

Post-Amerco Real Property Condemnation Authorization Requests

March 17, 2022 Transportation Commission Meeting

Region 3 - Condemnation Authorization Requests

Transportation Commission District	Project Name	Project #	Project Code	Parcel #	Parcel Size	Property Owners	Valuation Amount	Chief Engineer's Cost Estimate (CECE), Appraisal (A) or Waiver Valuation (WV)	Date of Valuation	Owner's Current Counter-Offer
7	US 6 & I-70B in Clifton	NHPP 0063-054	21415	RW-20	69 sf	David W. Force, Jr.	\$1,310.00	A	August 11, 2021	N/A
				TE-20	210 sf					
				TE-21	387 sf					

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)
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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 *Stephen Harelson*
Stephen Harelson (Mar 8, 2022 08:48 MST)

DATE: March 8, 2022

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER NHPP 0063-054, US 6 & I-70B IN CLIFTON (AKA CLIFTON ROUNDABOUTS), PROJECT CODE 21415, 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 June 11, 2021, the Right of Way Plans for US 6 & I-70B in Clifton, NHPP 0063-054 were authorized, which allowed CDOT to acquire land necessary for the project by purchase, exchange, or negotiations with the landowners listed below.

Unfortunately, after engaging in negotiations, CDOT and the landowner 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 US 6 & I-70B, Clifton Roundabouts (“Project”) is necessary for access control, drainage control, construction of medians, sidewalk, curb and gutter, utility improvements and construction of two roundabouts. The purpose of the project is to improve traffic efficiency, create safer access points, install pedestrian infrastructure, upgrade utilities by placing them underground, and address severe drainage problems existing in an area with little elevation change throughout the corridor. This will improve safety, traffic efficiency, improve connectivity, drainage and utilities and is therefore, desirable.

Overview of Properties Previously Approved for Negotiation

There is one fee acquisition parcel and two temporary easement parcels previously approved for negotiation.

The Notice of the Transportation Commission Meeting for Condemnation Authorization was sent to David W. Force, Jr., on February 22, 2022 by Certified Mail. There are no known additional parties with a possessory interest in the below listed properties.

1. Date of ROW Plan Authorization: June 11, 2021
Address: 3263 F Road, Clifton CO 81520.
Landowner's Name: David W. Force, Jr.
Current Size of Property: Garage site - 9,984 sf, residential site - 3,920 sf, total size - 13,904 sf
Proposed Size of Acquisition: Fee simple - 69 sf, temporary easement TE-20 and TE-21 - 597 sf.
Purpose of Parcels Necessary for Project:
 - RW-20: Fee simple, 69 sf, for the purpose of construction and maintenance of sidewalk.
 - TE- 20: Garage site, temporary easement, 210 sf for the purpose of construction grading, with a 24 month temporary construction easement duration.
 - TE- 21: Residential site, temporary easement, 387 sf for the purpose of construction grading, with a 24 month temporary construction easement duration.

Estimated Property Value, Damages and Benefits (if any): Fair Market Value offer was presented at \$1,310, as rounded.

Method to Determine Property Value, Damages and Benefits (if any): Value was based upon comparable sales in a report by CDOT consultant appraiser, Bonnie Roerig, MAI, with no compensable damages. Ms. Roerig's appraisal value is dated 8/11/2021.

Date of Initial Offer: 1/10/2022

Brief Summary of Counteroffers: The property owner has engaged an attorney. He has grave concerns about access to his garage site due to construction of a center median restricting left turns into his garage, as well as right in, right out only turns onto US Hwy 6. To date they have not presented a counteroffer. They engaged appraiser David Clayton and he determined a compensation amount for the garage site of \$828 for the fee acquisition and \$504 for the temporary easement, with damages calculated for the garage site property of \$297,672. Clayton's appraisal was deemed as unacceptable by the review appraiser because it did not meet most or sufficient basic requirements for the appraisal assignment. The damages were based mainly on the proposed plans to restrict access to the garage doors that open onto US 6. The design team has subsequently changed their 100% access closure to the garage doors into a driveway access with a mountable curb, retaining right in, right out only movements in the after condition. The owner, Dave Force, has not provided a response to CDOT's current offer above the estimated FMV of \$13,000, which was made in addition to our effort to accommodate garage door access.

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

Colorado Department of Transportation



222 South 6th Street
 Room 317
 Grand Junction, CO 81501
 Phone: 970-683-6236
 FAX: 970-683-6227

JMK

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

Right of Way Plans			
Title Sheet			
Project Number: NHPP 0063-054			
Project Location: US 6 Clifton			
Project Code	Last Mod. Date	Subset	Sheet No.
21415	5-28-2021	1.01 of 1.01	1.01

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED FEDERAL AID PROJECT NO. NHPP 0063-054 U.S. HIGHWAY NO. 6 MESA COUNTY

SHEET NO.	INDEX OF SHEETS
1.01	(1) Title Sheet
2.01-2.05	(5) Tabulation of Properties
3.01-3.03	(3) Project Control Diagram
4.01-4.03	(3) Land Survey Control Diagram
5.01-5.03	(3) Monumentation Sheets
6.01-6.0X	(NA) Tabulation of Road Approach Sheets
7.01-7.13	(13) Plan Sheets
8.01-8.02	(2) Ownership Map
(30) Total Sheets	

Scales of Original 11"x17" Drawings
 Plan Sheets 1"=30'
 Ownership Map 1"=200'

R.O.W. Length of Project = 0.49 Miles
 Const. Length of Project = 0.64 Miles

THIS PROJECT IS LOCATED WITHIN
 PROJECT FAP 208-A [YEAR 1928]
 STA. 81+82.43 40.89RT(S/4 SEC. 2)
 +FAP 208A STA. 34.2+24.99

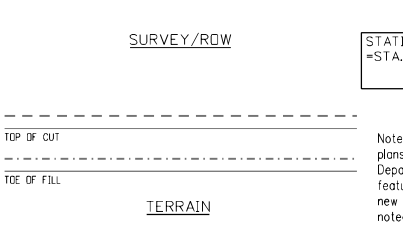
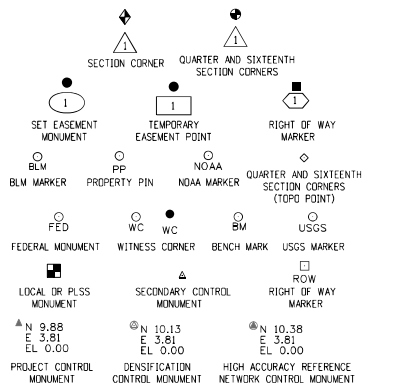
Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S89°06'14"E from CM-MP 37.38 to CM-MP 37.67. Both monuments are CDOT Type II, marked appropriately for their milepost location and control position. The survey data was obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

1. This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.
2. For title information, The Colorado Department of Transportation relied on Title Commitments prepared by Abstract & Title Company of Mesa County dated 2-21-2020.
3. This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDOT that this set is the most current. The information contained on the attached drawing is not valid unless this copy bears an original signature of the Professional Land Surveyor hereon named.

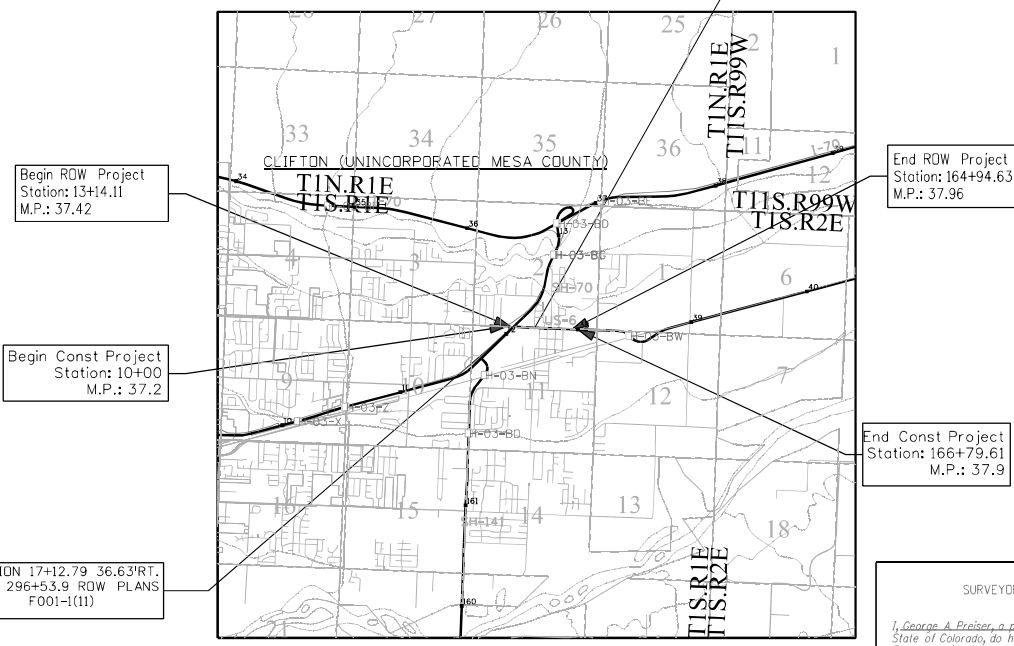
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

**COLORADO DEPARTMENT OF TRANSPORTATION
 FEDERAL-AID HIGHWAY PROJECT**
 ROW PLANS AUTHORIZED: 06/11/21
 DATE
George A. Preiser
 CDDT CHIEF ENGINEER

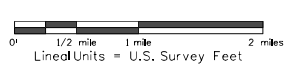
SURVEYOR STATEMENT (ROW PLAN)
 I, George A. Preiser, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that based upon my knowledge, information and belief, research, calculations and evaluation of the survey evidence were performed and this Right-of-Way Plan was prepared under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a warranty or warranty, either expressed or implied.
 PLS No. 38055



Note: For a complete listing of symbology used within this set of plans, please refer to the M-100-1 Standard Symbols of the Colorado Department of Transportation M&S Standards Publication. Existing topo features are shown as screened weight (gray scale). Proposed or new features are shown as full weight without screening, except as noted with the word (proposed).



PROJECT LOCATION MAP



PLANS CERTIFICATION: DAY OF _____ AT _____ M.,
 DEPOSITED THIS _____ OF THE COUNTY LAND SURVEYS/RIGHT OF WAY
 SURVEYS AT PAGE _____ RECEPTION NUMBER _____
 SIGNED: _____ DEPT. _____
 I, _____ Surveyor, do hereby certify that the above is a true and correct copy of the original plans as filed in my office.

Tuesday, June 01, 2021 10:04:44 AM p:\s\1\work\res\res\0063-054\US6\mesa\01\Documents\Colorado\DOT_21415\CDOT_21415_NHPP_0063-054\US6\mesa\01\Drawings\21415_ROW_Survey_Drawings\21415_ROW_TitleSheet.dgn

Colorado Department of Transportation



222 South 6th Street
Room 317
Grand Junction, CO 81501
Phon: 970-683-6236
FAX: 970-683-6227

JMK

Sheet Revisions

Date	Description	Initials

Sheet Revisions

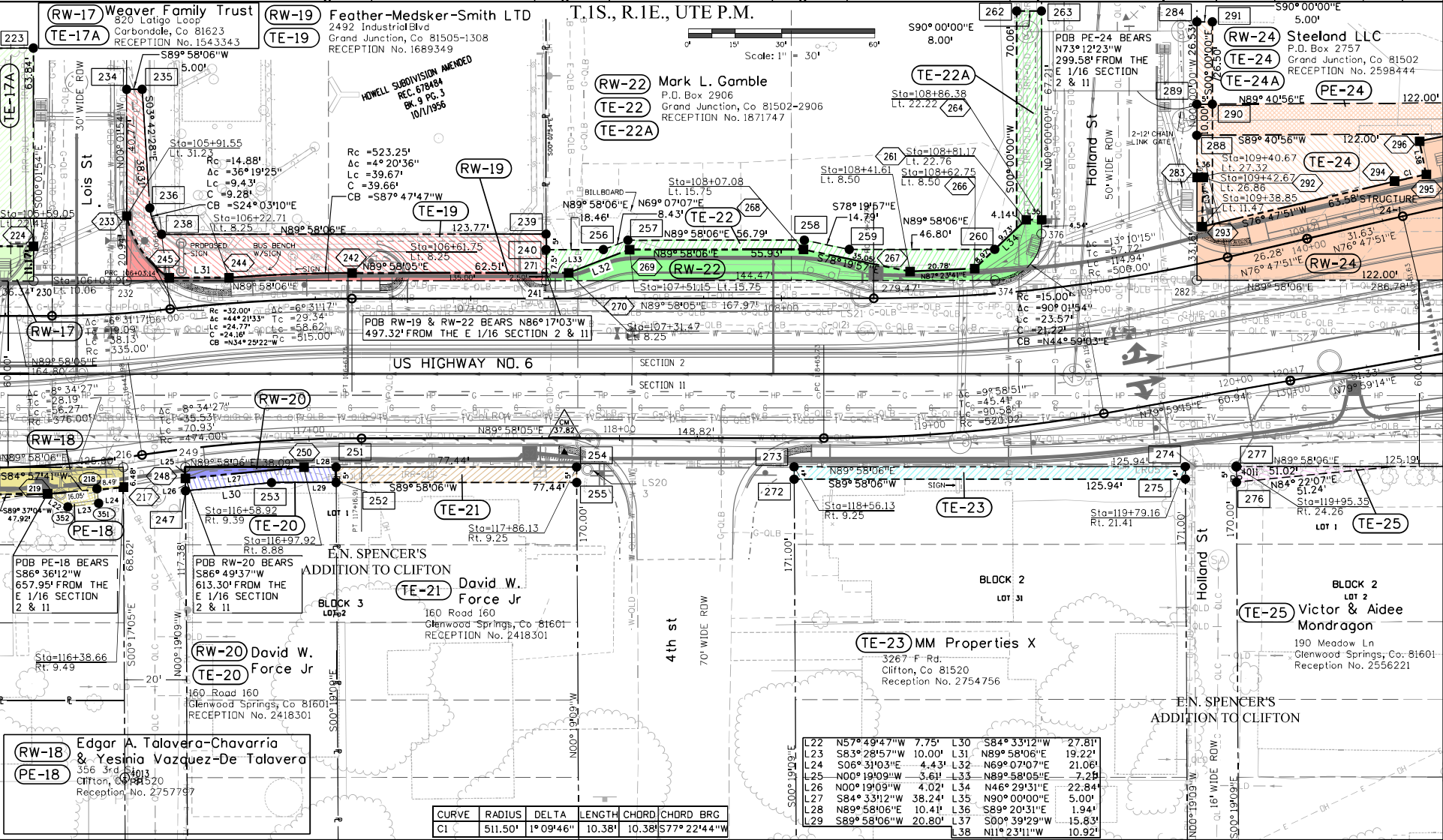
Date	Description	Initials

Sheet Revisions

Date	Description	Initials

Right of Way Plans

Project Code	Last Mod. Date	Subset	Sheet No.
21415	6-9-2021	7.01 To 7.13	7.08



CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BRG
C1	511.50'	1° 09' 46"	10.38'	10.38'	S77° 22' 14" W

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Colorado Department of Transportation



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Region 3

JMK

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Sheet Revisions

Date	Description	Initials

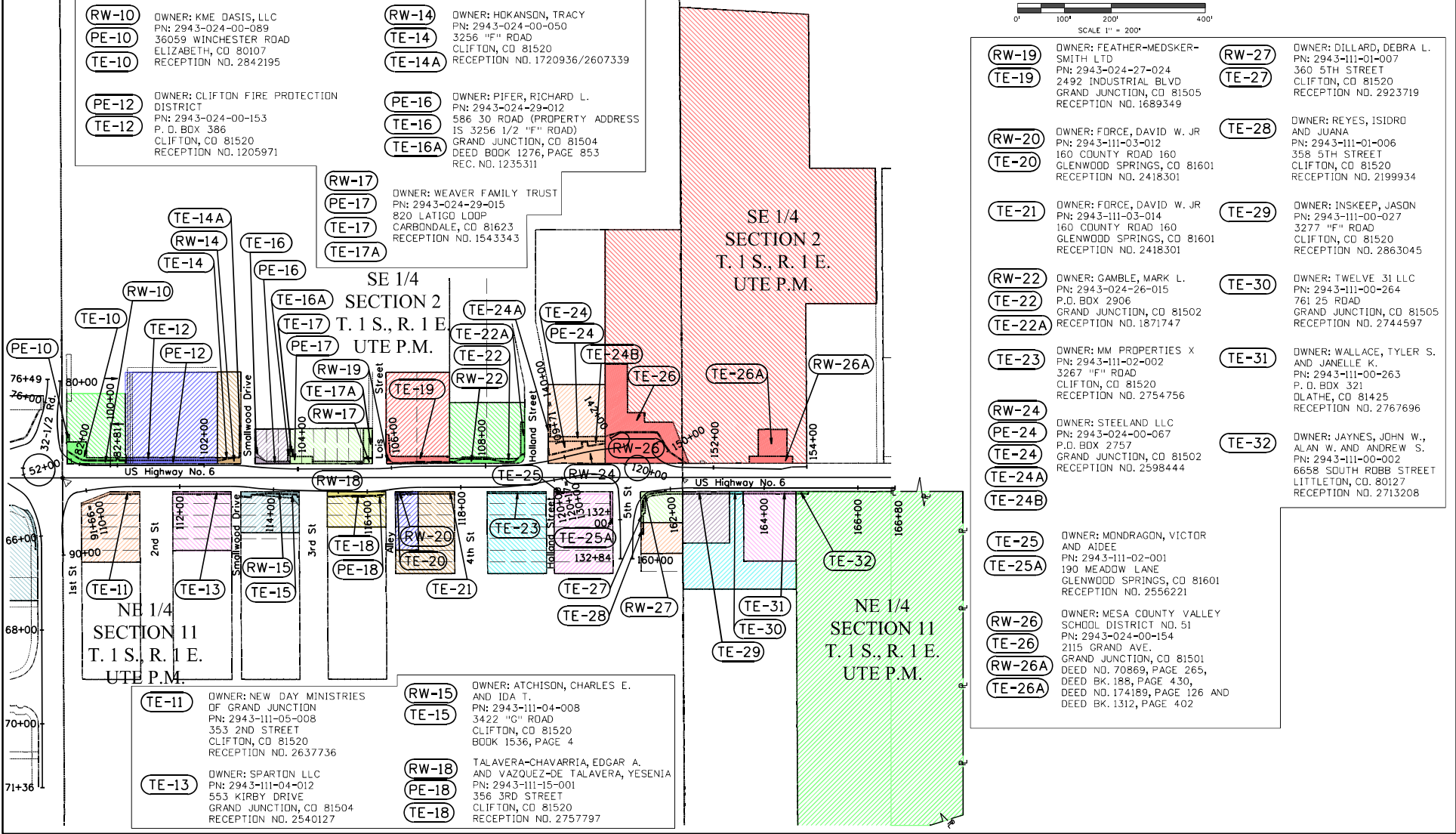
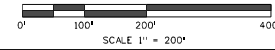
Sheet Revisions

Date	Description	Initials



Right of Way Plans

Ownership Sheet			
Project Code	Last Mod. Date	Subset	Sheet No.
21415	9-30-20	8.01 to 8.02	8.02



- RW-19** OWNER: FEATHER-MEDSKER-SMITH LTD
 PN: 2943-024-27-024
 2492 INDUSTRIAL BLVD
 GRAND JUNCTION, CO 81505
 RECEPTION NO. 1689349
- RW-20** OWNER: FORCE, DAVID W. JR
 PN: 2943-111-03-012
 160 COUNTY ROAD 160
 GLENWOOD SPRINGS, CO 81601
 RECEPTION NO. 2416301
- RW-21** OWNER: FORCE, DAVID W. JR
 PN: 2943-111-03-014
 160 COUNTY ROAD 160
 GLENWOOD SPRINGS, CO 81601
 RECEPTION NO. 2418301
- RW-22** OWNER: GAMBLE, MARK L.
 PN: 2943-024-26-015
 P.O. BOX 2906
 GRAND JUNCTION, CO 81502
 RECEPTION NO. 1871747
- RW-23** OWNER: MM PROPERTIES X
 PN: 2943-111-02-002
 3267 "F" ROAD
 CLIFTON, CO 81520
 RECEPTION NO. 2754756
- RW-24** OWNER: STEELAND LLC
 PN: 2943-024-00-067
 P.O. BOX 2757
 GRAND JUNCTION, CO 81502
 RECEPTION NO. 2598444
- RW-26** OWNER: MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51
 PN: 2943-024-00-154
 2115 GRAND AVE.
 GRAND JUNCTION, CO 81501
 DEED NO. 70869, PAGE 265,
 DEED BK. 188, PAGE 430,
 DEED NO. 174189, PAGE 126 AND
 DEED BK. 1312, PAGE 402
- RW-14** OWNER: HOKANSON, TRACY
 PN: 2943-024-00-050
 3256 "F" ROAD
 CLIFTON, CO 81520
 RECEPTION NO. 1720936/2607339
- TE-14**
- TE-14A**
- RW-16** OWNER: PIFER, RICHARD L.
 PN: 2943-024-29-012
 586 30 ROAD (PROPERTY ADDRESS)
 IS 3256 1/2 "F" ROAD)
 GRAND JUNCTION, CO 81504
 DEED BOOK 1276, PAGE 853
 REC. NO. 1235311
- PE-16**
- TE-16**
- TE-16A**
- RW-17** OWNER: WEAVER FAMILY TRUST
 PN: 2943-024-29-015
 820 LATIGO LOOP
 CARBONDALE, CO 81623
 RECEPTION NO. 1543343
- PE-17**
- TE-17**
- TE-17A**
- TE-19**
- TE-24**
- TE-24A**
- TE-24B**
- TE-26**
- TE-26A**
- TE-26B**
- RW-19** OWNER: DILLARD, DEBRA L.
 PN: 2943-111-01-007
 360 5TH STREET
 CLIFTON, CO 81520
 RECEPTION NO. 2923719
- TE-27**
- TE-28** OWNER: REYES, ISIDRO AND JUANA
 PN: 2943-111-01-006
 358 5TH STREET
 CLIFTON, CO 81520
 RECEPTION NO. 2199934
- TE-29** OWNER: INSKIP, JASON
 PN: 2943-111-00-027
 3277 "F" ROAD
 CLIFTON, CO 81520
 RECEPTION NO. 2863045
- TE-30** OWNER: TWELVE 31 LLC
 PN: 2943-111-00-264
 761 25 ROAD
 GRAND JUNCTION, CO 81505
 RECEPTION NO. 2744597
- TE-31** OWNER: WALLACE, TYLER S. AND JANELLE K.
 PN: 2943-111-00-263
 P. O. BOX 321
 OLATHE, CO 81425
 RECEPTION NO. 2767696
- TE-32** OWNER: JAYNES, JOHN W., ALAN W. AND ANDREW S.
 PN: 2943-111-00-002
 6658 SOUTH ROBB STREET
 LITTLETON, CO. 80127
 RECEPTION NO. 2713208
- TE-33**
- TE-11** OWNER: NEW DAY MINISTRIES OF GRAND JUNCTION
 PN: 2943-111-05-008
 353 2ND STREET
 CLIFTON, CO 81520
 RECEPTION NO. 2637736
- TE-13** OWNER: SPARTON LLC
 PN: 2943-111-04-012
 553 KIRBY DRIVE
 GRAND JUNCTION, CO 81504
 RECEPTION NO. 2540127
- RW-15** OWNER: ATCHISON, CHARLES E. AND IDA T.
 PN: 2943-111-04-008
 3422 "C" ROAD
 CLIFTON, CO 81520
 BOOK 1536, PAGE 4
- TE-15**
- RW-18** TALAVERA-CHAVARRIA, EDGAR A. AND VAZQUEZ-DE TALAVERA, YESENIA
 PN: 2943-111-15-001
 356 3RD STREET
 CLIFTON, CO 81520
 RECEPTION NO. 2757797
- PE-18**
- TE-18**

Thursday, May 08, 2020 10:04:56 AM p:\proj\spartan\2020\10045601\6.0.0.CAD_S\W_6.0_Work\1.0_Progress\21415_RW_Plan\21415_RW_Plan.dwg - Survey Drawings\21415_RW_Plan.dwg - Owner\21415_RW_Plan.dwg

EXHIBIT "A"

PROJECT CODE: 21415
PROJECT NUMBER: NHPP 0063-054
PARCEL NUMBER: RW-20
DATE: AUGUST 1, 2020

LEGAL DESCRIPTION

A Tract or Parcel of Land No. RW-20 of the Department of Transportation, State of Colorado, Project Code 21415, Project Number NHPP 0063-054, containing 69 square feet (0.002 acres), more or less, situated in the NE 1/4 of Section 11, Township 1 South, Range 1 East, of the Ute Principal Meridian, in Mesa County, Colorado, said Tract or Parcel being more particularly described as follows:

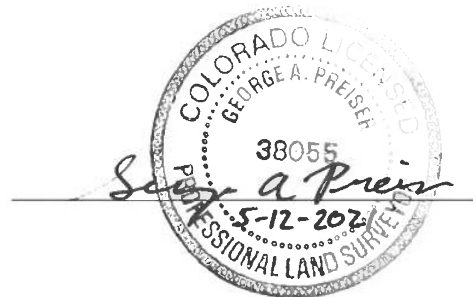
Commencing at a point on the westerly line of Lot 1 Block 3 of a Plat of E.N. Spencer's Addition to Clifton filed in the Mesa County Clerk & Recorder's Office at Book 2 Page 46, whence the east 1/16 corner of Section 2 & 11 bears N. 86°49'37" E 613.30 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence continuing along said easterly line N. 00°19'09" W., a distance of 3.61 feet to a point on the existing southerly right-of-way line of U.S. 6 (August 2020);
2. Thence along said southerly line N. 89°58'06" E., a distance of 38.09 feet;
3. Thence departing said southerly line S. 84°33'12" W., a distance of 38.24 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 69 sq. ft. (0.002 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S 89°06'14"E 1526.42 feet from US 6 CM-MP 37.38 to US 6 CM-MP 37.67 as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

For and on the behalf of the
Colorado Department of Transportation
George A. Preiser, PLS 38055
222 So. 6th Street, Suite 317
Grand Junction, CO 81501



Colorado Department of Transportation Condemnation Authorization Contact Summary	Project Code: 21415
	Parcel: RW-20,TE-20,TE-21
	Owner: David W. Force Jr.

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
7/19/2021	First Contact w/Property Owner	Phone Call with Owner
7/22/2021	Discussion of CDOT Project	NOI
1/10/2022	CDOT Offer	\$1,310.00
N/A	Owner Counter-Offer	N/A
2/11/2022	CDOT Last Offer	\$13,000.00
2/22/2022	Last Contact w/Property Owner	TC Notice

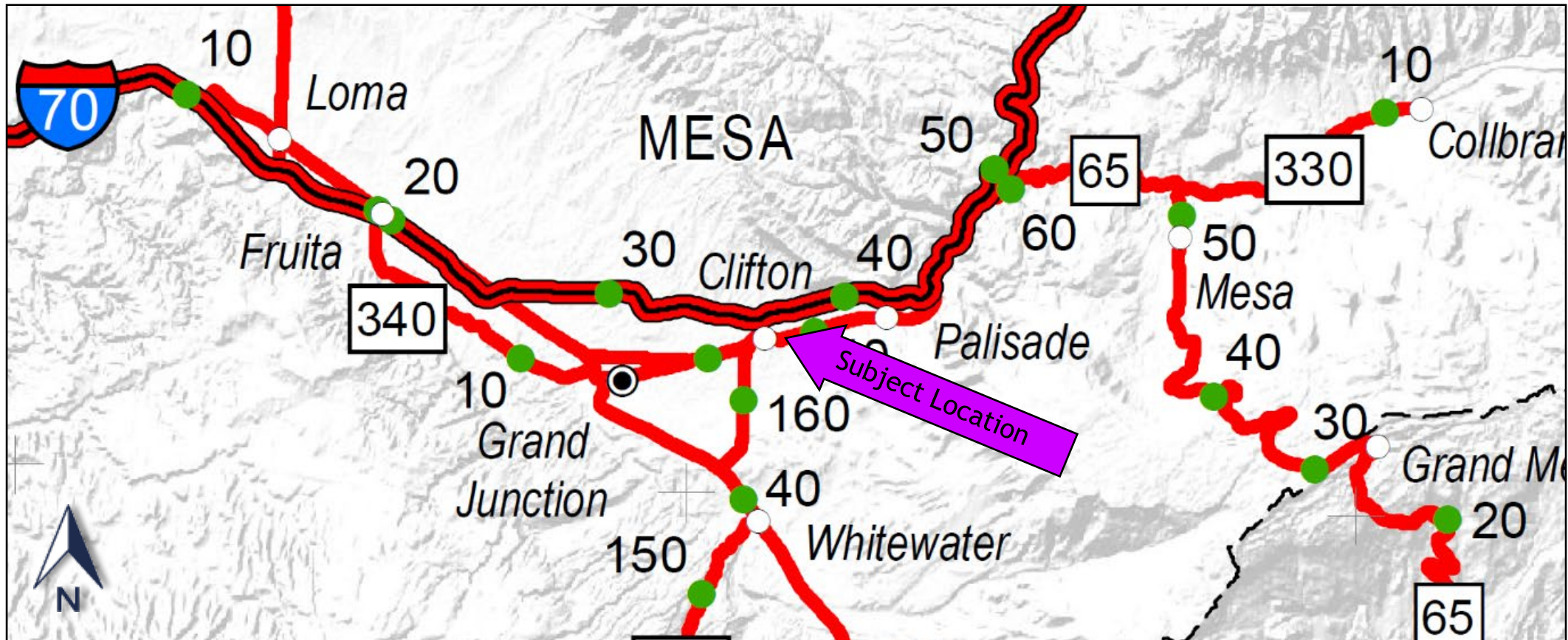
Number of Property Owner Contacts Attempted:	21
Number of Successful Property Owner Contacts:	16

Matters Discussed During Property Owner Contacts (check all that apply)	
<input checked="" type="checkbox"/>	Access
<input checked="" type="checkbox"/>	Valuation
<input checked="" type="checkbox"/>	Owner Appraisal Reimbursement
<input checked="" type="checkbox"/>	Project Timeline
<input checked="" type="checkbox"/>	Design
<input checked="" type="checkbox"/>	CDOT Processes
<input type="checkbox"/>	Other Specify here:



Condemnation Authorization US 6 & I-70B in Clifton (Clifton Roundabouts)

District: 7 Region: 3 Project: NHPP 0063-054 Project Code: 21415



Owners: David W. Force Jr.

Project Purpose: Improve safety, traffic efficiency, improve connectivity, drainage and utilities



Condemnation Authorization US 6 & I-70B in Clifton (Clifton Roundabouts)



Location of Ownerships 20/21



Condemnation Authorization US 6 & I-70B in Clifton (Clifton Roundabouts)



Location of Subject Properties



Condemnation Authorization US 6 & I-70B in Clifton (Clifton Roundabouts)

David W. Force, Jr. — Parcels RW-20, TE-20, TE-21

OFFERS	DATE	AMOUNT
CDOT Appraisal	August 11, 2021	\$1,310
CDOT Initial Offer	January 10, 2022	\$1,310
Owner Appraisal	December 19, 2021	\$299,004
CDOT 2 nd Offer	February 11, 2022	\$13,000

- No counter-offers, owner's main concern is losing commercial garage access due to sidewalk and median
 - Initial project design changed to now allow right-in/right-out to US 6
- Owner appraisal includes minimal amount for land and easements, damages of \$297,672 for the loss of garage access, appraisal prior to design change
- Condemnation authorization requested due to July 2022 project ad date