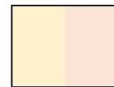


## Post-Amerco Real Property Settlements - Transportation Commission Tracking - November 15, 2018

| Settlement Authorization Requests           |                                 |               |              |  |   |                                       |                         |                                 |                   |  |
|---|---------------------------------|---------------|--------------|--|---|---------------------------------------|-------------------------|---------------------------------|-------------------|--|
| Region 3 - Settlement Affirmations          |                                 |               |              |  |   |                                       |                         |                                 |                   |  |
| Transportation Commission District          | Project Name                    | Project #     | Project Code | Parcel #   | Property Owner(s)   | Chief Engineer's Cost Estimate (CECE) | Fair Market Value (FMV) | Date of Fair Market Value (FMV) | Settlement Amount | TC Acquisition Resolution Number (If Applicable) |
| 7   | SH 24 Battle Mountain Pass      | C SW01-916    | 21767        | PE-1, PE-1A  | Battle One Developer, LLLP                                | \$56,550.00                           | \$41,350.00             | June 1, 2017                    | \$60,285.00       | TC-17-04-11                                      |
| 7   | US 6 & I-70B Clifton Roundabout | NHPP 0063-054 | 21415        | AP-5   | Clifton Automotive Center, Inc.                           | \$119,144.00                          | \$150,000.00            | May 23, 2018                    | \$150,000.00      | TC-18-02-07                                      |
| 7   | SH 340 Redlands Parkway Phase 2 | STA 340A-20   | 21411        | TE-1, TE-1A, TE-1B, TE-5, TE-5A                            | Mesa County Valley School District No. 51                 | \$400.00                              | N/A - Donated           | N/A                             | N/A - Donated     | TC-17-02-15                                      |
|   |                                 |               |              | TE-2   | Scenic Investments, LLC                                   | \$200.00                              | \$200.00                | February 27, 2017               | \$200.00          | TC-17-02-15                                      |
|   |                                 |               |              | TE-3   | Mary V. Makaus Revocable Trust                            | \$200.00                              | \$200.00                | February 27, 2017               | \$200.00          | TC-17-02-15                                      |
|   |                                 |               |              | RW-4   | Redlands Village Ditch Company                            | \$500.00                              | \$500.00                | February 23, 2017               | \$500.00          | TC-17-02-15                                      |
| Region 5 - Settlement Authorization Request |                                 |               |              |  |   |                                       |                         |                                 |                   |  |
| Transportation Commission District          | Project Name                    | Project #     | Project Code | Parcel #   | Property Owner(s)   | Chief Engineer's Cost Estimate (CECE) | Fair Market Value (FMV) | Date of Fair Market Value (FMV) | Settlement Amount | TC Acquisition Resolution Number (If Applicable) |
| 8   | US 550 South Connection         | FSA 5501-021  | 19378        | AP-RW-17, AP-17-RM, AP-RW-18, AP-18-RM, AP-PE-17, AP-TE-17 | Marie J. Webb Ranch, LLC (50%) and The M J Mesa LLC (50%) | \$609,530.00                          | \$746,000.00            | February 6, 2018                | \$1,250,000.00    | TC-17-11-9                                       |

Acquisition Authorization Request



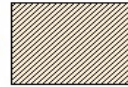
Settlement Authorization Request



Condemnation Authorization Request



Continuance - No Authorization Requested



Removed from Agenda



### Right of Way Plan Key - Parcel Designations

|          |  |          |                                      |
|----------|--|----------|--------------------------------------|
| RW - XXX | Partial or Complete Parcel Acquisition | XXX - RM | Remnant Parcel                       |
| TE - XXX | Temporary Easement                     | UE - XXX | Utility Easement                     |
| PE - XXX | Permanent Easement                     | AP - XXX | Early Acquisition (Advance of Plans) |

**Resolution # TC-18-11-[ ]**

R3 SH 24 Battle Mountain Pass – Emergency Rockfall Mitigation, C SW01-916, 21767

Affirming the property acquisitions and settlement amounts, which have been agreed to or ordered for the property specified below.

**Approved by the Transportation Commission on \_\_\_\_\_, 2018.**

**WHEREAS**, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company, 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 prior to authorizing condemnation of property; and

**WHEREAS**, the *Amerco Real Estate Company* opinion also held that “the decision whether, and if so precisely how and for how much, to take particular property, for a particular proposed highway alteration project, clearly involves the kind of judgment and discretion that is non-delegable in the absence express statutory authorization.” *Amerco Real Estate Company*, 2016SA75, ¶15; and

**WHEREAS**, on April 20, 2017 the Transportation Commission entered resolution TC-17-04-11 (“Resolution”) upon its minutes for SH 24 – Emergency Rockfall Mitigation, Project Number C SW01-916, Project Code 21767; and

**WHEREAS**, the Resolution determined that the public interest or convenience will be served by the proposed alterations to SH 24, approved acquisition of properties needed for the proposed alterations, approved the Chief Engineer’s estimate of value, damages and benefits, if any, accruing to each landowner, and authorized the CDOT Chief Engineer and CDOT staff to negotiate with landowners; and

**WHEREAS**, CDOT staff, without initiating or conducting condemnation proceedings, successfully reached an agreement with the landowners listed below; and

**WHEREAS**, the Transportation Commission must now approve and ratify all final settlement amounts that did not require approval by the Regional Transportation Director and Chief Engineer, as set forth in the Right-of-Way Manual in relation to the below acquisitions and must approve the actual size of the acquisition; and

**WHEREAS**, CDOT shall acquire the following properties for the amounts listed below through settlement;

| Property Location                                      | Approved Chief Engineer's Estimate of Damages and Benefits | Approved Size of Acquisition | Actual Size of Acquisition | Settlement Amount |
|--|--|------------------------------|----------------------------|-------------------|
| Vacant Mountain Slope, MM 148.8, Minturn (PE-1, PE-1A) | \$56,550   | 37.665 ac                    | 37.665 ac                  | \$60,285          |

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby affirms, ratifies, and makes effective as officially sanctioned actions of the Transportation Commission the final settlement amounts and acquisition size agreed to by CDOT and landowners with respect to the above listed acquisitions.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date

|   |
|---|
| <b>Attachments</b><br>Memorandum of Agreement |
|---|

**Resolution # TC-18-11-[ ]**

R3 US 6 & I-70B – Clifton Roundabouts, NHPP 0063-054, Project Code 21415

Affirming the property acquisitions and settlement amounts, which have been agreed to or ordered for the property specified below.

**Approved by the Transportation Commission on \_\_\_\_\_, 2018.**

**WHEREAS**, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company, 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 prior to authorizing condemnation of property; and

**WHEREAS**, the *Amerco Real Estate Company* opinion also held that “the decision whether, and if so precisely how and for how much, to take particular property, for a particular proposed highway alteration project, clearly involves the kind of judgment and discretion that is non-delegable in the absence express statutory authorization.” *Amerco Real Estate Company*, 2016SA75, ¶15; and

**WHEREAS**, on February 15, 2018 the Transportation Commission entered resolution TC-18-02-07 (“Resolution”) upon its minutes for US 6 & I-70B – Clifton Roundabouts Project, Project Number NHPP 0063-054, Project Code 21415; and

**WHEREAS**, the Resolution determined that the public interest or convenience will be served by the proposed alterations to US 6, approved acquisition of properties needed for the proposed alterations, approved the Chief Engineer’s estimate of value, damages and benefits, if any, accruing to each landowner, and authorized the CDOT Chief Engineer and CDOT staff to negotiate with landowners; and

**WHEREAS**, CDOT staff, without initiating or conducting condemnation proceedings, successfully reached an agreement with the landowners listed below; and

**WHEREAS**, the Transportation Commission must now approve and ratify all final settlement amounts that did not require approval by the Regional Transportation Director and Chief Engineer, as set forth in the Right-of-Way Manual in relation to the below acquisitions and must approve the actual size of the acquisition; and

**WHEREAS**, CDOT shall acquire the following properties for the amounts listed below through settlement;

| Property Location           | Approved Chief Engineer's Estimate of Damages and Benefits | Approved Size of Acquisition | Actual Size of Acquisition | Settlement Amount |
|-----------------------------|--|------------------------------|----------------------------|-------------------|
| 3248 F Road, Clifton (AP-5) | \$119,144  | 14,893 sf                    | 14,893 sf                  | \$150,000         |

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby affirms, ratifies, and makes effective as officially sanctioned actions of the Transportation Commission the final settlement amounts and acquisition size agreed to by CDOT and landowners with respect to the above listed acquisitions.

\_\_\_\_\_  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

\_\_\_\_\_  
Date

|   |
|---|
| <b>Attachments</b><br>Memorandum of Agreement |
|---|

**Resolution # TC-18-11-[ ]**

R3 SH 340 Redlands Parkway Phase 2, STA 340A-020, 21411

Affirming the property acquisitions and settlement amounts, which have been agreed to or ordered for the property specified below.

**Approved by the Transportation Commission on \_\_\_\_\_, 2018.**

**WHEREAS**, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company, 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 prior to authorizing condemnation of property; and

**WHEREAS**, the *Amerco Real Estate Company* opinion also held that "the decision whether, and if so precisely how and for how much, to take particular property, for a particular proposed highway alteration project, clearly involves the kind of judgment and discretion that is non-delegable in the absence express statutory authorization." *Amerco Real Estate Company*, 2016SA75, ¶15; and

**WHEREAS**, on February 16, 2017 the Transportation Commission entered resolution TC-17-02-15 ("Resolution") upon its minutes for SH 340 Redlands Parkway Phase 2, Project Number STA 340A-020, Project Code 21411; and

**WHEREAS**, the Resolution determined that the public interest or convenience will be served by the proposed alterations to SH 340, approved acquisition of properties needed for the proposed alterations, approved the Chief Engineer's estimate of value, damages and benefits, if any, accruing to each landowner, and authorized the CDOT Chief Engineer and CDOT staff to negotiate with landowners; and

**WHEREAS**, CDOT staff, without initiating or conducting condemnation proceedings, successfully reached an agreement with the landowners listed below; and

**WHEREAS**, the Transportation Commission must now approve and ratify all final settlement amounts that did not require approval by the Regional Transportation Director and Chief Engineer, as set forth in the Right-of-Way Manual in relation to the below acquisitions and must approve the actual size of the acquisition; and

**WHEREAS**, CDOT shall acquire the following properties for the amounts listed below through settlement;

| Property Location   | Approved Chief Engineer's Estimate of Damages and Benefits | Approved Size of Acquisition | Actual Size of Acquisition | Settlement Amount |
|---|--|------------------------------|----------------------------|-------------------|
| 2248 and 2200 Broadway<br>(TE-1, TE-1A, TE-1B, TE-5, TE-5A) | \$400.00   | 1,252 sf                     | 1,252 sf                   | \$0.00 - donation |
| 8 Chablis Ct.,<br>(TE-2)                                    | \$200.00   | 55 sf                        | 55 sf                      | \$200.00          |
| 1 Chardonay Ct.,<br>(TE-3)                                  | \$200.00   | 122 sf                       | 122 sf                     | \$200.00          |
| Vacant land SH 340,<br>(RW-4)                               | \$500.00   | 106 sf                       | 106 sf                     | \$500.00          |

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby affirms, ratifies, and makes effective as officially sanctioned actions of the Transportation Commission the final settlement amounts and acquisition size agreed to by CDOT and landowners with respect to the above listed acquisitions.

\_\_\_\_\_  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

\_\_\_\_\_  
Date

|  |
|--|
| <b>Attachments</b><br>Memorandum of Agreement for<br>the Properties Listed Above |
|--|

**Resolution # TC-18-11-[ ]**

R5 US 550 South Connection, FSA 5501-021, Project Code 19378

Approving the Settlement, Certificate of Ascertainment or Verdict amounts, which will be offered for the properties specified below.

**Approved by the Transportation Commission on \_\_\_\_\_, 2018.**

**WHEREAS**, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company, 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 prior to authorizing condemnation of property; and

**WHEREAS**, the *Amerco Real Estate Company* opinion also held that "the decision whether, and if so precisely how and for how much, to take particular property, for a particular proposed highway alteration project, clearly involves the kind of judgment and discretion that is non-delegable in the absence express statutory authorization." *Amerco Real Estate Company*, 2016SA75, ¶15; and

**WHEREAS**, the Transportation Commission previously found that the public interest and convenience would be served by the alteration of U.S. Highways No. 550 and 160, and the acquisition of the properties listed below; and

**WHEREAS**, on November 16, 2017 the Transportation Commission did enter a resolution TC-17-11-9 upon its minutes for the US 550 South Connection Project, Project Number FSA 5501-021, Project Code 19378 ("Project"), approving the proposed highway changes and authorizing the CDOT Chief Engineer either negotiate with the landowners the amount of damages, as estimated by the Chief Engineer; and

**WHEREAS**, on August 16, 2018, the Transportation Commission did enter a resolution TC-18-08-17 upon its minutes for the Project, authorizing CDOT to condemn the properties listed below pursuant to Sections 38-1-101 *et seq.*, C.R.S.; and

**WHEREAS**, the Transportation Commission resolutions approving negotiation and condemnation required CDOT to seek Transportation Commission approval or ratification of any settlements, and specifically refers to amounts that require approval by the Regional Transportation Director and the Chief Engineer, as set forth in the CDOT Right-of-Way Manual; and



**WHEREAS**, the Chief Engineers Cost Estimate previously presented to the Transportation Commission in November, 2017 for the interest to be acquired was \$609,530 and CDOT's approved Fair Market Value Estimate and initial offer is \$746,000.

**WHEREAS**, the proposed settlement recommended by the Region 5 Right of Way Manager has been approved by the Regional Transportation Director and the Chief Engineer, as set forth in the CDOT Right-of-Way Manual; and

**WHEREAS**, the Transportation Commission, may approve the settlement offer amount previously approved by the Regional Transportation Director and the Chief Engineer prior to completion of the subject Project as contemplated by PD 1301.0; and

**WHEREAS**, CDOT shall acquire the following properties for the amounts listed below through either a settlement or the entry of a certificate of ascertainment or verdict;

| <b>Property Location</b>  | <b>Resolution No. Authorizing Acquisition and/or Condemnation</b>  | <b>Approved Chief Engineer's Estimate of Damages and Benefits</b> | <b>Approved and Actual Size of Acquisition</b> | <b>Offer Amount</b> |
|---|--|---|--|---------------------|
| Property Located in Section 10, Township 34 N Range 9W (N.U.L.)<br><br><b>(Parcels AP-RW-17, AP-17-RM, AP-RW-18, AP-18-RM, AP-PE-17-, AP-TE-17)</b> | <b>Acquisition:</b> TC-17-11-9<br><b>Condemnation:</b> TC-18-08-17 | \$609,530   | 63.055 ac                                      | \$1,250,000         |

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the actual size of the acquisition and the settlement offer, ascertainment, or verdict amount listed above.

\_\_\_\_\_  
 Herman Stockinger, Secretary  
 Transportation Commission of Colorado

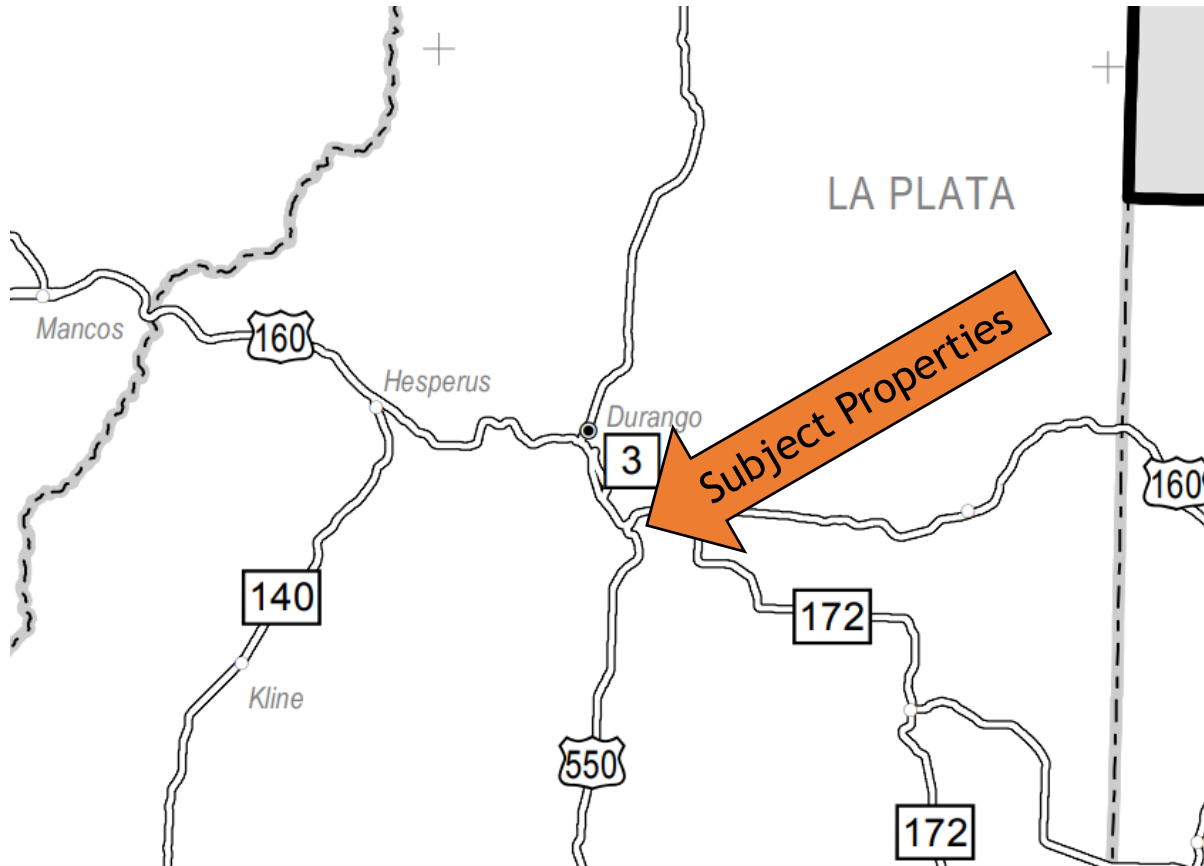
\_\_\_\_\_  
 Date



# Settlement Authorization US 550 South Connection

District 8  
Region 5

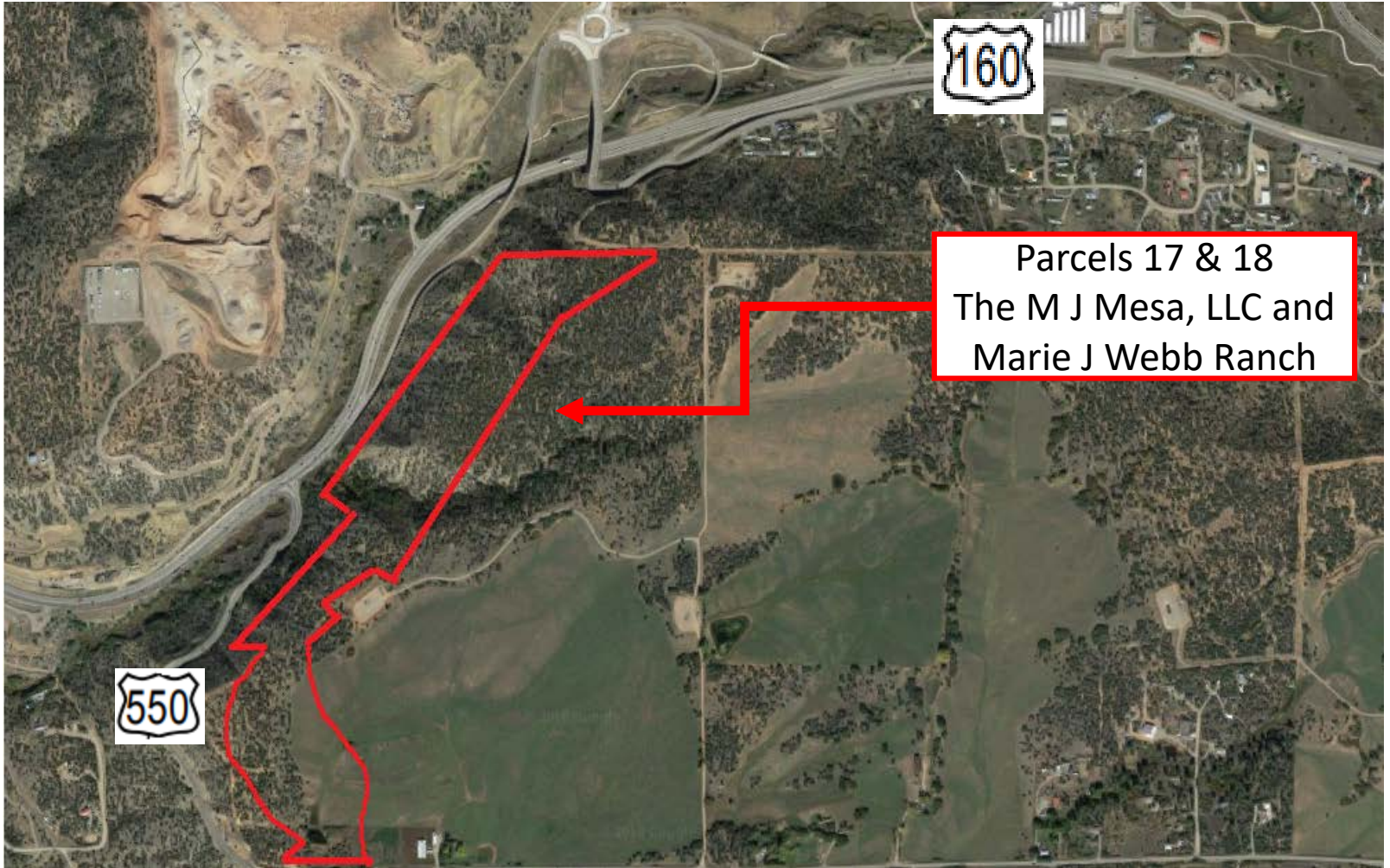
Project Number: FSA 5501-021  
Project Code: 19378



Project Purpose: New Alignment & Connection of US 550 & US 160



# Settlement Authorization US 550 South Connection





# Settlement Authorization US 550 South Connection

| Owner & Parcel   | CDOT Valuation & Offer Amount | CDOT Offer Date | Current Counter-Offer  |
|--|-------------------------------|-----------------|--|
| M J Mesa, LLC & Marie J. Webb Ranch<br>Parcels 17 & 18 | <b>\$746,000</b>              | Feb. 9, 2018    | Owners Have Not Provided Acceptance or Counter-Offer to Offer Made on Feb. 9, 2018 |

- TC Authorized CDOT to Condemn Parcels on August 16, 2018
- Proposed Final Offer Amount: **\$1,250,000** ( > \$500k Above FMV)
  - Requires Chief Engineer, RTD and TC Approval per PD 1301.0