



COLORADO

Department of Transportation

Region 4

4201 East Arkansas Ave, Suite 262
Denver, CO 80222

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSH LAIPPLY, CHIEF ENGINEER 

DATE: September 6, 2016

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER ER 0341-084 UNIT 1, PR US34 BIG THOMPSON CANYON

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), (2) and the first two sentences of (3) prescribe an eminent domain procedure for the Department. Pursuant to the final sentence of 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 highly prescriptive procedures set forth in Section 43-1-208(1), (2), and the first two sentences of (3). 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), (2) and the first two sentences of (3) in order to condemn private property for state highway purposes. This written report is made in order to cure any alleged defects in CDOT's condemnation authority.

However, there is pending before the Colorado Supreme Court a challenge to the Transportation Commission's and CDOT's authority to condemn private property pursuant to the final sentence of Section 43-1-208(3). The Colorado Supreme Court case is titled *Department of Transportation v. Amerco Real Estate Company and U-Haul of Colorado*, 2016SA75. The pending Colorado Supreme Court case is complicating efforts to acquire possession of a portion of the private property owned by C. Kevin Stees identified on CDOT's Right-of-Way Plans as AP-5rev, AP-5A, RW-5 and TE-5 (the "Property") in connection with the PR US34 Big Thompson Canyon, Project Number ER 0341-084 UNIT 1 (the "Project"). No condemnation matter has been filed due to the pending CDOT Supreme Court case.

The property is located adjacent to the north side of US Highway 34 at 1337 W. Highway 34, in Loveland, Colorado and is the only property remaining to be acquired by CDOT for Unit 1 of the PR US34 Big Thompson Canyon Project. CDOT has reached an impasse with C. Kevin Stees because Mr. Stees has declined to discuss monetary compensation for the proposed acquisitions and challenged CDOT's need for parcel RW-5 which is the land where a

drainage feature was installed during emergency circumstances after the 2013 floods. Additionally, the alleged defect at issue in the pending Colorado Supreme Court case is an impediment to CDOT's authority to condemn and consequently CDOT's ability to acquire immediate possession of the Property. Pursuant to the construction contract CDOT has executed with Kiewit Corporation, CDOT is to deliver the Property not later than September 1, 2016. Timely delivery of the Property to the construction contractor is necessary to allow Project completion by year-end 2017.

CDOT anticipated immediate possession of the Property in August of 2016 and it is necessary that CDOT have access to the Property to continue critical construction on this Project. While CDOT could await the outcome of the pending Colorado Supreme Court case, such a course of action could deprive CDOT of possession of the Property for many months. Such a delay would be detrimental to completing the Project on schedule and would expose CDOT to significant contractor delay claims. Therefore, in an abundance of caution, I submit this written report pursuant to Section 43-1-208(1). Unit 1 of the PR US34 Big Thompson Canyon Project is necessary for construction of an overpass at the curve just east of the Stees parcels to alleviate annual destruction of the existing alignment by floodwaters. This will maintain and improve connectivity for the community 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.

If the Transportation Commission determines that the proposed changes will serve the public and/or convenience of the travelling public, I respectfully request that the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize me to tender C. Kevin Stees an amount to include damages, as estimated by me and approved by the Transportation Commission as are set forth in the accompanying Land Acquisition Approval.

Description of Portion of Highway to be Changed and Proposed Changes

The Project will construct an overpass in Loveland, Colorado that will replace a curve that washes out each year on US Highway 34 to maintain connectivity between Loveland and Estes Park. The Project is a Flood Project, which was initially approved by the Transportation Commission on September 19, 2016, and a budget supplement approved on April 7, 2016. I have determined that it is necessary to alter this portion of US Highway 34 to protect the roadway alignment, maintain connectivity and provide increased safety for the travelling public.

Description of C. Kevin Stees Property Needed for Project

The Property is located adjacent to the north side of US Highway 34 in Loveland, Colorado adjacent to where the western side of the proposed overpass will be constructed, and is necessary for bridge construction and for traffic detour during the project. The legal descriptions of the C. Kevin Stees parcels are attached with this memorandum.

Estimate of Damages and Benefits Accruing to C. Kevin Stees

On June 15, 2016, Neil Lacey approved an estimate of land acquisition costs and damages for property in this Project area. He estimated that the Property is valued at \$5,700. CDOT also obtained an independent appraisal authored by W. West Foster, MAI, CRE, SR/WA, who valued the Property at \$5,700. Mr. Lacey's Land Acquisition Approval and 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 and Exhibit of C. Kevin Stees Parcels (AP-5rev, AP=5A, RW-5 and TE-5)

Right-of-Way Plans Revised

Land Acquisition Approval and Chief Engineer's Cost Estimate dated June 15, 2016

Proposed Resolution

Resolution # TC-16-5-[]

Authorizing the Chief Engineer to negotiate with and tender damages to C. Kevin Stees

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 CDOT to acquire property necessary for state highways purposes; and

WHEREAS, pursuant to the final sentence of Section 43-1-208(3), C.R.S., since 1994 the Transportation Commission has authorized CDOT to condemn private property without following the more prescriptive practice for condemnation set forth in Section 43-1-208(1), (2) and the first two sentences of (3); and

WHEREAS, there is pending before the Colorado Supreme Court a challenge to the Transportation Commission's and CDOT's authority to condemn private property pursuant to the final sentence of Section 43-1-208(3) which case is titled *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

WHEREAS, the pendency of the Colorado Supreme Court case is having a negative impact on CDOT's ability to timely acquire possession of property sought for state highway purposes under the authority granted pursuant to the final sentence of Section 43-1-208(3); and

WHEREAS, in order to allow CDOT construction projects to proceed in a more timely fashion, the Transportation Commission, without admitting the validity of the challenge to its condemnation authority presented in the pending Colorado Supreme Court case, is electing to follow the prescriptive practice set forth in Section 43-1-208(1), (2) and the first two sentences of (3); 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 tender landowners the amount of damages, as estimates by the Chief Engineer; and

WHEREAS, CDOT has an immediate need for the Property and the inability to work on the Property will likely cause delay to Unit 1 of the PR US34 Big Thompson Canyon Project which is a Flood Project, resulting in significant monetary harm to CDOT; and

WHEREAS, CDOT and Mr. C. Kevin Stees have not been able to agree on the fair market value of the Property; and

WHEREAS, without admitting that CDOT is required to comply with the provisions of Section 43-1-208(1), (2) and the first two sentences of (3), C.R.S., the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer in relation to Unit 1 of the PR US34 Big Thompson Canyon Project and the C. Kevin Stees Property; and

WHEREAS, after reviewing the Chief Engineer's written report regarding Unit 1 of the PR US34 Big Thompson Canyon Project and the Property, the Transportation Commission has determined that the proposed changes to the alignment of US Highway 34 will serve the public interest and convenience of the travelling public; 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 US Highway 34 by virtue of Unit 1 of the PR US34 Big Thompson Canyon Project, and authorizes the Chief Engineer to negotiate with the Owner regarding the amount of damages, and tender at least the damages estimated by him, and authorizes CDOT to proceed with condemnation of the Property in the event negotiations are unsuccessful.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

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, Colorado Revised Statutes 2013 29 Title 43 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

EXHIBIT "A"

PROJECT CODE: 20279
PROJECT NUMBER: ER 0341-084 UNIT 1
PARCEL NUMBER: AP-5rev
DATE: June 28, 2016

LEGAL DESCRIPTION

Parcel No. AP-5rev of the Department of Transportation, State of Colorado, Project No. ER 0341-084 UNIT 1, containing 4,934 square feet (0.113 acres), lying in the SE 1/4 of Section 1, Township 5 North, Range 71 West of the 6th P.M., being a portion of that certain parcel of land described in deed recorded at Reception No. 1996041517, on June 11, 1996, in the Larimer County Clerk and Recorder's office, being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 1 (a found 2" steel pipe with a 3.25" BLM Brass Cap Stamped "T5N R71W C1/4 S1 1976"), whence the East Quarter Corner of said Section 1 (a found 2.5" steel pipe with a 3.25" BLM Brass Cap Stamped "1/4 S1/S6 1976 T5N R71W") bears N88°02'59"E, a distance of 2,641.70 feet (basis of bearing - assumed); Thence S61°47'54"E, non-tangent with the following described curve, a distance of 639.10 feet to the northerly Right of Way line Department of Transportation, State of Colorado, Project No. 9-R-5, and the POINT OF BEGINNING;

1. Thence along the arc of a curve to the right, coincident with said Right of Way line, a radius of 437.48 feet, a central angle of 23°40'49", a chord bearing N87°17'32"W, a distance of 179.53 feet, and an arc distance of 180.81 feet;
2. Thence N75°27'07"W, tangent with the previous described curve, a distance of 87.26 feet to the westerly line of said parcel;
3. Thence N00°09'37"E, coincident with said westerly line, a distance of 16.75 feet;
4. Thence S79°51'50"E, a distance of 267.92 feet, more or less, to the POINT OF BEGINNING.

The above described parcel contains 4,934 square feet (0.113 acres), more or less.

Robert A. Boehm, PLS 34992
Colorado Licensed Professional Land Surveyor
For and on Behalf of Jacobs Engineering Group Inc.
707 17th Street, Suite 2400
Denver, CO 80202



EXHIBIT "A"

PROJECT CODE: 20279
PROJECT NUMBER: ER 0341-084 UNIT 1
PARCEL NUMBER: AP-5A
DATE: April 19, 2016

LEGAL DESCRIPTION

Parcel No. AP-5A of the Department of Transportation, State of Colorado, Project No. ER 0341-084 UNIT 1, containing 893 square feet (0.020 acres), lying in the SE 1/4 of Section 1, Township 5 North, Range 71 West of the 6th P.M., being a portion of that certain parcel of land described in deed recorded at Reception No. 1996041517, on June 11, 1996, in the Larimer County Clerk and Recorder's office, being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 1 (a found 2" steel pipe with a 3.25" BLM Brass Cap Stamped "T5N R71W C1/4 S1 1976"), whence the East Quarter Corner of said Section 1 (a found 2.5" steel pipe with a 3.25" BLM Brass Cap Stamped "1/4 S1/S6 1976 T5N R71W") bears N88°02'59"E, a distance of 2,641.70 feet (basis of bearing - assumed); Thence S80°32'07"E, non-tangent with the following described curve, a distance of 849.86 feet to the westerly Right of Way line of Department of transportation, State of Colorado, Project No. 9-R-5 and the POINT OF BEGINNING;

1. Thence along the arc of a curve to the right, contiguous with said westerly line, having a central angle of 15°38'25", a radius of 437.48 feet, a chord bearing of S45°52'25"W a distance of 119.05 feet, and an arc distance of 119.42 feet;
2. Thence along the arc of a curve to the left, non-tangent with previous described curve, having a central angle of 38°31'09", a radius of 115.62 feet, a chord bearing of N34°26'03"E a distance of 76.27 feet, and an arc distance of 77.73 feet;
3. Thence N64°43'44"E, non-tangent with previous described curve, a distance of 46.81 feet, more or less, to the POINT OF BEGINNING.

The above described parcel contains 893 square feet (0.020 acres), more or less.

Robert A. Boehm, PLS 34992
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707 17th Street, Suite 2400
Denver, CO 80202



EXHIBIT "A"

PROJECT CODE: 20279
PROJECT NUMBER: ER 0341-084 UNIT 1
PARCEL NUMBER: RW-5
DATE: June 29, 2016

LEGAL DESCRIPTION

Parcel No. RW-5 of the Department of Transportation, State of Colorado, Project No. ER 0341-084 UNIT 1, containing 225 square feet (0.005 acres), lying in the SE 1/4 of Section 1, Township 5 North, Range 71 West of the 6th P.M., being a portion of that certain parcel of land described in deed recorded at Reception No. 1996041517, on June 11, 1996, in the Larimer County Clerk and Recorder's office, being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 1 (a found 2" steel pipe with a 3.25" BLM Brass Cap Stamped "T5N R71W C1/4 S1 1976"), whence the East Quarter Corner of said Section 1 (a found 2.5" steel pipe with a 3.25" BLM Brass Cap Stamped "1/4 S1/S6 1976 T5N R71W") bears N88°02'59"E, a distance of 2,641.70 feet (basis of bearing - assumed); Thence S86°54'10"E, a distance of 897.67 feet to the westerly Right of Way line of the Department of Transportation, State of Colorado, Project No. 9-R-5 and the POINT OF BEGINNING;

1. Thence S30°24'53"W coincident with said Right of Way line, a distance of 15.00 feet;
2. Thence N59°35'07"W, a distance of 15.00 feet;
3. Thence N30°24'53"E, a distance of 15.00 feet;
4. Thence S59°35'07"E, a distance of 15.00 feet, more or less, to the POINT OF BEGINNING.

The above described parcel contains 225 sq. ft. (0.005 acres), more or less.

Robert A. Boehm, PLS 34992
Colorado Licensed Professional Land Surveyor
For and on Behalf of Jacobs Engineering Group Inc.
707 17th Street, Suite 2400
Denver, CO 80202



EXHIBIT "A"

PROJECT CODE: 20279
PROJECT NUMBER: ER 0341-084 Unit 1
TEMPORARY EASEMENT NUMBER: TE-5rev
DATE: SEPTEMBER 1, 2016

LEGAL DESCRIPTION

Temporary Easement No. TE-5rev of the Department of Transportation, State of Colorado, Project Number ER 0341-084 Unit 1, containing 10,287 square feet (0.236 Acres), lying in the SE 1/4 of Section 1, Township 5 North, Range 71 West of the 6th P.M., being a portion of that certain parcel of land described in deed recorded at Reception No. 1996041517, on June 11, 1996, in the Larimer County Clerk and Recorder's office, being more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 1 (a found 2" steel pipe with a 3.25" BLM Brass Cap Stamped "T5N R71W C1/4 S1 1976"), whence the East Quarter Corner of said Section 1 (a found 2.5" steel pipe with a 3.25" BLM Brass Cap Stamped "1/4 S1/S6 1976 T5N R71W") bears N88°02'59"E, a distance of 2,641.70 feet (basis of bearing - assumed); Thence S51°20'19"E, a distance of 383.60 feet to the westerly line of said parcel and the POINT OF BEGINNING;

1. Thence S79°51'50"E, non-tangent with the following described curve, a distance of 267.99 feet;
2. Thence along the arc of a curve to the left, tangent with the following described curve, a radius of 422.48 feet, a central angle of 26°49'54", a chord bearing N67°06'34"E a distance of 196.05 feet, and an arc distance of 197.85 feet;
3. Thence along the arc of a curve to the left, a radius of 100.62 feet, a central angle of 42°21'20", a chord bearing N32°30'58"E a distance of 72.70 feet, and an arc distance of 74.38 feet,
4. Thence N64°43'44"E, non-tangent with the previous and following described curves, a distance of 50.44 feet;
5. Thence along the arc of a curve to the left, a radius of 422.48 feet, a central angle of 7°09'37", a chord bearing N33°59'42"E a distance of 52.76 feet, and an arc distance of 52.80 feet;
6. Thence N30°24'53"E, tangent with the previous described curve, a distance of 34.94 feet;
7. Thence S59°35'07"E, a distance of 15.00 to the northwesterly Right of Way line of the Department of Transportation, State of Colorado, Project No. 9-R-5;
8. Thence S30°24'53"W, coincident with said northwesterly Right of Way line and tangent with the following described curve, a distance of 34.94 feet;
9. Thence along the arc of a curve to the right, continuing along said northwesterly Right of Way line, a radius of 437.48 feet, a central angle of 7°38'19", a chord bearing S34°14'03"W a distance of 58.28 feet, and an arc distance of 58.32 feet;
10. Thence S64°43'44"W, non-tangent with the previous and following described curves, a distance of 46.81 feet;

11. Thence along the arc of a curve to the right, tangent with the following described curve, a radius of 115.62 feet, a central angle of $38^{\circ}31'09''$, a chord bearing $S34^{\circ}26'03''W$ a distance of 76.27 feet, and an arc distance of 77.73 feet to said northwesterly Right of Way line;
12. Thence along the arc of a curve to the right, coincident with said northwesterly Right of Way line, a radius of 437.48 feet, a central angle of $27^{\circ}10'26''$, a chord bearing $S67^{\circ}16'51''W$ a distance of 205.55 feet, and an arc distance of 207.49 feet;
13. Thence $N79^{\circ}51'50''W$, non-tangent with the previous described curve, a distance of 267.92 feet to the westerly line of said parcel;
14. Thence $N00^{\circ}09'37''E$, coincident with said westerly line, a distance of 15.23 feet to the POINT OF BEGINNING.

The above described parcel contains 10,287 square feet (0.236 Acres), more or less, for construction of highway and drainage facilities.

Robert A. Boehm, PLS 34992
Colorado Licensed Professional Land Surveyor
For and on the behalf of
Jacobs Engineering Group, Inc
707 17th Street, Suite 2400
Denver, CO 80202



Colorado Department of Transportation



10601 West 10th Street
Greeley, CO 80634
Phone: 970-350-2161

Region 4 Right of Way

PTS

Sheet Revisions

Date	Description	Initials
06/30/16	rev 2.01, 4.02, 4.03, 5.01, 7.017, 02, 8.01	Jam

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXXXX	XXX

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXXXX	XXX



707 17th Street, Suite 2400
Denver, Colorado 80202
Phone: 303-820-5240
Fax: 303-820-5298

Right of Way Plans

Title Sheet

Project Number: ER 0341-084 Unit 1
Project Location: PR US34 Big Thompson Canyon

Project Code	Last Mod. Date	Sheet No.
20279	06-30-16	1 of 101

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED FEDERAL AID PROJECT NO. ER 0341-084 Unit 1 STATE HIGHWAY NO. 34 LARIMER COUNTY

R.O.W. Length of Project - 0.62 Miles
Const. Length of Project - 23.08 Miles

SHEET NO. INDEX OF SHEETS

- 1.01 (1) Title Sheet
- 2.01-2.03 (3) Tabulation of Properties
- 3.01-3.06 (6) Project Control Diagram
- 4.01-4.03 (3) Land Survey Control Diagram
- 5.01 (1) Monumentation Sheets
- 6.01-6.0X (NA) Tabulation of Road Approach Sheets
- 7.01-7.03 (3) Plan Sheets
- 8.01 (1) Ownership Map

(18) Total Sheets

Scales of Original 11"x17" Drawings
Plan Sheets 1"=100'
Ownership Map 1"=500'

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N63-03-27E from "COLLINSON 1939" Azimuth Mark PID LL1338 to "PURDY 1995" PID AE8120. COLLINSON is a CGS disk set in a rock outcrop, and PURDY is an NGS control disk set in a boulder, both marked as described above.
The survey data was obtained from NGS data sheets - NAD 83 (2011 Colorado State Plane North (0501) Zone), and are used as horizontal control for this survey.

1. 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.

2. For title information, The Colorado Department of Transportation relied on (Title Policy), (Title Commitments), (Memorandums of Ownership) prepared by (Title Co. or individual) for (Title Insurance Co. or consultant)

3. 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.

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.

COLORADO DEPARTMENT OF TRANSPORTATION
FEDERAL-AID HIGHWAY PROJECT

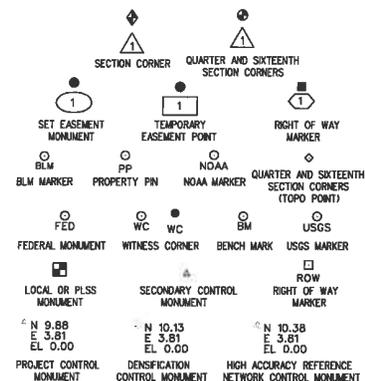
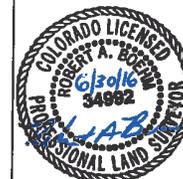
ROW PLANS AUTHORIZED:

7-6-16
DATE
Bob Gumbel - For Revisions only
CDOT ROW PROGRAM MANAGER

SURVEYOR STATEMENT (ROW PLAN)

I, Robert A. Boehm, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that based upon my knowledge, information and belief, research, calculations and evaluation of the survey evidence were performed and this Right-of-Way Plan was prepared under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

PLS No. 34992

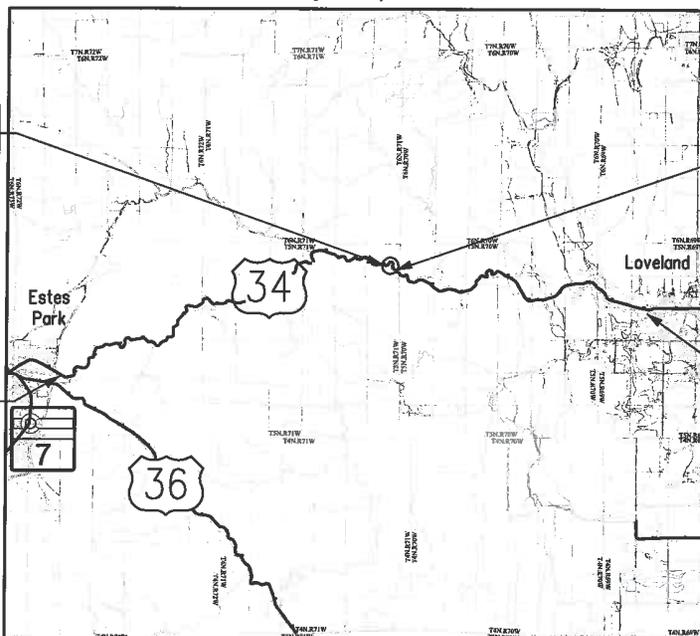


Begin ROW Project
Station: 4057+20.15
M.P.: 78.07

Begin Const Project
Station: 120+00
M.P.: 65.00

End ROW Project
Station: 4085+27.1
M.P.: 78.69

End Const Project
Station: 1339+00
M.P.: 88.08



PROJECT LOCATION MAP

0' 10,000' 20,000' 40,000'
Lineal Units - U.S. Survey Feet

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. Existing topo features are shown as screened weight (gray scale). Proposed or new features are shown as full weight without screening, except as noted with the word (proposed).

FILING CERTIFICATION: DAY OF ... AT ...
 DEPOSITED THIS ... OF THE COUNTY LAND SURVEYS/RIGHT OF WAY
 IN BOOK ... SURVEYS AT THIS ... RECEPTION NUMBER ...
 SIGNED: ... DPT.

6/29/2016 10:45:43 AM K:\V\W\Y\0102_CDOT_FRD_US34\20279\Row_Survey\Drawings\Unit1\20279ROW_TitleSheet.dwg

Colorado Department of Transportation



10601 West 10th Street
Greeley, CO 80634
Phone: 970-350-2161

Region 4 Right of Way PTS

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
08/30/16	rev AP-5, TE-5, RW-2, TE-2 add RW-5			XXXXXXXX			XXXXXXXX	

JACOBS™
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Phone: 303-820-5240
Fax: 303-820-5298

Right of Way Plans			
Tabulation of Properties			
Project Number: ER 0341-084 Unit 1			
Project Location: PR US34 Big Thompson Canyon			
Project Code	Last Mod. Date	Subset	Sheet No.
20279	06-30-16	2.01 of 2.03	2.01

R.O.W. TABULATION OF PROPERTIES IN LARIMER COUNTY U.S. NO. 34

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			
			Township 5 North, Range 71 West								
RW-2rev	COUNTY OF LARIMER 200 W OAK ST FORT COLLINS, CO 80521	NA PID: 150100901	A part of the SE 1/4, Sec.1	9,914 (0.228)		9,914 (0.228)	91,431 (2.099)			06427B2015	
TE-2rev	Same as above	Same as above	Same as above	1,482 (0.034)		1,482 (0.034)				Same as above For Construction of highway & drainage facilities	
RW-3A	City of Loveland 410 E 5TH ST LOVELAND, CO 80537	NA PID: 150100913	A part of the SE 1/4, Sec.1	127,651 (2.930)		127,651 (2.930)	71,936 (1.651)	1,486,288 (34.166)		06428B2015	
TE-3	Same as above	Same as above	Same as above	165,724 (3.805)		165,724 (3.805)				Same as above For Construction of highway & drainage facilities	
TE-3A	Same as above	Same as above	Same as above	71,936 (1.651)		71,936 (1.651)				Same as above For Construction of highway & drainage facilities	
AP-4rev	COUNTY OF LARIMER 200 W OAK ST FORT COLLINS, CO 80521	NA PID: 150100901	A part of the SE 1/4, Sec.1	32,203 (0.739)		32,203 (0.739)				06427B2015	
AP-5rev	C. Kevin Stees 1337 W. HIGHWAY 34 Loveland, CO 80537	1337 W. HIGHWAY 34 Loveland, CO 80537 PID: 150100017	Same as above	4,934 (0.113)		4,934 (0.113)	188,736 (4.333)			06429B2015	
AP-5A	Same as above	Same as above	Same as above	893 (0.020)		893 (0.020)	188,736 (4.333)			Same as above	
RW-5	Same as above	Same as above	Same as above	225 (0.005)		225 (0.005)	188,736 (4.333)			Same as above	
TE-5rev	Same as above	Same as above	Same as above	10,287 (0.236)		10,287 (0.236)				Same as above For Construction of highway & drainage facilities	

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10601 West 10th Street
Greeley, CO 80634
Phone: 970-350-2161

Sheet revisions			Sheet revisions			Sheet revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
06/30/16	rev. AP-5, TE-5, RW-2, TE-2	XXX		XXXXXXXX	XXX		XXXXXXXX	XXX

Right of Way Plans			
Plan Sheet			
Project Number: ER 0341-084 Unit 1			
Project Location: PR US34 Big Thompson Canyon			
Project Code	Last Mod. Date	Subset	Sheet No.
20279	06-30-16	7.01 of 7.03	7.01

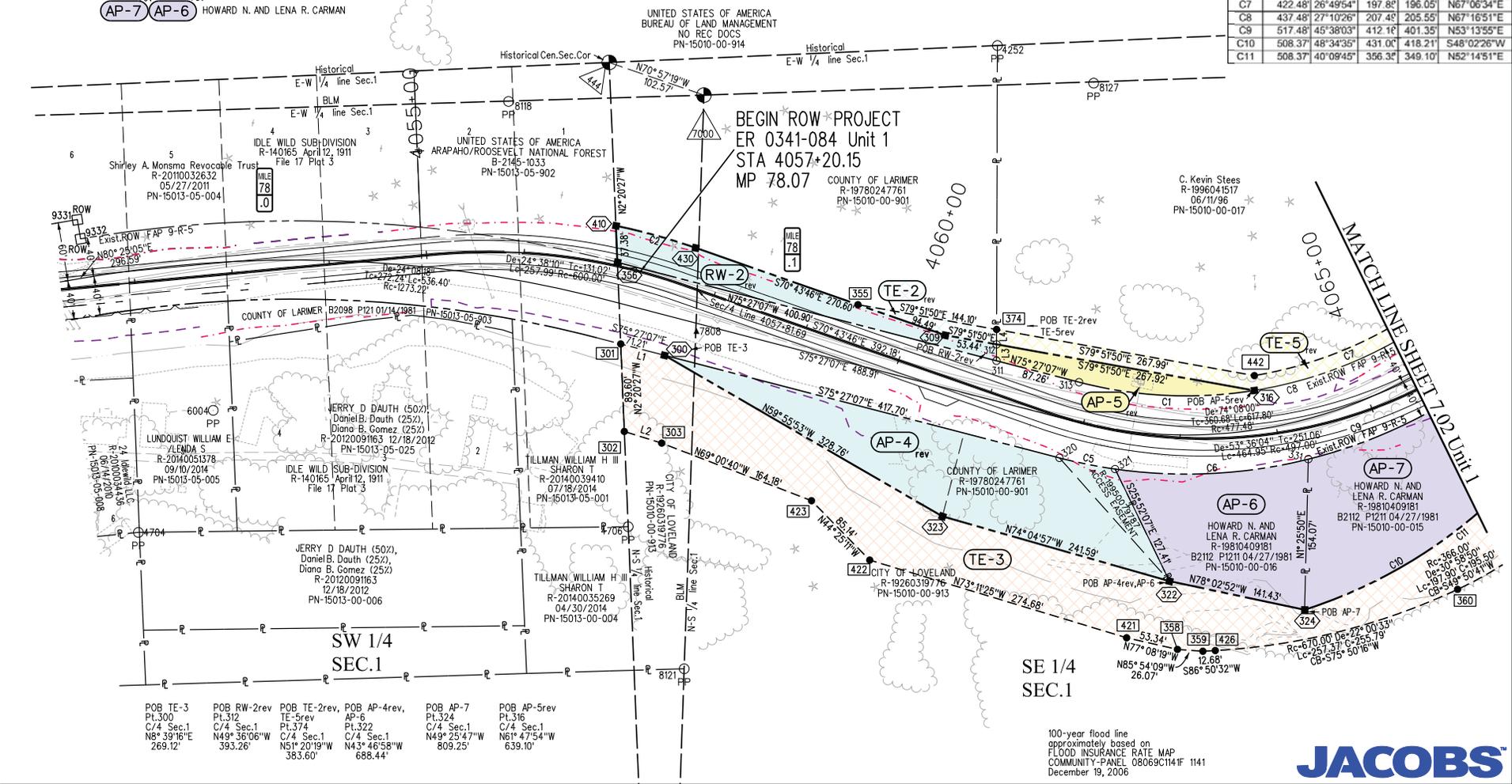
T.5N.,R.71W.,6th P.M.

NAME	BEARING	DISTANCE	NAME	RADIUS	DELTA	ARC	CHORD	BEARING
L1	S75°27'07"E	46.17	C1	437.40'	23°40'49"	180.07'	179.53'	N87°17'32"W
L2	N72°41'29"W	40.15	C2	640.00'	7°34'59"	84.70'	84.64'	S74°31'15"E
L3	N0°09'37"E	16.75	C3	deleted				
L4	N0°09'37"E	15.23	C4	deleted				
L5	S0°00'00"E	17.59	C5	517.48'	6°26'02"	58.17'	58.08'	S78°40'08"E
L6	deleted		C6	517.48'	22°03'54"	199.28'	198.06'	N87°04'53"E
			C7	422.48'	26°49'54"	197.82'	196.05'	N67°06'34"E
			C8	437.48'	27°10'26"	207.48'	205.55'	N67°16'51"E
			C9	517.48'	45°38'03"	412.16'	401.35'	N53°13'55"E
			C10	508.37'	48°34'35"	431.00'	418.21'	S48°02'26"W
			C11	508.37'	40°09'45"	356.30'	349.10'	N52°14'51"E

- TE-2 RW-2 AP-4 COUNTY OF LARIMER
- TE-3 CITY OF LOVELAND
- TE-5 AP-5 C. Kevin Stees
- AP-7 AP-6 HOWARD N. AND LENA R. CARMAN

NW 1/4 SEC.1

NE 1/4 SEC.1



POB TE-3 Pt.300 C/4 Sec.1 N8°39'16"E 269.12'	POB RW-2rev C/4 Sec.1 N49°36'08"W 393.26'	POB TE-2rev Pt.374 C/4 Sec.1 N51°20'19"W 383.60'	POB AP-4rev Pt.322 C/4 Sec.1 N43°46'58"W 688.44'	POB AP-7 Pt.324 C/4 Sec.1 N49°25'47"W 809.25'	POB AP-5rev Pt.316 C/4 Sec.1 N61°47'54"W 639.10'
--	--	--	--	---	--

100-year flood line
approximately based on
FLOOD INSURANCE RATE MAP
COMMUNITY - PANEL 08069C114# 1141
December 19, 2006



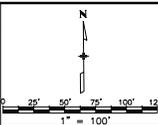
Colorado Department of Transportation



10601 West 10th Street
Greeley, CO 80634
Phone: 970-350-2161

Region 4 Right of Way PTS

Sheet revisions			Sheet revisions			Sheet revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
06/30/16	rev TE-5, add RW-5	XXX		XXXXXXXX	XXX		XXXXXXXX	XXX

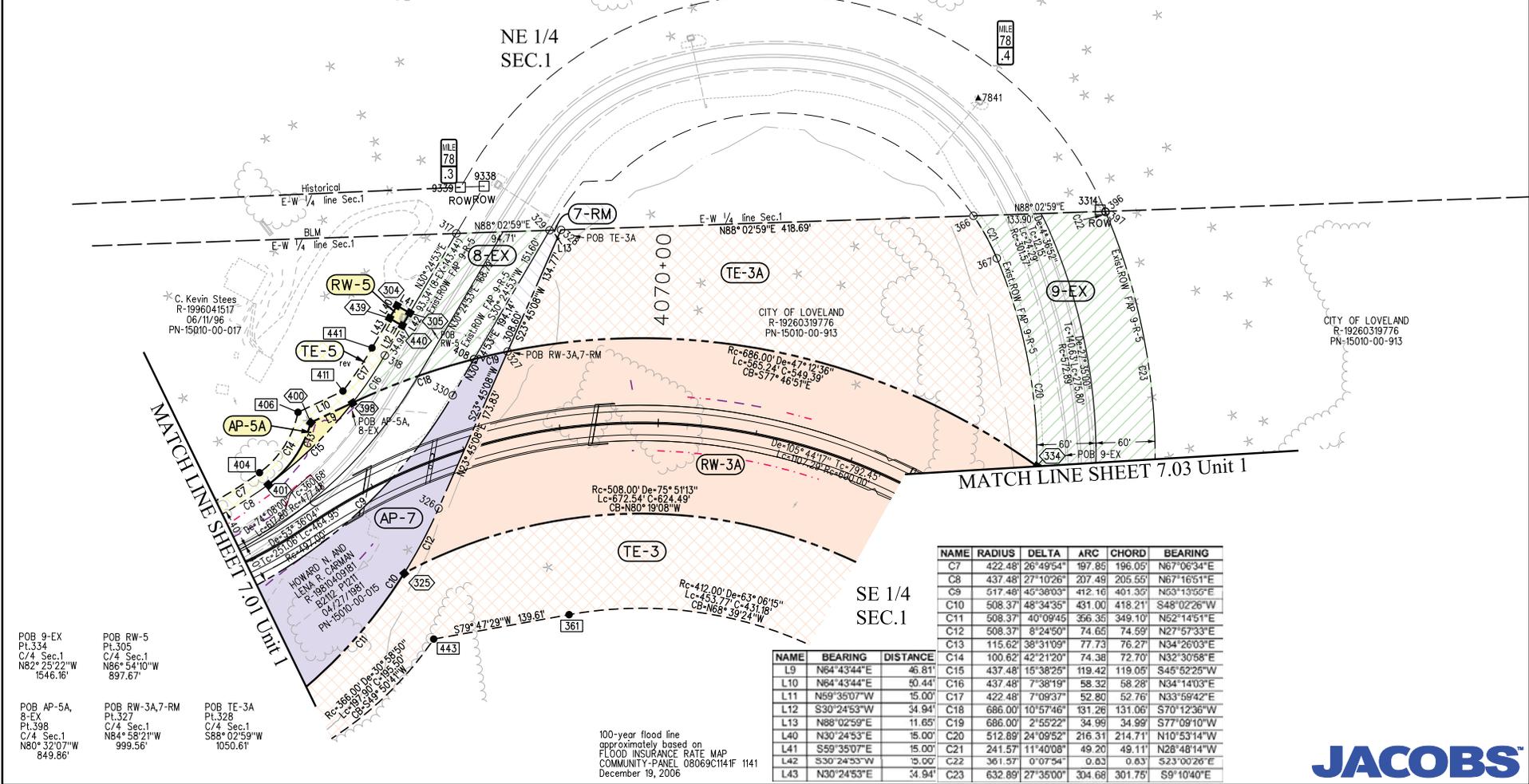


Right of Way Plans			
Plan Sheet			
Project Number: ER 0341-084 Unit 1			
Project Location: PR US34 Big Thompson Canyon			
Project Code	Last Mod. Date	Subset	Sheet No.
20279	06-30-16	7.02 of 7.03	7.02

- TE-3A TE-3 RW-3A CITY OF LOVELAND
- RW-5 TE-5 AP-5A C. Kevin Stees
- 7-RM AP-7 HOWARD N. AND LENA R. CARMAN
- 9-EX 8-EX COLORADO DEPARTMENT OF TRANSPORTATION

T.5N.,R.71W.,6th P.M.

UNITED STATES OF AMERICA
BUREAU OF LAND MANAGEMENT
NO REC DOCS
PN-15010-00-914



NAME	RADIUS	DELTA	ARC	CHORD	BEARING			
C7	422.48'	26°49'54"	197.86'	196.05'	N67°06'34"E			
C8	437.48'	27°10'26"	207.49'	205.55'	N67°16'51"E			
C9	517.48'	46°38'03"	412.16'	401.35'	N63°13'56"E			
C10	508.37'	48°34'35"	431.00'	418.21'	S48°02'26"W			
C11	508.37'	40°09'45"	366.36'	349.10'	N52°14'51"E			
C12	508.37'	8°24'50"	74.65'	74.59'	N27°57'33"E			
C13	115.62'	38°31'09"	77.73'	76.27'	N34°26'03"E			
C14	100.62'	42°21'20"	74.38'	72.70'	N32°30'58"E			
C15	437.48'	15°38'25"	119.42'	119.05'	S45°52'25"W			
C16	437.48'	7°38'19"	58.32'	58.28'	N34°14'03"E			
L11	N59°35'07"W	15.00'	C17	422.48'	7°09'37"	52.80'	52.76'	N33°56'42"E
L12	S30°24'53"W	34.94'	C18	686.00'	10°57'46"	131.26'	131.06'	S70°12'36"W
L13	N88°02'59"E	11.65'	C19	686.00'	2°55'22"	34.99'	34.99'	S77°09'10"W
L40	N30°24'53"E	15.00'	C20	512.89'	24°09'52"	216.31'	214.71'	N10°53'14"W
L41	S59°35'07"E	15.00'	C21	241.57'	11°40'08"	49.20'	49.11'	N28°48'14"W
L42	S30°24'53"W	19.00'	C22	361.57'	0°07'54"	0.63'	0.63'	S23°00'28"E
L43	N30°24'53"E	34.94'	C23	632.89'	27°35'00"	304.68'	301.75'	S9°10'40"E

NAME	BEARING	DISTANCE
L9	N64°43'44"E	46.81'
L10	N64°43'44"E	40.44'
L11	N59°35'07"W	15.00'
L12	S30°24'53"W	34.94'
L13	N88°02'59"E	11.65'
L40	N30°24'53"E	15.00'
L41	S59°35'07"E	15.00'
L42	S30°24'53"W	19.00'
L43	N30°24'53"E	34.94'

100-year flood line
approximately based on
FLOOD INSURANCE RATE MAP
COMMUNITY-PANEL 08069C114F 1141
December 19, 2008

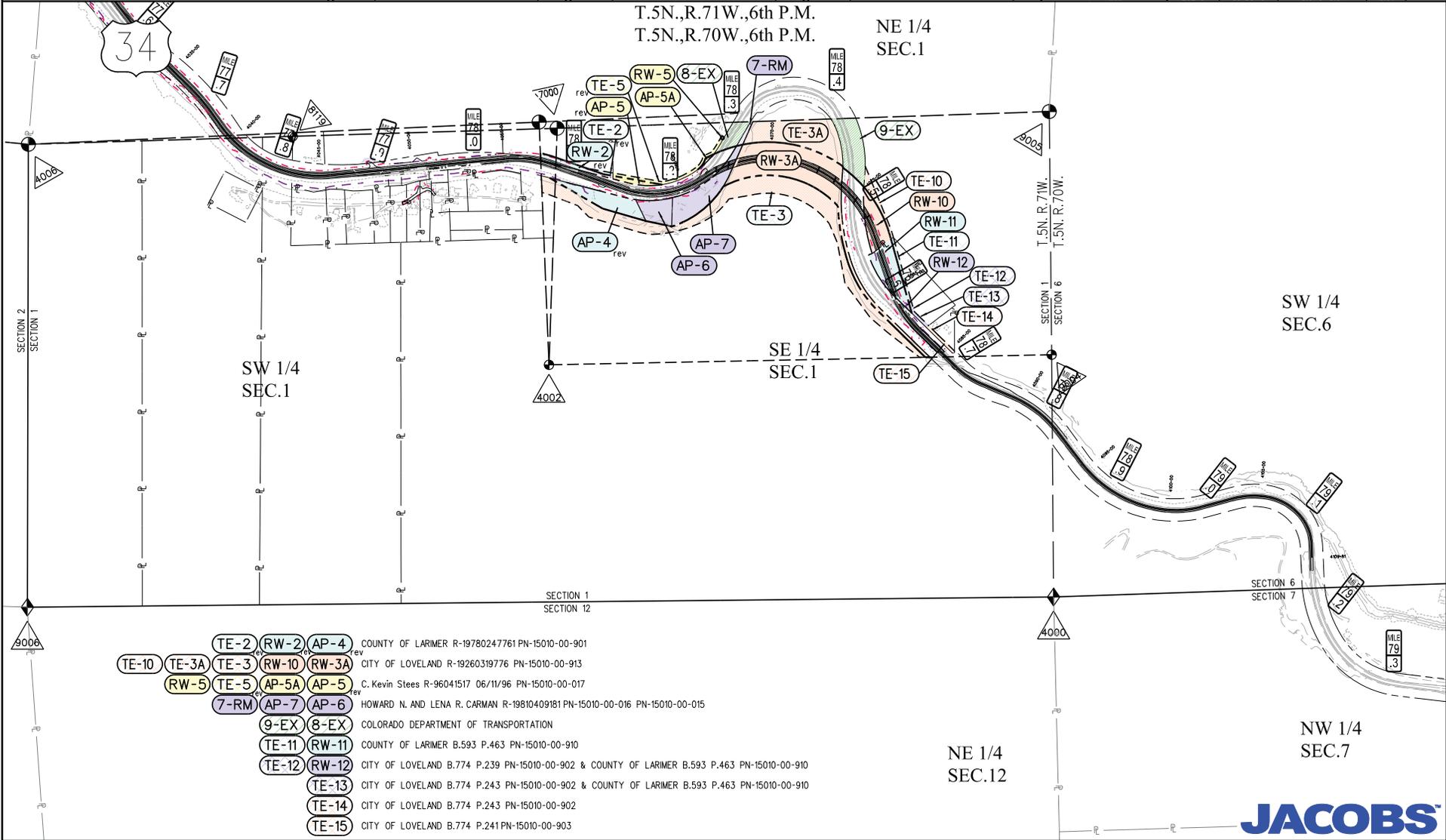
- POB 9-EX
Pt. 334
C/4 Sec.1
N82°25'22"W
1546.16'
- POB RW-5
Pt. 305
C/4 Sec.1
N86°54'10"W
897.67'
- POB AP-5A,
8-EX
Pt. 398
C/4 Sec.1
N80°32'07"W
849.86'
- POB RW-3A,7-RM
Pt. 327
C/4 Sec.1
N84°58'21"W
999.56'
- POB TE-3A
Pt. 328
C/4 Sec.1
S88°02'59"W
1050.61'



Colorado Department of Transportation
 10601 West 10th Street
 Greeley, CO 80634
 Phone: 970-350-2161
 Region 4 Right of Way MDG

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
06/30/16	rev AP-5, TE-5, RW-2, TE-2, add RW-5	Jam		XXXXXXXX	XXX		XXXXXXXX	XXX

Right of Way Plans			
Ownership Sheet			
Project Number: ER 0341-084 Unit 1			
Project Location: PR US34 Big Thompson Canyon			
Project Code	Last Mod. Date	Subset	Sheet No.
20279	06-30-16	8.01 of 8.01	8.01



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PROJECT CODE: 20279
PROJECT NO: ER 0341-084 Unit 1
DESIGNATION: US 34 - MP 78.07 -MP 78.69
REGION: 4
COST ESTIMATE: \$237,840
OWNERSHIPS: 2,3,4,5,6,7,10,11,12,13,14,15

LAND ACQUISITION APPROVAL

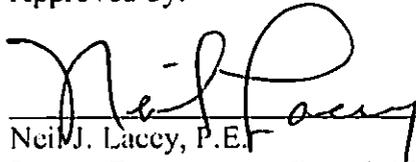
WHEREAS, the Colorado Transportation Commission by Resolution No. TC-271, directs the Executive Director or his delegatee, to handle the approval for land acquisition actions and the tendering of payment to landowners for damages in connection with previously approved highway projects; and

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

WHEREAS, Project No. ER 0341-084 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:



Neil J. Lacey, P.E.
Project Development Branch Manager

6/15/16
Date

COLORADO DEPARTMENT OF TRANSPORTATION							Project Code: 20279		State Highway # 34		
CHIEF ENGINEER'S RIGHT-OF-WAY COST ESTIMATE							Project No: ER 0341-084 Unit 1				
							Location: PR US34 Big Thompson Canyon				
The following is the estimated cost of right of way required for the construction of the above captioned project as required by CRS 43-1-208. As shown, the totals include the estimated value of the land to be acquired, the value of any improvements thereon and the damage and benefits, if any, to the remaining land. This estimate is prepared and used for budgetary purposes only, and should not be considered an indication of actual market value.							Region Right-of-Way Manager				
							Date:				
Parcel	Owner	Area	Unit	Unit Value		Land Value	Improvements	Damages / (Benefits)	Land Rental (mos) Land Rental Cost	Total	
				\$/Unit	%						
RW-2Rev	County of Larimer	9,914	SF	\$0.75	@ 100%	\$ 7,436				\$ 7,450	
TE-2Rev	Same as Above	1,482	SF	\$0.75	@ 10%				36	\$ 340	
					@ 100%				\$ 333		
RW-3A	City of Loveland	127,651	SF	\$0.75	@ 100%	\$ 95,738				\$ 95,750	
TE-3	Same as Above	165,724	SF	\$0.75	@ 10%				12	\$ 12,450	
TE-3A	Same as Above	71,936	SF	\$0.75	@ 10%				12	\$ 5,400	
					@				\$ 5,395		
AP-4Rev	County of Larimer	32,203	SF	\$0.75	@ 100%	\$ 24,152				\$ 24,200	
					@						
AP-5Rev	C. Kevin Stees	4,934	SF	\$0.75	@ 100%	\$ 3,701				\$ 3,750	
AP-5A	Same as Above	893	SF	\$0.75	@ 100%	\$ 670				\$ 670	
RW-5	Same as Above	225	SF	\$0.75	@ 100%	\$ 169				\$ 500	
TE-5Rev	Same as Above	10,287	SF	\$0.75	@ 10%				12	\$ 780	
					@				\$ 772		
AP-6	Howard & Lena Carman	21,065	SF	\$1.09	@ 100%	\$ 22,961				\$ 23,000	
					@						
AP-7	Same as Above	47,904	SF	\$0.75	@ 100%	\$ 35,928				\$ 35,950	
7-RM	Same as Above	2,634	SF	\$0.75	@ 100%	\$ 1,976				\$ 2,000	
					@						
					@						
Sheet Totals						\$ 192,729	\$ -	\$ -	\$ 18,929	\$ 212,240	

