

Resolution Number TC-1700

Alvarado Road Project

Dispose of parcels A, B, C, and D, project code 13819

March 19, 2009

WHEREAS, the State owns certain property, as legally described in Exhibit A, hereinafter referred to as "the State's Property" which is used as a wetland bank; and

WHEREAS, the State desires to sell a portion of the State's Property, as shown in Exhibit A, and hereinafter referred to as "the Disposal Parcels," to the County for the construction of improvements associated with the County's Alvarado Road Project hereinafter referred to as "the Project," subject to the terms and conditions of a license agreement; and

WHEREAS, the required approval, clearance and coordination has been accomplished from and by the State with the appropriate agencies; and

WHEREAS, the County desires to acquire the Disposal Parcel from the State at Fair Market Value as determined by the State's customary appraisal process; and

WHEREAS, the County desires to construct additional project improvements, including drainage culverts, retaining walls, and applicable appurtenances required for the construction of the Project. The additional areas, outside of the Disposal Parcel, that the County requires on the State's Property shall hereinafter be referred to as "the Licensed Area"; and

WHEREAS, the County recognizes that the State must retain the superior right to use the Licensed Area for its own purposes, including but not limited to wetland mitigation, and the County agrees to relinquish the use of the Licensed Area without any cost or liability to the State, pursuant to the terms of this License; and

WHEREAS, the County desires to pay for any and all operational and maintenance costs of the improvements installed as part of the Project within the Licensed Area; and

WHEREAS, the State and the County consider it to be in their mutual interest to cooperate in and to agree upon certain responsibilities with regard to the improvements existing within the Licensed Area; and

WHEREAS, the Department of Transportation has declared through Pamela Hutton as Chief Engineer, contingent on FHWA approval of appropriate environmental documentation, that the sale of this property would not be detrimental to CDOT's plans for wetland mitigation; and

WHEREAS, the Chief Engineer and the Department are authorized pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-111; 43-1-114(3) and 43-1-210 to make determinations regarding transfer of title to real estate owned by the Department; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that these parcels will not significantly impact CDOT's wetland bank; and

WHEREAS, the State will not sell or otherwise dispose of these parcels prior to Federal Highway Administration approval.

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be authorized to dispose of parcels A, B, C, and D, project code 13819, as shown on Exhibit A and contained in the official agenda, containing 0.9805 acre, by offering the property to political subdivisions of the state at its fair market value.