

Post-Amerco Real Property Condemnation Authorization Requests

February 18, 2021 Transportation Commission Meeting

Region 4 - Condemnation Authorization Requests

Transportation Commission District	Project Name	Project #	Project Code	Parcel #	Parcel Size	Property Owner(s)	Valuation Amount	Chief Engineer's Cost Estimate (CECE), Appraisal (A) or Waiver Valuation (WV)	Date of Valuation	Owner's Current Counter-Offer	TC Acquisition Resolution Number (If Applicable)
5	I-25 Express Lanes SH7 to SH1	NHPP 0253-270	22831	AP-563 Rev2	79,048 sq. ft. / 1.815 ac	M&C Real Estate, LLC Occidental Petroleum (Surface Use Agreement)	\$373,450.00	Appraisal	April 17, 2019	N/A - Agreement Reached with Landowner	TC-18-09-09 TC-19-10-04 (Condemnation)
				PE-563A Rev2	9,771 sq. ft. / 0.224 ac						
				PE-563B Rev2	54,759 sq. ft. / 1.257 ac						
				AP-571 Rev2	106,675 sq. ft. / 2.449 ac						
				TE-571 Rev2	15,306 sq. ft. / 0.351 ac						
			AP-RW-631 REV	12,594 sq.ft. / 0.289 ac	Norman C. Reichardt	\$85,150.00	Appraisal	July 24, 2020	N/A - None Provided	TC 19-07-03	

Right of Way Plan Key - Common 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)




COLORADO
Department of Transportation

Office of the Chief Engineer
2829 W. Howard Place, Suite 562
Denver, CO 80204

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: STEPHEN HARELSON, P.E., CHIEF ENGINEER 

DATE: February 5, 2021

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER NHPP 0253-270, 22831, I-25 EXPRESS LANES FROM SH7 TO SH1, SEGMENT 6, SEEKING APPROVAL TO INITIATE AND CONDUCT CONDEMNATION PROCEEDINGS

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes (“C.R.S.”), Section 43-1-208(1). On September 20, 2018, the Transportation Commission entered Resolution No. TC-18-09-09 (“Resolution”) upon its minutes, which determined that that I-25: SH 66 North to North of SH 56 Project IM 0253-220, Project Code 18319 would serve the public interest and/or convenience of the traveling public. The Resolution also authorized CDOT to engage in negotiations with the landowner listed below. The properties described in the Resolution were later re-designated under the related I-25 Express Lanes SH7 to SH1 Project, Project Number NHPP 0253-270, Project Code 22831.

Unfortunately, after engaging in negotiations, CDOT and the landowner(s) were unable to reach a resolution. As a result, CDOT seeks Transportation Commission approval to initiate and conduct condemnation proceedings pursuant to Colorado Revised Statutes, Section 38-1-101 *et seq.* for the properties listed below.

The project I-25 Express Lanes from SH7 to SH1, Segment 6 (“Project”) is necessary for widening and improving I-25 including the addition of a northbound and southbound express lane and reconstructing the SH56 and SH60 interchanges. This will improve safety and improve connectivity for the community and is therefore, desirable.

Overview of Properties Previously Approved for Negotiation

There are two fee simple acquisitions, two permanent easement and one temporary easement that were previously approved for negotiation.

The property owners will be informed of the Transportation Commission meeting on February 17, 2021 and February 18, 2021 through a letter sent to the owner and the owner’s attorney on or before February 5, 2021.

1. Resolution No. Approving Negotiation: TC-18-09-09
 Original Condemnation Authorization: October 17, 2019 under TC-19-10-04
 Address: Property Located in NE ¼ Section 22, T4N, R68W, Parcel ID: 106122103006
 Landowner's Name: M&C Real Estate, LLC a Colorado Limited Liability Company, Occidental Petroleum (Surface Use Agreement)
 Current Size of Property: 471,581 s.f. / 10.263 acres
 Proposed Size of Acquisition: 79,048 s.f. / 1.815 acres of fee acquisition, 64,530 s.f. / 1.481 acres of permanent easement.
 Purpose of Parcels Necessary for Project:
 - AP-563 Rev2: 79,048 s.f. / 1.815 acres of fee simple acquisition for roadway construction.
 - PE-563A Rev2: 9,771 s.f. / 0.224 acres of permanent easement for construction, use, and maintenance of an access road and related appurtenances.
 - PE-563B Rev2: 54,759 s.f. / 1.257 acres of permanent easement for construction, use and maintenance of a drainage ditch and related appurtenances.
 Value of improvements for Ownership: N/A
 Estimated Property Value, Damages and Benefits (if any): N/A - Total for Ownership, \$280,700.00 (FMV) rounded. CDOT reached a settlement agreement with the landowner for \$403,678 along with revisions to the original proposed parcels. The parcels listed above reflect the requested revisions to the parcels (generally modifying permanent easements to fee simple acquisitions). Itemized valuation information is not listed above because the parcel revisions were made post-appraisal as a requirement of the settlement agreement with the landowner. Although the Transportation Commission previously authorized CDOT to proceed with condemnation action against M&C Real Estate, LLC, Occidental Petroleum also holds a Surface Use Agreement for a portion of the area being acquired by CDOT in CDOT is now requesting permission to condemn those interests of Occidental Petroleum.
 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. Value was based on appraisal of Scott McHenry, MAI, dated 4/17/2019.
 Date of Initial Offer: 6/12/2019
 Summary of Counteroffers: CDOT is submitting this file to the Transportation Commission a second time to renew the request for authority to initiate and conduct condemnation proceedings to include both the fee simple landowner, M&C Real Estate, LLC a Colorado Limited Liability Company, and the Surface Use Agreement holder, Occidental Petroleum. CDOT reached an agreement with the landowner, but, has been unable to successfully negotiate a release of interest from Occidental Petroleum.

2. Resolution No. Approving Negotiation: TC-18-09-09
 Original Condemnation Authorization: October 17, 2019 under TC-19-10-04
 Address: Property Located in NE ¼ Section 22, T4N, R68W, Parcel ID: 106122103007
 Landowner's Name: M&C Real Estate, LLC a Colorado Limited Liability Company; Occidental Petroleum (Surface Use Agreement)
 Current Size of Property: 3,330,336 s.f. / 76.454 acres
 Proposed Size of Acquisition: 76,304 s.f. / 14.752 acres of fee simple acquisition and 15,306 s.f. / 0.351 acres of temporary easement.

Purpose of Parcels Necessary for Project:

- AP-571 Rev2: 106,675 s.f. /2.449 acres of fee simple acquisition for roadway construction.
- TE-571 Rev2: 15,306 s.f. / 0.351 acres of temporary easement for reconstruction of a dirt road, one-year term.

Value of improvements for Ownership: N/A

Estimated Property Value, Damages and Benefits (if any): N/A - Total for Ownership, \$92,750.00 (FMV) rounded. CDOT reached a settlement agreement with the landowner for \$147,743 along with revisions to the original proposed parcels. The parcels listed above reflect the requested revisions to the parcels (generally modifying permanent easements to fee simple acquisitions). Itemized valuation information is not listed above because the parcel revisions were made post-appraisal as a requirement of the settlement agreement with the landowner.

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. Value was based on appraisal of Scott McHenry, MAI, dated 4/17/2019.

Date of Initial Offer: 6/12/2019

Summary of Counteroffers: CDOT is submitting this file to the Transportation Commission a second time to renew the request for authority to initiate and conduct condemnation proceedings to include both the fee simple landowner, M&C Real Estate, LLC a Colorado Limited Liability Company, and the Surface Use Agreement holder, Occidental Petroleum. CDOT reached an agreement with the landowner, but, has been unable to successfully negotiate a release of interest from Occidental Petroleum.

Attachments

Proposed Resolution

Right-of-Way Plans

Legal Descriptions

Contact Summary

11/24/2020 11:26:02 AM pmt\cdot-rw-bentley.com\cdot-rw-01\Documents\01_Major_Projects\1-25_North_Express_Lanes_Segment_5\01_Major_Projects\1-25_North_Express_Lanes_Segment_5\1-25_express_lanes.shp7 to shp\ROW_Survey_Drawings\22815ROW_AP-563E Exhibit.dwg

Colorado Department of Transportation

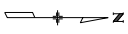
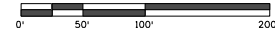
10601 W. 10th Street
Greeley, CO 80634
Phone: 970-350-2161

Region 4 Right of Way IJN

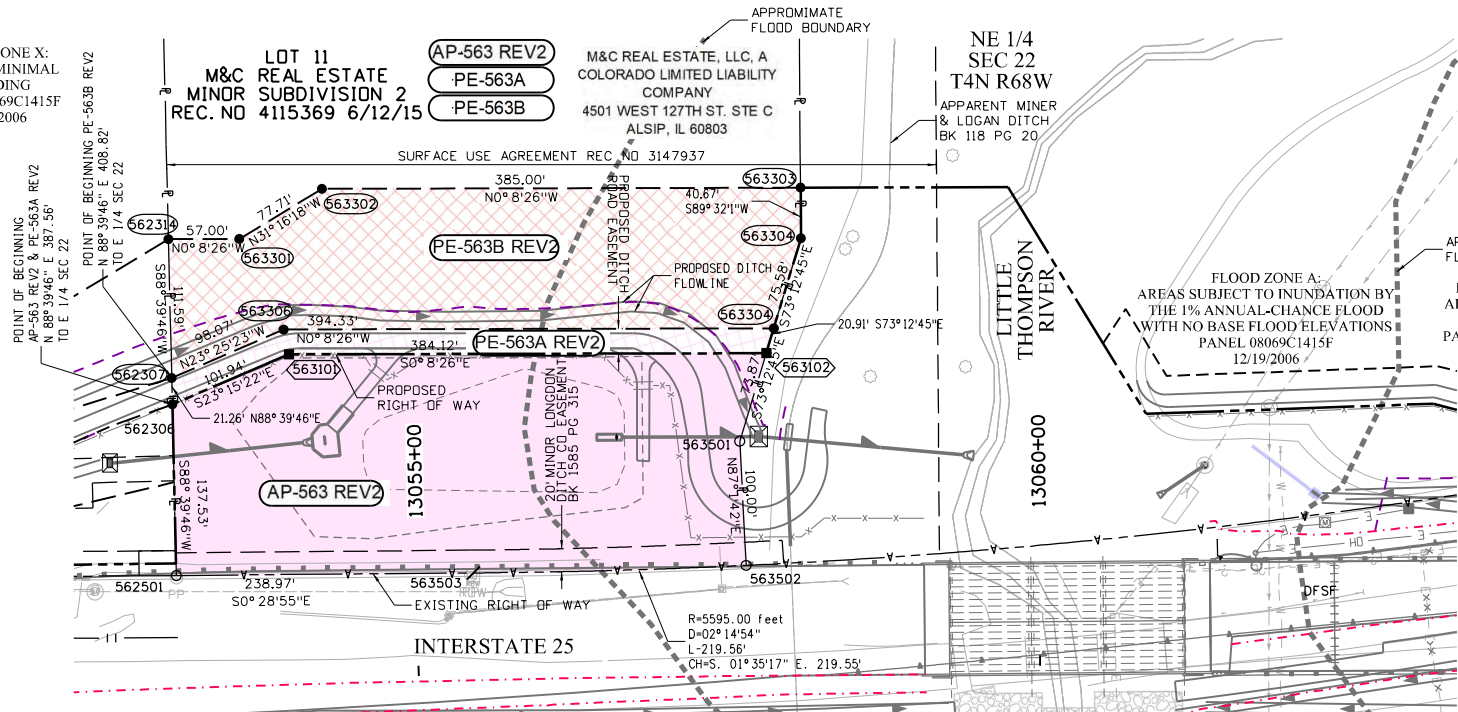
Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
12/06/18	FIR COMMENTS	TAE		XXXXXXXX	XXX			
03/18/19	DESIGN UPDATE	TAE						
05/01/19	ADD FLOOD INFO	TAE						
06/03/19	ADJUST FLOOD INFO	TAE						
11/20/19	PARCEL RECONFIGURATIONS	TAE						
01/29/20	PARCEL PURPOSE STATEMENTS	TAE						
10/14/20	BACKGROUND UPDATES	TAE						

Right of Way Plans

Plan Sheet			
Project Number: NHPP 0253-270			
Project Location: I-25 Express Lanes SH7 to SH1			
Project Code	Last Mod. Date	Subset	Sheet No.
22831	10-14-20	1.01 of 1.01	1.01



FLOOD ZONE X:
AREA OF MINIMAL
FLOODING
PANEL 08069C1415F
12/19/2006



FLOOD ZONE A:
AREAS SUBJECT TO INUNDATION BY
THE 1% ANNUAL-CHANCE FLOOD
WITH NO BASE FLOOD ELEVATIONS
PANEL 08069C1415F
12/19/2006

COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY PROJECT
12/04/20
DATE
ROW PLANS AUTHORIZED:
Keith J. Stefank
Keith J. Stefank (Dec 4, 2020 06:13 MST)
CDOT CHIEF ENGINEER

R.O.W. TABULATION OF PROPERTIES IN WELD COUNTY INTERSTATE HIGHWAY 25 - SEGMENT 5

Parcel No.	Ownership Name and Mailing Address	Parcel Id Site Address	Location	Area In Square Feet [Acres]		Reception No.	Title Commitment No.	Purpose
				Area Of Parcel	Existing ROW			
AP-563 REV2	M&C REAL ESTATE, LLC, A COLORADO LIMITED LIABILITY COMPANY 4501 WEST 127TH ST. STE C ALSIP, IL 60803	106122103006	R68W, 6TH PM INTERSTATE 25 JOHNSTOWN, CO	79,048 1.815	471,581 10.826	ACQUIRED REC/DATE COMING	596-F0598343-383-CB9	ROADWAY DRAINAGE AND ROADWAY EXPANSION
PE-563 REV	deleted					ACQUIRED REC/DATE COMING		
PE-563A REV2	same as above			9,771 0.224		ACQUIRED REC/DATE COMING		CONSTRUCTION, USE AND MAINTENANCE OF AN ACCESS ROAD & RELATED APPURTENANCES
PE-563B REV2	same as above			54,759 1.257		ACQUIRED REC/DATE COMING		CONSTRUCTION, USE AND MAINTENANCE OF A DRAINAGE DITCH & RELATED APPURTENANCES

NOTE: THIS IS NOT A ROW PLAN, LAND SURVEY PLAT, OR IMPROVEMENT SURVEY PLAT AND WAS PREPARED FOR CDOT PURPOSES ONLY.

Legal Descriptions - Exhibit A

Thomas Nicholas - PLS 28657

1/24/2020 11:29:00 AM p:\m\colorado\benhiley\corrections\p\01\Documents\501_Major_Projects\I-25_North_Express_Lanes_Substation_to_Fort_Collins\Legacy_Data\22831 - I-25_Express_Lanes_SHT7 to SH1\ROW_Survey\Drawings\22831ROW_AP-571E.tbl.dgn

Colorado Department of Transportation

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

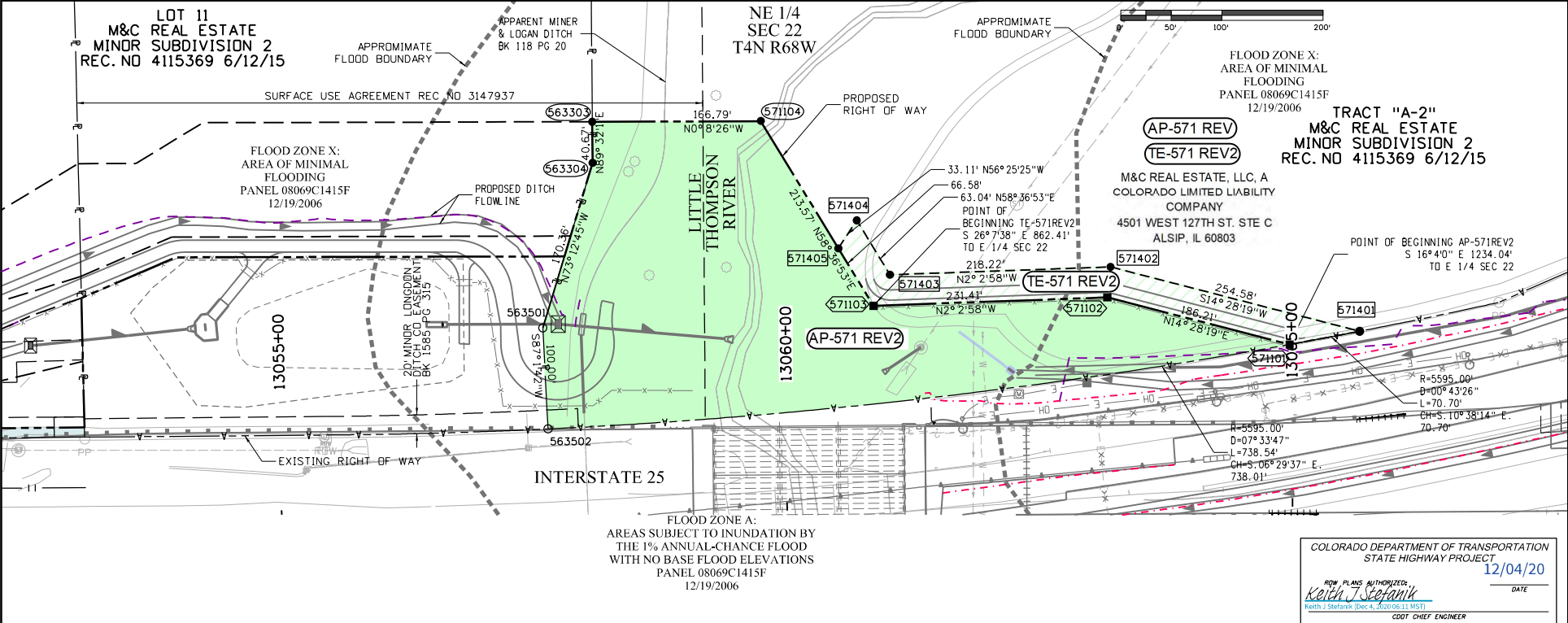
Region 4 Right of Way IJN

Sheet Revisions			
Date	Description	Initials	
10/12/18	UPDATE PE-571 & TE-571	TAE	
12/06/18	FIR COMMENTS	TAE	
03/18/19	DESIGN UPDATE	TAE	
05/01/19	ADD FLOOD INFO	TAE	
06/03/19	ADJUST FLOOD INFO	TAE	
11/24/19	PARCEL CHANGES	TAE	
10/14/20	BACKGROUND UPDATES	TAE	

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

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

Right of Way Plans			
Plan Sheet			
Project Number: NHPP 0253-270			
Project Location: I-25 Express Lanes SH7 to SH1			
Project Code:	Last Mod. Date:	Sheet No.:	
22831	10-14-20	1.01 of 1.01	1.01



COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY PROJECT
12/04/20
ROW PLANS AUTHORIZED:
Keith J. Stefanik
Keith J. Stefanik (Dec 4, 2020 06:11 MST)
CDOT CHIEF ENGINEER

Legal Descriptions - Exhibit A

NOTE: THIS IS NOT A ROW PLAN, LAND SURVEY PLAT, OR IMPROVEMENT SURVEY PLAT AND WAS PREPARED FOR CDOT PURPOSES ONLY.

Thomas Nicholas - PLS 28657

R.O.W. TABULATION OF PROPERTIES IN WELD COUNTY INTERSTATE HIGHWAY 25 - SEGMENT 5

Parcel No.	Ownership Name and Mailing Address	Parcel Id Site Address	Location	Area In Square Feet [Acres]		Reception No.	Title Commitment No.	Purpose
				Area Of Parcel	Existing ROW			
AP-571 REV2	M&C REAL ESTATE, LLC, A COLORADO LIMITED LIABILITY COMPANY 4501 WEST 127TH ST. STE C ALSIP, IL 60803	106122103007 INTERSTATE 25 JOHNS TOWN, CO	R68W, 6TH PM SEC. 22, T4N	106,675 2.449	3,330,338 76.454	ACQUIRED REC/DATE COMING	596-F0598345-383-CB9	
PE-571 Rev2	deleted							
PE-571A	deleted							
AP-TE-571 REV2	same as above			15,306 0.351		ACQUIRED REC/DATE COMING		

EXHIBIT "A"

PROJECT NUMBER: NHPP 0253-270

PARCEL NUMBER: AP-563 REV2

PROJECT CODE: 22831

DATE: NOVEMBER 5, 2019

DESCRIPTION

A tract or parcel of land No. AP-563 REV2 of the Department of Transportation, State of Colorado Project No. NHPP 0253-270 containing 79,048 sq. ft. (1.815 acres), more or less, in Section 22, Township 4 North, Range 68 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 22, thence S. 88°39'46" W., a distance of 387.56 feet to a point on the South line of Lot 11 of M&C Real Estate Minor Subdivision 2, recorded on June 12, 2015 at reception No. 4115369, said point also being the TRUE POINT OF BEGINNING;

1. Thence leaving said South line, N. 23°15'22" W., a distance of 101.94 feet;
2. Thence N. 00°08'26" W., a distance of 384.12 feet to a point on the North line of said Lot 11;
3. Thence along said North line, S. 73°12'45" E., a distance of 73.87 feet;
4. Thence N. 87°01'42" E., a distance of 100.00 feet, to the Westerly line of the current Interstate 25 Right-of-Way;
5. Thence along said current Right-of-Way on the arc of a curve to the right, a radius of 5,595.00 feet, a central angle of 02°14'54", a distance of 219.56 feet, (a chord bearing S. 01°35'17" E., a distance of 219.55 feet);
6. Thence S. 00°28'55" E., a distance of 238.97 feet to the Southeast corner of said Lot 11;
7. Thence along said South line, S. 88°39'46" W., a distance of 137.53 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 79,048 sq. ft. (1.815 acres), more or less.

Basis of Bearings: All bearings are based on the East line of the Southeast Quarter of said Section 22, Township 4 North, Range 68 West being monumented at the Southeast corner of Section 22, being a found illegible 2 1/2" diameter aluminum cap in Range box and the East Quarter Corner, being a found 2 1/2" aluminum cap in Range box stamped, "ALBERS DREXEL & POLY T4N 668W 1/4 S22/S23 1996 LS 24305. With a grid bearing between of N. 00°29'15" W., of 2629.75 feet as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
Thomas W. Nicholas, PLS 28657
10601 W. 10th Street
Greeley, CO 80634

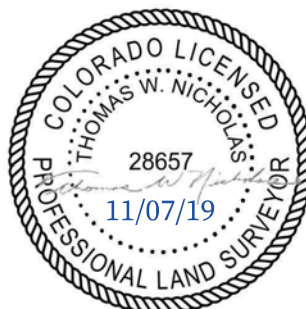


EXHIBIT "A"

PROJECT NUMBER: NHPP 0253-270
PERMANENT EASEMENT NUMBER: PE-563A REV2
PROJECT CODE: 22831
DATE: JANUARY 29, 2020
DESCRIPTION

A Permanent Easement No. PE-563A REV2 of the Department of Transportation, State of Colorado Project No. NHPP 0253-270 containing 9,771 sq. ft. (0.224 acres), more or less, in Section 22, Township 4 North, Range 68 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 22, thence S. 88°39'46" W., a distance of 387.56 feet to a point on the South line of Lot 11 M&C REAL ESTATE MINOR SUB 2 said point also being the TRUE POINT OF BEGINNING;

1. Thence along said South line, S. 88°39'46" W., a distance of 21.26 feet;
2. Thence N. 23°25'23" W., a distance of 98.07 feet;
3. Thence N. 00°08'26" W., a distance of 394.33 feet to a point on the North line of Said Lot 11;
4. Thence along said North line, S. 73°12'45" E., a distance of 20.91 feet;
5. Thence leaving said North line, S. 00°08'26" E., a distance of 384.12 feet;
6. Thence S. 23°15'22" E., a distance of 101.94 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 9,771 sq. ft. (0.224 acres), more or less.

For the purpose of and activities associated with construction, use and maintenance of an access road and related appurtenances.

Basis of Bearings: All bearings are based on the East line of the Southeast Quarter of said Section 22, Township 4 North, Range 68 West being monumented at the Southeast corner of Section 22, being a found illegible 2 1/2" diameter aluminum cap in Range box and the East Quarter Corner, being a found 2 1/2 aluminum cap in Range box stamped, "ALBERS DREXEL & POLY T4N 668W 1/4 S22/S23 1996 LS 24305. With a grid bearing between of N. 00°29'15" W., of 2629.75 feet as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
Thomas W. Nicholas, PLS 28657
10601 W. 10th Street
Greeley, CO 80634



EXHIBIT "A"

PROJECT NUMBER: NHPP 0253-270
PERMANENT EASEMENT NUMBER: PE-563B REV2
PROJECT CODE: 22831
DATE: JANUARY 29, 2020
DESCRIPTION

A Permanent Easement No. PE-563B REV2 of the Department of Transportation, State of Colorado Project No. NHPP 0253-270 containing 54,759 sq. ft. (1.257 acres), more or less, in Section 22, Township 4 North, Range 68 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 22, thence S, 88°39'46" W., a distance of 408.82 feet; to a point on the South line of Lot 11 of M&C Real Estate Minor Subdivision 2, recorded on June 12, 2015 at reception No. 4115369, said point also being the TRUE POINT OF BEGINNING;

1. Thence along said South line, S. 88°39'46" W., a distance of 111.59 feet;
2. Thence N. 00°08'26" W., a distance of 57.00 feet;
3. Thence N. 31°16'18" W., a distance of 77.71 feet;
4. Thence N. 00°08'26" W., a distance of 385.00 feet to the North line of said Lot 11;
5. Thence N. 89°32'01" E. along said North line, a distance of 40.67 feet;
6. Thence S. 73°12'45" E, a distance of 75.58 feet;
7. Thence leaving said North Line, S. 00°08'26" E., a distance of 394.33 feet;
8. Thence S. 23°25'23" E., a distance of 98.07 feet, more or less, to a point on the South line of said Lot 11 and the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 54,759 sq. ft. (1.257 acres), more or less.

For the purpose of and activities associated with construction, use and maintenance of a drainage ditch and related appurtenances.

Basis of Bearings: All bearings are based on the East line of the Southeast Quarter of said Section 22, Township 4 North, Range 68 West being monumented at the Southeast corner of Section 22, being a found illegible 2 1/2" diameter aluminum cap in Range box and the East Quarter Corner, being a found 2 1/2 aluminum cap in Range box stamped, "ALBERS DREXEL & POLY T4N 668W 1/4 S22/S23 1996 LS 24305. With a grid bearing between of N. 00°29'15" W., of 2629.75 feet as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
Thomas W. Nicholas, PLS 28657
10601 W. 10th Street
Greeley, CO 80634

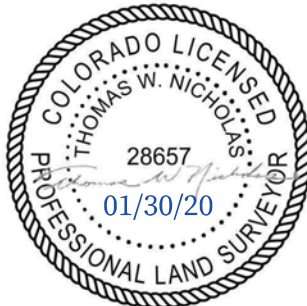


EXHIBIT "A"

PROJECT NUMBER: NHPP 0253-270

PARCEL NUMBER: AP-571REV2

PROJECT CODE: 22831

DATE: NOVEMBER 5, 2019

DESCRIPTION

A tract or parcel of land No. AP-571REV2 of the Department of Transportation, State of Colorado Project No. NHPP 0253-270 containing 106,675 sq. ft. (2.449 acres), more or less, in Section 22, Township 4 North, Range 68 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 22 thence N. 16°04'00" W., a distance of 1234.04' feet to a point on the current westerly right of way of Interstate 25, said point also being the TRUE POINT OF BEGINNING;

1. Thence along said East line and Westerly right of way line, on the arc of a curve to the right, a radius of 5,595.00 feet, a central angle of 07°33'47", a distance of 738.54 feet, (a chord bearing S. 06°29'37" E., a distance of 738.01 feet) to the Southeast corner of Tract "A-2" of M&C Real Estate Minor Subdivision 2, recorded on June 12, 2015 at reception No. 4115369;
2. Thence along said South tract line, S. 87°01'42" W., a distance of 100.00 feet;
3. Thence N. 73°12'45" W., a distance of 170.36 feet;
4. Thence S. 89°32'01" W., a distance of 40.67 feet;
5. Thence leaving said South line, N. 00°08'26" W., a distance of 166.79 feet;
6. Thence N. 58°36'53" E., a distance of 213.57 feet;
7. Thence N. 02°02'58" W., a distance of 231.41 feet;
8. Thence N. 14°28'19" E., a distance of 186.21 feet to a point on the East line of said tract and a point said Westerly right of way line;, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 106,675 sq. ft. (2.449 acres), more or less.

Basis of Bearings: All bearings are based on the East line of the Southeast Quarter of said Section 22, Township 4 North, Range 68 West being monumented at the Southeast corner of Section 22, being a found illegible 2 1/2" diameter aluminum cap in Range box and the East Quarter Corner, being a found 2 1/2 aluminum cap in Range box stamped, "ALBERS DREXEL & POLY T4N 668W 1/4 S22/S23 1996 LS 24305. With a grid bearing between of N. 00°29'15" W., of 2629.75 feet as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
Thomas W. Nicholas, PLS 28657
10601 W. 10th Street
Greeley, CO 80634

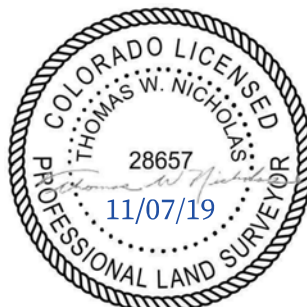


EXHIBIT "A"

PROJECT NUMBER: NHPP 0253-270
TEMPORARY EASEMENT NUMBER: TE-571 REV2
PROJECT CODE: 22831
DATE: March 18, 2019
DESCRIPTION

A Temporary Easement No. TE-571 REV2 of the Department of Transportation, State of Colorado Project No. NHPP 0253-270 containing 15,306 sq. ft. (0.351 acres), more or less, in Section 22, Township 4 North, Range 68 West, of the 6th Principal Meridian, in Weld County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 22, thence N. 26°07'38" W., a distance of 862.41 feet to the TRUE POINT OF BEGINNING;

1. Thence S. 58°36'53" W., a distance of 66.58 feet;
2. Thence N. 56°25'25" W., a distance of 33.11 feet;
3. Thence N. 58°36'53" E., a distance of 63.04 feet;
4. Thence N. 02°02'58" W., a distance of 218.22 feet;
5. Thence N. 14°28'19" E., a distance of 254.58 feet, to a point on the Easterly line of Tract "A-2" M&C Real Estate Minor Subdivision 2 and a point on the Westerly Right of Way of Interstate 25;
6. Thence along said Westerly Right of Way, on the arc of a curve to the right, a radius of 5,595.00 feet, a central angle of 00°43'26", a distance of 70.70 feet, (a chord bearing S. 10°38'14" E., a distance of 70.70 feet);
7. Thence leaving said Right of Way, S. 14°28'19" W., a distance of 186.21 feet;
8. Thence S. 02°02'58" E., a distance of 231.41 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 15,306 sq. ft. (0.351 acres), more or less.

The purpose of the above-described Temporary Easement is for roadway purpose

Basis of Bearings: All bearings are based on the East line of the Southeast Quarter of said Section 22, Township 4 North, Range 68 West being monumented at the Southeast corner of Section 22, being a found illegible 2 1/2" diameter aluminum cap in Range box and the East Quarter Corner, being a found 2 1/2 aluminum cap in Range box stamped, "ALBERS DREXEL & POLY T4N 668W 1/4 S22/S23 1996 LS 24305. With a grid bearing between of N. 00°29'15" W., of 2629.75 feet as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
Thomas W. Nicholas, PLS 28657
10601 W. 10th Street
Greeley, CO 80634



Colorado Department of Transportation Condemnation Authorization Contact Summary	Project Code: 22831
	Parcel: 563/571
	Owner: M & C Real Estate, LLC., Occidental Petroleum

The following is a summary of communications which have taken place between CDOT and/or its representatives and the above referenced owner related to the acquisition of the above described parcels. This summary is prepared to assist the Transportation Commission in considering CDOT's request for authorization to initiate and conduct condemnation proceedings.

Date	Contact Description	Amount/Description
4/3/2019	First Contact w/Property Owner	Reviewed the proposed Acquisition/Easement
4/3/2019	Discussion of CDOT Project	Presentation of watershed on the area and flood records
6/12/2019	CDOT Offer	Parcel 563 \$280,700 & Parcel 571 \$92,750
6/25/2019	Owner Counter-Offer	Parcel 563 \$403,678 & Parcel 571 \$190,541
9/11/2019	CDOT Last Offer / Agreement	Parcel 563 \$403,678 & Parcel 571 \$147,743
2/5/2021	Last Contact w/Property Owner	Notice of TC Meeting

Number of Property Owner Contacts Attempted:	60
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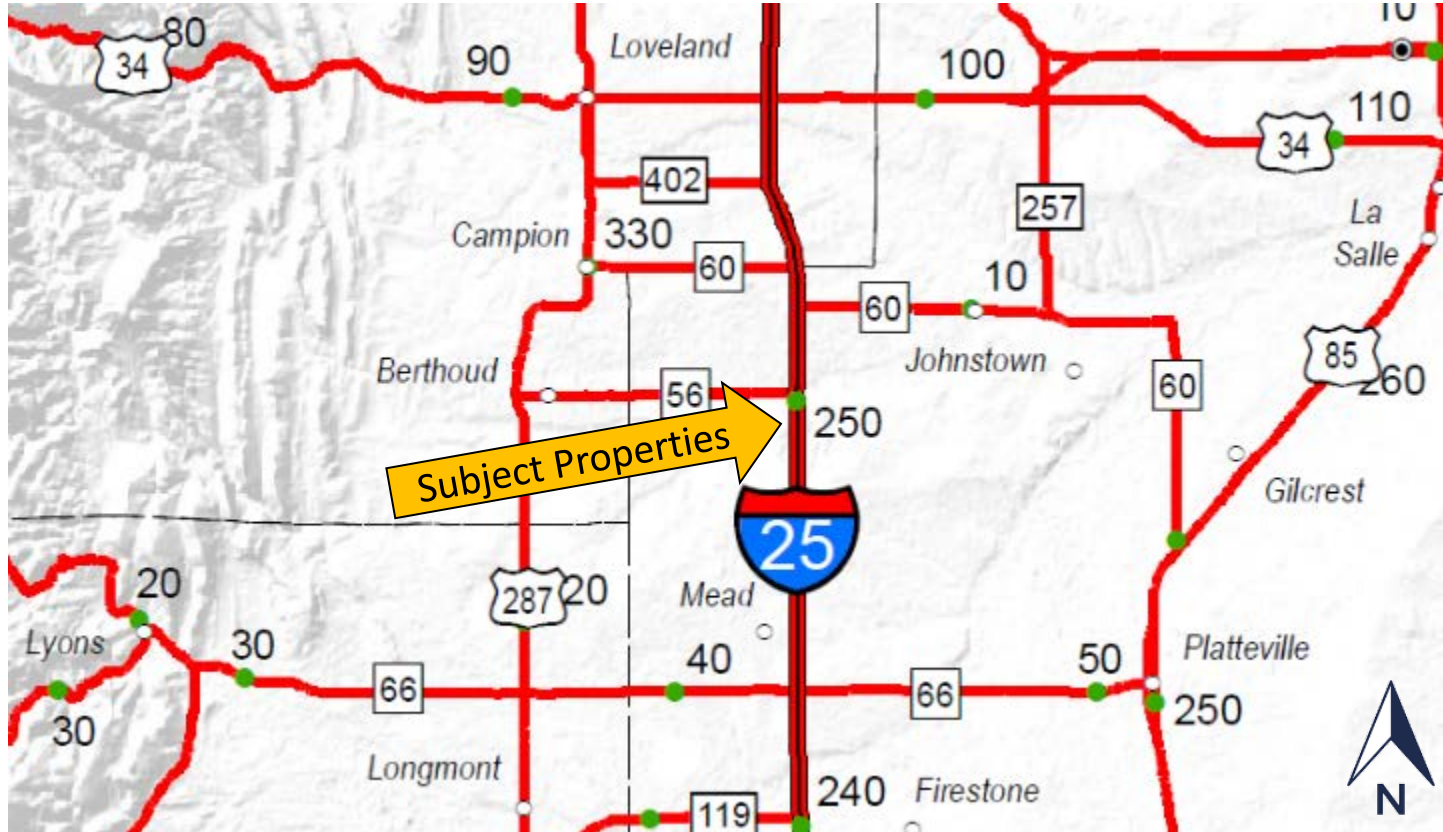
Number of Successful Property Owner Contacts:	60
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Matters Discussed During Property Owner Contacts (check all that apply)	
<input checked="" type="checkbox"/> Access <input checked="" type="checkbox"/> Valuation <input type="checkbox"/> Owner Appraisal Reimbursement <input checked="" type="checkbox"/> Project Timeline <input checked="" type="checkbox"/> Design <input checked="" type="checkbox"/> CDOT Processes <input checked="" type="checkbox"/> Other	Specify here: Surface Use Agreement, Change of Easement to Fee Simple



Condemnation Authorization I-25 Express Lanes SH7 to SH1

District 5 Project Number: NHPP 0253-270
Region 4 Project Code: 22831

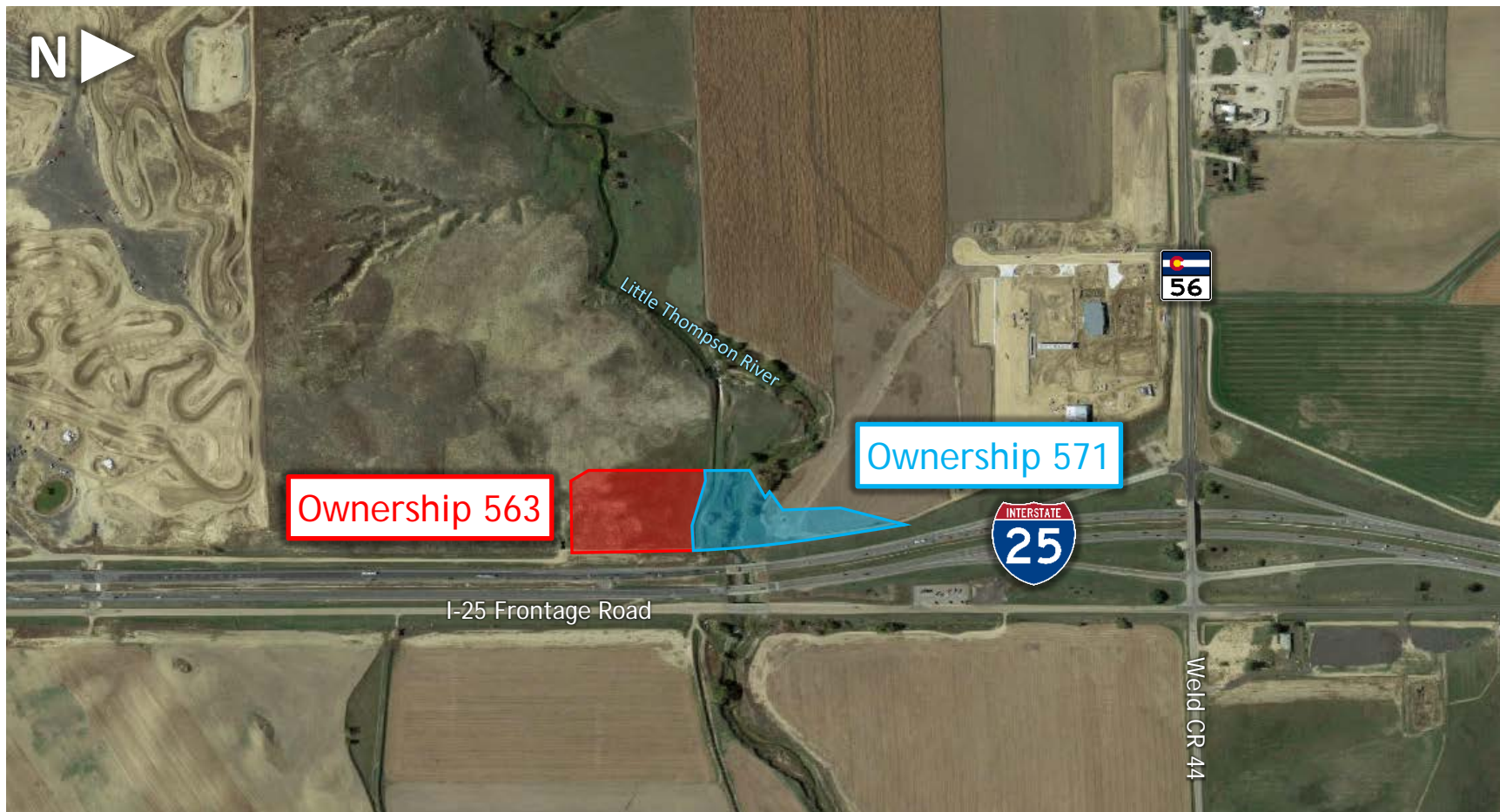


Owner: M & C Real Estate LLC, Occidental Petroleum (Surface Rights)

Project Purpose: Enhance safety and efficiency of travel for the public



Condemnation Authorization I-25 Express Lanes SH7 to SH1



Location of Ownerships 563 & 571



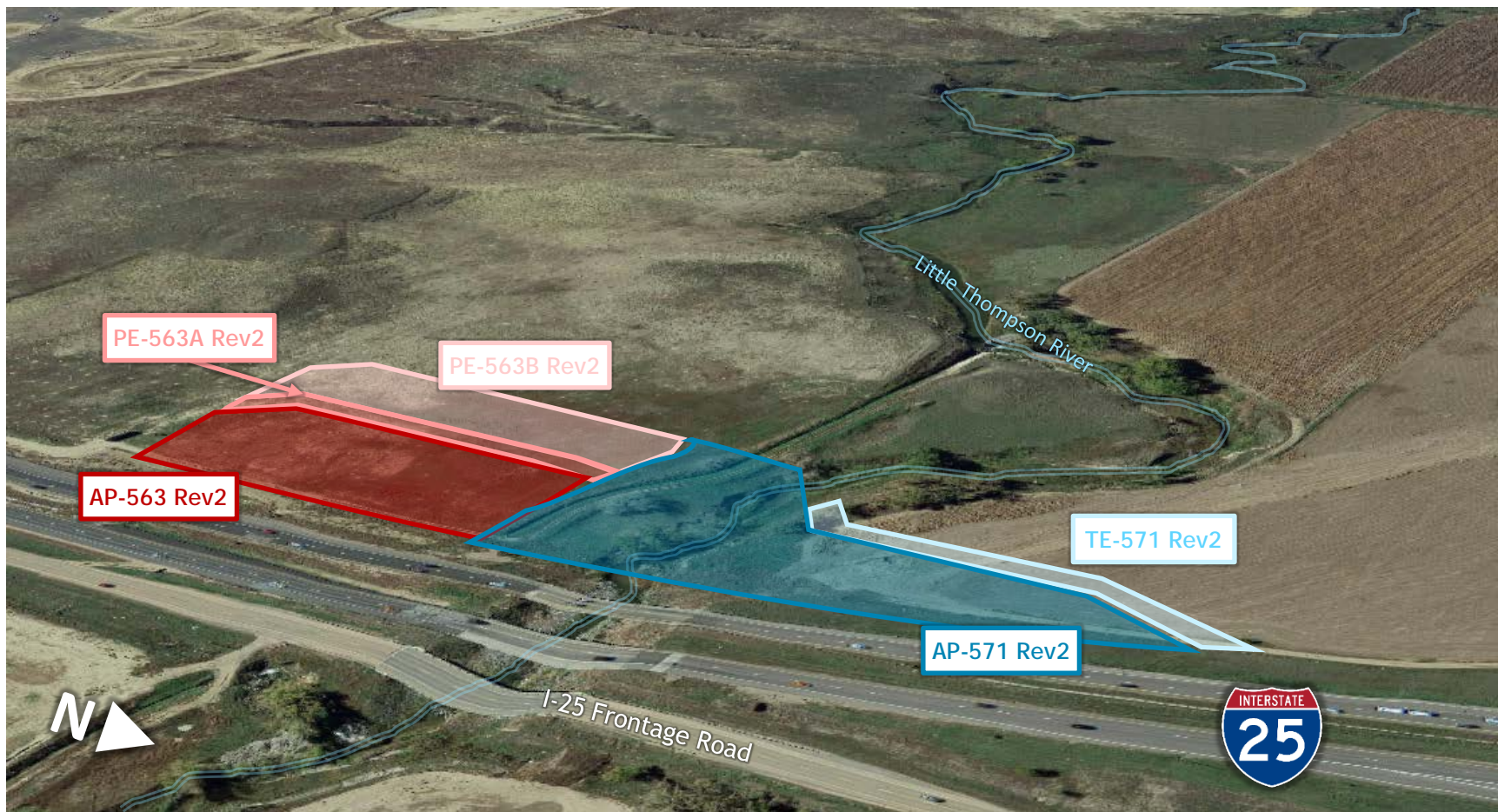
Condemnation Authorization I-25 Express Lanes SH7 to SH1



Location of Parcels in Ownerships 563 & 571



Condemnation Authorization I-25 Express Lanes SH7 to SH1



Location of Parcels in Ownerships 563 & 573



Condemnation Authorization I-25 Express Lanes SH7 to SH1

M&C Real Estate LLC	AP-563 REV2, PE-563A REV2, PE-563B REV2		AP-571 REV2, TE-571 REV2	
CDOT Appraisal (combined)	\$280,700	April 17, 2019	\$92,750	April 17, 2019
Owner Appraisal	\$396,000	April 22, 2019	\$190,000	May 8, 2019
CDOT Offer	\$373,450 (combined)		June 12, 2019	
Owner Counter-Offer	\$403,678	June 25, 2019	\$190,541	June 25, 2019
TC Approves Condemnation	October 17, 2019			
Agreement w/Landowner	\$403,678	Nov. 2019	\$147,743	Nov. 2019

- Nov. 2019 Agreement included revising 3 permanent easements to fee simple
- Since Agreement, CDOT and owner have been unable to secure release of surface use agreement held by Occidental Petroleum (formerly Anadarko)
 - Discussions have taken place between owner, CDOT and Occidental for compensation or replacement area
- Additional condemnation authorization required since Occidental Petroleum was not included in October 2019 resolution or notified of meeting




COLORADO
Department of Transportation

Office of the Chief Engineer
2829 W. Howard Place, Suite 562
Denver, CO 80204

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: STEPHEN HARELSON, P.E., CHIEF ENGINEER 

DATE: February 5, 2021

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER NHPP 0253-270, 22831, I-25 EXPRESS LANES FROM SH7 TO SH1, SEGMENT 6, SEEKING APPROVAL TO INITIATE AND CONDUCT CONDEMNATION PROCEEDINGS

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes (“C.R.S.”), Section 43-1-208(1). On July 18, 2019, the Transportation Commission entered Resolution No. TC-19-07-03 (“Resolution”), upon its minutes, which determined that the I-25 Express Lanes from SH7 to SH1 (Project Number NHPP 0253-270) would serve the public interest and/or convenience of the traveling public. The Resolution also authorized CDOT to engage in negotiations with the landowner listed below.

Unfortunately, after engaging in negotiations, CDOT and the landowner(s) were unable to reach a resolution. As a result, CDOT seeks Transportation Commission approval to initiate and conduct condemnation proceedings pursuant to Colorado Revised Statutes, Section 38-1-101 *et seq.* for the properties listed below.

The project I-25 Express Lanes from SH7 to SH1, Segment 6 (“Project”) is necessary for widening and improving I-25 including the addition of a northbound and southbound express lane and reconstructing the SH56 and SH60 interchanges. This will improve safety and improve connectivity for the community and is therefore, desirable.

Overview of Properties Previously Approved for Negotiation

There is one fee simple acquisition previously approved for negotiation.

The property owners will be informed of the Transportation Commission meeting on February 17, 2021 and February 18, 2021 through a letter sent to the owner and the owner’s attorney on or before February 5, 2021.

1. Resolution No. Approving Negotiation: TC 19-07-03
Address: 3814 S County Road 5, Loveland, CO 80537
Landowner's Name: Norman C. Reichardt; Northstar Homes (owned by landowner)
Current Size of Property: 146,381 s.f./3.360 acres
Proposed Size of Acquisition: AP-RW-631 REV 12,594 s.f./0.289 acres
Purpose of Parcels Necessary for Project:
 - AP-RW-631 REV: 12,594 s.f. - \$49,117 - Fee simple acquisition for improvements associated with widening and improving I-25 including drainage.
Impacted improvements include fencing (408 l.f. barbed wire on steel posts), fencing (31 l.f. mesh wire on steel posts), electrical panel/conduit and trenching, medium bushes (2), sign (double faced, illuminated).
Value of improvements for Ownership: \$34,882
Estimated Property Value, Damages and Benefits (if any): 1,150 - Total for Ownership, \$85,149 rounded to \$85,150.
Method to Determine Property Value, Damages and Benefits (if any): Value was based on appraisal by Charles Nelson, dated July 24, 2020
Date of Initial Offer: November 5, 2020
Summary of Counteroffers: The landowner has declined to provide a counteroffer at this time. He has not provided a completed appraisal to date and has stated they do not intend to share their appraisal until court proceedings.

Attachments
Proposed Resolution
Right-of-Way Plans
Legal Descriptions
Contact Summary

8/19/2020 nicholas.955232 AM p:\cvt\colorado\benley\connect\pr-01\Documents\01 Major Projects\1-25 North Express Lanes (Johnston to Fort Collins)\Legacy Data\22831 - I-25 Express Lanes sh7 to sh1\ROW_Survey\Drawings\22831ROW_AP-631-633E.nwb

Colorado Department of Transportation



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

Region 4 Right of Way

IJN

Sheet Revisions

Date	Description	Initials
02/03/19	NAME CHANGE	TAE
07/29/20	PARCEL UPDATE	TAE

Sheet Revisions

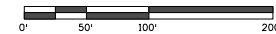
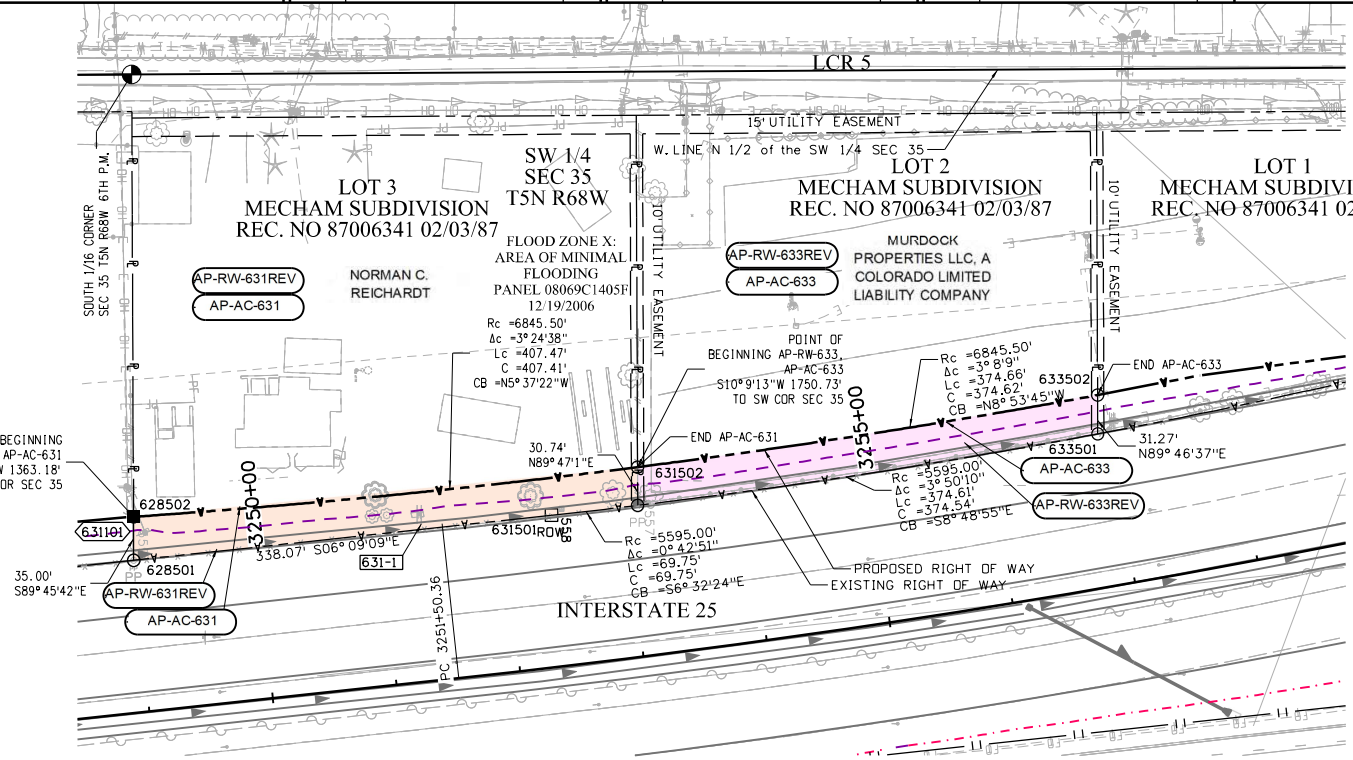
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Right of Way Plans

Plan Sheet			
Project Number: NHPP 0253-270			
Project Location: I-25 Express Lanes SH7 to SH1			
Project Code	Last Mod. Date	Subset	Sheet No.
22831	07-29-20	I.01 of I.01	I.01



STRUCTURE INVENTORY	
631-1	ON-SITE SIGN

COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY PROJECT

ROW PLANS AUTHORIZED: Keith J. Stefank 12/04/20
DATE
Keith J. Stefank (Dec 4, 2020 06:11 MST)
CDOT CHIEF ENGINEER

R.O.W. TABULATION OF PROPERTIES IN LARIMER COUNTY INTERSTATE HIGHWAY 25 - SEGMENT 6

Parcel No.	Ownership Name and Mailing Address	Parcel Id Site Address	Location	Area In Square Feet [Acres]		Reception No.	Title Commitment No.	Purpose
				Area Of Parcel	Existing ROW			
AP-RW-631REV	NORMAN C. REICHARDT	8535006003	R68W, 6TH PM	12,594			596-F0596704-383-BA1	CONSTRUCTION, USE & MAINTENANCE OF ROADWAY DRAINAGE
	3814 S. COUNTY ROAD 5 LOVELAND, CO 80537	3814 S COUNTY ROAD 5 LOVELAND, CO 80537	SEC. 35,T5N LOT 3 MECHAM SUBD.	0.289				
AP-AC-631	same as above							NO ACCESS
AP-RW-633 REV	MURDOCK PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY	8535006002	R68W, 6TH PM	11,626			596-F0596705-383-BA1	CONSTRUCTION, USE & MAINTENANCE OF ROADWAY DRAINAGE
	3550 S. COUNTY ROAD 5 LOVELAND, CO 80537	3642 S COUNTY ROAD 5 LOVELAND, CO 80537	SEC. 35,T5N LOT 2 MECHAM SUBD.	0.267				
AP-AC-633	same as above							NO ACCESS

Legal Descriptions - Exhibit A

NOTE: THIS IS NOT A ROW PLAN, LAND SURVEY PLAN, OR IMPROVEMENT SURVEY PLAN AND WAS PREPARED FOR CDOT PURPOSES ONLY.

Thomas Nicholas - PLS 28657

EXHIBIT "A"

PROJECT NUMBER: NHPP 0253-270

PARCEL NUMBER: AP-RW-631 REV

PROJECT CODE: 22831

DATE: April 20, 2020

DESCRIPTION

A tract or parcel of land No. AP-RW-631 REV of the Department of Transportation, State of Colorado Project No. NHPP 0253-270 containing 12,594 sq. ft. (0.289 acres), more or less, in Section 35, Township 5 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point on the South line of Lot 3 of Mecham Subdivision as described in the records of Larimer County at Rec. No 87006341 dated February 03, 1987, whence the Southwest corner of said Section 35 bears S. 14°48'52" W., a distance of 1363.18 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence leaving the South line of said Lot 3, on the arc of a curve to the left, a radius of 6,845.50 feet, a central angle of 03°24'38", a distance of 407.47 feet, (a chord bearing N. 05°37'22" W., a distance of 407.41 feet), to a point on the South line of Lot 2 of Mecham Subdivision;
2. Thence along the South line of said Lot 2, N. 89°47'01" E., a distance of 30.74 feet to a point on the existing Westerly line of Interstate 25 Right-of-Way;
3. Thence along said Right-of-Way and on the arc of a curve to the right, a radius of 5,595.00 feet, a central angle of 00°42'51", a distance of 69.75 feet, (a chord bearing S. 06°32'24" E., a distance of 69.75 feet);
4. Thence S. 06°09'09" E., a distance of 338.07 feet, to a point on the South line of said Lot 3;
5. Thence along the South line of said Lot 3, S. 89°45'42" W., a distance of 35.00 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 12,594 sq. ft. (0.289 acres), more or less.

Basis of Bearings: All bearings are based on the West line of the South half of the Southwest Quarter of said Section 35, Township 5 North, Range 68 West, of the 6th Principal Meridian being monumented at the Southwest corner of Section 35, by a found 2 1/2" diameter aluminum cap stamped "INTERMIL T5N R68W SC T4N R68W PLS 12374" and the South 1/16th Corner, by a found 2 1/2 aluminum cap stamped "LS S 1/16 S34 S35 1998 12374". With a grid bearing between of N. 00°18'24" W., a distance of 1316.34 feet as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
Thomas W. Nicholas, PLS 28657
10601 W. 10th Street
Greeley, CO 80634

Colorado Department of Transportation Condemnation Authorization Contact Summary	Project Code: 22831
	Parcel: 631
	Owner: Norman C. Reichardt

The following is a summary of communications which have taken place between CDOT and/or its representatives and the above referenced owner related to the acquisition of the above described parcels. This summary is prepared to assist the Transportation Commission in considering CDOT's request for authorization to initiate and conduct condemnation proceedings.

Date	Contact Description	Amount/Description
10/02/2019	First Contact w/Property Owner	Business Relocation Interview
10/04/2019	Discussion of CDOT Project	NOI
11/5/2020	CDOT Offer	\$85,150.00
N/A	Owner Counter-Offer	N/A
1/27/2021	CDOT Last Offer	\$85,150.00
02/01/2021	Last Contact w/Property Owner	TC Notice

Number of Property Owner Contacts Attempted:	25
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Number of Successful Property Owner Contacts:	21
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Matters Discussed During Property Owner Contacts (check all that apply)

- Access
- Valuation
- Owner Appraisal Reimbursement
- Project Timeline
- Design
- CDOT Processes
- Other Specify here: Permission to Enter, Relocation Impact



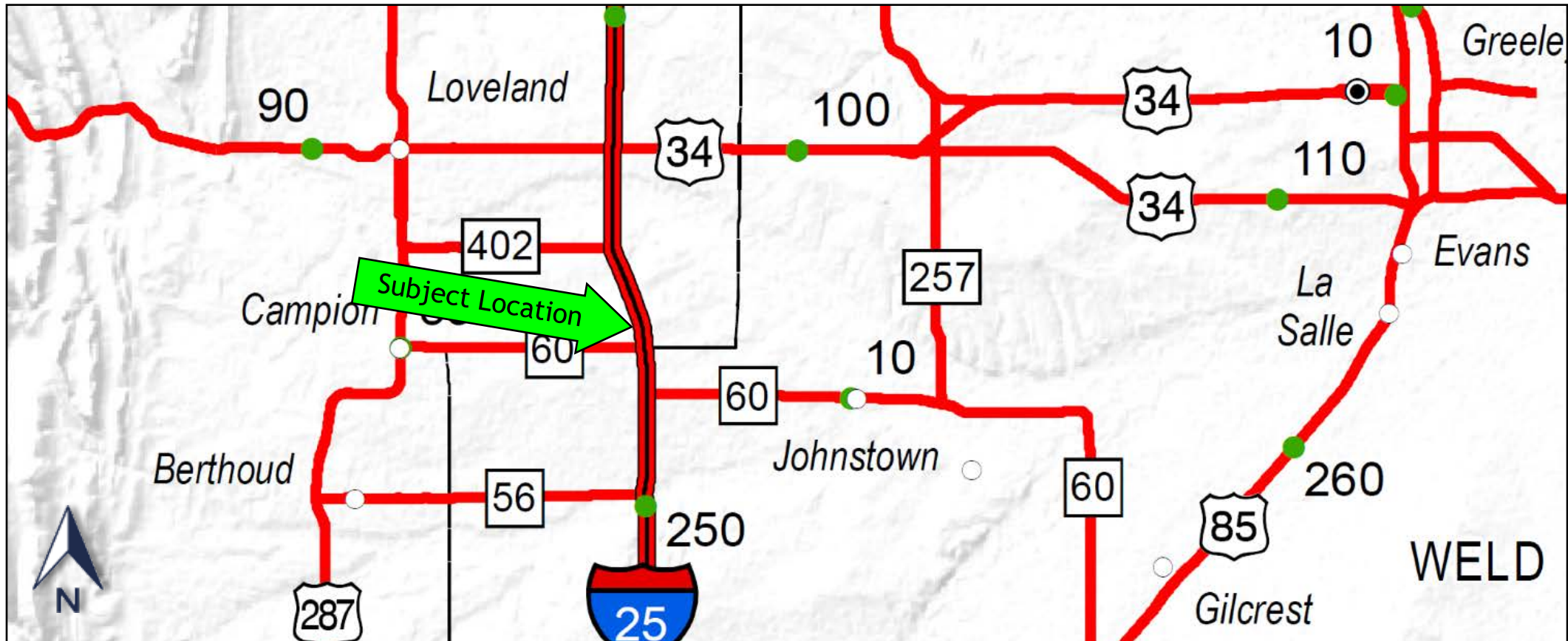
Condemnation Authorization I-25 Express Lanes SH 7 to SH 1

District: 5

Region: 4

Project: NHPP 0253-270

Project Code: 22831



Owner: Norman C. Reichardt

Project Purpose: Improve safety & improve connectivity for the community



Condemnation Authorization I-25 Express Lanes SH 7 to SH 1



Location of Subject Property



Condemnation Authorization I-25 Express Lanes SH 7 to SH 1



Weld CR 5

AP-RW-631 REV



Location of Subject Property



Condemnation Authorization I-25 Express Lanes SH 7 to SH 1

OFFERS	DATE	AMOUNT
Notice of Interest to Acquire	October 4, 2019	N/A
CDOT Appraisal	July 24, 2020	\$85,150
CDOT Initial Offer	November 5, 2020	\$85,150
CDOT Last Written Offer	January 27, 2021	\$85,150

- Parcel revised in May 2020 to minimize impact on property and tenant business (modular home retailer)
- Landowner has declined to provide a counteroffer
- Owner has not provided completed appraisal; does not intend to share until court proceedings