

Post-Amerco Real Property Acquisitions - Transportation Commission Tracking - May 17, 2018

Acquisition Authorization Requests

Region 3 - Acquisition Authorization Request

Transportation Commission District	Project Name	Project #	Project Code	Parcel #	Property Owner(s)	Valuation Amount	Chief Engineer's Cost Estimate (CECE), Appraisal (A) or Waiver Valuation (WV)	Date of Valuation	TC Acquisition Resolution Number (If Applicable)
7	US 6 Castle Creek Bridge	BR 0063-045	19394	RW-1	Red Mountain Ranch Partnership, LLLP	\$16,300.00	CECE	April 20, 2018	
				TE-2	Union Pacific Railroad	\$4,000.00	CECE	April 20, 2018	
				RW-3	Red Mountain Ranch Partnership, LLLP	\$46,000.00	CECE	April 20, 2018	
				Total Cost Estimate for Project:		\$66,300.00			

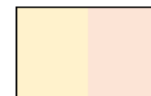
Region 5 - Acquisition Authorization Request

Transportation Commission District	Project Name	Project #	Project Code	Parcel #	Property Owner(s)	Valuation Amount	Chief Engineer's Cost Estimate (CECE), Appraisal (A) or Waiver Valuation (WV)	Date of Valuation	TC Acquisition Resolution Number (If Applicable)
8	US 550: CR 214 North ROW Acquisition	NH 5501-015	16791	4228 Rev 2	Herold I. & Gloria M. Lopez	\$5,750.00	CECE	April 25, 2018	
				4228A Rev 2	Herold I. & Gloria M. Lopez	\$48,000.00	CECE	April 25, 2018	
				TE-4228 Rev 2	Herold I. & Gloria M. Lopez	\$2,500.00	CECE	April 25, 2018	
				Total Cost Estimate for Project:		\$56,250.00			

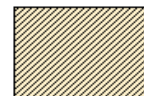
I-70 Central Project - Acquisition Authorization Request

Transportation Commission District	Project Name	Project #	Project Code	Parcel #	Property Owner(s)	Valuation Amount	Chief Engineer's Cost Estimate (CECE), Appraisal (A) or Waiver Valuation (WV)	Date of Valuation	TC Acquisition Resolution Number (If Applicable)
1	I-70 Central Project	FBR 0704-234	19631	AP-104	Wright @ McGill Co.	\$15,750.00	CECE	April 23, 2018	
				AP-104A	Wright @ McGill Co.	\$750.00	CECE	April 23, 2018	
				AP-TE-104	Wright @ McGill Co.	\$4,300.00	CECE	April 23, 2018	
				AP-TE-104A	Wright @ McGill Co.	\$3,050.00	CECE	April 23, 2018	
				AP-TE-104B	Wright @ McGill Co.	\$6,400.00	CECE	April 23, 2018	
				AP-TE-104C	Wright @ McGill Co.	\$5,400.00	CECE	April 23, 2018	
				AP-TE-104D	Wright @ McGill Co.	\$4,750.00	CECE	April 23, 2018	
				AP-119	John Priola, Jr. Warehouse LLC	\$38,600.00	CECE	April 23, 2018	
				AP-TE-119	John Priola, Jr. Warehouse LLC	\$3,000.00	CECE	April 23, 2018	
				AP-123	University Park Real Estate Company, Inc.	\$19,400.00	CECE	April 23, 2018	
				AP-TE-123	University Park Real Estate Company, Inc.	\$18,000.00	CECE	April 23, 2018	
				AP-TE-126	FR CO/TEX CUNA, LLC	\$10,700.00	CECE	April 23, 2018	
				AP-127	John Deere Company	\$85,850.00	CECE	April 23, 2018	
				AP-TE-127	John Deere Company	\$3,400.00	CECE	April 23, 2018	
				AP-TE-127A	John Deere Company	\$37,150.00	CECE	April 23, 2018	
				AP-132	S.A. Sanchez Investments, LLC	\$24,550.00	CECE	April 23, 2018	
				AP-TE-132	S.A. Sanchez Investments, LLC	\$22,000.00	CECE	April 23, 2018	
Total Cost Estimate for Project:		\$303,050.00							

Acquisition Authorization Request



Continuance - No Authorization Requested



Settlement Authorization Request



Condemnation Authorization Request



Removed from Agenda



Resolution # TC-18-5-[]

R3 US 6 Castle Creek Bridge, Eagle County Project, BR 0063-045, Project Code 19394

Authorizing the Chief Engineer to negotiate with the landowners of the properties specified below.

Approved by the Transportation Commission on _____, 2018.

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 highways 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 or 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; 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, CDOT seeks to acquire properties, for the US 6 Castle Creek Bridge, Eagle County Project, Project Number BR 0063-045, Project Code 19394 ("Project").

WHEREAS, CDOT may negotiate with the property owners as specified in the attached Chief Engineer's Cost Estimate.

WHEREAS, CDOT seeks to acquire multiple properties, as specified in the attached Chief Engineer's Estimate for the Project ("Properties"). The Chief Engineer's Estimate specifies the landowners, property locations, proposed size of the acquisitions, and the estimated damages and benefits, if any, to the properties; and

WHEREAS, the Properties may include buildings, structures, or other improvements on the real Properties and may also include tenant-owned improvements, personal property, and other real estate; 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 Properties; and

WHEREAS, after reviewing the Chief Engineer's written report regarding Project and the Properties, the Transportation Commission has determined that the proposed changes to U.S. Highway 6 will serve the public interest and/or convenience of the traveling public and that acquisition of the Properties described in the report will serve the purpose(s) of the Project; and

WHEREAS, the Transportation Commission also approves the Chief Engineer's Cost Estimate of damages and benefits, if any, set forth in his written report.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and/or convenience will be served by the proposed changes to U.S. Highway 6 by virtue of the US 6 Castle Creek Bridge, Eagle County Project, Project Number BR 0063-045, Project Code 19394, parcels RW-1, TE-2 and RW-3, and authorizes the CDOT staff to negotiate with the landowners of the Properties the amount of estimated damages, as estimated by the Chief Engineer. If CDOT and a landowner reach a settlement amount that requires approval by the Regional Transportation Director and the Chief Engineer, as set forth in the CDOT Right-of-Way Manual, then the settlement amount is subject to Transportation Commission approval. If acquisition of the Properties requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to negotiate for the acquisition of those items if necessary. At this time, the Transportation Commission does not authorize CDOT to initiate and conduct condemnation proceedings pursuant to Sections 38-1-101 *et seq.* CDOT shall seek separate approval from the Transportation Commission in order to initiate and conduct condemnation proceedings.

Herman Stockinger, Secretary
Transportation Commission of Colorado


Date



COLORADO
Department of Transportation
Office of the Chief Engineer
4201 East Arkansas Ave, Suite 262
Denver, CO 80222

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSH LAIPPLY, CHIEF ENGINEER 

DATE: May 2, 2018

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER BR 0063-045, SH 6 MP 150.8 to 151.8 CASTLE CREEK BRIDGE, 19394, SEEKING APPROVAL TO NEGOTIATE WITH LANDOWNERS

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1). I deem it desirable to reconstruct a portion of State Highway 6.

If the Transportation Commission determines that the proposed changes will serve the public interest 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 negotiate with the landowners for the Properties.

Description of Portion of Highway to be Changed and Proposed Changes

The SH 6 MP 151.33 Castle Creek Bridge Project ("Project") is necessary for bridge replacement. Reconstruction will include, removal of existing bridge F-09-K over Castle Creek and replacing it with a new 20' x 10' concrete box culvert. Improvements will include a detour, grading, drainage, paving, traffic control management, signing and striping. This will improve capacity, operational performance and safety for steadily increasing traffic volumes, and is therefore desirable.

Description of Properties Needed for Project and Estimate of Property Values, Damages and Benefits (if any)

There are multiple Properties necessary for completion of the Project. The following is a list of the parcels required and a description of each parcel's purpose for the Project.

The Cost Estimate approved by Tim Woodmansee, Region 3 Right-of-Way Manager, attached to this report, individually lists the estimate of land acquisition costs, property value, and/or damages for each of the Properties required for this Project. The estimated property values along with any damages or benefits, if any, are also described below. In my opinion, the Cost Estimate represents a reasonable budget of the property values, damages, and/or benefits, if any, related to the Properties.

The monetary estimates provided below are for budgetary purposes only, and are subject to change. I anticipate that this figure will increase or decrease as the Department obtains additional information about the acquisition and the Property, as appraisals are considered and evaluated, and as litigation expenses and risks are considered. If necessary, CDOT will seek additional approval from the Transportation Commission to condemn the properties listed below. If CDOT reaches an agreement before CDOT seeks Transportation Commission approval of condemnation, CDOT will re-submit the final settlement for Transportation Commission approval.

There are 3 parcel acquisitions from 2 separate ownerships: 2 fee acquisitions from one partnership and 1 temporary easement from the Union Pacific Railroad are necessary for the completion of the Project.

1. Address: 19000 Hwy 6, Eagle CO 81631, Eagle County
Landowner's Name: Red Mountain Ranch Partnership, LLLP
Current Size of Property: 15.400 acres +/-
Proposed Size of Acquisition: Fee simple: 8,187 sf (0.188 acres)
Purpose of Parcel Necessary for Project:
 - RW-1: 8,187 sf (0.188 acres), Fee SimpleEstimated Property Value, Damages and Benefits (if any): \$16,300.00
Method to Determine Property Value, Damages and Benefits (if any): Value based on comparable sales of similar properties near the location of the subject.

2. Address: RR ROW for existing track, adjoining US 6, Eagle County
Landowner's Name: Union Pacific Railroad
Current Size of Property: Indeterminate - RR corridor
Proposed Size of Acquisition: TE: 19,963 sf (0.458 acres)
Purpose of Parcels Necessary for Project:
 - TE-2: 19,963 sf (0.458 acres), Temporary easement for the purpose of construction detour, roadway construction, bridge replacement, and associated improvements, having a duration of 12 months-Estimated Property Value, Damages and Benefits (if any): \$4,000
Method to Determine Property Value, Damages and Benefits (if any): Value based on comparable sales of similar properties near the location of the subject.

3. Address: 19500 Hwy 6, Eagle CO 81631, Eagle County
Landowner's Name: Red Mountain Ranch Partnership, LLLP
Current Size of Property: 8.060 acres +/-
Proposed Size of Acquisition: Fee simple: 22,981 sf (0.528 acres);
Purpose of Parcels Necessary for Project:
 - RW-3: 22,981 sf (0.528 acres), Fee SimpleEstimated Property Value, Damages and Benefits (if any): \$46,000
Method to Determine Property Value, Damages and Benefits (if any): Value based on comparable sales of similar properties near the location of the subject.

Attachments
Right-of-Way Plans
Chief Engineer's Cost Estimate
Legal Descriptions
Proposed Resolution

Resolution # TC-18-5-[]

R5 U.S. 550: CR 214 North ROW Project, NH 5501-015, Project Code 16791

Authorizing the Chief Engineer to negotiate with the landowner of the properties specified below.

Approved by the Transportation Commission on _____, 2018.

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 highways 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 or 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; 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, CDOT seeks to acquire properties, for the U.S. 550: CR 214 North ROW Project, Project Number NH 5501-015, Project Code 16791 ("Project").

WHEREAS, CDOT may negotiate with the property owners as specified in the attached Chief Engineer's Cost Estimate.

WHEREAS, CDOT seeks to acquire multiple properties, as specified in the attached Chief Engineer's Estimate for the Project ("Properties"). The Chief Engineer's Estimate specifies the landowners, property locations, proposed size of the acquisitions, and the estimated damages and benefits, if any, to the properties; and

WHEREAS, the Properties may include buildings, structures, or other improvements on the real Properties and may also include tenant-owned improvements, personal property, and other real estate; 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 Properties; and

WHEREAS, after reviewing the Chief Engineer's written report regarding Project and the Properties, the Transportation Commission has determined that the proposed changes to State Highway No. 550 will serve the public interest and/or convenience of the traveling public and that acquisition of the Properties described in the report will serve the purpose(s) of the Project; and

WHEREAS, the Transportation Commission also approves the Chief Engineer's Cost Estimate of damages and benefits, if any, set forth in his written report.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and/or convenience will be served by the proposed changes to State Highway No. 550 by virtue of the U.S. 550: CR 214 North ROW Project, Project Number NH 5501-015, Project Code 16791, parcels 4228 Rev 2, 4228A Rev 2 and TE-4228A Rev 2, and authorizes the CDOT staff to negotiate with the landowner of the Properties the amount of estimated damages, as estimated by the Chief Engineer. If CDOT and a landowner reach a settlement amount that requires approval by the Regional Transportation Director and the Chief Engineer, as set forth in the CDOT Right-of-Way Manual, then the settlement amount is subject to Transportation Commission approval. If acquisition of the Properties requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to negotiate for the acquisition of those items if necessary. At this time, the Transportation Commission does not authorize CDOT to initiate and conduct condemnation proceedings pursuant to Sections 38-1-101 *et seq.* CDOT shall seek separate approval from the Transportation Commission in order to initiate and conduct condemnation proceedings.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date




COLORADO

Department of Transportation

Office of the Chief Engineer
4201 East Arkansas Ave, Suite 262
Denver, CO 80222

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSH LAIPPLY, CHIEF ENGINEER 

DATE: May 1, 2018

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER NH 5501-015, CR 214 NORTH ROW ACQUISITION, 16791, SEEKING APPROVAL TO NEGOTIATE WITH LANDOWNERS

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1). I deem it desirable to realign a section and widen State Highway 550.

If the Transportation Commission determines that the proposed changes will serve the public interest 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 negotiate with the landowners for the Properties.

Description of Portion of Highway to be Changed and Proposed Changes

NH 5501-015, CR 214 North ROW Acquisition ("Project") is necessary to improve the US 550 corridor. It connects US 550 to US 160 at the existing Grandview interchange (a full-movement interchange replacing a signalized intersection), greatly improving safety and mobility at the US 550/US 160 intersection, providing access to Grandview (Regional Hospital/Police), Three Springs residential development, and City of Durango. Project improvements will reduce travel times, improve access and greatly enhance safety.

The Project will widen the present two-lane roadway to a four-lane divided highway to enhance traveler safety and traffic circulation through the area between County Road 214 and County Road 220. The Project is a highway expansion project. In 1996, the Colorado State Legislature agreed to fund a Strategic Transportation Project Investment Program whose objectives were to accelerate the completion of 28 high-priority corridor improvements identified in CDOT's 20-year statewide plan. The US 550 corridor south of Durango was on that list of strategic projects of critical importance to the state. NEPA studies for the corridor began in 1997. After receiving the Finding of No Significant Impact for the US 550 Environmental Assessment (from the New Mexico state line to Durango) in 2005, CDOT included design, right-of-way, and utility work on small phases of this corridor in the Region 5

Statewide Transportation Improvement Program (STIP) (CDOT, 2008; CDOT, 2011). I have determined that it is necessary to widen this portion of State Highway 550 to maintain connectivity and provide increased safety for the traveling public. This project was recently awarded a \$12.3 million grant.

Description of Properties Needed for Project and Estimate of Property Values, Damages and Benefits (if any)

There are multiple Properties necessary for completion of the Project. The following is a list of the parcels required and a description of each parcel's purpose for the Project.

The Cost Estimate approved by Ralph Campano, Region 5 Right-of-Way Manager, attached to this report, individually lists the estimate of land acquisition costs, property value, and/or damages for each of the Properties required for this Project. The estimated property values along with any damages or benefits, if any, are also described below. In my opinion, the Cost Estimate represents a reasonable budget of the property values, damages, and/or benefits, if any, related to the Properties.

The monetary estimates provided below are for budgetary purposes only, and are subject to change. I anticipate that this figure will increase or decrease as the Department obtains additional information about the acquisition and the Property, as appraisals are considered and evaluated, and as litigation expenses and risks are considered. If necessary, CDOT will seek additional approval from the Transportation Commission to condemn the properties listed below. If CDOT reaches an agreement before CDOT seeks Transportation Commission approval of condemnation, CDOT will re-submit the final settlement for Transportation Commission approval.

There are 2 fee simple acquisitions and 1 temporary easement necessary for the completion of the Project.

1. Address: 697 CR 219, Durango, CO 81303
Landowner's Name: Herold I. and Gloria M. Lopez
Current Size of Property/Size of Larger Parcel: 3.00 acres
Proposed Size of Acquisition: 4228 Rev 2: 5,825 sq.ft. (0.134 acres)
4228A Rev 2: 24,446 sq.ft. (0.561 acres)
TE-4228 Rev 2: 12,653 sq.ft. (0.290 acres)

Purpose of Parcels Necessary for Project:

- 4228 Rev 2: fee simple acquisition for the construction and maintenance of highway improvements and highway related improvements associated with widening US 550.
- 4228A Rev 2: fee simple acquisition for the construction and maintenance of highway improvements and highway related improvements associated with widening US 550.
- TE-4228 Rev 2: temporary easement for construction of driveway, deer fencing and highway improvements, 2-year term.

Estimated Property Value, Damages and Benefits (if any): \$56,250

Method to Determine Property Value, Damages and Benefits (if any): Value was based on comparable sales of similar property near the location of the Property.

Attachments
Right-of-Way Exhibits
Chief Engineer's Cost Estimate
Legal Descriptions
Proposed Resolution

Resolution # TC-18-5-[]

I-70 Central Project, FBR 0704-234, Project Code 19631

Authorizing the Chief Engineer to negotiate with the landowners of the properties specified below.

Approved by the Transportation Commission on _____, 2018.

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 highways 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 or 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; 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, CDOT seeks to acquire properties, for the I-70 Central Project, Project Number FBR 0704-234, Project Code 19631 ("Project").

WHEREAS, CDOT may negotiate with the property owners as specified in the attached Chief Engineer's Cost Estimate.

WHEREAS, CDOT seeks to acquire multiple properties, as specified in the attached Chief Engineer's Estimate for the Project ("Properties"). The Chief Engineer's Estimate specifies the landowners, property locations, proposed size of the acquisitions, and the estimated damages and benefits, if any, to the properties; and

WHEREAS, the Properties may include buildings, structures, or other improvements on the real Properties and may also include tenant-owned improvements, personal property, and other real estate; 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 Properties; and

WHEREAS, after reviewing the Chief Engineer's written report regarding Project and the Properties, the Transportation Commission has determined that the proposed changes to Interstate 70 will serve the public interest and/or convenience of the traveling public and that acquisition of the Properties described in the report will serve the purpose(s) of the Project; and

WHEREAS, the Transportation Commission also approves the Chief Engineer's Cost Estimate of damages and benefits, if any, set forth in his written report.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and/or convenience will be served by the proposed changes to Interstate 70 by virtue of the I-70 Central Project, Project Number FBR 0704-234, Project Code 19631, parcels AP-104, AP-104A, AP-TE-104, AP-TE-104A, AP-TE-104B, AP-TE-104C, AP-TE-104D, AP-119, AP-TE-119, AP-123, AP-TE-123, AP-TE-126, AP-127, AP-TE-127, AP-TE-127A, AP-132 and AP-TE-132, and authorizes the CDOT staff to negotiate with the landowners of the Properties the amount of estimated damages, as estimated by the Chief Engineer. If CDOT and a landowner reach a settlement amount that requires approval by the Regional Transportation Director and the Chief Engineer, as set forth in the CDOT Right-of-Way Manual, then the settlement amount is subject to Transportation Commission approval. If acquisition of the Properties requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to negotiate for the acquisition of those items if necessary. At this time, the Transportation Commission does not authorize CDOT to initiate and conduct condemnation proceedings pursuant to Sections 38-1-101 *et seq.* CDOT shall seek separate approval from the Transportation Commission in order to initiate and conduct condemnation proceedings.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date




COLORADO

Department of Transportation

Office of the Chief Engineer
4201 East Arkansas Ave, Suite 262
Denver, CO 80222

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSH LAIPPLY, CHIEF ENGINEER 

DATE: May 3, 2018

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER FBR 0704-234, I-70 CENTRAL PROJECT, 19631, SEEKING APPROVAL TO NEGOTIATE

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1). I deem it desirable to alter a portion of the Interstate Highway 70.

If the Transportation Commission determines that the proposed changes will serve the public interest and/or convenience of the traveling public, I respectfully request the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize CDOT to negotiate with the landowner for the Properties.

Description of Portion of Highway to be Changed and Proposed Changes

The Central I-70 Project ("Project") is necessary to add one additional Express Lane in each direction from I-25 to Chambers Road, remove the aging viaduct between Brighton and Colorado Boulevards, and lower the interstate along this segment. A 4-acre cover will be constructed over a portion of the interstate. This Project will improve safety and mobility 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 traveling public.

The Project is a highway expansion project, which was initially approved by the Transportation Commission on March 4, 2015. I have determined that it is necessary to widen this portion of Interstate Highway 70 to maintain connectivity and provide increased safety for the traveling public.

Description of Properties Needed for Project and Estimate of Property Value(s), Damages and Benefits (if any)

There are multiple Properties necessary for completion of the Project. The following is a list of the parcels required and the description of each parcel's purpose for the Project.

The Cost Estimate approved by Nancy Terry, Region 1 ROW Manager, attached to this report, individually lists the estimate of land acquisition costs, property value, and/or damages for each of the Properties required for this Project. The estimated property values along with any damages, benefits, if any, are also described below. In my opinion, the Cost Estimate represents a reasonable budget of the property values, damages, and/or benefits, if any, related to the Properties.

The monetary estimates provided below are for budgetary purposes only, and are subject to change. I anticipate that this figure will increase or decrease as the Department obtains additional information about the acquisition and the Property, as appraisals are considered and evaluated, and as litigation expenses and risks are considered. If necessary, CDOT will seek additional approval from the Transportation Commission to condemn the properties listed below. If CDOT reaches an agreement before CDOT seeks Transportation Commission approval of condemnation, CDOT will re-submit the final settlement for Transportation Commission approval.

There are six (6) fee simple acquisitions and eleven (11) temporary easements necessary for the completion of the Project.

Overview of Property

1. Address: 4245 E 46th Avenue Denver, CO 80216
Landowner's Name: Wright @ McGill Co.
Current Size of Property: 15.919 acres
Proposed Size of Acquisition: Parcel AP-104 = 1,047 sf
Parcel AP-104A = 50 sf
Parcel AP-TE-104 = 548 sf
Parcel AP-TE-104A = 391 sf
Parcel AP-TE-104B = 818 sf
Parcel AP-TE-104C = 689 sf
Parcel AP-TE-104D = 604 sf

Purpose of Parcels Necessary for Project:

- AP-104: a partial acquisition for the reconstruction of I- 70 Brighton to Tower Road
- AP-104A: a partial acquisition for the reconstruction of I- 70 Brighton to Tower Road
- AP-TE-104: for the reconstruction of I- 70 Brighton to Tower Road for a period of 48 months
- AP-TE-104A: for the reconstruction of I-70 Brighton to Tower Road for a period of 48 months
- AP-TE-104B: for the reconstruction of I-70 Brighton to Tower Road for a period of 48 months
- AP-TE-104C: for the reconstruction of I-70 Brighton to Tower Road for a period of 48 months
- AP-TE-104D: for the reconstruction of I-70 Brighton to Tower Road for a period of 48 months

Estimated Property Value, Damages, and Benefits (if any): \$40,400.00

Method to Determine Property Value, Damages and Benefits (if any): Estimate based on comparable sales of similar properties near the location of property, with consideration to potential damages.

2. Address: 4545 Holly Street Denver, CO 80216
Landowner's Name: John Priola, Jr. Warehouse LLC
Current Size of Property: 2.454 acres
Proposed Size of Acquisition: Parcel AP-119 = 2,573 sf
Parcel AP-TE-119 = 381 sf
- Purpose of Parcels Necessary for Project:
- AP-119: a partial acquisition for the reconstruction of I- 70 Brighton to Tower Road
 - AP-TE-119: for the reconstruction of I- 70 Brighton to Tower Road for a period of 48 months
- Estimated Property Value, Damages, and Benefits (if any): \$41,600.00
Method to Determine Property Value, Damages and Benefits (if any): Estimate based on comparable sales of similar properties near the location of property, with consideration to potential damages.

3. Address: 5701 E Stapleton North Drive Denver, CO 80216
Landowner's Name: University Park Real Estate Company, Inc.
Current Size of Property: 1.788 acres
Proposed Size of Acquisition: Parcel AP-123 = 1,293 sf
Parcel AP-TE-123 = 2,303 sf
- Purpose of Parcels Necessary for Project:
- AP-123: a partial acquisition for the reconstruction of I- 70 Brighton to Tower Road
 - AP-TE-123: for the reconstruction of I- 70 Brighton to Tower Road for a period of 48 months
- Estimated Property Value, Damages, and Benefits (if any): \$37,400.00
Method to Determine Property Value, Damages and Benefits (if any): Estimate based on comparable sales of similar properties near the location of property, with consideration to potential damages.

4. Address: 5855 E Stapleton North Drive Denver CO 80216
Landowner's Name: FR CO/TEX CUNA, LLC
Current Size of Property: 7.159 acres
Proposed Size of Acquisition: Parcel AP-TE-126 = 1,368 sf
- Purpose of Parcels Necessary for Project:
- AP-TE-126: for the reconstruction of I- 70 Brighton to Tower Road for a period of 48 months
- Estimated Property Value, Damages, and Benefits (if any): \$10,700.00
Method to Determine Property Value, Damages and Benefits (if any): Estimate based on comparable sales of similar properties near the location of property, with consideration to potential damages.

5. Address: 6101 E Stapleton North Drive Denver, CO 80216
Landowner's Name: John Deere Company
Current Size of Property: 7.398 acres
Proposed Size of Acquisition: Parcel AP-127 = 5,722 sf
Parcel AP-TE-127 = 433 sf
Parcel AP-TE-127A = 4,757 sf

Purpose of Parcels Necessary for Project:

- AP-127: a partial acquisition for the reconstruction of I- 70 Brighton to Tower Road
- AP-TE-127: for the reconstruction of I- 70 Brighton to Tower Road for a period of 48 months
- AP-TE-127A: for the reconstruction of I- 70 Brighton to Tower Road for a period of 48 months

Estimated Property Value, Damages, and Benefits (if any): \$126,400.00

Method to Determine Property Value, Damages and Benefits (if any): Estimate based on comparable sales of similar properties near the location of property, with consideration to potential damages.

6. Address: 6701 E Stapleton Drive North Denver, CO 80216
Landowner's Name: S.A. Sanchez Investments, LLC
Current Size of Property: 3.138 acres
Proposed Size of Acquisition: Parcel AP-132 = 1,634 sf
Parcel AP-TE-132 = 2,819 sf

Purpose of Parcels Necessary for Project:

- AP-132: a partial acquisition for the reconstruction of I- 70 Brighton to Tower Road
- AP-TE-132: for the reconstruction of I- 70 Brighton to Tower Road for a period of 48 months

Estimated Property Value, Damages, and Benefits (if any): \$46,550.00

Method to Determine Property Value, Damages and Benefits (if any): Estimate based on comparable sales of similar properties near the location of property, with consideration to potential damages.

Attachments
Proposed Resolution
Chief Engineer's Cost Estimate
Right-of-Way Plans
Legal Descriptions