



COLORADO

Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Ave, Suite 262
Denver, CO 80222

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSHUA LAIPPLY, CHIEF ENGINEER

DATE: MARCH 4, 2016

**SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, § 43-1-208 REGARDING PROJECT NUMBER
ES6 006A-047, UNIT 1, US 6/WADSWORTH BOULEVARD**

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208 (statute attached with this memorandum). Generally, Section 43-1-208(1) and (2) proscribe an administrative eminent domain procedure for the department. Pursuant to Section 43-1-208(3), it is CDOT's position that the Chief Engineer and the Transportation Commission do not need to comply with the administrative procedures set forth in Section 43-1-208(1) and (2). Additionally, CDOT asserts that that Transportation Commission Resolution 271, passed in 1994, properly delegated authority to the Executive Director or his delegatee to approve and acquire property through eminent domain procedures. By submitting this written report, CDOT does not admit that it is required to follow the procedures set forth in Section 43-1-208(1) or (2) or in Part 2 of title 43.

On October 22, 2015, a Petition in Condemnation was filed by CDOT to condemn property owned by Amerco Real Estate Company and U-Haul Co. of Colorado ("Amerco") in conjunction with Project Number ES6 006A-047, Unit 1, US/Wadsworth Boulevard, Highland Drive to 10th Avenue (the "Project").

The property is located at 820 Wadsworth Boulevard, Lakewood, CO 80214 (the "Property"). An Immediate Possession hearing was held on February 18, 2016. Amerco argued that CDOT's Petition should be dismissed for failure to follow the procedures set forth in Section 43-1-208. The District Court granted CDOT immediate possession of the Property.

Pursuant to Colorado Appellate Rule 21, Amerco appealed the District Court Order to the Colorado Supreme Court. The Colorado Supreme Court has now ordered CDOT to respond to Amerco's Petition for Rule to Show Cause. CDOT's response is due on March 23, 2016. The Supreme Court has indefinitely stayed CDOT's immediate possession until the Supreme Court issues a final order on this matter.

CDOT anticipated immediate possession in February and it is necessary that CDOT have access to the Property to begin critical construction on this Project. Therefore, in an abundance of caution, I submit this written report pursuant to Section 43-1-208(1) and request that the Transportation



Commission determine that the proposed changes of the Project serve the public Interest and/or convenience of the traveling public.

If the Transportation Commission determines that the proposed changes will serve the public and/or convenience of the traveling public, I respectfully request that the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize me to tender Amerco the amount of damages, as estimated by me and approved by the Transportation Commission.

Description of Portion of Highway to be Changed and Proposed Changes

The Project is part of the larger US6/Wadsworth project, which was approved by Transportation Commission Resolution Number 1751, in August 2009. The Project will widen the highway, construct a raised median, and construct a pedestrian underpass so that people may safely cross State Highway 121 (hereinafter "Wadsworth Boulevard"). I have determined that it is necessary to alter this portion of Wadsworth Boulevard to increase highway capacity and provide increased safety for the traveling public.

This portion of the Project is situated along Wadsworth Boulevard from Highland Drive and 10th Avenue. I have attached a map to this memorandum. The map is the current set of Right-of-Way plans and shows the proposed boundaries of the portion of the highway to be changed.

Description of Amerco Property Needed for Project

The Property is located at 820 Wadsworth Boulevard, Lakewood, CO 80214. The legal descriptions of the Amerco parcels are attached with this memorandum.

Parcel RW-53 is necessary for the new highway right-of-way. Parcel RW-53A-Rev is needed for drainage, floodplain maintenance, and a pedestrian path for safe travel underneath Wadsworth Boulevard. PE-53 is necessary to construct curb, gutter, and sidewalk improvements. PE-53A is necessary for floodplain maintenance and drainage. TE-53-Rev is necessary to assist in construction of the new highway right-of-way.

Estimate of Damages and Benefits Accruing to Amerco

On July 9, 2014, the Acting Chief Engineer, Scott McDaniel, P.E., approved an estimate of land acquisition costs and damages for property in this Project area. Rather than duplicate his efforts, I adopt the estimate that he approved. I recognize that CDOT no longer needs the full square footage approved by Mr. McDaniel, but I still believe that the estimate he approved is a reasonable budget of the costs and damages related to the Amerco Property.

Attachments

§ 43-1-208, C.R.S.
Land Acquisition Approval
Right-of-Way Project Maps
Proposed Resolution
Legal Descriptions of Amerco Parcels (Available Upon Request)
Complete Right-of-Way Plans (Available Upon Request)



C.R.S. 43-1-208

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

Colorado Revised Statutes > *TITLE 43. TRANSPORTATION* > *GENERAL AND ADMINISTRATIVE*
> *ARTICLE 1. GENERAL AND ADMINISTRATIVE* > *PART 2. THE HIGHWAY LAW*

43-1-208. State highway - damages - eminent domain

- (1) The chief engineer, when he deems it desirable to establish, open, relocate, widen, add mass transit to, or otherwise alter a portion of a state highway or when so required by the commission, shall make a written report to the commission describing the portion of the highway to be established, opened, added to, or changed and the portions of land of each landowner to be taken for the purpose and shall accompany his report with a map showing the present and proposed boundaries of the portion of the highway to be established, opened, added to, or changed, together with an estimate of the damages and benefits accruing to each landowner whose land may be affected thereby.
- (2) If, upon receipt of such report, the commission decides that public interest or convenience will be served by the proposed change, it shall enter a resolution upon its minutes approving the same and authorizing the chief engineer to tender each landowner the amount of damages, as estimated by him and approved by the commission. In estimating the amount of damages to be tendered a landowner, due account shall be taken of any benefits which will accrue to such landowner by the proposed action. The amount of benefit shall not in any case exceed the amount of damages awarded.
- (3) Any person owning land or having an interest in any land over which any proposed state highway extends who is of the opinion that the tender made to him by the transportation commission is inadequate, personally or by agent or attorney on or before ten days from the date of such tender, may file a written request addressed to the transportation commission for a jury to ascertain the compensation which he may be entitled to by reason of damages sustained by altering, widening, changing, or laying out such state highway. Thereupon the transportation commission shall proceed in the acquisition of such premises, under articles 1 to 7 of title 38, C.R.S. The transportation commission also has the power and is authorized to proceed in the acquisition of the lands of private persons for state highway purposes, according to said articles 1 to 7 of title 38, C.R.S., without tender or other proceedings under this part 2.
- (4) Notwithstanding any other provision of this section, the commission may not acquire through condemnation any interest in oil, natural gas, or other mineral resources beneath land acquired as authorized by this section except to the extent required for subsurface support.

History

Source:

L. 21: p. 370, § 20.C.L. § 1404.CSA: C. 143, § 111.CRS 53: § 120-3-8. C.R.S. 1963: § 120-3-8.L. 91: (3) amended, p. 1091, § 107, effective July 1.L. 2008: (1) amended and (4) added, p. 628, § 3, effective August 5.

PROJECT CODE: 17858
PROJECT NO: ES6-006A-047 Unit 1
DESIGNATION: SH 121 Wadsworth Blvd. (Highland
Dr. - ~~104th Ave.~~) W. 101st AVE DJS
REGION: 1 7/14/14
COST ESTIMATE: \$3,810,620
OWNERSHIPS: 35, 37, 38, 39, 40, 41, 42, 49, 50, 51,
52, 53, 54, 55, 56, 57, 134, 174, 180, 182

LAND ACQUISITION APPROVAL

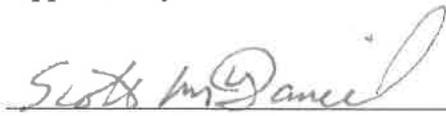
WHEREAS, the Colorado Transportation Commission by Resolution No. TC-271, directs the Executive Director or his delegatee, to handle the approval for land acquisition actions and the tendering of payment to landowners for damages in connection with previously approved highway projects; and

WHEREAS, the Executive Director of the Department of Transportation has delegated, to the Chief Engineer, the above stated approval; and

WHEREAS, Project No. ES6-006A-047 Unit 1, has been previously approved by the Transportation Commission; and

THEREFORE, on behalf of the Transportation Commission, the undersigned approves the land acquisition costs and damages as shown in the attached estimate for the above mentioned project.

Approved by:

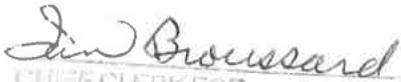


Scott McDaniel, P.E.
Staff Branch Manager (Acting Chief Engineer)

07/09/2014

Date

GET A TRUE COPY OF DOCUMENTS
WITHIN FILES KEPT UNDER MY CONTROL



JIM BROUSSARD
CHIEF CLERK FOR
RIGHT OF WAY

114116

DATE:

Parcel	Owner	Area	Unit	Unit Value		Land Value	Improvements	Damages / (Benefits)	Land Rental (mos)		Total
				\$/Unit	%				Land Rental Cost	Land Rental Cost	
TE-42	Mc Donalds Corporation	5,045	SF	\$17.00	@ 10%				24	\$ 17,153	\$ 17,200
RW-49	Laramie Investments LLC	1,948	SF	\$17.00	@ 100%						\$ 33,150
PE-49	Laramie Investments LLC	5,870	SF	\$17.00	@ 90%	\$ 89,811	\$ 15,000	\$ 50,750			\$ 155,600
TE-49	Laramie Investments LLC	4,778	SF	\$17.00	@ 10%						\$ 16,250
TE-49A	Laramie Investments LLC	110	SF	\$17.00	@ 10%				24	\$ 16,245	\$ 380
TE-50	Norton Frickey Family Partnership	3,766	SF	\$17.00	@ 10%			\$ 500	24	\$ 374	\$ 13,350
RW-51	Aldredge/lizary joint tenants	1,121	SF	\$20.00	@ 100%	\$ 22,420		\$ 40,000		\$ 12,804	\$ 62,450
PE-51	Aldredge/lizary joint tenants	1,698	SF	\$20.00	@ 90%	\$ 30,564					\$ 30,600
TE-51	Aldredge/lizary joint tenants	2,363	SF	\$20.00	@ 10%				24	\$ 9,452	\$ 9,500
RW-52	Harman Mangement Corp.	774	SF	\$25.00	@ 100%	\$ 19,350	\$ 5,000	\$ 20,500			\$ 44,850
PE-52	Harman Mangement Corp.	2,204	SF	\$25.00	@ 90%	\$ 49,590					\$ 49,600
TE-52	Harman Mangement Corp.	4,314	SF	\$25.00	@ 10%				24	\$ 21,570	\$ 21,600
RW-53	AMERCO Real Estate Co.	2,441	SF	\$15.00	@ 100%	\$ 36,615		\$ 338,250			\$ 375,000
RW-53A	AMERCO Real Estate Co.	92,416	SF	\$15.00	@ 100%	\$ 1,386,240					\$ 1,386,500
PE-53	AMERCO Real Estate Co.	3,842	SF	\$15.00	@ 90%	\$ 51,867					\$ 51,900
PE-53A	AMERCO Real Estate Co.	104	SF	\$15.00	@ 90%	\$ 1,404					\$ 1,450
TE-53	AMERCO Real Estate Co.	7,892	SF	\$15.00	@ 10%				24	\$ 23,676	\$ 23,700
PE-54	Jefferson County Assoc. of Realtors	4,931	SF	\$20.00	@ 90%	\$ 88,758		\$ 55,750			\$ 144,600
TE-54	Jefferson County Assoc. of Realtors	1,415	SF	\$20.00	@ 10%				24	\$ 5,660	\$ 5,700
TE-54A	Jefferson County Assoc. of Realtors	3,122	SF	\$20.00	@ 10%				24	\$ 12,488	\$ 12,500
RW-55	KEN-O, Inc.	12	SF	\$20.00	@ 100%	\$ 240	\$ 20,000	\$ 60,000			\$ 80,500
PE-55	KEN-O, Inc.	2,084	SF	\$20.00	@ 90%	\$ 37,512					\$ 37,550
TE-55	KEN-O, Inc.	3,610	SF	\$20.00	@ 10%				24	\$ 14,440	\$ 14,450
RW-56	Kenneth W. Olsen	19	SF	\$20.00	@ 100%	\$ 380		\$ 500,000			\$ 500,500
PE-56	Kenneth W. Olsen	1,919	SF	\$20.00	@ 90%	\$ 34,542					\$ 34,550
Sheet Totals						\$ 1,882,409	\$ 40,000	\$ 1,065,750	\$ 133,863	\$ 3,123,430	
Project Totals						\$ 2,233,731	\$ 100,000	\$ 1,231,250	\$ 212,349	\$ 3,779,230	

Transportation Commission of Colorado

April 21, 1994

RES.NO. WHEREAS, certain provisions of the Colorado Revised
TC-271 Statutes, including Title 43, Article 1, Part 2 (the "Highway Law") and Title 24, Article 8,
Part 2 ("Easements In State Lands"), require resolutions from the Colorado Transportation
Commission approving transactions for the acquisition of highway right of way or other highway
property, approving the payment of damages less benefits accruing to property owners affected by
the taking of real property for highway purposes, approving the granting of easements across
highway property for public utilities and corporations, or approving the sale or exchange of excess
highway right of way to adjacent landowners; and

WHEREAS, Section 43-1-208 (3) C.R.S. authorizes the Transportation Commission to utilize
other statutory procedures for the acquisition of real property for highway or other purposes; and

WHEREAS, Section 24-82-202 C.R.S. requires the Transportation Commission to resolve to
authorize the granting of easements to public utilities and corporations across Department owned
property; and

WHEREAS, Section 43-1-210(5)(a) allows the Transportation Commission to resolve to dispose
of excess right of way, by exchange to adjacent landowners or sale to other parties at a value as
determined by an appraisal; and

WHEREAS, determination of whether or not these parcels are excess, along with the justification
of need for the sale or exchange is currently made by the designate of the Executive Director; and

WHEREAS, it is the practice of the Transportation Commission, as a part of its review for
preparation and approval of the fiscal year budget or ensuing supplements thereto, to consider
project by project both the land acquisition costs including the estimated damages less benefits to
be awarded affected landowners, and the size and location of any easements for public utilities and
corporations within highway property which replace easements which are currently being used for
facilities of these utilities and corporations, and the sale or exchange of any excess land within the
project area; and

WHEREAS, due to the amount of business coming before the Transportation Commission during
every meeting, it is the desire of the commission members to avoid time-consuming duplication of
effort on matters previously considered and acted upon; and

NOW THEREFORE BE IT RESOLVED, that the Colorado Transportation Commission does
hereby direct the Executive Director of the Department of Transportation, or his delegatee, to
handle on its behalf consistent with State and Federal Laws, both the approval for land acquisition
actions and the tendering of payment to landowners for damages in connection with previously
approved highway projects, the granting of easements within highway property to public utilities
and corporations which replace easements which are currently being used for facilities of these
utilities and corporations, and determine if excess property shall be sold or exchanged with
adjacent property owners or sold to other parties at an appraised value, as shown on project right
of way plans.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall accompany any said statement
of approval issued in behalf of the Commission as herein authorized and directed.



2000 South Holly
Denver, CO 80222
Phone: 303-757-9923 FAX: 303-757-9390

Region I KJL

Sheet Revisions		
Date	Description	Initials
9/19/14	Revise Sheet 1.01: Commitment notes	KJL
9/19/14	Revise Sheets: 1.01, 2.02, 2.04, 2.05, 2.06	KJL
9/19/14	Revise: 5.01, 5.02, 5.03, 7.02, 7.03	KJL
9/19/14	Revise: 7.04, 7.05, 7.07, 7.08, 8.01	KJL
9/19/14	Revisions: 7.02A-deleted, add Sheet 7.09	KJL
10/02/14	Revise: Sheet 7.03	KJL
12/17/14	Revise: 2.03, 2.04, 5.01, 7.02, 7.07, 8.01	KJL

Sheet Revisions		
Date	Description	Initials
06/01/15	Revise information on sheets 2.02, 2.05, 5.01, 5.02, 5.03, 7.02, 7.03, 7.06, 7.08, 8.01	KJL

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	xxx

Right of Way Plans			
Title Sheet			
Project Number: ROW:ES6 006A-047 Unit 1; CDNST:STU 1211-084			
Project Location: Wadsworth Blvd. (Highland Dr.- 10th Ave.)			
Section 2, T4S, R69W, 6TH P.M.			
Project Code:	Last Mod. Date:	Subset	Sheet No.
ROW: 17858	06-01-05	1.01 of 1.01	1.01
CDNST: 19868			

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED
FEDERAL AID PROJECT NO.: Right of Way: ES6 006A-047; UNIT 1

Construction Number: STU 1211-084
STATE HIGHWAY NO. 121
JEFFERSON COUNTY

Unit 1 R.O.W. Length of Project = 0.423 Miles
Unit 1 Const. Length of Project = 0.53 Miles

SHEET NO. INDEX OF SHEETS

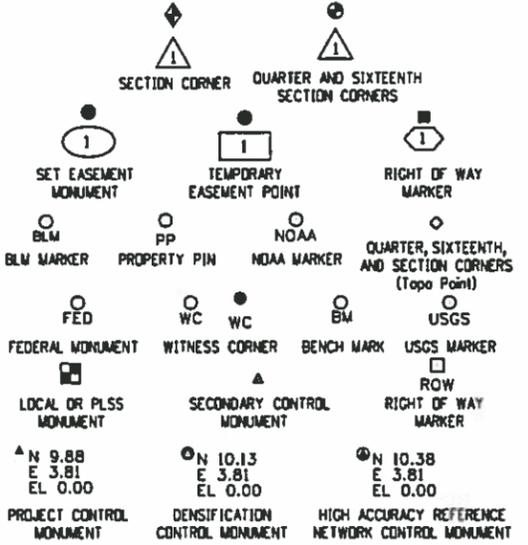
- 1.01-1.01 (1) Title Sheet
- 2.01-2.06 (6) Tabulation of Properties
- 3.01-3.0X (NA) Project Contro D'agram
- 4.01-4.07 (7) Land Survey Contro D'agram
- 5.01-5.03 (3) Monumentation Sheets

- 7.01-7.09 (9) Plan Sheets
- 8.01 (1) Ownership Map

Scales of Original 11 x17' Drawings
Plan Sheets 1"=50', 1"=30'
Ownership Map 1"=200'

GENERAL NOTES:

- This Right-of-Way Plan is to document right-of-way acquisitions and monumentation of lands required to construct and operate the proposed roadway. Title lines of lands adjoining the Right of Way or proposed Right of Way, are based on positions determined from evidence adjoining the Right of Way and from record documents, not from field surveys of the entire adjoining properties. Title investigations on parcels adjoining the proposed Right-of-Way were limited to informational title commitments. This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.
- Basis of Bearings: All Bearings shown, or computed using coordinate values listed herein are grid bearings of the Colorado coordinate system of 1983, Central Zone (502). The line between Control Points CP 131 and CP 144 bears N26°55'07"W, a distance of 5267.96 feet, based on an existing control network established by the Colorado Department of Transportation for Project STU 0062 019, Project Code 15215, and shown on diagrams deposited under Reception Number's 2007087074 and 2011026028, Clerk and Recorder's Office of Jefferson County.
- For title information, The Colorado Department of Transportation relied on Front Range Title of Downtown Denver, LLC.; Commitment File Numbers NF01139-01140, NF01365-01369, NF01372-01377, NF01443, NF01478, NF01652, NF01661.
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDOT that this set is the most current. The information contained on the attached drawing is not valid unless this copy bears an original signature of the Professional Land Surveyor hereon named.

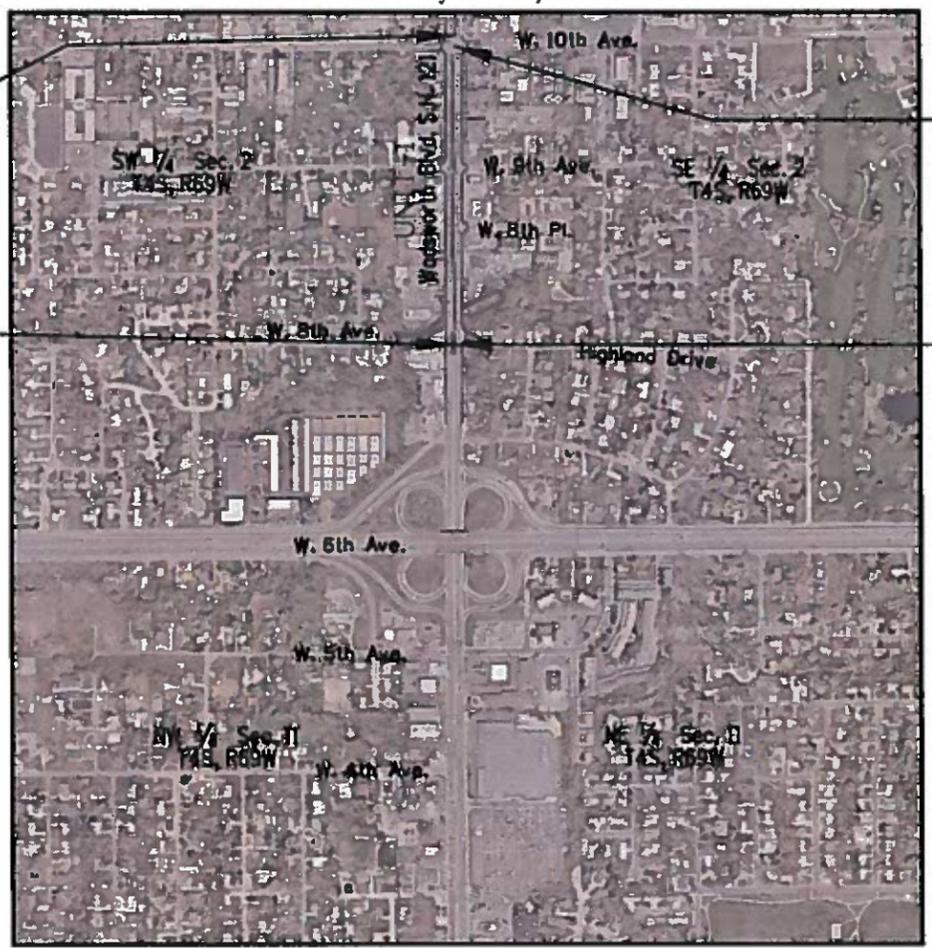


End Const Project
Station: 151+80.00
M.P.: 13.08

Begin Const Project
Station: 129+00
M.P.: 12.65

End ROW Project
Unit 1
Station: 149+62.0
M.P.: 13.08

Begin ROW Project
Unit 1
Station: 132+00
M.P.: 12.65



PROJECT LOCATION MAP NOT TO SCALE

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.

JEFFERSON COUNTY SURVEY DEPOSITING CERTIFICATE:

Deposited this _____ day of _____, 20____, at _____ o'clock _____ M. in Book _____ at page _____ of Land Surveys/Right of Way Surveys, under Reception No. _____.
By: _____
Title: _____

TOP OF CUT

TIDE OF FILL

TERRAIN

Note: For a complete listing of symbology used within this set of plans, please refer to the M-100-1 Standard Symbols of the Colorado Department of Transportation M&S Standards Publication dated July 2012.

COLORADO DEPARTMENT OF TRANSPORTATION
FEDERAL-AID HIGHWAY PROJECT
ROW PLANS AUTHORITY: _____ DATE: 7/16/2015
CDOT ROW PROGRAM MANAGER

Surveyor's Statement (ROW Plan):
I, Kathryn Jane Lyon, a Professional Land Surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that this Right-of-Way Plan was prepared and the research, calculations and evaluation of the survey evidence were performed under my responsible charge and, based upon my knowledge, information and belief, in accordance with applicable standards of practice defined by Colorado Department of Transportation documents. This statement is not a guaranty or warranty either expressed or implied.
Kathryn Jane Lyon, PLS No. 38110 Date _____



2000 South Holly
Denver, CO 80222
Phone: 303-757-9923 FAX: 303-757-9390

Region 1

KJL

Sheet Revisions

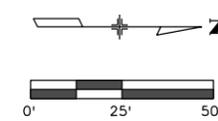
Date	Description	Initials
09/16/14	ADD DETAIL RW-35	KJL

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

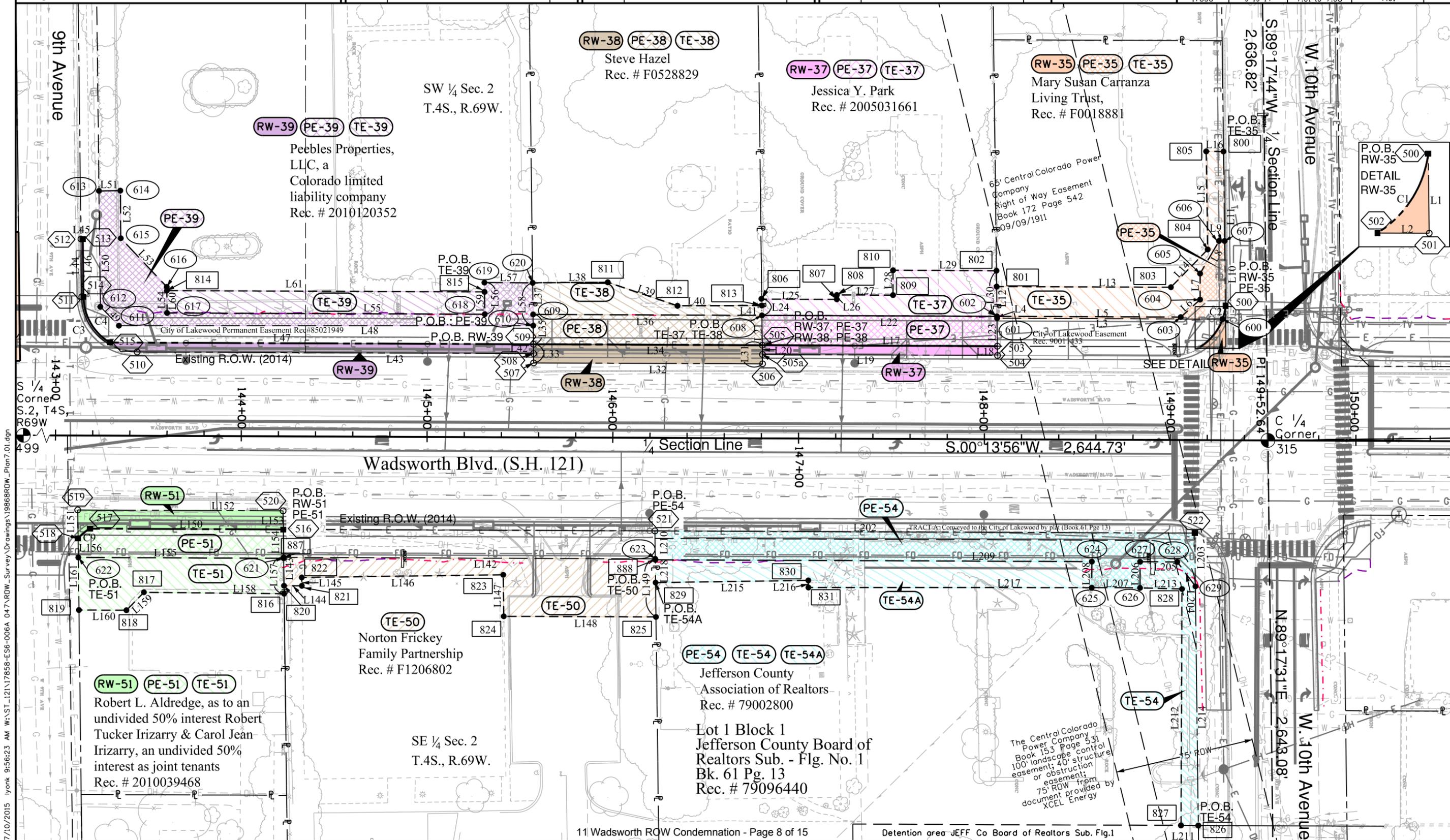
Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX



Right of Way Plans

Plan Sheet			
Project Number: ES6-006A-047; UNIT 1			
Project Location: Wadsworth Blvd. (Highland Dr.-10th Ave.)			
Section 2, T4S, R69W, 6TH P.M.			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
17858	9-19-14	7.01 to 7.08	7.01



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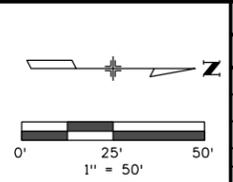


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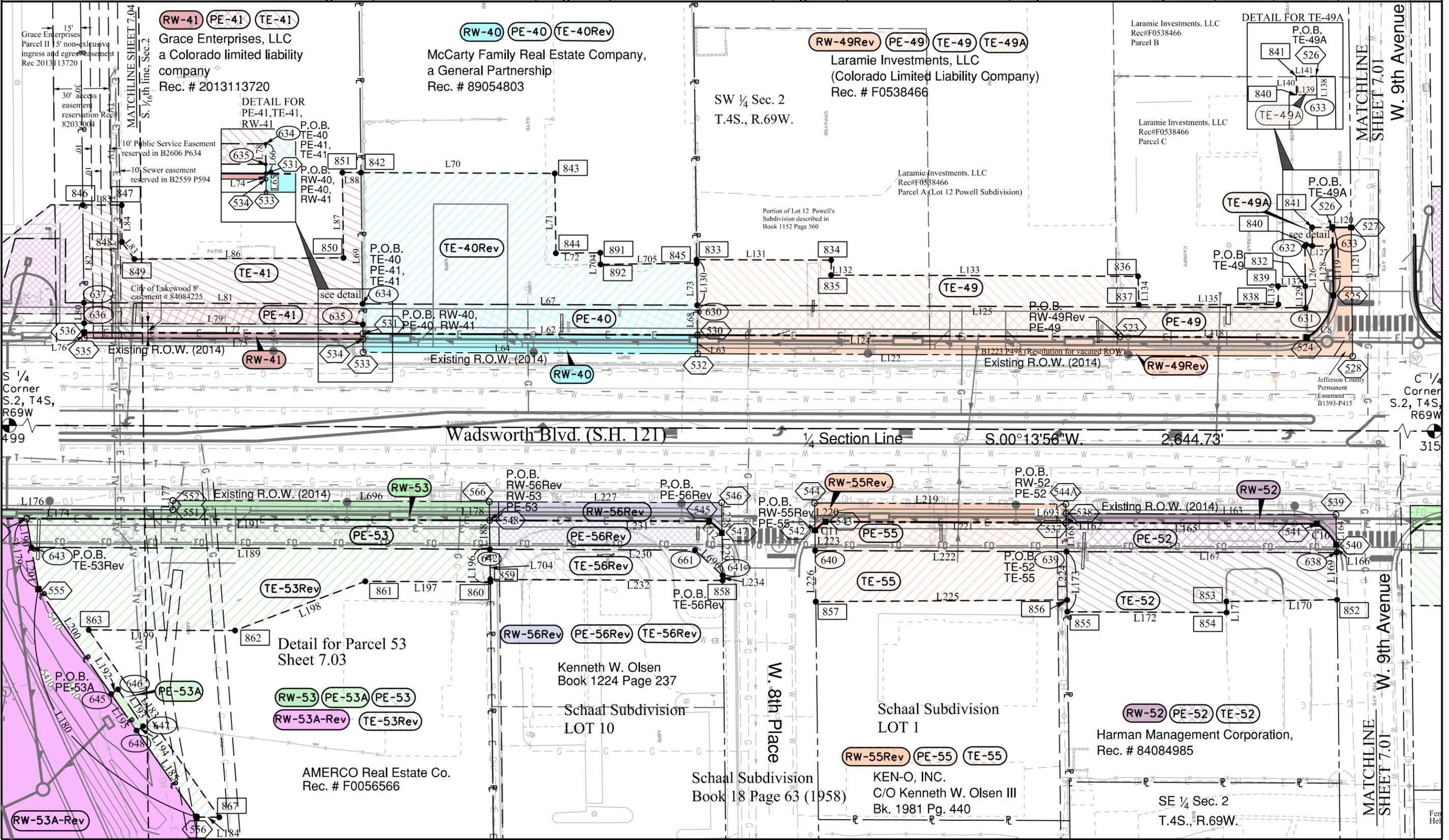
Region 1

KJL

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
09/08/14	Revise RW-55, RW-56, PE-56, TE-56	KJL		XXXXXXXX	XXX		XXXXXXXX	XXX
12/15/14	Revise RW-49	KJL						
05/20/15	Revise TE-40Rev	KJL						



Right of Way Plans			
Plan Sheet			
Project Number: ES6-006A-047; UNIT 1			
Project Location: Wadsworth Blvd. (Highland Dr.-10th Ave.)			
Section 2, T4S, R69W, 6TH P.M.			
Project Code:	Last Mod. Date:	Subset	Sheet No.
17858	06-04-15	7.01 to 7.08	7.02





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Denver, CO 80222
Phone: 303-757-9923 FAX: 303-757-9390

Region 1

KJL

Sheet Revisions

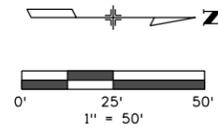
Date	Description	Initials
08/28/14	7.02A deleted, info shown on this sheet	KJL
08/28/14	Revised RW-56, PE-56 and TE-56	KJL
08/28/14	Revise RW-53A, TE-53	KJL
08/28/14	Revise PE-57, TE-57	KJL
09/29/14	Revise TE-57 & TE-180	KJL
06/05/15	Delete PE-57, TE-57; Add RW-57	KJL

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

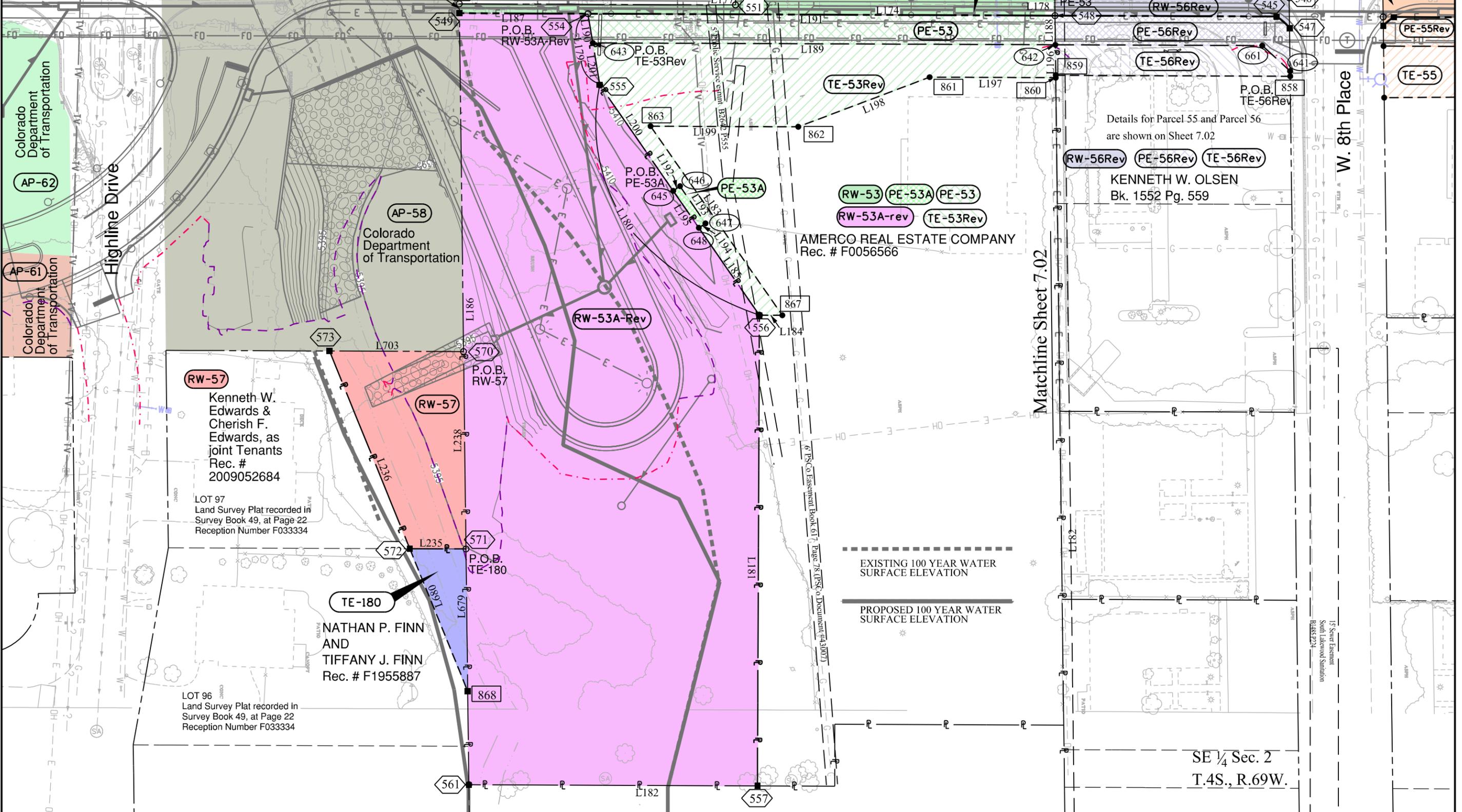


Right of Way Plans

Plan Sheet

Project Number: ES6 006A-047; UNIT 1			
Project Location: Wadsworth Blvd. (Highland Dr.-10th Ave.)			
Section 2, T4S, R69W, 6TH P.M.			
Project Code: 17858	Last Mod. Date: 06-04-15	Subset: 7.01 to 7.05	Sheet No.: 7.03

WADSWORTH BLVD. (S.H.121)



Matchline Sheet 7.02

SE 1/4 Sec. 2
T.4S., R.69W.

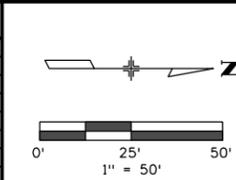
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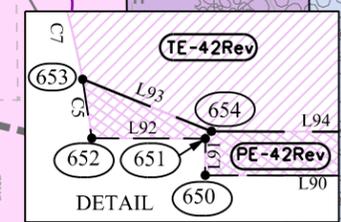
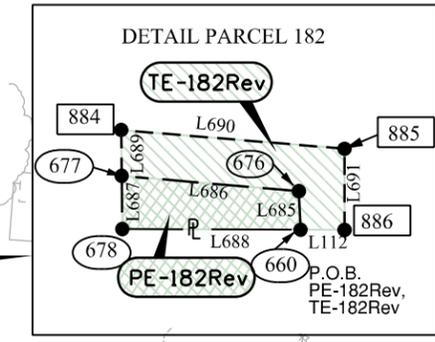
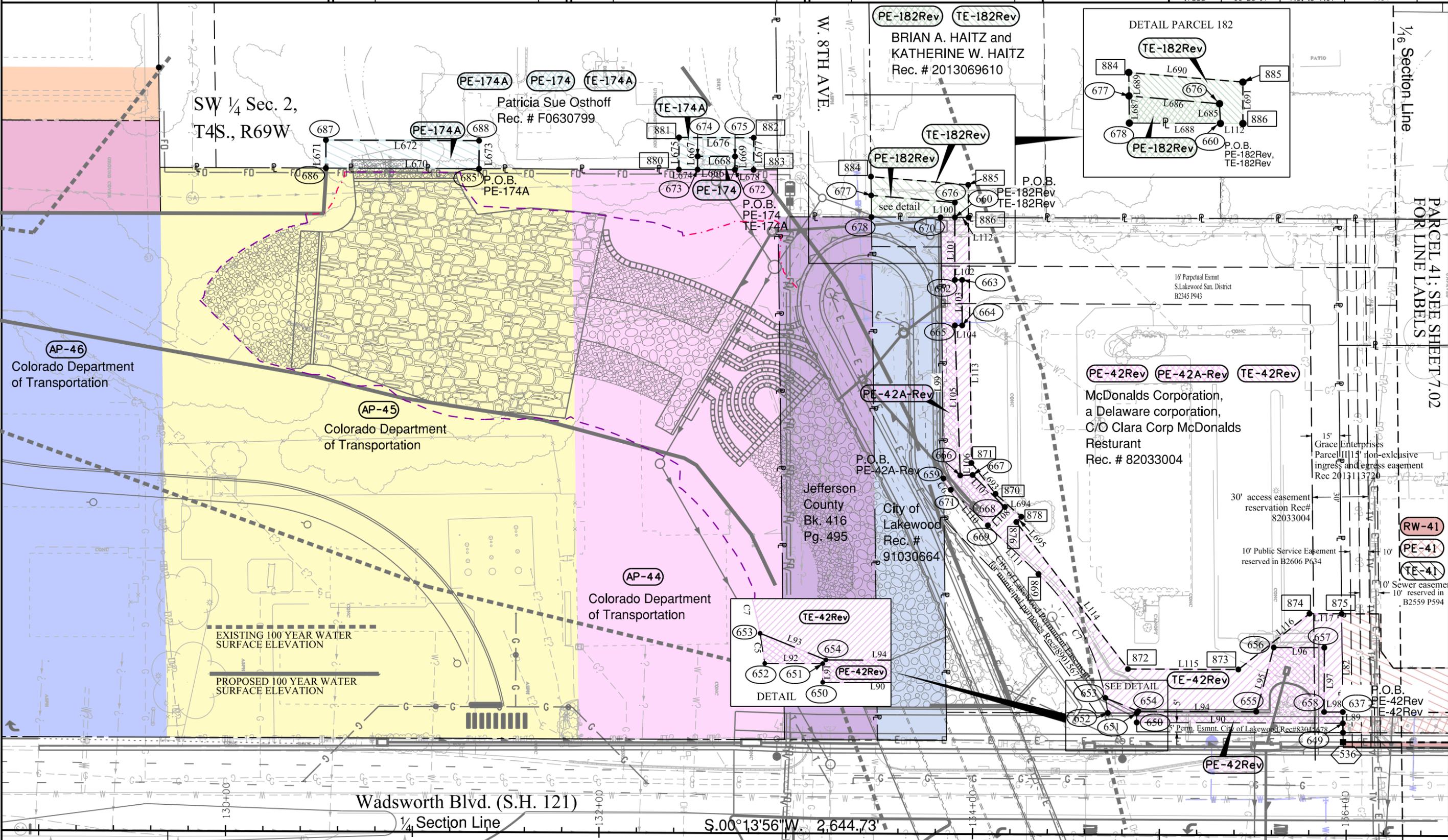
Sheet Revisions		
Date	Description	Initials
09/03/2014	add PE-42A-Rev, PE-42-Rev, TE-42-Rev,	KJL
09/03/2014	add PE-174A, Delete TE-174,	KJL
09/03/2014	add PE-182-Rev TE-182-Rev	KJL

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

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



Right of Way Plans			
Plan Sheet			
Project Number: ES6-006A-047; UNIT 1			
Project Location: Wadsworth Blvd. (Highland Dr-10th Ave.)			
Section 2, T4S, R69W, 6TH P.M.			
Project Code:	Last Mod. Date	Subset	Sheet No.
17858	09-23-14	7.01 to 7.07	7.04



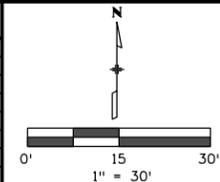
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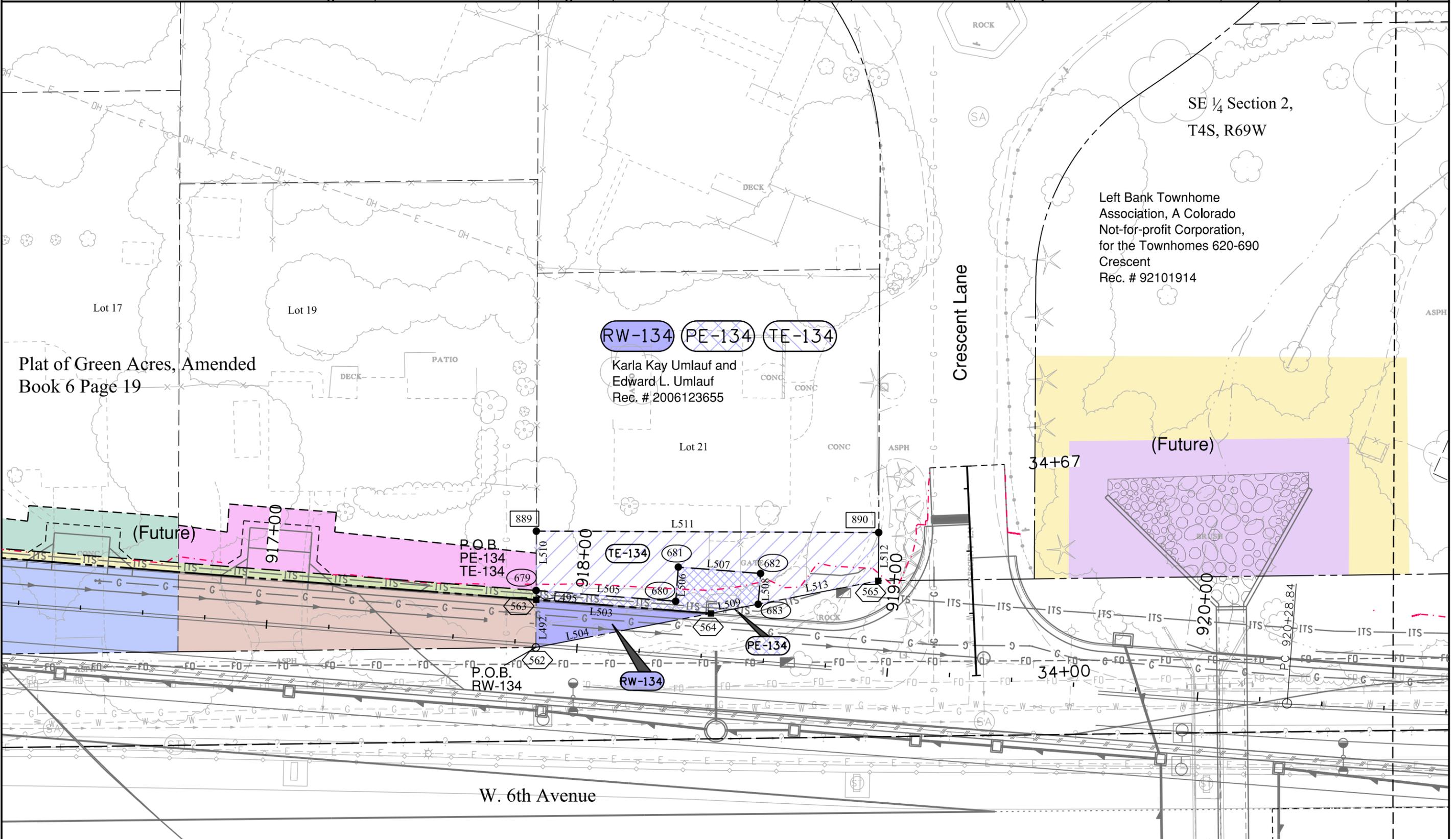
Sheet Revisions		
Date	Description	Initials
09/19/14	Renumber line labels: RW-134, PE-134, TE-134 change scale from 1:50 to 1:30	KJL

Sheet Revisions		
Date	Description	Initials
	XXXXXXXX	XXX

Sheet Revisions		
Date	Description	Initials
	XXXXXXXX	XXX



Right of Way Plans			
Plan Sheet			
Project Number: ES6-006A-047; UNIT 1			
Project Location: Wadsworth Blvd. (Highland Dr. - 10th Ave.)			
Section 2, T4S, R69W, 6TH P.M.			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
17858	09-23-14	7.01 to 7.08	7.05



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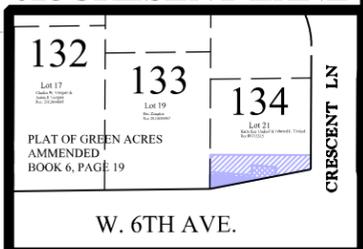
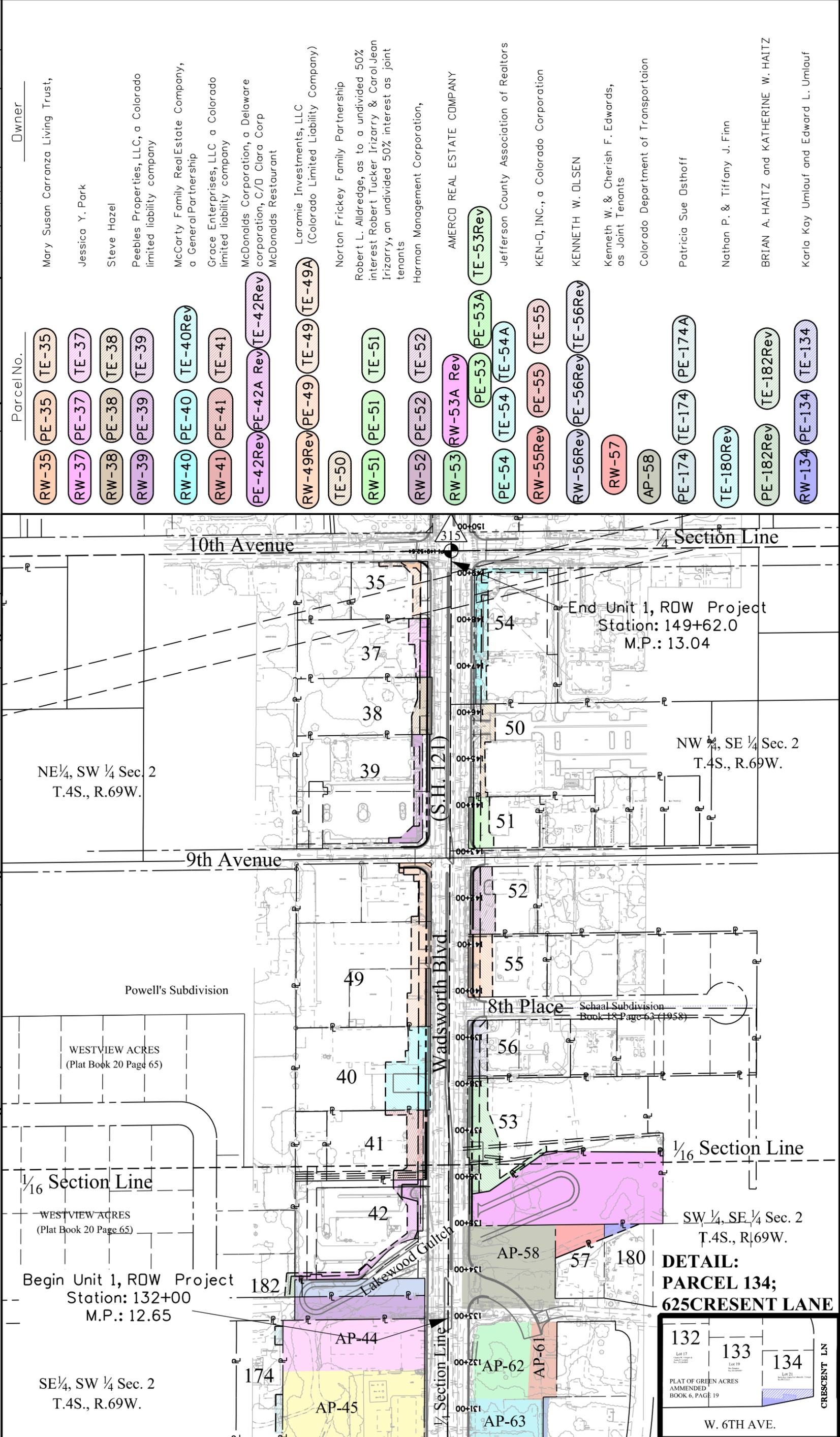
Colorado Department of Transportation
 Region 1
 2000 South Holly
 Denver, CO 80222
 Phone: 303-757-9923 FAX: 303-757-9390
 KJL

Date	Description	Initials
09/11/14	Revised acquisitions: PE-42, PE-42A, TE-42	KJL
09/11/14	Revised acquisitions: RW-53A, TE-53, RW-55	KJL
09/11/14	Revised acquisitions: RW-56, PE-56, TE-56	KJL
09/11/14	Revised acquisitions: PE-174, PE-182, TE-182	KJL
12/17/14	Revised acquisitions: RW-49	KJL
06/10/15	Revised acquisitions: TE-40Rev, RW-57	KJL

Date	Description	Initials
mm/dd/yy	XXXXXXXXXX	XXX

Date	Description	Initials
mm/dd/yy	XXXXXXXXXX	XXX

Right of Way Plans
Ownership Sheet
 Project Number: ES6-600A-047; UNIT 1
 Project Location: Wadsworth Blvd. (Highland Dr. - 10th Ave.)
 Section 2, T.4S., R.69W., 6TH P.M.
 Project Code: 17858
 Last Mod. Date: 06/10/15
 Subst: 8.01 to 8.01
 Sheet No.: 8.01



Resolution # TC-16-3-[]

Authorizing the Chief Engineer to negotiate with and tender damages to Amerco Real Estate Company and U-Haul Co. of Colorado

Approved by the Transportation Commission on March 16, 2016

WHEREAS, the Transportation Commission is authorized pursuant to Section 43-1-208(2), C.R.S. to determine whether a proposed change to a state highway will serve the interest and convenience of the public; and

WHEREAS, the Transportation Commission is authorized pursuant to Section 43-1-208(2), C.R.S. to enter a resolution upon its minutes approving the proposed highway changes and authorizing the CDOT Chief Engineer to tender landowners the amount of damages, as estimated by the Chief Engineer; and

WHEREAS, pursuant to Section 43-1-208(3), C.R.S., in the alternative, the Transportation Commission may also proceed in the acquisition of lands of private persons for state highway purposes pursuant to Articles 1 to 7 of Title 38, C.R.S. without tender or other proceedings under Section 43-1-201, *et seq.*, C.R.S.; and

WHEREAS, on October 22, 2015, CDOT filed a Petition in Condemnation against certain property located on State Highway 121 (the "Property") owned by Amerco Real Estate Company and U-Haul Co. of Colorado (together, the "Owners"); and

WHEREAS, CDOT and the Owners conducted an Immediate Possession Hearing before the Jefferson County District Court on February 18, 2016; and

WHEREAS, after the Immediate Possession hearing, the Jefferson County District Court entered an Order of Immediate Possession in favor of CDOT; and

WHEREAS, the Owners appealed the Jefferson County District Court's Order of Immediate Possession to the Colorado Supreme Court; and

WHEREAS, CDOT has an immediate need for the Property and the inability to work on the Property will likely cause extreme delay to ongoing projects on State Highway 121 and monetary harm to CDOT; and

WHEREAS, without admitting that CDOT is required to comply with the provisions of Section 43-1-208(1), C.R.S., the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer in relation to the Amerco Real Estate Company and U-Haul Co. of Colorado Property; and

WHEREAS, the Transportation Commission has determined that the proposed changes to State Highway 121 will serve the public interest and convenience of the traveling public.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and convenience will be served by the proposed changes to State Highway 121, from Highland Drive to 10th Avenue, and authorizes the Chief Engineer to negotiate with the Owners regarding the amount of damages, and tender such damages as estimated by him, and authorizes the Department to proceed with condemnation of the Property in the event negotiations are unsuccessful.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date