurrence.

This project has been a partnership between the City of Brighton and CDOT, but it is fully funded by the City of Brighton using local capital funds.

The interchange is located on I-76 between the interchanges of Baseline and Bromley.

Dick McLean, Mayor of Brighton: Mayor McLean stated that this has been on the city's radar for many years, but it has now become a necessity. He took a moment to thank CDOT employees for their assistance in steering the team. The city has funded this process with the goal of completing the project by 2019. They have included new interchange as part of Brighton's capital improvement plan. Upon approval of the required steps, they plan to move to a final design and then construction.

The project is beneficial to the community because it provides connectivity east and west through the heart of Brighton. It relieves congestion at the Bromley interchange, and it is a cost effective solution for the economic growth of the city. A King Soopers store broke ground a few months ago less than a mile to the west, and that will increase the congestion. A large development project has been approved by the Council between Bromley and Bridge Streets. Along with the housing that is starting to boom again, these developments necessitate the new interchange.

Ken DePinto stated that currently the only way to access I-76 from Bridge Road is on the frontage roads, traveling either to Bromley or Baseline. This request is under Policy Directive 1601, which requires approval of the system level study. Brighton has thoroughly investigated the impact that this interchange would have on the community and on Interstate 76.

In order to travel from Brighton to Boulder, it is currently necessary to travel north or south of Brighton because there is no access to Bridge Street. This connection would allow travel from Broomfield to Boulder without using arterial streets.

This will also relieve long term congestion.

As part of the investigation, the city looked at ten options, deciding that a series of two, three or four roundabouts is the best options. The city is further investigating the operational benefits of each option and planning to come to a decision by the end of December.

Preliminary estimates range the roundabouts between \$6-6.5 million, funded entirely by the City of Brighton from 2014-2018. He then provided a general calendar, ending with an opening in 2019.

Commissioner Gruen asked about the impact on flow through traffic for I-76, and Ken stated that there would be no impact to the congestion. The segments on I-76 operate at a B, and may approach a C by 2035. In the near term, it will continue to be at a B. This project relieves the congestion on Bromley.

Commissioner Barry stated that Bromley Road is the Judicial Center of Adams County is located. She stated that it is visionary on the part of Brighton to commit to improve this area for the years to come. They have also ensured that it will not cause future congestion on I-76. She fully supported approval and urged the Commission to do the same.

Tony DeVito stated that he and the Region fully support the City of Brighton and asked for Commission concurrence.

Chairman Aden entertained a motion to approve the resolution for the system level study. Commissioner Barry moved to approve the resolution, and Commissioner Reiff seconded the motion. Commissioner Thiebaut asked about the role of the Chief Engineer in the Intergovernmental Agreement (IGA), and Chairman Aden stated that the Chief Engineer's involvement is the standard process. On vote of the Commission, the resolution was unanimously approved.

RESOLUTION #TC-3109

Approving the Systems Level Study for the Interchange Improvements at I-76 and Bridge Street

Approved by the Transportation Commission on: October 17, 2013

WHEREAS in November 2004 the Transportation Commission approved revisions to Policy Directive 1601 concerning the state highway interchange approval process; and

WHEREAS the City of Brighton has completed a System Level Study for a proposed new interchange at I-76 and Bridge Street; and

WHEREAS in accordance with the Policy Directive 1601, the staff of the Colorado Department of Transportation (CDOT) has reviewed the Systems Level Study and found it to be consistent with the Policy Directive 1601; and

WHEREAS in accordance with the Policy Directive 1601, the Systems Level Study documents the need for the proposed Interchange at I-76 and Bridge Street to accommodate anticipated travel volumes at acceptable levels of service for the next 20 years; and

WHEREAS the proposed interchange will provide local and regional east-west connectivity, relieve congestion at Bromley Lane and Baseline, improve access as well as traffic flow on the roadway network surrounding Bridge and I-76; and

WHEREAS the cost to construct the proposed Interchange is estimated to be 6.5 million in 2013 dollars; and

WHEREAS the City of Brighton is funding 100 percent of the construction of the Interchange at I-76 and Bridge Street and is requesting no financial support or in-kind assistance from CDOT for these efforts; and

WHEREAS all costs and responsibilities associated with project maintenance and operations shall be determined through an Intergovernmental Agreement (IGA) between the City of Brighton and CDOT consistent with the financial plan in this Systems Level Study; and

WHEREAS approval of the Final Maintenance and Operations IGA by the Chief Engineer consistent with the financial plan included in the Systems Level Study is necessary prior to construction; and

WHEREAS in accordance with the Policy Directive 1601, the City of Brighton was an active participant in the System Level Study and is in agreement with the proposed project and financial plan as described in the System Level Study; and

WHEREAS Transportation Commission approval of the Systems Level Study is contingent upon CDOT and FHWA approval of the proposed Environmental Assessment (EA) for this project; and

WHEREAS the Transportation Commission recognizes that this approval is not the final approval step, and recognizes that, should the environmental document identify a preferred alternative different from that identified in the Systems Level Study, the Transportation Commission will reconsider the Systems Level Study; and

WHEREAS approval of a proposed project by the Transportation Commission is contingent on the inclusion of the proposed project by the Denver Regional Council of Governments (DRCOG) in the fiscally constrained regional transportation plan and transportation improvement program; and

WHEREAS the Transportation Commission recognizes that this approval does not ensure incorporation of the proposed interchange in the constrained regional transportation plan by the corresponding MPO/TPR.; and

WHEREAS the City of Brighton must obtain approval of the applicable FHWA interchange access, design and environmental decision documents by the CDOT Chief Engineer and/or FHWA prior to final approval by the Chief Engineer; and

WHEREAS the applicant must demonstrate significant progress towards implementation of the project within 3 years of the date of approval this resolution,

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the Systems Level Study for the Interchange Improvements at I-76 and Bridge Street pending:

1. Inclusion of the proposed interchange in the fiscally constrained regional transportation plan and state transportation improvement program; and
2. Completion and approval of the appropriate environmental decision document consistent with the CDOT Environmental Stewardship Guide; and
3. Approval of applicable interchange access, design and environmental permitting documents by the appropriate agencies; and
4. Approval by the Chief Engineer of an IGA for the financing, construction, maintenance and operations of the facilities associated with the construction of the Interchange consistent with the Systems Level Study.

The Chief Engineer is authorized to enter into an IGA with the applicant for the construction, maintenance and operations of the facilities associated with the construction, operations and maintenance of the Interchange at I-76 and Bridge Street and the City of Brighton consistent with this Systems Level Study.



Herman Stockinger III, Secretary
Transportation Commission of Colorado



Date

Other Matters

Commissioner Thiebaut asked if acting on Commissioner Reiff's amendment to the Consent Agenda included approving the accompanying resolution. Chairman Aden stated that it did.

Acknowledgements

Chairman Aden declared that there were no listed acknowledgements.

Adjournment

Commissioner announced that the meeting was adjourned.

**TRANSPORTATION COMMISSION OF COLORADO
2014 MASTER CALENDAR**

January

January 1 st	Holiday	New Year's Day
January 14 th		Regional Transportation Committee
January 15 th		Workshops/Committee Meetings
January 16 th		Regular Commission Meeting
January 20 th	Holiday	Martin Luther King, Jr. Day

February

February 17 th	Holiday	Presidents' Day
February 18 th		Regional Transportation Committee
February 19 th		Workshops/Committee Meetings
February 20 th		Regular Commission Meeting

March

March 18 th		Regional Transportation Committee
March 19 th		Workshops/Committee Meetings
March 20 th		Regular Commission Meeting

April

April 15 th		Regional Transportation Committee
April 16 th		Workshops/Committee Meetings
April 17 th		Regular Commission Meeting

May

May 13 th		Regional Transportation Committee
May 14 th		Workshops/Committee Meetings
May 15 th		Regular Commission Meeting
May 26 th	Holiday	Memorial Day

June

June 17 th		Regional Transportation Committee
June 18 th		Workshops/Committee Meetings
June 19 th		Regular Commission Meeting

July

July 4 th	Holiday	Independence Day
July 15 th		Regional Transportation Committee
July 16 th		Workshops/Committee Meetings
July 17 th		Regular Commission Meeting

August

August 19 th		Regional Transportation Committee
August 20 th		Workshops/Committee Meetings
August 21 st		Regular Commission Meeting

September

September 1 st	Holiday	Labor Day
September 16 th		Regional Transportation Committee
September 17 th		Workshops/Committee Meetings
September 18 th		Regular Commission Meeting

October

October 13 th	Holiday	Columbus Day
October 14 th		Regional Transportation Committee
October 15 th		Workshops/Committee Meetings
October 16 th		Regular Commission Meeting

November

November 4 th		Election Day
November 11 th		Veterans' Day
November 18 th		Regional Transportation Committee
November 19 th		Workshops/Committee Meetings
November 20 th		Regular Commission Meeting
November 27 th	Holiday	Thanksgiving Day

December

December 16 th		Regional Transportation Committee
December 17 th		Workshops/Committee Meetings
December 18 th		Regular Commission Meeting
December 25 th	Holiday	Christmas Day

BE IT HEREBY RESOLVED that the 2014 Master Calendar of the Transportation Commission of Colorado is hereby approved as contained in the Official Agenda of November 20 & 21, 2013.

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

FROM: David Fox
Property Management

DATE: October 30, 2013

SUBJECT: Transportation Commission – Property Disposal Process Brief

On a fairly regular basis CDOT has occasion to sell excess property. The property is usually excess or remainder parcels that were acquired as part of a right of way project, but sometimes general ledger asset property (usually abandoned maintenance sites) is sold as well. All excess property sales are governed by Federal Regulations (23 CFR 710.403), State Statutes (CRS 43-1-210(5)) and CDOT Policy and Procedural Directives (1300-0, 1300-1 and 1300-2).

All property must be sold for a fair market value, unless it is relinquished to another public entity and is used for transportation or other non-proprietary public purposes such as a park or open space. Any property that is estimated to have a value over \$5,000 must be appraised by a certified general appraiser. Property that is of value to more than one owner, or could be developed as a stand-alone parcel, must be offered to any public agency with taxing authority over the parcel at fair market value. If no public entity exercises its first right of refusal to purchase a property, the property must be advertised to the public and sold via a sealed bid auction process. Property that only has value to one adjacent property owner can be sold for fair market value directly to that property owner.

Under Policy Directive 1300.0, the Transportation Commission reserves the right to approve the sale or exchange of excess property that are not associated with an active right of way project. The authority to approve excess property disposal on active projects has been delegated to the Executive Director, or his designee.

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
FROM: Timothy J. Harris, P.E. IM 0703-273
Chief Engineer
PROJECT #: IM 0703-273
LOCATION: SH 40 in Golden, CO
PARCEL #: 103-XA through XF
COUNTY: Jefferson

DATE: October 30, 2013

SUBJECT: Transportation Commission Agenda for November 21, 2013

Requested Action:

Declaration of Excess Property: Parcels 103-XA, 103-XB, 103-XC, 103-XD, 103-XE, 103-XF of CDOT Project IM 0703-273

Background:

The Transportation Commission declared Parcel 103-X of the above referenced project excess via Resolution TC-1685 dated January 21, 2009. Due to multiple conveyances of the adjacent property, the sale of Parcel 103-X was delayed until October, 2013. Upon completion of the sale of Parcel 103-X, a survey was completed that indicated the retaining wall on the adjacent property, built by the previous owner, encroaches on CDOT right of way. The developer who acquired Parcel 103-X is also the new owner of the adjacent property. The new owner of the adjacent property would like to clean up the encroachments by purchasing Permanent Easements (PE's) from CDOT to allow for the continued existence of the retaining wall.

There are a total of six (6) encroachments on CDOT Right of Way that total 200 square feet. The sale of the encroachment areas will not affect the operation, maintenance, use or safety of CDOT's facility. The Region is asking that the Transportation Commission approve the sale of six (6) PE's, for the area in which the wall encroaches on CDOT Right of Way.

Parcel 103-X was sold at the fair market value price of \$90,000. The fair market value was established by the appraisal process outlined by Colorado revised Statute 43-1-210(5). The PE's will be sold based on the same \$/sf value as 103-X.

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

EXHIBIT

SHEET 1 OF 9

WALL ENCROACHMENT EASEMENTS

PARCEL 103-XA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 15;
THENCE N30°52'39"W, A DISTANCE OF 812.81 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 40, RECORDED IN BOOK 395 AT PAGE 260 OF THE JEFFERSON COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING;
THENCE N07°06'43"W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 57.43 FEET;
THENCE S21°13'29"E, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1.02 FEET;
THENCE S15°58'27"E, A DISTANCE OF 5.42 FEET;
THENCE S07°17'35"E, A DISTANCE OF 42.94 FEET;
THENCE S00°23'36"W, A DISTANCE OF 6.06 FEET;
THENCE S04°12'26"W, A DISTANCE OF 2.18 FEET TO THE POINT OF BEGINNING.

SAID PARCEL A CONTAINS 59 SQUARE FEET, OR 0.001 ACRES MORE OR LESS.

PARCEL 103-XB

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 15;
THENCE N35°27'56"W, A DISTANCE OF 689.73 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 40, RECORDED IN BOOK 395 AT PAGE 260 OF THE JEFFERSON COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING;
THENCE N07°06'43"W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 27.71 FEET;
THENCE S22°01'18"E, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 3.39 FEET;
THENCE S06°12'03"E, A DISTANCE OF 24.44 FEET;
THENCE S83°47'57"W, A DISTANCE OF 0.48 FEET TO THE POINT OF BEGINNING.

SAID PARCEL B CONTAINS 18 SQUARE FEET, OR 0.0004 ACRES MORE OR LESS.

PARCEL 103-XC

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 15;
THENCE N50°45'23"W, A DISTANCE OF 487.55 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 40, RECORDED IN BOOK 395 AT PAGE 260 OF THE JEFFERSON COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING;
THENCE N89°28'43"W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2.72 FEET TO A POINT OF NON-TANGENT CURVE;
THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY AND ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 00°17'04", A RADIUS OF 1312.50 FEET, A CHORD WHICH BEARS N00°22'45"E, 6.51 FEET, AN ARC DISTANCE OF 6.51 FEET TO A NON-TANGENT LINE;
THENCE S22°15'23"E, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 7.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL C CONTAINS 9 SQUARE FEET, OR 0.0002 ACRES MORE OR LESS.

PARCEL 103-XD

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 15;
THENCE S45°41'01"W, A DISTANCE OF 481.32 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 40, RECORDED IN BOOK 1845 AT PAGE 216 OF THE JEFFERSON COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING;
THENCE S00°30'24"W, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2.69 FEET;
THENCE S04°43'03"W, A DISTANCE OF 2.19 FEET;
THENCE S14°33'35"W, A DISTANCE OF 2.32 FEET;
THENCE S18°36'12"W, A DISTANCE OF 60.13 FEET;
THENCE N71°23'48"W, A DISTANCE OF 0.48 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE;
THENCE N17°43'00"E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 67.13 FEET TO THE POINT OF BEGINNING.

SAID PARCEL D CONTAINS 63 SQUARE FEET, OR 0.001 ACRES MORE OR LESS.

PARCEL 103-XE

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 15;
THENCE S36°02'38"W, A DISTANCE OF 723.39 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 40, RECORDED AT RECEPTION NUMBER F2138549 OF THE JEFFERSON COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING;
THENCE S18°17'53"W, DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 6.72 FEET;
THENCE N74°05'26"W, A DISTANCE OF 1.91 FEET;
THENCE N17°45'49"E, A DISTANCE OF 5.23 FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE;
THENCE N69°24'14"E, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 2.51 FEET TO THE POINT OF BEGINNING.

SAID PARCEL E CONTAINS 12 SQUARE FEET, OR 0.0003 ACRES MORE OR LESS.

PARCEL 103-XF

LEGAL DESCRIPTION

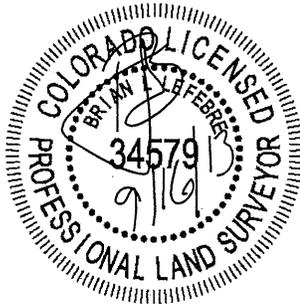
A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 15;
THENCE S36°34'47"W, A DISTANCE OF 733.85 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 40, RECORDED AT RECEPTION NUMBER F2138549 OF THE JEFFERSON COUNTY RECORDS, AND A POINT OF NON-TANGENT CURVE, SAID POINT BEING THE POINT OF BEGINNING;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 41°47'14", A RADIUS OF 8.25 FEET, A CHORD WHICH BEARS S50°21'27"W, 5.88 FEET, AN ARC DISTANCE OF 6.02 FEET TO A TANGENT LINE;
THENCE S71°15'04"W, A DISTANCE OF 38.59 FEET;
THENCE N17°11'52"W, A DISTANCE OF 0.68 FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE;
THENCE N69°24'14"E, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 44.10 FEET TO THE POINT OF BEGINNING.

SAID PARCEL F CONTAINS 58 SQUARE FEET, OR 0.001 ACRES MORE OR LESS.

BASIS OF BEARINGS:

BASIS OF BEARINGS: THE LINE BETWEEN THE EAST QUARTER CORNER OF SECTION 15, T4S, R70W, 6TH PM (A FOUND 3 1/4 INCH ALUMINUM CAP MARKED 'LANE ENG SRVING T3S R70W S15 S16 1997 LS 16837) AND A FOUND 1 INCH PLASTIC CAP MARKED 'RUBINO PLS 14142' WAS HELD AS BEARING N89°32'00"W, AS SHOWN ON THE FINAL PLAT OF GATEWAY VILLAGE FILING NO. 1, PREPARED BY PARAGON ENGINEERING CONSULTANTS, INC. AND SIGNED BY ROBERT J. RUBINO, AND RECORDED MARCH 11, 2009 IN THE JEFFERSON COUNTY RECORDS.

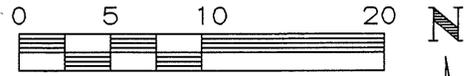
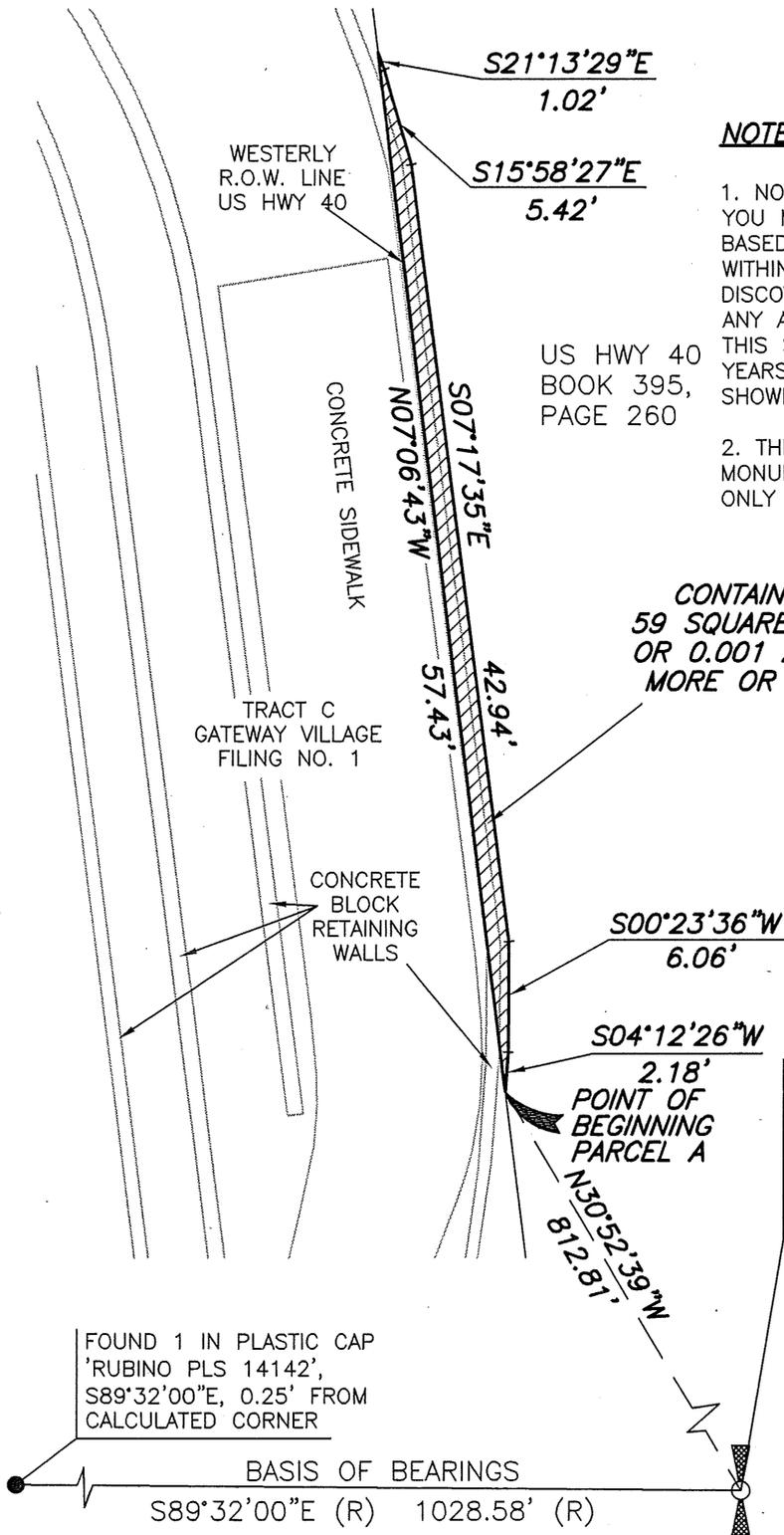


AUTHORED BY
BRIAN L. LeFEBRE
FOR AND ON BEHALF OF
ZYLSTRA BAKER SURVEYING, INC.
1510 W. TUFTS AVENUE
ENGLEWOOD, CO 80110
PH. (303) 781-0700
FAX (303) 781-4193
E-MAIL mail@zbsinc.net

ENCROACHMENTS.DOC
9/16/2013

EXHIBIT

A PART OF THE E. 1/2 SECTION 15,
T. 4 S., R. 70 W., 6TH P.M.
JEFFERSON COUNTY, COLORADO



SCALE: 1"=10'

NOTES

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED TO ONLY DEPICT THE ATTACHED DESCRIPTION.

CONTAINING
59 SQUARE FEET
OR 0.001 ACRES
MORE OR LESS



BRIAN L. LeFEBRE
PROFESSIONAL LAND SURVEYOR
COLORADO NO. 34579

POINT OF COMMENCEMENT

EAST 1/4 CORNER SECTION 15, T4S,
R70W, 6TH PM
FOUND 3 1/4 INCH ALUMINUM CAP MARKED 'LANE
ENG SRVING T3S R70W S15 S16 1997 LS 16837'
(CAP MISLABELED. SHOULD BE T4S)

FOUND 1 IN PLASTIC CAP
'RUBINO PLS 14142',
S89°32'00"E, 0.25' FROM
CALCULATED CORNER

BASIS OF BEARINGS

S89°32'00"E (R) 1028.58' (R)

ZYLSTRA BAKER SURVEYING INC.
1510 WEST TUFTS AVENUE ENGLEWOOD, CO 80110
PHONE (303) 781-0700

YENTER COMPANIES

WALL ENCROACHMENT
EASEMENTS

SCALE: 1"=10' DR: WALLENC.S.DWG

DRN. JRT DATE: 9/16/13 CHK. BLF

JOB NO. 2013-0304 SHEET 5 OF 9

EXHIBIT

A PART OF THE E. 1/2 SECTION 15,
T. 4 S., R. 70 W., 6TH P.M.
JEFFERSON COUNTY, COLORADO



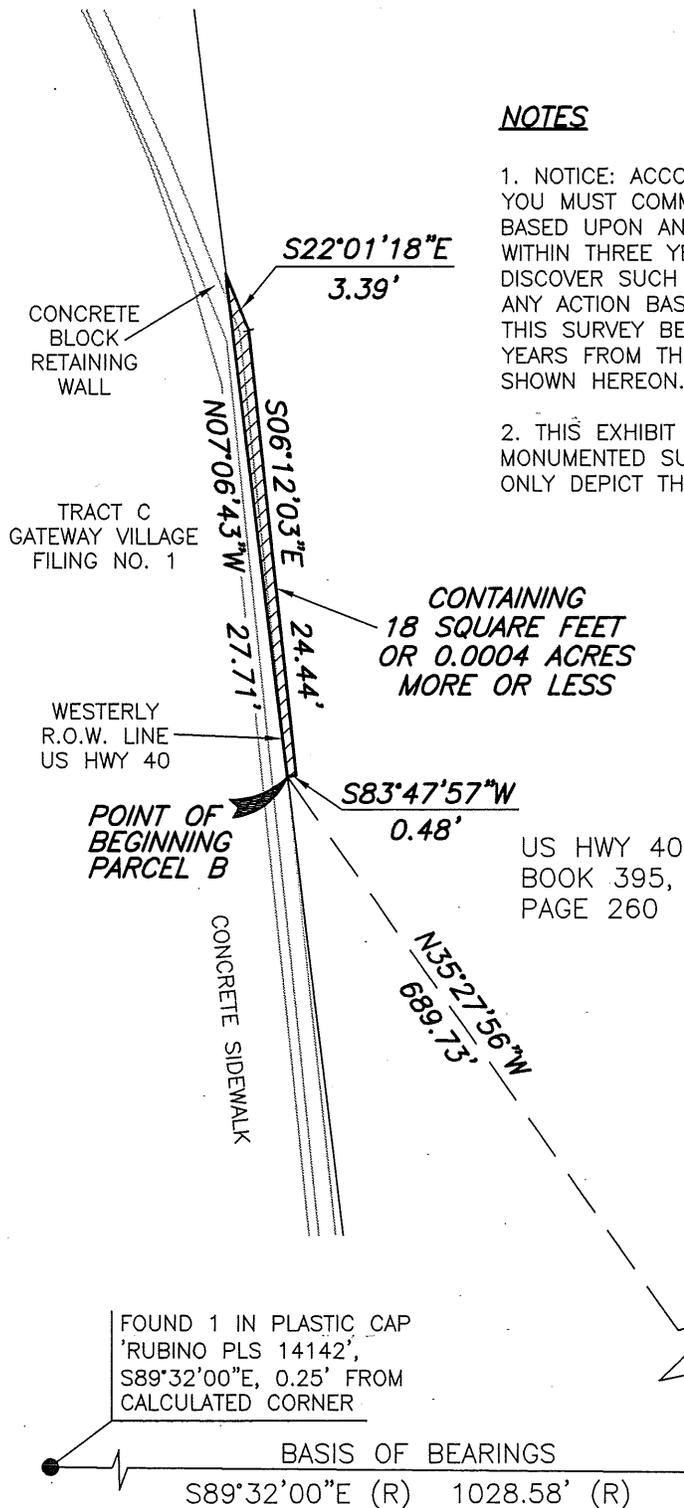
SCALE: 1"=10'



NOTES

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BRIAN L. LeFEBRE
PROFESSIONAL LAND SURVEYOR
COLORADO NO. 34579

POINT OF COMMENCEMENT

EAST 1/4 CORNER SECTION 15, T4S,
R70W, 6TH PM
FOUND 3 1/4 INCH ALUMINUM CAP MARKED 'LANE
ENG SRVING T3S R70W S15 S16 1997 LS 16837'
(CAP MISLABELED. SHOULD BE T4S)

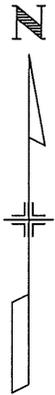
ZYLSTRA BAKER SURVEYING INC. 1510 WEST TUFTS AVENUE ENGLEWOOD, CO 80110 PHONE (303) 781-0700	
YENTER COMPANIES	
WALL ENCROACHMENT EASEMENTS	
SCALE: 1"=10'	DR: WALLENC.S.DWG
DRN. JRT	DATE: 9/16/13
JOB NO. 2013-0304	CHK. BLF
SHEET 6 OF 9	

EXHIBIT

A PART OF THE E. 1/2 SECTION 15,
T. 4 S., R. 70 W., 6TH P.M.
JEFFERSON COUNTY, COLORADO



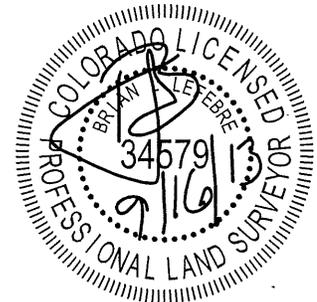
SCALE: 1"=10'



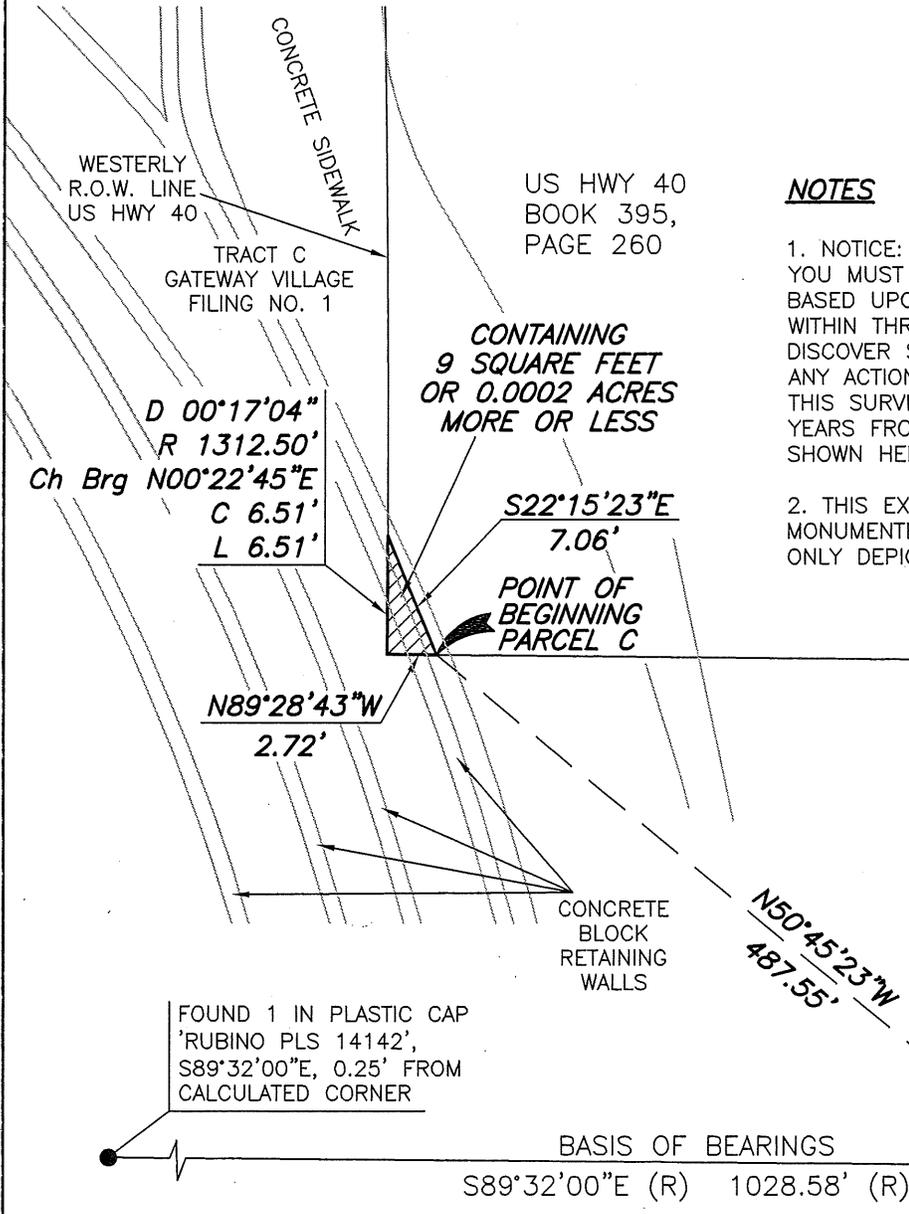
NOTES

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2. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED TO ONLY DEPICT THE ATTACHED DESCRIPTION.



BRIAN L. LeFEBRE
PROFESSIONAL LAND SURVEYOR
COLORADO NO. 34579



FOUND 1 IN PLASTIC CAP 'RUBINO PLS 14142', $S89^{\circ}32'00''E$, 0.25' FROM CALCULATED CORNER

POINT OF COMMENCEMENT

EAST 1/4 CORNER SECTION 15, T4S, R70W, 6TH PM

FOUND 3 1/4 INCH ALUMINUM CAP MARKED 'LANE ENG SRVING T3S R70W S15 S16 1997 LS 16837' (CAP MISLABELED. SHOULD BE T4S)

ZYLSTRA BAKER SURVEYING INC. 1510 WEST TUFTS AVENUE ENGLEWOOD, CO 80110 PHONE (303) 781-0700	
YENTER COMPANIES	
WALL ENCROACHMENT EASEMENTS	
SCALE: 1"=10'	DR: WALLENC.S.DWG
DRN. JRT	DATE: 9/16/13
JOB NO. 2013-0304	CHK. BLF
SHEET 7 OF 9	

EXHIBIT

A PART OF THE E. 1/2 SECTION 15,
T. 4 S., R. 70 W., 6TH P.M.
JEFFERSON COUNTY, COLORADO



SCALE: 1"=10' BASIS OF BEARINGS

S89°32'00"E (R) 1028.58' (R)

FOUND 1 IN PLASTIC CAP
'RUBINO PLS 14142',
S89°32'00"E, 0.25' FROM
CALCULATED CORNER

S45°41'01"W
481.32'

S00°30'24"W
2.69'

S04°43'03"W
2.19'

S14°33'35"W
2.32'

POINT OF COMMENCEMENT

EAST 1/4 CORNER SECTION 15, T4S,
R70W, 6TH PM
FOUND 3 1/4 INCH ALUMINUM CAP
MARKED 'LANE ENG SRVING T3S R70W
S15 S16 1997 LS 16837'
(CAP MISLABELED. SHOULD BE T4S)

**POINT OF BEGINNING
PARCEL D**

CONCRETE
BLOCK
RETAINING
WALLS

CONTAINING
63 SQUARE FEET
OR 0.001 ACRES
MORE OR LESS

US HWY 40
BOOK 1845,
PAGE 216

TRACT B
GATEWAY VILLAGE
FILING NO. 1

CONCRETE SIDEWALK

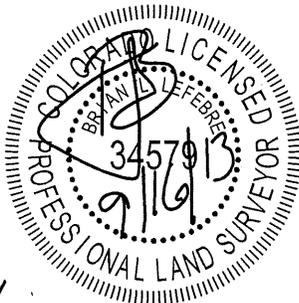
N17°43'00"E

S18°36'12"W

67.13'
60.13'

WESTERLY
R.O.W. LINE
US HWY 40

N71°23'48"W
0.48'



BRIAN L. LeFEBRE
PROFESSIONAL LAND SURVEYOR
COLORADO NO. 34579

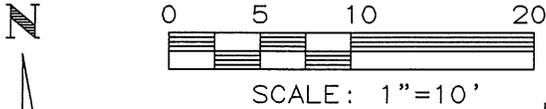
NOTES

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED TO ONLY DEPICT THE ATTACHED DESCRIPTION.

ZYLSTRA BAKER SURVEYING INC. 1510 WEST TUFTS AVENUE ENGLEWOOD, CO 80110 PHONE (303) 781-0700	
YENTER COMPANIES	
WALL ENCROACHMENT EASEMENTS	
SCALE: 1"=10'	DR: WALLENC.S.DWG
DRN. JRT	DATE: 9/16/13
JOB NO. 2013-0304	CHK. BLF
SHEET 8 OF 9	

EXHIBIT

A PART OF THE E. 1/2 SECTION 15,
T. 4 S., R. 70 W., 6TH P.M.
JEFFERSON COUNTY, COLORADO



BASIS OF BEARINGS

S89°32'00"E (R) 1028.58' (R)

FOUND 1 IN PLASTIC CAP
'RUBINO PLS 14142',
S89°32'00"E, 0.25' FROM
CALCULATED CORNER

POINT OF COMMENCEMENT

EAST 1/4 CORNER SECTION 15, T4S,
R70W, 6TH PM
FOUND 3 1/4 INCH ALUMINUM CAP
MARKED 'LANE ENG SRVING T3S R70W
S15 S16 1997 LS 16837'
(CAP MISLABELED. SHOULD BE T4S)

NOTES

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED TO ONLY DEPICT THE ATTACHED DESCRIPTION.



BRIAN L. LeFEBRE
PROFESSIONAL LAND SURVEYOR
COLORADO NO. 34579

LOT 8
GATEWAY VILLAGE
FILING NO. 1

CONTAINING
12 SQUARE FEET
OR 0.0003 ACRES
MORE OR LESS

NORTHERLY
R.O.W. LINE
US HWY 40

POINT OF
BEGINNING
PARCEL F

CONCRETE
BLOCK
RETAINING
WALLS

POINT OF
BEGINNING
PARCEL E

CONCRETE
BLOCK
RETAINING
WALL

N69°24'14"E
2.51'

S18°17'53"W
6.72'

N17°45'49"E
5.23'

N74°05'26"W
1.91'

N69°24'14"E
S71°15'04"W

44.10'
38.59'

N17°11'52"W
0.68'

CONTAINING
58 SQUARE FEET
OR 0.001 ACRES
MORE OR LESS

Ch Brg S50°21'27"W
D 41°47'14"
R 8.25'
C 5.88'
L 6.02'

US HWY 40
REC. NO.
F2138549

ZYLSTRA BAKER SURVEYING INC.
1510 WEST TUFTS AVENUE ENGLEWOOD, CO 80110
PHONE (303) 781-0700

YENTER COMPANIES

WALL ENCROACHMENT
EASEMENTS

SCALE: 1"=10' DR: WALLENC.S.DWG

DRN. JRT DATE: 9/16/13 CHK. BLF

JOB NO. 2013-0304 SHEET 9 OF 9

PROJECT #: IM 0703-273
LOCATION: SH 40 in Golden, CO
PARCEL #: 103-XA through XF
COUNTY: Jefferson

PROPOSED RESOLUTION

WHEREAS, the Department of Transportation acquired Right of Way in Golden CO, Jefferson County, as a part of CDOT Project #IM 0703-273 for us as SH 40; and

WHEREAS, the Transportation Commission declared Parcel 103-X of the above referenced project excess via Resolution TC-1685 dated January 21, 2009; and

WHEREAS, Parcel 103-X was sold for the fair market value price of \$90,000 in October, 2013; and

WHEREAS, upon completion of the sale of Parcel 103-X, a survey was completed that indicated the retaining wall on the adjacent property, built by a previous owner, encroaches on CDOT right of way; and

WHEREAS, there are a total of six (6) encroachments on CDOT Right of Way that total 200 square feet; and

WHEREAS, the developer who acquired Parcel 103-X is also the new owner of the adjacent property where the sound wall was built; and

WHEREAS, the new owner of the adjacent property would like to clean up the encroachments by purchasing Permanent Easements (PE's) from CDOT to allow for the continued existence of the retaining wall; and

WHEREAS, the PE's are labeled 103-XA, 103-XB, 103-XC, 103-XD, 103-XE, 103-XF; and

WHEREAS, the sale of the PE's will not affect the operation, maintenance, use or safety of CDOT's facility; and

WHEREAS, the fair market value of parcel 103-X was established by the appraisal process outlined by Colorado revised Statute 43-1-210(5); and

WHEREAS, the PE's will be sold based on the same \$/sf value as 103-X; and

WHEREAS, the Department of Transportation, Region 1 has declared through Timothy Harris as Chief Engineer, that the property is not needed for 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 land to be declared excess and not needed for transportation purposes now or in the foreseeable future; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this property is not needed for transportation purposes now or in the foreseeable future; and

NOW THEREFORE BE IT RESOLVED, pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3), 43-1-210 Code of Federal Regulations and Title 23, Part 710, Section 409 (23 CFR 710.409), the Department of Transportation be given authority to declare properties described as 103-XA, 103-XB, 103-XC, 103-XD, 103-XE, 103-XF of Project # IM 0703-273 be excess land.

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.