

Resolution #TC-3198

Approval of the Devolution of SH 67 from 4th St. west to Victor City Limits to the City of Victor from Project #: C 067A-034

Approved by the Transportation Commission on October 16, 2014

WHEREAS, The Department of Transportation owns 0.31 linear miles of Highway in Victor, Colorado identified as State Highway 67 (SH 67); and

WHEREAS, that portion of SH 67 is located between, and connecting 4th Street west to the Victor, City Limits (Exhibit A); and

WHEREAS, Region 2 has determined that abandoning this portion of SH 67 would be in the best interest of Colorado taxpayers; and

WHEREAS, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality; and

WHEREAS, the City of Victor proposed to take ownership of SH 67 from mile marker (MM) 45.56 to MM 45.87, as described in Exhibit A which are attached hereto, in exchange for a payment of \$307,702.00 from CDOT; and

WHEREAS, \$307,702.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 67 over the next 20 years; and

WHEREAS, the abandonment of the above referenced section of SH 67 will be funded with Region 2 RAMP funds; and

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures; and

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the City of Victor pursuant to the terms and conditions of the IGA; and

WHEREAS, the governing body of the City of Victor has adopted Resolution No. 2014-08-14.01, agreeing to the state's abandonment of the portion of SH 67, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the City of Victor to assume ownership of said highway segment in the "as is" condition; and

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the above referenced portion of SH 67,

CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert to CDOT; and

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$307,702.00 to the City of Victor, and that shall constitute the total consideration from the State to the City of Victor related to the abandonment and transfer of the abandoned highway; and

WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies); and

WHEREAS, the Transportation Commission has determined SH 67 between mile marker 45.56 and 45.87 is no longer needed for the state highway purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-2-106 the Department of Transportation be given authority to abandon that portion of SH 67 from mile marker 45.56 to 45.87 containing approximately 0.31 miles.

Herman J. Stockinger #
Herman Stockinger, Secretary
Transportation Commission of Colorado

11-17-14
Date