



# 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: October 6, 2016

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER STU1211-084/19868

### Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1) (statute attached with this memorandum). I deem it desirable to widen State Highway 121 ("SH 121" or "Wadsworth Boulevard") as recommended by the Environmental Assessment completed in 2010.

SH 121 - Wadsworth Capacity Project, Highland to 10<sup>th</sup> ("Project") is necessary for the continuation of three through lanes and multi-use paths in both directions on SH 121. This will increase the capacity on SH 121 to meet current and future demands of the traveling public and is therefore desirable. I hereby request that the Transportation Commission determine that the proposed changes of the Project serve the public interest and/or convenience of the travelling public.

The property required is located on the east side of Wadsworth between 6<sup>th</sup> (US 6) and 9<sup>th</sup> Avenue, addressed as 820 Wadsworth Boulevard, Lakewood, Colorado 80214 80 and owned by Amerco Real Estate Company ("Property"). This was the Property at issue in the recent Colorado Supreme Court case titled *Department of Transportation v. Amerco Real Estate Company and U-Haul of Colorado*, 2016SA75. The Colorado Supreme Court issued its opinion on September 26, 2016. The Court ruled that the Transportation Commission alone must analyze particular properties and the amount of damages estimated by the chief engineer and enter a resolution upon its minutes approving the public interest or convenience of the proposed change to the state highway and also authorizing the chief engineer to either tender each landowner the amount of damages estimated by the chief engineer or authorize condemnation.

If the Transportation Commission determines that the specific Property and proposed changes to SH 121 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 CDOT to either make tender or to initiate and conduct condemnation proceedings for the Property, at my discretion.

### Description of Portion of Highway to be Changed and Proposed Changes

The Project will construct additional travel lanes on SH 121 to increase the capacity and make improvements to Lakewood Gulch to enhance the flood plain characteristics and maintenance access. The Project is a highway expansion project, received land acquisition approval on July 9, 2014, and plans for this segment authorized on July 10, 2015. I have determined that it is necessary to widen this portion of SH 121 to increase the capacity on SH 121 and match the existing section of SH 121 north of 10th.

### Description of Amerco's Property Needed for Project

The Amerco property is a 2.9-acre site located on the east side of Wadsworth between 6<sup>th</sup> (US 6) and 9<sup>th</sup> Avenue addressed as 820 Wadsworth Boulevard, Lakewood, Colorado 80214, operated as a U-Haul Rental business. CDOT seeks to acquire approximately 71,343 square feet (1.638 acres) from Amerco. The acquisitions are necessary for widening the highway and drainage improvements/floodplain maintenance. Legal descriptions of the Amerco parcels are attached with this memorandum.

### Estimate of Damages and Benefits Accruing to Amerco

CDOT obtained an independent appraisal authored by Marcus Scott, who valued the acquired Property at \$463,444. No benefits were identified for the Property. CDOT's independent appraisal represents a reasonable budget of the costs and damages related to the Property.

#### Attachments

§43-1-208, C.R.S.

Legal Descriptions of Parcels RW-53, RW-53A-Rev, PE-53, PE-53A, TE-53Rev

Right-of-Way Plans

Proposed Resolution

## C.R.S. 43-1-208

This document reflects changes current through all laws passed at the Second Regular Session of the Seventieth General Assembly of the State of Colorado (2016)

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**

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- (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**

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#### **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.

**EXHIBIT "A"**

**PROJECT NUMBER: ES6-006A-047; Unit-1**

**PARCEL NUMBER: RW-53**

**PROJECT CODE: 17858**

**DATE: June 12, 2014**

**DESCRIPTION**

A parcel of land No. RW-53 of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit 1 containing 2,441 sq. ft. (0.056 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S.  $00^{\circ}13'56''$  W, a distance of 1136.75 feet, along the west line of said Southeast Quarter of Section 2;

Thence N.  $89^{\circ}17'37''$  E., a distance of 50.00 feet to a point on the north line of the parcel described in Reception Number F0056566, the records of the Clerk and Recorder of said Jefferson County, also being the TRUE POINT OF BEGINNING;

1. Thence S.  $00^{\circ}13'56''$  W., a distance of 317.64 feet, on a line 50.00 feet east of and parallel with the west line of the Southeast Quarter of Section 2, to a point on the south line of said parcel described in Reception Number F0056566;

2. Thence S.  $89^{\circ}17'40''$  W., a distance of 5.00 feet coincident with said south parcel line to a point on the east right-of-way line for Wadsworth Blvd. (S.H. 121);

Thence coincident with said east right-of-way line the following three (3) courses:

3. N.  $00^{\circ}13'47''$  E., a distance of 147.30 feet;

4. Thence N.  $89^{\circ}59'13''$  W., a distance of 5.00 feet;

5. Thence N.  $00^{\circ}13'56''$  E., a distance of 170.27 feet, to a point on the north line of said parcel described in Reception Number F0056566;

6. Thence N.  $89^{\circ}17'37''$  E., a distance of 10.00 feet, coincident with said north parcel line, to the TRUE POINT OF BEGINNING.

The above described parcel contains 2,441 sq. ft. (0.056 acres), more or less.

Basis of Bearings: All bearings are based on the East line of the SW  $\frac{1}{4}$  of Section 2, Township 4 South, Range 69 West of the 6<sup>th</sup> Principal Meridian, City of Lakewood, Jefferson County,

Colorado, as bearing S. 00°13'56" W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center ¼ Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South ¼ Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

Authored by:  
Kathryn Jane Lyon, Colorado PLS Registration Number 38110  
For and on behalf of the Colorado Department of Transportation  
Region 1, Right of Way/Survey  
2000 S. Holly St.  
Denver, CO 80022  
Ph: 303.757.9923



**EXHIBIT "A"**

**PROJECT NUMBER: ES6-006A-047; Unit-1**

**PARCEL NUMBER: RW-53A-Rev**

**PROJECT CODE: 17858**

**DATE: September 19, 2014**

**DESCRIPTION**

A parcel of land No. RW-53A-Rev., of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit 1, containing 55,959 sq. ft. (1.285 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S.  $00^{\circ}13'56''$  W, a distance of 1385.83 feet, along the west line of said Southeast Quarter of Section 2;

Thence N.  $89^{\circ}17'37''$  E., a distance of 50.00 feet to a point on a line 50.00 feet east of said west line of the Southeast Quarter, and the TRUE POINT OF BEGINNING;

1. Thence N.  $80^{\circ}31'04''$  E., a distance of 38.44 feet;

2. Thence N.  $55^{\circ}12'26''$  E., a distance of 149.12 feet;

3. Thence S.  $89^{\circ}45'42''$  E., a distance of 250.46 feet, to a point on the east line of the parcel described in Reception Number F0056566, the records of the Clerk and Recorder of said Jefferson County;

Thence coincident with the boundary lines of said parcel the following two (2) courses and distances:

4. S.  $00^{\circ}14'14''$  W., a distance of 153.89 feet, to the southeast corner of said parcel;

5. Thence S.  $89^{\circ}17'40''$  W., a distance of 410.50 feet, coincident with the south line of said parcel;

6. Thence N.  $00^{\circ}13'56''$  E., a distance of 68.56 feet, along a line being 50 feet east of and parallel with said west line of the Southeast Quarter, to the TRUE POINT OF BEGINNING.

The above described parcel contains 55,959 sq. ft. (1.285 acres), more or less.

Basis of Bearings: All bearings are based on the East line of the SW  $\frac{1}{4}$  of Section 2, Township 4

South, Range 69 West of the 6<sup>th</sup> Principal Meridian, City of Lakewood, Jefferson County, Colorado, as bearing S. 00°13'56" W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center ¼ Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South ¼ Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

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## EXHIBIT "A"

**PROJECT NUMBER: ES6-006A-047; Unit-1**  
**PERMANENT EASEMENT NUMBER: PE-53**  
**PROJECT CODE: 17858**  
**DATE: June 12, 2014**  
**DESCRIPTION**

A Permanent Easement No. PE-53 of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit 1 containing 3,842 sq. ft. (0.088 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, said easement being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S.  $00^{\circ}13'56''$  W, a distance of 1136.75 feet, along the west line of said Southeast Quarter of Section 2;

Thence N.  $89^{\circ}17'37''$  E., a distance of 50.00 feet to a point on the north line of the parcel described in Reception Number F0056566, the records of the Clerk and Recorder of said Jefferson County, also being the TRUE POINT OF BEGINNING;

1. Thence N.  $89^{\circ}17'37''$  E., a distance of 15.50 feet;
2. Thence S.  $00^{\circ}13'56''$  W., a distance of 246.68 feet;
3. Thence S.  $80^{\circ}30'45''$  W., a distance of 15.73 feet;
4. Thence N.  $00^{\circ}13'56''$  E., a distance of 249.08 feet, on a line 50.00 feet east of said west line of the Southeast Quarter, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 3,842 sq. ft. (0.088 acres), more or less. The purpose of the above-described Permanent Easement is for the construction use and maintenance of sidewalk, utility facilities and associated appurtenances.

Basis of Bearings: All bearings are based on the East line of the SW  $\frac{1}{4}$  of Section 2, Township 4 South, Range 69 West of the 6<sup>th</sup> Principal Meridian, City of Lakewood, Jefferson County, Colorado, as bearing S.  $00^{\circ}13'56''$  W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center  $\frac{1}{4}$  Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South  $\frac{1}{4}$  Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

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## EXHIBIT "A"

**PROJECT NUMBER: ES6-006A-047; Unit-1**  
**PERMANENT EASEMENT NUMBER: PE-53A**  
**PROJECT CODE: 17858**  
**DATE: June 12, 2014**  
**DESCRIPTION**

A Permanent Easement No. PE-53A of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit 1 containing 104 sq. ft. (0.002 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, said easement being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S.  $00^{\circ}13'56''$  W, a distance of 1341.51 feet, along the west line of said Southeast Quarter of Section 2;

Thence N.  $89^{\circ}17'37''$  E., a distance of 144.09 feet, to the TRUE POINT OF BEGINNING;

1. Thence N.  $34^{\circ}27'02''$  W., a distance of 4.41 feet;
2. Thence N.  $55^{\circ}35'36''$  E., a distance of 24.00 feet;
3. Thence S.  $33^{\circ}21'17''$  E., a distance of 4.25 feet;
4. Thence S.  $55^{\circ}12'26''$  W., a distance of 23.92 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 104 sq. ft. (0.002 acres), more or less.

The purpose of the above-described Permanent Easement is for the construction, use and maintenance of utility facilities and associated appurtenances.

Basis of Bearings: All bearings are based on the East line of the SW  $\frac{1}{4}$  of Section 2, Township 4 South, Range 69 West of the 6<sup>th</sup> Principal Meridian, City of Lakewood, Jefferson County, Colorado, as bearing S.  $00^{\circ}13'56''$  W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center  $\frac{1}{4}$  Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South  $\frac{1}{4}$  Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

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**EXHIBIT "A"**

**PROJECT NUMBER: ES6-006A-047; Unit-1**  
**TEMPORARY EASEMENT NUMBER: TE-53Rev**  
**PROJECT CODE: 17858**  
**DATE: September 19, 2014**  
**DESCRIPTION**

A Temporary Easement No. TE-53Rev. of the Department of Transportation, State of Colorado Project No. ES6-006A-047; Unit-1, containing 8,997 sq. ft. (0.207 acres), more or less, located in the Southeast Quarter of Section 2, Township 4 South, Range 69 West, of the 6th Principal Meridian, in Jefferson County, Colorado, said easement being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 2;

Thence S.  $00^{\circ}13'56''$  W, a distance of 1383.42 feet, along the west line of said Southeast Quarter of Section 2;

Thence N.  $89^{\circ}17'37''$  E., a distance of 65.50 feet, to the TRUE POINT OF BEGINNING;

1. Thence N.  $00^{\circ}13'56''$  E., a distance of 246.68 feet, to a point on the north line of the parcel described in Reception Number F0056566, the records of the Clerk and Recorder of said Jefferson County;

2. Thence N.  $89^{\circ}17'37''$  E., a distance of 17.51 feet, coincident with said north parcel line;

3. Thence S.  $00^{\circ}13'56''$  W., a distance of 67.26 feet;

4. Thence S.  $20^{\circ}39'38''$  E., a distance of 74.87 feet;

5. Thence S.  $00^{\circ}13'56''$  W., a distance of 78.77 feet;

6. Thence N.  $55^{\circ}03'59''$  E., a distance of 122.68 feet;

7. Thence S.  $00^{\circ}13'43''$  W., a distance of 12.23 feet;

8. Thence S.  $55^{\circ}12'26''$  W., a distance of 56.59 feet;

9. Thence N.  $33^{\circ}21'17''$  W., a distance of 4.25 feet;

10. Thence S.  $55^{\circ}35'36''$  W., a distance of 24.00 feet;

11. Thence S. 34°27'02" E., a distance of 4.41 feet;
12. Thence S. 55°12'26" W., a distance of 68.60 feet;
13. Thence S. 80°30'58" W., a distance of 22.71 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 8,997 sq. ft. (0.207 acres), more or less.

The purpose of the above-described Temporary Easement is for access and construction of driveway, utilities and associated appurtenances.

Basis of Bearings: All bearings are based on the East line of the SW ¼ of Section 2, Township 4 South, Range 69 West of the 6<sup>th</sup> Principal Meridian, City of Lakewood, Jefferson County, Colorado, as bearing S. 00°13'56" W., monumented by a 3" Aluminum Cap, Stamped PLS 14112, at the Center ¼ Corner, and a 3" Aluminum Cap, Stamped PLS 24957, at the South ¼ Corner, with a measured distance of 2644.73 feet, using an adjusted Fast Static GPS control network, established for CDOT Project Number STU 0062-019, Project Code 15215.

Authored by:

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For and on behalf of the Colorado Department of Transportation  
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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

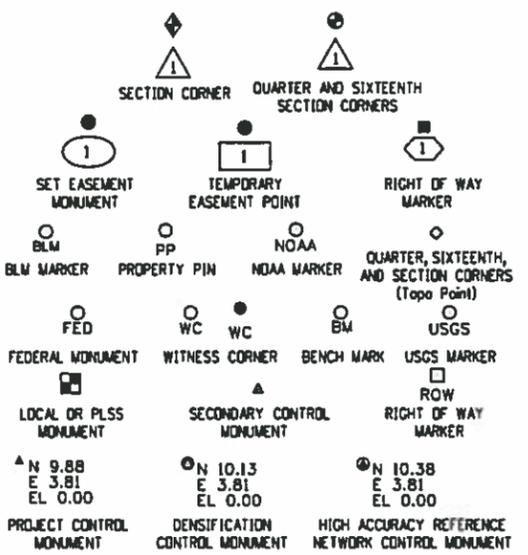
- 1.01-1.01 (1) Title Sheet
- 2.01-2.06 (6) Tabulation of Properties
- 3.01-3.0X (NA) Project Contro D'agram
- 4.01-4.07 (7) Land Survey Contro D'agram
- 5.01-5.03 (3) Monumentation Sheets

- 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.

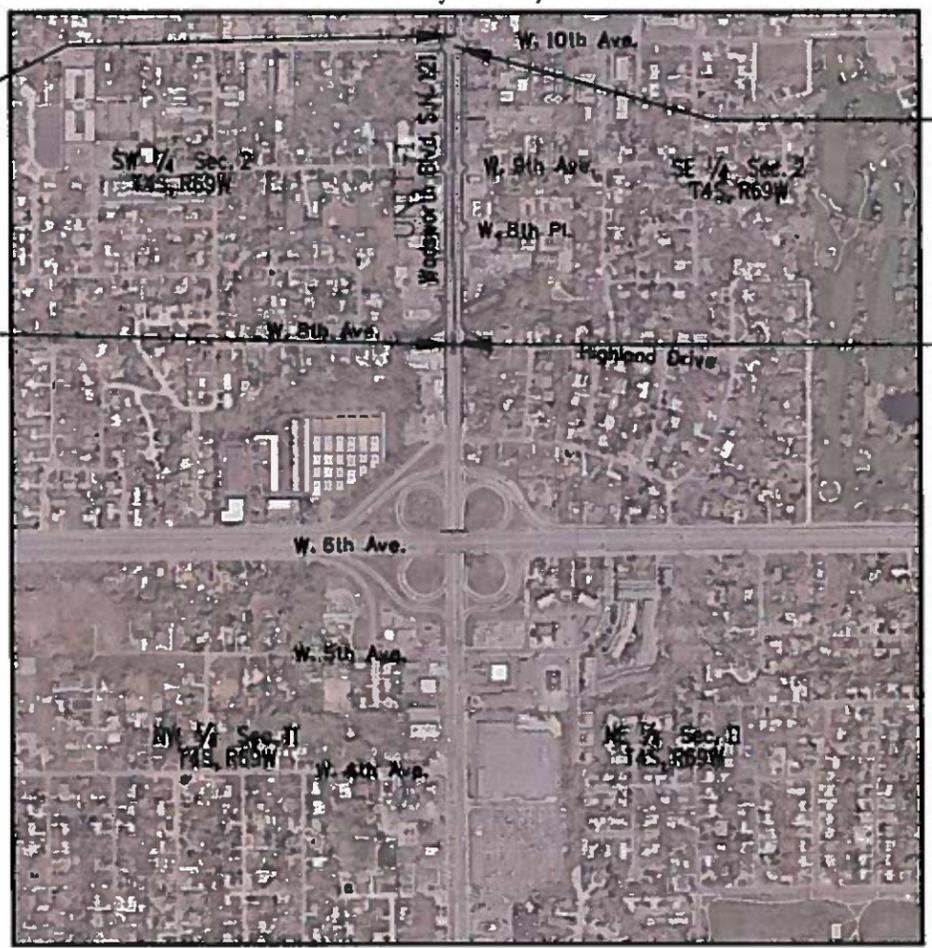


End Const Project  
Station: 151+80.00  
M.P.: 13.08

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 AUTHORIZED BY: \_\_\_\_\_ 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

6/10/2015 1:04:15 PM W:\ST\_1211\7858-ES6-006A\_047\ROW\_Survey\Drawings\19868ROW\_TitleSheet.dgn



Sheet Revisions		
Date	Description	Initials
08/26/14	Revise RW-53A and Remainder Right, TE-53	KJL
08/26/14	Revise RW-55	KJL
12/15/14	Correct RW-55- Remainder square footage	

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

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

Right of Way Plans			
Tabulation of Properties			
Project Number: ES6-006A-047, UNIT-1			
Project Location: Wadsworth Blvd. (Highland Dr. to 10th Ave.)			
Section 2, T4S, R69W, 6TH P.M.			
Project Code:	Last Mod. Date	Subset	Sheet No.
17858	12/15/14	2.01 to 2.06	2.04

Sheet 4 - Tabulation of Properties

R.O.W. TABULATION OF PROPERTIES IN JEFFERSON COUNTY S.H. NO. 121

Parcel No.	Ownership Name and Mailing Address	Site Address	Location	Area In Square Feet (Acres)					Book and Page No. And/Or Reception No.	Title Commitment No.	Remarks
				Area Of Parcel	Existing ROW	Net Area	Remainder Left	Remainder Right			
RW-52	Harman Management Corporation, 5544 Green St. Salt Lake City, UT 84123	890 Wadsworth Blvd. Lakewood, CO 80214	SE 1/4 SEC. 2, T.4S, R.69W	774 S.F.						NF01374	
PE-52	SAME AS ABOVE	SAME AS ABOVE	SE 1/4 SEC. 2, T.4S, R.69W	2,204 S.F.							For the construction, use and maintenance of sidewalk, utility facilities and associated appurtenances.
TE-52	SAME AS ABOVE	SAME AS ABOVE	SE 1/4 SEC. 2, T.4S, R.69W	4,314 S.F.							For access and construction of roadway, driveway and sidewalk.
RW-53	AMERCO REAL ESTATE COMPANY P.O. Box 29046 Phoenix, AZ 85038	820 Wadsworth Blvd. Lakewood, CO 80214	SE 1/4 SEC. 2, T.4S, R.69W	2,441 S.F.				0		NF01375	
RW-53A-Rev	SAME AS ABOVE	SAME AS ABOVE	SE 1/4 SEC. 2, T.4S, R.69W	55,959 S.F.				70,379 S.F.			
PE-53	SAME AS ABOVE	SAME AS ABOVE	SE 1/4 SEC. 2, T.4S, R.69W	3,842 S.F.							For construction, use and maintenance of sidewalk, utility facilities & associated appurtenances.
PE-53A	SAME AS ABOVE	SAME AS ABOVE	SE 1/4 SEC. 2, T.4S, R.69W	104 S.F.							For construction, use and maintenance of utility facilities & associated appurtenances.
TE-53Rev	SAME AS ABOVE	SAME AS ABOVE	SE 1/4 SEC. 2, T.4S, R.69W	8,997 S.F.							For access and construction of driveway, utilities and associated appurtenances
PE-54	Jefferson County Association of Realtors 12445 E. 39th Ave. Ste 202 Denver, CO 80239	950 Wadsworth Blvd. Lakewood, CO 80214	SE 1/4 SEC. 2, T.4S, R.69W	4,931 S.F.						NF01135	For construction, use and maintenance of sidewalk, utility facilities & associated appurtenances
TE-54	SAME AS ABOVE	SAME AS ABOVE	SE 1/4 SEC. 2, T.4S, R.69W	1,415 S.F.							For access and construction of roadway.
TE-54A	SAME AS ABOVE	SAME AS ABOVE	SE 1/4 SEC. 2, T.4S, R.69W	3,122 S.F.							For access and construction of sidewalk.
RW-55Rev	KEN-O, INC. a Colorado Corporation 7895 W. 8th Ave. Lakewood, CO 80214	850 Wadsworth Blvd. Lakewood, CO 80214	SE 1/4 SEC. 2, T.4S, R.69W	1,365 S.F.				22,993 S.F.		NF01376	

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

Region 1

KJL

Sheet Revisions

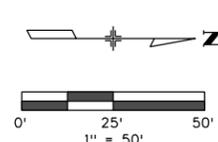
Date	Description	Initials
08/28/14	7.02A deleted, info shown on this sheet	KJL
08/28/14	Revised RW-56, PE-56 and TE-56	KJL
08/28/14	Revise RW-53A, TE-53	KJL
08/28/14	Revise PE-57, TE-57	KJL
09/29/14	Revise TE-57 & TE-180	KJL
06/05/15	Delete PE-57, TE-57; Add RW-57	KJL

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

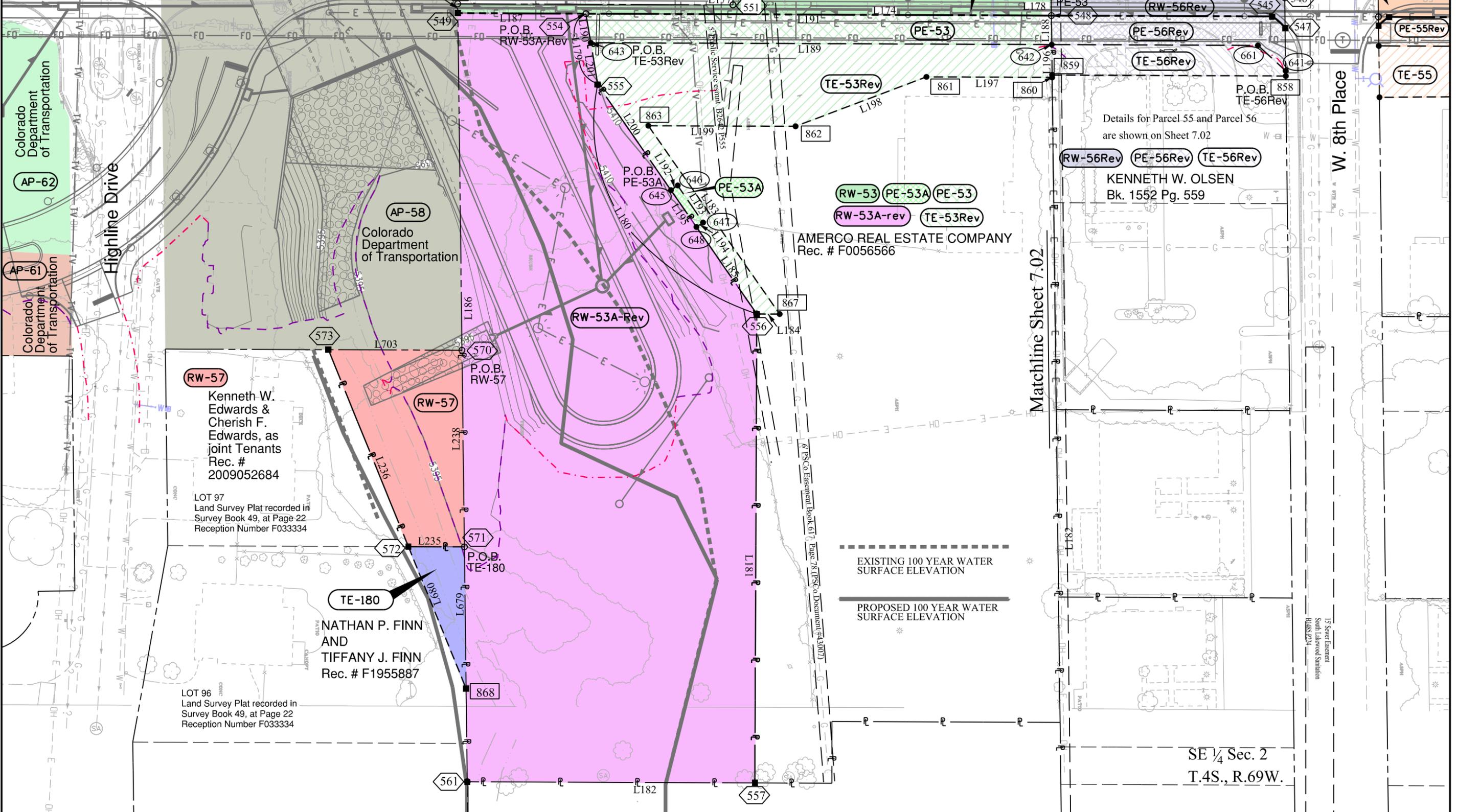


Right of Way Plans

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:	Last Mod. Date	Subset	Sheet No.
17858	06-04-15	7.01 to 7.05	7.03

WADSWORTH BLVD. (S.H.121)



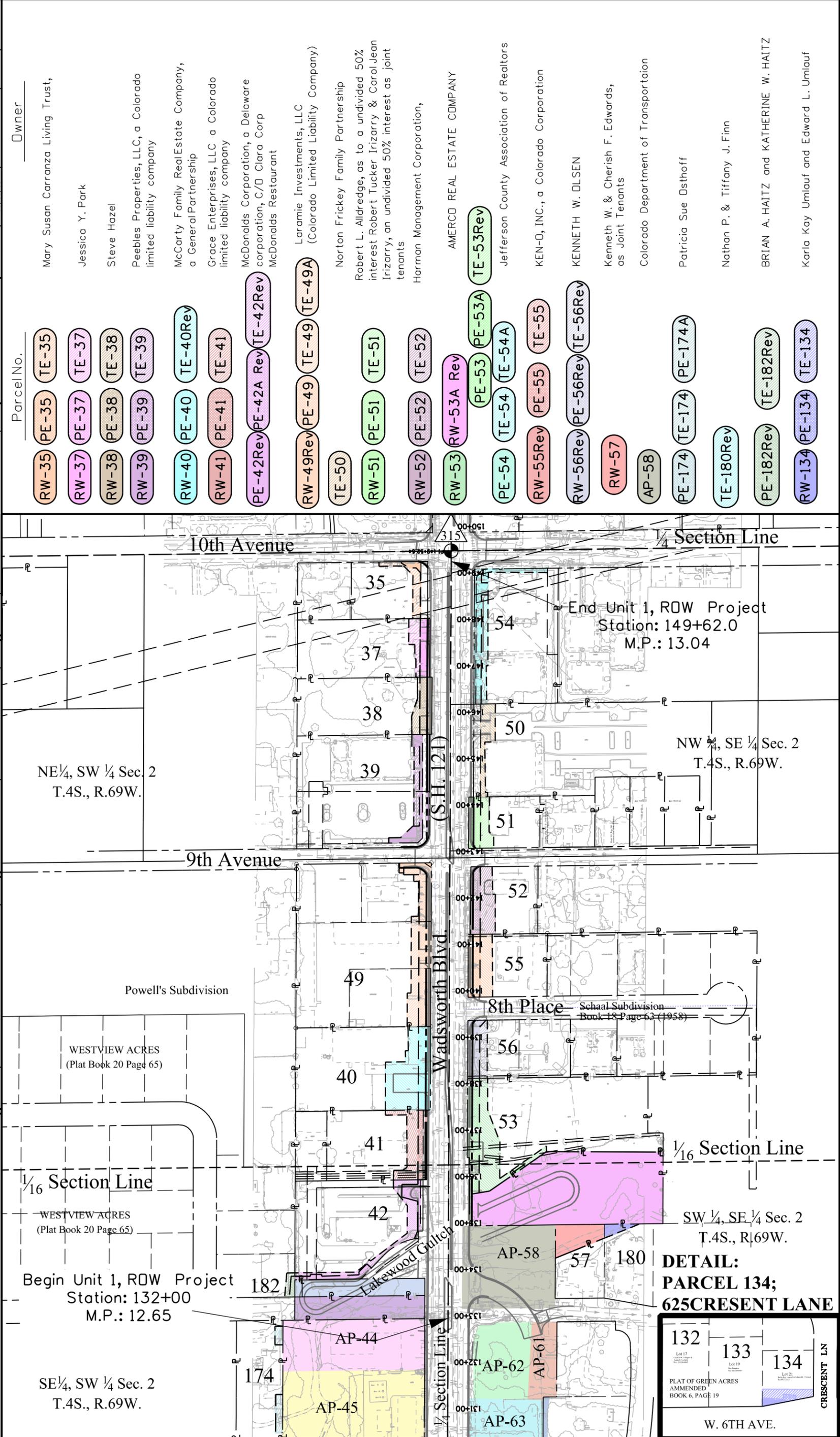
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Date	Description	Initials
09/11/14	Revised acquisitions: PE-42, PE-42A, TE-42	KJL
09/11/14	Revised acquisitions: RW-53A, TE-53, RW-55	KJL
09/11/14	Revised acquisitions: RW-56, PE-56, TE-56	KJL
09/11/14	Revised acquisitions: PE-174, PE-182, TE-182	KJL
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:	Last Mod. Date
17858	06/10/15
Sheet No.:	8.01
Subst:	8.01 to 8.01



**Resolution # TC-16-5-[ ]**

Authorizing the Chief Engineer to either negotiate and tender damages to Amerco Real Estate Company (“Amerco”) or to initiate and conduct condemnation proceedings pursuant to articles 1 to 7 of title 38, C.R.S. for the Amerco Real Estate Company property.

**Approved by the Transportation Commission on \_\_\_\_\_, 2016.**

**WHEREAS**, the Transportation Commission is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

**WHEREAS**, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon the Transportation Commission to acquire private property necessary for state highway purposes; and

**WHEREAS**, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

**WHEREAS**, the *Amerco Real Estate Company* opinion held that the Transportation Commission must decide that the public interest and convenience will be served by a proposed alteration of a state highway and that the Commission’s decision must be made in consideration of the portions of land of each landowner to be taken and an estimate of the damages and benefits accruing to each landowner prior to authorizing condemnation of property; and

**WHEREAS**, the *Amerco Real Estate Company* opinion also held that the Transportation Commission is authorized to either direct the Chief Engineer to make tender to a landowner or the Transportation Commission can proceed in the acquisition of private lands for state highway purposes, according to articles 1 to 7 of title 38, C.R.S., without tender to the landowner; and

**WHEREAS**, the *Amerco Real Estate* opinion further held that the Transportation Commission could delegate to the “legal staff or representatives of the commission or department” the “initiation and conduct of condemnation proceedings.” *Amerco Real Estate Company*, 2016SA75, ¶15; and

**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 may enter a resolution upon its minutes approving the proposed highway changes and authorizing the CDOT Chief Engineer to

either tender landowners the amount of damages, as estimated by the Chief Engineer or authorize condemnation without tender to the landowner; and

**WHEREAS**, the property owned by Amerco is located at 820 Wadsworth Boulevard, Lakewood, Colorado 80214 ("Property"), which is within the Project boundaries.

**WHEREAS**, CDOT seeks to acquire 71,343 square feet (1.638 acres) of the Property for widening State Highway 121 and for necessary drainage improvements and floodplain maintenance; and

**WHEREAS**, the Property may include tenant-owned improvements, personal property, and other real estate; and

**WHEREAS**, CDOT has an immediate need for the Property and the inability to work on the Property will likely cause delay to the Wadsworth Capacity Project, Highland to 10th (Project Number STU1211-084/19868)("Project"), resulting in significant monetary harm to CDOT; and

**WHEREAS**, the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer, which included all information and documents required pursuant to Section 43-1-208(1), in relation to the Project and the Property; and

**WHEREAS**, after reviewing the Chief Engineer's written report regarding the Project and the Property, the Transportation Commission has determined that the proposed changes to State Highway 121 will serve the public interest and convenience of the traveling public and that acquisition of the Property described in the report is necessary and in the public interest; and

**WHEREAS**, the Transportation Commission also approves the Chief Engineer's estimate of damages set forth in his written report.

**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 by virtue of the Wadsworth Capacity Project, Highland to 10th (Project Number STU1211-084/19868), and authorizes the CDOT staff either to negotiate and tender the Owner of the Amerco Real Estate Company Property the amount of estimated damages pursuant to C.R.S. 38-1-121 and pursuant to the Federal Uniform Relocation and Real Property Acquisition Act, , or CDOT may initiate and conduct condemnation proceedings for the Property. CDOT is authorized to increase or decrease the size of its acquisition based on sound engineering principals and determinations, subject to approval by the Transportation Commission upon conclusion of the acquisition. Further, if a settlement amount, certificate of ascertainment and assessment, or verdict is reached with respect to the amount of just compensation due to the landowner, the final settlement, certificate of ascertainment and assessment, or verdict amount is subject to approval by the Transportation Commission. If acquisition of the Amerco Real Estate Property requires

acquisition of tenant-owned improvements, personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items if necessary.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date