

**Transportation Commission of Colorado**  
**Regular Meeting Minutes**  
**November 19, 2015**

**Chairwoman Kathy Connell convened the meeting at 9:50 a.m. in the Region 4 building in Greeley.**

PRESENT WERE: Kathy Connell, Chairwoman, District 6  
Gary Reiff, Vice Chair District 3  
Shannon Gifford, District 1  
Ed Peterson, District 2  
Heather Barry, District 4  
Kathy Gilliland, District 5  
Kathy Hall, District 7  
Sidny Zink, District 8  
Nolan Schriener, District 9  
Bill Thiebaut, District 10  
Steven Hofmeister, District 11

ALSO PRESENT: Shailen Bhatt, Executive Director  
Michael Lewis, Deputy Executive Director  
Josh Laipply, Chief Engineer  
Debra Perkins-Smith, Director of Transportation Development  
Amy Ford, Communications Director  
Maria Sobota, CFO  
Herman Stockinger, Government Relations Director  
Paul Jesaitis, Region 1 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Kerrie Neet, Region 5 Transportation Director  
Kathy Young, Chief Transportation Counsel  
Barb Gold, Audit Director  
Scott McDaniel, Staff Services Director  
David Specter, HPTE Director  
Kyle Lester, Director, Division of Highway Maintenance  
Ryan Rice, Operations Division Director  
Mark Imhoff, Director of Transit and Rail  
Kevin Furman, Human Resources Director  
Vince Rogalski, STAC Chairman  
Gary Vansuch, Director of Process Improvement  
David Ulane, Director of Aeronautics

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**

Terri Blackmore, Executive Director of the North Front Range MPO brought up her concerns with the Commission. She explained that their funding ran out recently, and wanted to share her frustration with getting their contracts out. They have been waiting for their 2015 contract since April, and would like to have that completed before the start of 2016 They requested permission from CDOT in October to release an RFP, however they still do not have a contract. She expressed that the backlog impacts their asset management program.

Mayor Tom Norton welcomed the Commission to Greeley and thanked CDOT for building the new Region 4 building. He mentioned how important co-location is for efficiency for the Region, and looks forward to see the improvements that come from it. He also brought up the importance of the funding for Transportation that will look to the future and help Colorado moving forward.

### **Individual Commissioner Comments**

Commissioner Hall brought up her experience earlier in the week when the emergency personnel were honoring the recently deceased Colorado State Trooper. She was impressed and proud to see the procession all along I-70.

Commissioner Peterson was pleased and thrilled to be at the new Region 4 facility. He commended everyone who participated in the process of building the new facility.

Commissioner Zink had nothing to report.

Commissioner Barry thanked the City of Thornton for hosting Bagels with Barry in November. There was a lively conversation on I-25 amongst others. She complemented the region on their new building, and offered her hopes that it is a positive for the region.

Commissioner Gilliland complemented the building and how much of an improvement it was over the old building. She brought forward her condolences for Bob Sakaguchi, a member of the Colorado Transportation family. In November she attended a progressive 15 meeting where CDOT staff discussed how to utilize technology to improve the area. She also had the opportunity to drive a car with autonomous qualities, and was very impressed with it. She was thrilled with the Transportation Summit and the visibility it brought towards transportation and technology. She attended a meeting with Secretary Fox about “Beyond Traffic” asking local people what their issues in transportation are. Finally she attended a rail summit that included a BNSF representative, who spoke about the opportunities and potentials of rail in the Front Range.

Vice Chair Reiff gave a shout out to Dave Eller and his team for the Highway 82 project. It has been a complicated project that his team has done a great job on.

Commissioner Thiebaut expressed how great it is to be in the new building. The creation of the building speaks to the Region’s ability to do great work at all levels. He thanked the members of the public for attending the meeting and speaking to the commission. He mentioned that in Region 2 RTD Karen Rowe’s absence, the whole team in the Region did a great job of picking up slack. Commissioner Thiebaut

stressed how important it is to always be alert when driving, as it is easy to become distracted in the natural beauty and create a dangerous situation.

Commissioner Gifford echoed everyone's positive thoughts on the successful Transportation Summit. She was amazed a how much of an impact little changes in technology can have on our transportation system.

Commissioner Shriner had the opportunity to meet with Region 2 RTD Karen Rowe and was very impressed with her knowledge and asked everyone to keep her in their thoughts. He met with two representatives on two bills being proposed in the Colorado State House and offered his perspective to the representatives.

Commissioner Hofmeister had nothing to report.

Commissioner Connell stated she has been seeing more and more mentions of technology in the media, signaling the technology is really taking off in transportation. She met this month with State Representative Terri Carver to discuss the two proposed bills. She stated the STAC bill will be presented to the House, with the bill to increase the amount of Commissioners will be promoted as a study, but will not be presented to the House. She met with a number of County Commissioners this month in her region.

### **Executive Director's Report**

Executive Director Shailen Bhatt introduced David Fox and Marcella Broussard and the contractors who were instrumental in getting the new Region 4 building built. The move in and build out went very smoothly thanks to the teams working on the project. He mentioned how the building should greatly improve the efficiency of the region by bringing the whole region into one building.

He thanked the Commissioners and elected officials for coming to the Transportation Matters Summit. He was very pleased with the turnout, with a number of local officials and members of the private sector attending the summit. Executive Director Bhatt thanked everyone who worked on the summit for their hard work.

In November there were a number of big snow and ice events in Colorado. Shailen was pleased with the response to these storms, and brought up the danger CDOT employees face when they respond to these events.

### **Chief Engineer's Report**

Chief Engineer Josh Laipply brought up to the commission that the department is trying to figure out how to better track bike and pedestrian movements. A team has been put together to work on this and to improve ADA access at CDOT Facilities. He also thanked Shailen and Mike for putting on the Leadership Summit. Finally he brought up the CCA and ACEC working groups that will help take on more action items with the organizations which will help staff greatly.

### **HPTE Director's Report**

HPTE director David Spector reported that the Governor has filled one of the open seats on the HPTE Board. There are a number of projects HPTE is currently working on. These projects are drawing a lot of interest in the transportation and funding communities. HPTE is a leader nationwide for what they are doing. He presented a few updates on HPTE projects:

- US-36 did very well during their first snow event. Phase 2 will be opening early 2016, with the RTD bus rapid transit system opening in January.
- In December the Peak Period Shoulder Lane will be opening on I-70. HPTE is optimistic the shoulder HOT lane experiment will be very successful.

### **FHWA Division Administrator Report**

FHWA Division Administrator John Cater gave his congratulations to CDOT for the Transportation Matters Summit. The energy expressed at the summit was very encouraging for the future of transportation. Federally, he believes a long term bill will be passed within the month, and he is hopeful for the funding amount.

FHWA has recently started to focus on financing. An emphasis has been placed on improper payments. CDOT is doing very well on that front, with zero improper payments, much better than the national average.

### **Act on Consent Agenda**

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Gilliland moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

### **Resolution #TC-15-11-1**

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for Oct. 15, 2015, are approved.

### **Resolution #TC-15-11-2**

**Resolution #15-11-2**

Confirmation of CDOT Division of Human Resources for purpose of clearly defining Appointing Authorities.

**Approved by the Transportation Commission on November 19, 2015**

**WHEREAS**, the Colorado Department of Transportation ("CDOT") is an executive department of the State of Colorado; and

**WHEREAS**, the Colorado State Transportation Commission (the "Commission") is the governing body of CDOT; and

**WHEREAS**, CDOT is presently comprised of a number of offices and divisions; and

**WHEREAS**, the Transportation Commission, pursuant to their authority under C.R.S. 43-1-104 (2) (a), (b)(1) and (c) may establish divisions with the department; and

**WHEREAS**, it is necessary for every employee to be placed in a division with an appropriate Appointing Authority for the purpose of hiring, performance evaluations, job descriptions, corrective actions, creation/abolishment of positions, and as otherwise established in the State Personnel Board Rules; and

**WHEREAS**, the Division of Administrative Services as designated in Transportation Commission Resolution #TC-15-8-5 will be dissolved by the creation of the Department of Human Resources.

**NOW, THEREFORE, BE IT RESOLVED**, the Commission herein confirms the following non-statutory division as division of the department:

- Division of Human Resources

Herman F. Stockinger III  
 Herman Stockinger, Secretary  
 Transportation Commission of Colorado

11-19-15  
 Date

**Resolution #TC-15-11-3**

**Resolution # TC-15-11-3**

Resolution for the FY 2016-2017 Annual Budget

**Approved by the Transportation Commission on November 19, 2015**

**WHEREAS**, in accordance with § 43-1-113 (2), C.R.S. (2015) requires the Transportation Commission to submit a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2016 to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2015 for their review and comments; and

**WHEREAS**, the FY 2016-2017 proposed budget allocation plan contains funding requests from Colorado Department of Transportation Divisions to increase program allocations from the FY 2015-2016 budget allocation plan; and

**WHEREAS**, these funding requests are included within the FY 2016-2017 proposed budget allocation plan; and

**WHEREAS**, in November 2010, the Transportation Commission adopted TC Resolution #TC-1925 approving the policy of transferring federal bridge funds from CDOT to the Colorado Bridge Enterprise for purposes of advancing the business purposes of the Colorado Bridge Enterprise and this continues to be the policy of the current Transportation Commission; and

**WHEREAS**, requested by the CDOT Executive Director, the reallocation and transfer of \$15 million (\$15,000,000) of eligible federal bridge funds from CDOT to Colorado Bridge Enterprise is reflected in the approved CDOT and Colorado Bridge Enterprise Fiscal Year 2016-2017 budget; and

**WHEREAS**, FY 2016-2017 revenue forecasts are based on current federal appropriation guidelines, which may change by July 1, 2016; and

**WHEREAS**, the Transportation Commission has the statutory authority to alter the FY 2016-2017 proposed budget allocation plan before and/or after it is delivered to the Governor on April 15, 2015; and

**NOW THEREFORE BE IT RESOLVED**, that the Colorado Department of Transportation's proposed budget allocation plan for the period of July 1, 2016 through June 30, 2017 is approved by the Transportation Commission and forwarded to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2015 for their review and comment.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

11-19-15  
\_\_\_\_\_  
Date

**Discuss and Act on the New SIB Rate**

Maria Sobota presented the SIB rate at 2.5 at the recommendation of their projections. She opened the floor for questions from the commission. Chairwoman Connell entertained a motion to approve the Budget Supplement. Commissioner Gifford moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Resolution #TC-15-11-4**

**Resolution Number TC-15-11-4**

Approval of the State Infrastructure Bank Interest rate for the second half of fiscal year 2016.

**Approved by the Transportation Commission on November 19, 2015**

**WHEREAS**, the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and

**WHEREAS**, the General Assembly has passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

**WHEREAS**, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

**WHEREAS**, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's interest rate and the origination fee on loans no later than June 30, of each year for loans originating during the ensuing months of July; August; September; October; November; December of the next fiscal year; and

**WHEREAS**, based on current market conditions, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of two and one half percent (2.50%) on all loans originating in the second half of the State fiscal year 2016.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission authorizes the Chief Financial Officer (CFO), under the terms and provisions set forth in the adopted rules, to assess an interest rate of two and one half percent (2.50%) on all bank loans for the second half of the State fiscal year 2016.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

11-19-15  
Date

**Discuss and act on the 5<sup>th</sup> Budget Supplement**

Maria Sobota walked throught the supplement with the Commission. A new budget supplement was passed out to the Commission. She pointed out two items in Region 3, particularly the money that will be designated for RoadX.

Chairwoman Connell entertained a motion to approve the Budget Supplement. Commissioner Hofmeister moved for approval of the resolution, and Commissioner Barry seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Discuss and Act on Bustang Purchase**

Mark Imhoff directed the commission attention to the purchase of three new Bustang buses. He expressed that the West Corridor is currently at capacity, therefore new buses are required to keep up with the operating scheduled.

Chairwoman Connell entertained a motion to approve the purchase of three new Bustang buses. Commissioner Peterson moved for approval of the resolution, and Commissioner Schriner seconded the motion. Upon vote of the Commission, the resolution passed 10-1 with Commissioner Hofmeister voting no.

## **Resolution #TC-15-11-6**

### **Resolution # TC-15-11-6**

Approval to purchase three (3) new Bustang buses

#### **Approved by the Transportation Commission on November 19, 2015**

**WHEREAS**, the Bustang interregional express bus service went into operation on July 13, 2015 with a fleet of 13 buses (including three spare buses).

**WHEREAS**, the Transportation Commission Policy Directive 1605 gives oversight responsibility to the Transit & Intermodal Committee, including recommendations to the TC for capital expenditures; and requires the TC to approve capital expenditures beyond the annual budget.

**WHEREAS**, the Bustang ridership has grown on the West Route to justify an additional daily run, and the trend for the North and south Routes indicate the need to additional runs by fall 2016.

**WHEREAS**, the current Bustang fleet is fully utilized with no buses available to add service during regular operation hours.

**WHEREAS**, CDOT currently has an active price agreement with Motor Coach Industries (MCI) to procure additional buses.

**WHEREAS**, the T&I Committee has assessed the current Bustang fleet utilization, and recommends the purchase of three (3) new Bustang buses.

**NOW THEREFORE BE IT RESOLVED**, the Director of Transit & Rail is hereby directed to procure three (3) new Bustang buses utilizing the current price agreement with Motor Coach Industries (MCI).

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

11-19-15  
Date

### **I-70 East/Central 70 Quarterly Update**

I-70 East Project Director Tony DeVito clarified to the commission that in 2016 the project will be renamed to the Central 70 project. The project recently had their first round of one on ones with the teams bidding for the project. The technical documents will be due to the project from the teams in the first week of December. The team continues to work on their transparency, and posts regular schedules for interactions. Recently a big push has been made in the DBE area. The Central 70 project has been transparent in setting the DBE/SBE goals, something that has been well received by the community. The project has been given approval to start a local hiring project, and will create a percentage of required local jobs on the project. Another new thing the project will pursue is a pilot program to train employees on the job funded through a federal grant. Finally the team is working closely with the City of Denver as they rebuild the National Western Stockshow. The project is hoping to have non-developer costs to the bid teams shortly.

Commissioner Barry thanked Tony and the team for their constant communication with the community. She said they are always receptive to her and companies in the community, and she appreciates the innovation that is taking place on this project.

Commissioner Peterson commented that the workforce development portion of this project that helps people develop career paths is fantastic. It shows that projects like this can be a benefit to everyone in the community.

Commissioner Gilliland echoed their thoughts on the successful outreach to the community. She stated that these efforts will pay dividends once the project is in full construction.

Commissioner Schriener stated that the scale of this project is incredible. He asked what the workforce estimate of this job will be. Tony DeVito stated they are estimating a workforce of around 4 thousand. They are also making headway in the property acquisition process, with a focus on putting residents in similar or better housing situations as they are impacted.

Executive Director Bhatt stated this is a showcase project, and that he is receiving questions about it from people all over the country. He also thanked the project team for doing a great job so far.

### **Other Matters**

Commissioner Barry took a moment to mention Myron Hoya who is moving on from CDOT. She thanked him for everything he has done for CDOT and the City of Greeley.

### **Adjournment**

Chairwoman Connell closed the September Transportation Commission meeting at 11:00 a.m.

**Transportation Commission of Colorado  
Regular Meeting Minutes  
December 17, 2015**

**Chairwoman Kathy Connell convened the meeting at 9:00 a.m. at the CDOT Headquarters in Denver.**

PRESENT WERE: Kathy Connell, Chairwoman, District 6  
Shannon Gifford, District 1  
Ed Peterson, District 2  
Heather Barry, District 4  
Kathy Gilliland, District 5  
Kathy Hall, District 7  
Sidny Zink, District 8  
Nolan Schriener, District 9  
Bill Thiebaut, District 10  
Steven Hofmeister, District 11

EXCUSED: Gary Reiff, Vice Chair District 3

ALSO PRESENT: Shailen Bhatt, Executive Director  
Michael Lewis, Deputy Executive Director  
Josh Laipply, Chief Engineer  
Herman Stockinger, Government Relations Director  
Kathy Young, Chief Transportation Counsel  
David Specter, HPTE Director

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**

Chairwoman Connell opened the meeting for general public comment. There were no public comments.

**Discuss and Act on the 6<sup>th</sup> Budget Supplement of 2015**

Josh Laipply presented the 6<sup>th</sup> budget supplement to the Commission. He mentioned the Transportation Commission Reserve Fund has been outlined in the supplement. Additionally, four projects are outlined in the budget supplement. Commissioner Zink asked why there was a request for more funds for the Peak Period Shoulder Lanes. Chief Engineer Joshua Laipply explained it was a change in scope due to unknown ground conditions and the removal of daytime closures from the build out of the project. Herman Stockinger confirmed that Region 1 funds will cover the additional cost.

Chairwoman Connell entertained a motion to approve the Budget Supplement. Commissioner Shriener moved for approval of the resolution, and Commissioner Hall seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

## **Discuss and act the North I-25 Loan CDOT HPTE IAA Understanding**

David Spector presented the funding concept for I-25 north. The loan structure used for the Peak Period Shoulder Lanes is what will be used for north I-25. In order to go to bid in January FHWA needs a funding commitment from CDOT. The resolution in question allows HPTE to get their loan through CDOT agreeing to back up HPTE's loan for North I-25. In a future meeting, the Commission will have the opportunity to view the final loan before signing off completely.

Chairwoman Connell entertained a motion to approve the Budget Supplement. Commissioner Gilliland moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

## **Resolution #TC-15-12-2**

### **Resolution #TC-15-12-2**

Approving Credit Support to HPTE for a Commercial Loan for the North I-25 Segment 3 Express Lanes Project

**WHEREAS**, pursuant to Section 43-1-106(8), C.R.S., the Transportation Commission is responsible for formulating the general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; and

**WHEREAS**, the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation ("CDOT") and state transportation programs; and

**WHEREAS**, the General Assembly created the Colorado High Performance Transportation Enterprise ("HPTE"), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, HPTE is authorized, pursuant to Section 43-4-806(2)(c)(I), C.R.S., to impose user fees on the travelling public for the privilege of using surface transportation infrastructure; and

**WHEREAS**, CDOT, in partnership with HPTE, is undertaking the North I-25, Segment 3, Express Lanes Project (the "Segment 3 Project") to complete, implement and operate one new tolled express lane in each direction between approximately 120<sup>th</sup> Avenue and State Highway 7; and

**WHEREAS**, to meet the proposed advertising date of January 7, 2016, for the Segment 3 Project, CDOT is required to first provide a fully-funded project financing plan to the Federal Highway Administration ("FHWA") and receive its authorization; and

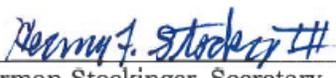
**WHEREAS**, in order to evaluate options for closing an identified funding gap in the financing plan for the Segment 3 Project, HPTE issued a request for proposals for financing terms from private lenders; and

**WHEREAS**, HPTE anticipates entering into a commercial bank loan agreement (the "Loan Agreement") pursuant to which HPTE will borrow money to fund a share of the cost of designing and constructing the Segment 3 Project, to be repaid from user fee revenues collected by HPTE on the Segment 3 Project; and

**WHEREAS**, the Transportation Commission supports HPTE's pledge of user fee revenues to facilitate private financing for the Segment 3 Project, and desires to provide credit support to enable HPTE to secure such commercial loan financing; and

**WHEREAS**, pursuant to Section 43-4-806(4), C.R.S., the Transportation Commission may loan moneys from the state highway fund to HPTE for the purpose of defraying expenses incurred prior to the receipt of revenues by HPTE, and such loan shall not be considered a grant for purposes of Section 20(2)(d) of Article X of the Colorado constitution.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves and authorizes CDOT to pursue an Intra-Agency Agreement with HPTE, whereby HPTE can request, and the Transportation Commission will agree to consider making, consistent with past practice, one or more loans from the state highway fund to satisfy any of HPTE's payment obligations under the Loan Agreement, or to fund HPTE's operational and maintenance responsibilities with respect to the Segment 3 Project, in the event user fee revenues are insufficient, or projected to be insufficient, to satisfy HPTE's obligations, which loans will be subject to interest rate and repayment terms to be further defined in the Intra-Agency Agreement.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

1-7-16  
Date

### **Other Matters**

Commissioner Schriener asked for a short report on the Peak Period Shoulder Lanes. Josh Laipply explained that the shoulder lanes opened up last weekend. They did not open on Saturday due to weather conditions. On Sunday the lanes were open with the tolls displayed, however no one was charged to test the system. The testing was very successful, and a better throughput on I-70 was displayed in the area. Mike Lewis added that the tolling will go live, weather permitting, this weekend.

Chairwomen Connell said that she has seen a number of positive mentions about the lanes, but expressed concerns over what happens in the event of an accident. Josh Laipply explained that they have done a number of tabletop exercises to be prepared for that situation.

Commissioner Schriener asked how the tolls will be charged. Mike Lewis explained there will be license plate tolls, in addition to transponders.

Herman Stockinger mentioned to the commission that the FAST act passed by congress eliminates the need of CDOT to match flood recovery dollars. He thanked Colorado's representatives for fighting for CDOT to avoid paying that additional money.

### **Adjournment**

Chairwoman Connell closed the September Transportation Commission meeting at 9:26 a.m.



DATE: January 6, 2016  
TO: Transportation Commission  
FROM: Joshua Laipply, P.E. Chief Engineer  
SUBJECT: 16Rev and a portion of 17 - Disposal to The Anthony Dam Trust

#### Purpose

CDOT is proposing to dispose of 18,805 sf of CDOT right of way that is no longer needed for transportation purposes. The property will be sold to The Anthony Dam Trust at fair market value.

#### Action

CDOT R1 is requesting a resolution approving the disposal of 9,843 sf (Area 2) and 8,962 sf (Area 3) of CDOT ROW that is no longer needed for State transportation purposes.

#### Background

The subject Parcel 16Rev and a portion of 17 were originally acquired in conjunction with the construction of a portion of I-76 R in Adams County, as part of CDOT Project ID-1(CX)76-1(138). The project lead to CDOT having to acquire several total take parcels along the new alignment. Since the entire parcels were not needed for the new right of way, this resulted in several remainder parcels being acquired and 16Rev and 17 were not declared remainder parcels for some reason. There was also one private property within the stretch of total takes that was not affected by the project. It has been recently discovered that a portion of the private buildings encroached upon CDOT property. Parcels 16Rev and a portion of 17 contain approximately 18,805 square feet and are outside of the right of way necessary for State Interstate 76.

#### Details

This parcel is of use only to the adjacent property owner. The adjacent property owner, The Anthony Dam Trust, is interested in acquiring these parcels for the resolution of the encroachment and to bring the private property up to code for residential/commercial development. CDOT Region 1 has determined that this property is not needed for highway purposes. The disposal of the subject parcels will have no effect upon the operation, use, maintenance or safety of the highway facility. The disposal of the subject parcels will be at fair market value.

#### Key Benefits

CDOT will be relieved of maintenance responsibilities and liability associated with this parcel. CDOT will also obtain revenue from the sale of the parcel that will be used for future transportation projects.

#### Next Steps

Upon approval of the Transportation Commission, CDOT will execute a quitclaim deed to convey subject parcels to The Anthony Dam Trust. The deed will be recorded in office of the Adams County Clerk and Recorder.

#### Attachments

Proposed Resolution  
Exhibit Depicting the Disposal Parcels

Project #: ID-1(CX) 76-1(138) and FI 003-1(2)  
Location: I-76  
Parcel #: 16Rev and a portion of 17  
County: Adams

### **PROPOSED RESOLUTION**

**WHEREAS**, CDOT acquired Parcel 16Rev and 17 in the late 1980's and early 1990's in Adams County as a part of CDOT Project # ID-1(CX)76-1(138) and FI 003-1(2) for use as I-76;

**WHEREAS**, CDOT in an effort to construct a portion of I-76, acquired several total take parcels;

**WHEREAS**, CDOT did not need all of the parcels for right of way resulting in several remainder parcels;

**WHEREAS**, CDOT did not declare 16Rev and 17 as remainder parcels;

**WHEREAS**, the Department of Transportation would like to sell Parcel 16Rev and a portion of 17 to the adjacent property owner, The Anthony Dam Trust;

**WHEREAS**, Parcel 16Rev consists of 8,962 square feet;

**WHEREAS**, Parcel 17 consists of 9,843 square feet;

**WHEREAS**, the combined Parcels 16Rev is now referred as Area 3 and a portion of 17 is now referred to as Area 2 consists of 18,805 square feet;

**WHEREAS**, CDOT discovered a portion of the private buildings encroaching upon CDOT property;

**WHEREAS**, the Anthony Dam Trust would like to resolve the encroachment and bring the private property up to code for residential/commercial development;

**WHEREAS**, the Department of Transportation would like to sell Parcel 16Rev and a portion of 17 to The Anthony Dam Trust;

**WHEREAS**, the disposal of Parcel 16Rev and a portion of 17 will not affect the operation, maintenance, use or safety of CDOT's facility;

**WHEREAS**, the Department of Transportation, Region 1 has declared through Joshua Laipply as Chief Engineer, that Parcel 16Rev and a portion of 17 are not needed for transportation purposes;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes;

**WHEREAS**, the Department has determined that Parcel 16 Rev consisting of 8,962 sf and a portion of Parcel 17 consisting of 9,843 sf of I-76 right of way is of use only to the adjacent property owner;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III) when a parcel that is no longer needed for transportation purposes has value to only one adjacent owner, that owner shall have first right of refusal to purchase said property for fair market value;

**WHEREAS,** The Anthony Dam Trust desires to exercise its right of refusal to purchase the 18,805 sf of I-76 right of way which is no longer needed for transportation purposes;

**NOW THEREFORE BE IT RESOLVED,** pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare Parcels 16Rev and a portion of 17 as excess property and dispose of the 18,805 sf of I-76 right of way, which is no longer needed for transportation purposes for fair market value.

**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.

## AREA 2

### LEGAL DESCRIPTION: AREA 2

A PORTION OF A TRACT OR PARCEL OF LAND NO. 15RIB OF THE STATE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, PROJECT NO. ID-I (CX) 76-1 (138) AS DESCRIBED AT BOOK 4134 AT PAGE 869, ADAMS COUNTY RECORDS, A PORTION OF A TRACT OR PARCEL OF LAND NO. 17 OF THE STATE HIGHWAY COMMISSION OF COLORADO, PROJECT NO. F1 003-1 (2) AS DESCRIBED AT BOOK 445, PAGE 505 AND A PORTION OF A TRACT OR PARCEL OF LAND NO. 16 OF THE STATE HIGHWAY COMMISSION OF COLORADO, PROJECT NO. F1 003-1 (2) AS DESCRIBED AT BOOK 445, PAGE 500, CONTAINING 9,843 SQ. FT., MORE OR LESS, LYING IN A PORTION OF BLOCK 24 OF THE BARR CITY 2<sup>ND</sup> FILING AS RECORDED ON JULY 12, 1889, RECEPTION NO. 177641, FILE NO. 680 (PLAT BOOK 3, PAGE 6), AT THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A SUBDIVISION IN THE SOUTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN ADAMS COUNTY, COLORADO, SAID PORTION OF A SAID TRACTS OR PARCELS OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 21; THENCE S11°23'02"E, TO THE WEST LINE OF LOT 37, SAID BLOCK 24, A DISTANCE OF 987.23 FEET; THENCE S00°17'16"E, ALONG THE WEST LINE OF LOTS 37 AND 36, SAID BLOCK 24, A DISTANCE OF 21.93 FEET TO THE POINT OF BEGINNING;

1. THENCE S51°19'32"E, A DISTANCE OF 87.98 TO THE NORTHWESTERLY LINE OF SAID PARCEL NO. 17;
2. THENCE CONTINUING S51°19'32"E, A DISTANCE OF 46.58 FEET;
3. THENCE S45°00'46"W, A DISTANCE OF 147.20 FEET TO THE WEST LINE OF LOT 29, SAID BLOCK 24;
4. THENCE N00°17'16"W ALONG THE WEST LINE OF LOTS 29 THRU 36, A DISTANCE OF 188.15 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINS 9,843 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ALL RIGHT-OF-WAY, INTERESTS, CLAIMS, RIGHTS AND/OR EASEMENTS OF RECORD OR APPARENT.

### BASIS FOR BEARINGS:

THE WEST LINE OF THE SOUTHEAST ONE-QUARTER, THE NORTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER BEING MONUMENTED BY A 3 1/4" DIAMETER ALUMINUM CAP, P.L.S. NO. 25384 AND THE SOUTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER BEING MONUMENTED BY A 2" DIAMETER ALUMINUM CAP, P.L.S. NO. 23519 IN A RANGE BOX, IS ASSUMED TO BEAR N00°17'16"W.

  
RAYMOND W. BAYER, REG. P.L.S. NO. 6973

DATE: April 8, 2015



### Prepared By:

R.W. BAYER & ASSOCIATES, INC.  
2090 EAST 104<sup>TH</sup> AVENUE SUITE 200  
THORNTON, COLORADO 80233-4316  
(303) 452-4433 FAX: (303) 452-4515  
CAD FILE: WORKS/D13022AREA2.WPS

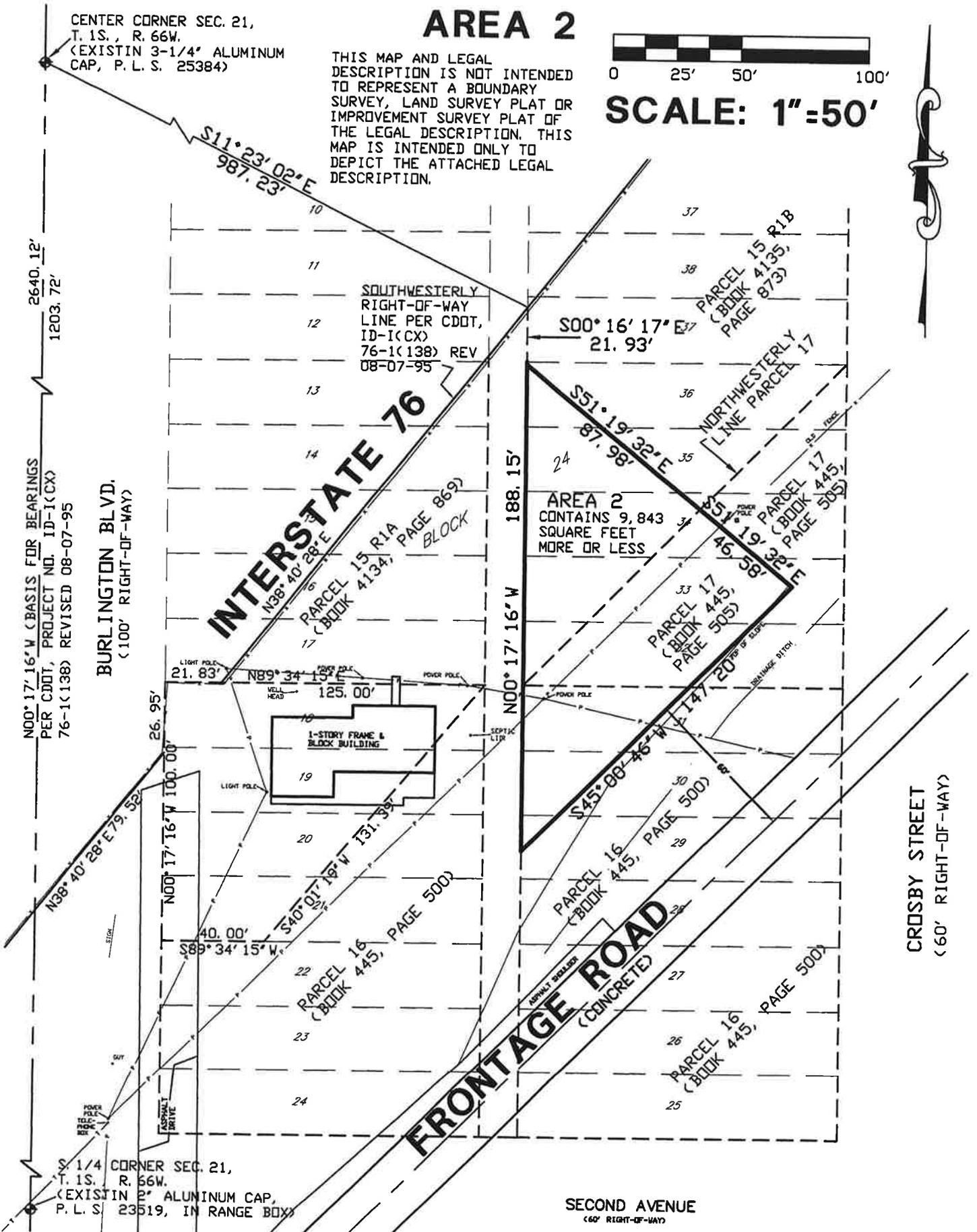
CENTER CORNER SEC. 21,  
T. 1S., R. 66W.  
(EXISTIN 3-1/4" ALUMINUM  
CAP, P. L. S. 25384)

# AREA 2

THIS MAP AND LEGAL  
DESCRIPTION IS NOT INTENDED  
TO REPRESENT A BOUNDARY  
SURVEY, LAND SURVEY PLAT OR  
IMPROVEMENT SURVEY PLAT OF  
THE LEGAL DESCRIPTION. THIS  
MAP IS INTENDED ONLY TO  
DEPICT THE ATTACHED LEGAL  
DESCRIPTION.



SCALE: 1"=50'



S. 1/4 CORNER SEC. 21,  
T. 1S., R. 66W.  
(EXISTIN 2" ALUMINUM CAP,  
P. L. S. 23519, IN RANGE BOX)

# AREA 3

## LEGAL DESCRIPTION: AREA 3

A PORTION OF A TRACT OR PARCEL OF LAND NO. 16 OF THE STATE HIGHWAY COMMISSION OF COLORADO, PROJECT NO. F1 003-1 (2) AS DESCRIBED AT BOOK 445, PAGE 500, CONTAINING 8,962 SQ. FT., MORE OR LESS, LYING IN A PORTION OF BLOCK 24 OF THE BARR CITY 2<sup>ND</sup> FILING AS RECORDED ON JULY 12, 1889, RECEPTION NO. 177641, FILE NO. 680 (PLAT BOOK 3, PAGE 6), AT THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A SUBDIVISION IN THE SOUTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN ADAMS COUNTY, COLORADO, SAID PORTION OF A SAID TRACTS OR PARCELS OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER CORNER OF SAID SECTION 21; THENCE S09°12'37"E, TO THE NORTHEAST CORNER OF LOT 18, SAID BLOCK 24, A DISTANCE OF 1128.30 BEING THE POINT OF BEGINNING;

1. THENCE S00°17'16"E ALONG THE EAST LINE OF LOTS 18 THRU 21, SAID BLOCK 24, A DISTANCE OF 79.06 FEET;
2. THENCE S45°00'46"W, A DISTANCE OF 136.74 FEET TO THE SOUTH LINE OF LOT 24, SAID BLOCK 24;
3. THENCE S89°34'15"W ALONG THE SOUTH LINE OF SAID LOT 24 AND ALONG THE SOUTH LINE OF SAID TRACT OR PARCEL OF LAND NO. 16, A DISTANCE OF 27.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24;
4. THENCE N00°17'16"W ALONG THE WEST LINE OF LOT 24 THRU 22, SAID BLOCK 24 AND ALONG THE WEST LINE OF SAID TRACT OR PARCEL OF LAND NO. 16, A DISTANCE OF 75.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 22;
5. THENCE N89°34'15"E ALONG THE NORTH LINE OF SAID LOT 22 AND ALONG THE NORTHERLY LINE OF SAID TRACT OR PARCEL OF LAND NO. 16, A DISTANCE OF 40.00 FEET;
6. THENCE N40°01'05"E ALONG THE NORTHWESTERLY LINE OF SAID TRACT OR PARCEL OF LAND NO. 16, A DISTANCE OF 131.40 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINS 8,962 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ALL RIGHT-OF-WAY, INTERESTS, CLAIMS, RIGHTS AND/OR EASEMENTS OF RECORD OR APPARENT.

## BASIS FOR BEARINGS:

THE WEST LINE OF THE SOUTHEAST ONE-QUARTER, THE NORTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER BEING MONUMENTED BY A 3 1/4" DIAMETER ALUMINUM CAP, P.L.S. NO. 25384 AND THE SOUTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER BEING MONUMENTED BY A 2" DIAMETER ALUMINUM CAP, P.L.S. NO. 23519 IN A RANGE BOX, IS ASSUMED TO BEAR N00°17'16"W.

  
RAYMOND W. BAYER, REG. P.L.S. NO. 6973

DATE: April 8, 2015

Prepared By:

R.W. BAYER & ASSOCIATES, INC.  
2090 EAST 104<sup>TH</sup> AVENUE SUITE 200  
THORNTON, COLORADO 80233-4316  
(303) 452-4433 FAX: (303) 452-4515  
CAD FILE: WORKS/D13022AREA3.WPS







DATE: January 6, 2016  
TO: Transportation Commission  
FROM: Joshua Laipply, P.E. Chief Engineer  
SUBJECT: 1E-EX and AC-1E-EX - Disposal to adjacent property owner

Purpose

CDOT is proposing to dispose of 15,815 sf of CDOT Right of Way (ROW) and an access control line that are no longer needed for transportation purposes. The property will be sold to the adjacent property owner for fair market value.

Action

CDOT R1 is requesting a resolution approving the disposal of 15,815 sf of CDOT ROW and an access control line that are no longer needed for State Highway transportation purposes.

Background

The subject Parcel 1E-EX and access rights AC-1E-EX were acquired in conjunction with the construction of the original turnpike project for US36 at Federal Blvd. in Adams County, as part of CDOT Project SP-12 382-501. The interchange was redesigned and located further North than originally planned which created excess ROW. Parcel 1E-EX contains approximately 15,815 square feet.

Details

This parcel is of use only to one adjacent property owner. The adjacent property owner is interested in acquiring excess property for the construction of a restaurant. CDOT Region 1 has determined that this property is not needed for highway purposes. The disposal of the subject parcel will have no effect upon the operation, use, maintenance or safety of the highway facility. The disposal of the subject parcel will be at fair market value.

Key Benefits

CDOT will be relieved of maintenance responsibilities and liability associated with this parcel. CDOT will also obtain revenue from the sale of this parcel that will be used for future transportation projects.

Next Steps

Upon approval of the Transportation Commission, CDOT will execute a quitclaim deed to convey the subject parcel and access control line to the adjacent property owner. The deed will be recorded in office of the Adams County Clerk and Recorder.

Attachments

Proposed Resolution  
Exhibit Depicting the disposal parcel and access control line

Project #: SP-12 382-501  
Location: US36 at Federal Blvd.  
Parcel #: 1E-EX and AC-1E-EX  
County: Adams

**PROPOSED RESOLUTION**

**WHEREAS**, CDOT acquired Parcel 1E-EX and access rights AC-1E-EX in the early 1950’s in Adams County as a part of CDOT Project # SP-12 382-501 for use as US36 at Federal Blvd Interchange;

**WHEREAS**, CDOT redesigned and located the on-ramp further North for US36;

**WHEREAS**, the redesign created excess right of way;

**WHEREAS**, AC-1E-EX was imposed as a police power and therefore no money was paid to acquire it;

**WHEREAS**, the Department of Transportation requests approval to sell Parcel 1E-EX and relinquish AC-1E-EX to the adjacent property owner;

**WHEREAS**, Parcel 1E-EX consists of 15,815 square feet;

**WHEREAS**, the adjacent property owner would like to purchase the parcel to construct a restaurant;

**WHEREAS**, the disposal of Parcel 1E-EX and relinquishment of AC-1E-EX will not affect the operation, maintenance, use or safety of CDOT's facility;

**WHEREAS**, the Department of Transportation, Region 1 has declared through Joshua Laipply as Chief Engineer, that Parcel 1E-EX and AC-1E-EX are no longer needed for transportation purposes;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes;

**WHEREAS**, the Department has determined that Parcel 1E-EX consisting of 15,815 sf of US36 right of way and AC-1E-EX are of use only to the adjacent property owner;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III) when a parcel that is no longer needed for transportation purposes has value to only one adjacent owner, that owner shall have first right of refusal to purchase said property for fair market value;

**WHEREAS**, the adjacent property owner desires to exercise its right of refusal to purchase the Parcel 1E-EX and AC-1E-EX which are no longer needed for transportation purposes;

**NOW THEREFORE BE IT RESOLVED**, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to approve the relinquishment of AC-1E-EX and declare Parcel 1E-EX as excess property and dispose of the 15,815 sf of US36 right of way, which is no longer needed for transportation purposes for fair market value.

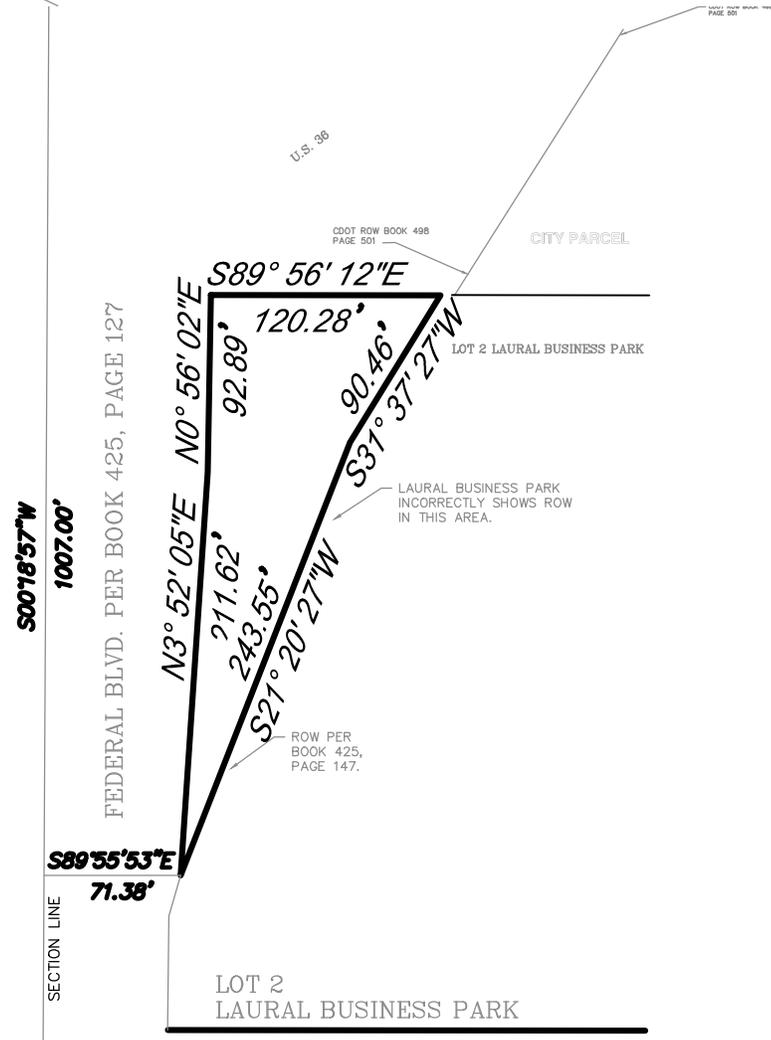
**FURTHER**, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

# EXHIBIT A SHEET 2 OF 2

## DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 2 SOUTH  
RANGE 68 WEST OF THE SIXTH P.M.  
CITY OF WESTMINSTER, STATE OF COLORADO

C 1/4 COR SEC 32  
T2S R68W  
FD 3 1/4" ALUM CAP  
IN MON BOX  
LS 19434



S00718'57"W  
1007.00'

FEDERAL BLVD. PER BOOK 425, PAGE 127

S89°55'53"E  
71.38'

SECTION LINE

N3° 52' 05" E N0° 56' 02" E  
211.62' 92.89'  
243.55' 120.28'  
S27° 20' 27" W S37° 37' 27" W  
90.46'

LOT 2  
LAURAL BUSINESS PARK

U.S. 38

CDOT ROW BOOK 498  
PAGE 501

CITY PARCEL

LOT 2 LAURAL BUSINESS PARK

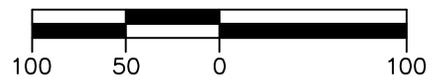
LAURAL BUSINESS PARK  
INCORRECTLY SHOWS ROW  
IN THIS AREA.

ROW PER  
BOOK 425,  
PAGE 147.



ASSUMED

Scale: 1" = 100'



S 1/4 COR SEC 32  
T2S R68W  
FD 3 1/4" ALUM CAP  
IN MON BOX  
LS 23053

**BASELINE LAND**

---

**SURVEYING, INC.**

PROJECT # 9993  
5023 W. 120th Ave., #153, Broomfield CO 80020 (303) 457-3964

## DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 2 SOUTH

RANGE 68 WEST OF THE SIXTH P.M.

CITY OF WESTMINSTER, STATE OF COLORADO

A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 32; THENCE SOUTH  $0^{\circ}18'57''$  WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1007.00 FEET; THENCE  $S89^{\circ}55'53''E$ , A DISTANCE OF 71.38 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EASTERLY ROW DESCRIBED IN BOOK 425, PAGE 127 IN THE RECORDS OF SAID COUNTY;

THENCE DEPARTING SAID ROW  $N03^{\circ}52'05''E$ , A DISTANCE OF 211.62 FEET;  
THENCE  $N00^{\circ}56'02''E$ , A DISTANCE OF 92.89 FEET;  
THENCE  $S89^{\circ}56'12''E$ , A DISTANCE OF 120.28 FEET TO A POINT ON THE EAST LINE OF SAID ROW IN BOOK 425, PAGE 127;  
THENCE ALONG SAID ROW  $S31^{\circ}37'27''W$ , A DISTANCE OF 90.46 FEET;  
THENCE  $S21^{\circ}20'27''W$ , A DISTANCE OF 243.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 15,815 SQUARE FEET OR 0.363 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS FOR THE ABOVE DESCRIBED LINE IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 32, TWP. 2S, R68W, 6TH PM. BEING SOUTH  $0^{\circ}18'57''$  WEST FROM THE FOUND 3 1/4" ALUM CAP STAMPED C 1/4 S32 IN A RANGE BOX TO THE FOUND 3 1/4" ALUM. CAP STAMPED - 1/4 S32-5 IN A RANGE BOX.

DESCRIPTION PREPARED BY;  
ROGER KELLEY  
PLS 24667  
FOR AND ON BEHALF OF BASELINE LAND SURVEYING, INC.



### Legend

- Address
- Highways
- Highways (> 1,000)
  - Interstate
  - Highway
  - Tollway
- Streets
- Streets (> 1,000)
  - Streets
  - Ramp
- Parcel Linework
  - <all other values>
  - 4
- Building
- Parks and Open Space
  - Open Land
  - Park Land
- Cities
  - Arvada
  - Aurora
  - Bennett
  - Brighton
  - Commerce City
  - Federal Heights
  - Lochbuie
  - Northglenn
  - Thornton
  - Westminster

1: 890



0.0 0 0.01 0.0 Miles

NAD\_1983\_StatePlane\_Colorado\_Central\_FIPS\_0502\_Feet  
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

8 Consent Agenda - Page 24 of 24 THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes