

Project Code: None  
Project No: S0029 (5)  
Location: Fort Morgan

### PROPOSED RESOLUTION

WHEREAS, the right of way shown and described in Exhibit A, attached hereto, was acquired in 1922 by Morgan County to construct a bridge (Rainbow Bridge) and conveyed to CDOT via Transportation Resolution 1159-C in 1964; and

WHEREAS, a new bridge was constructed adjacent to the Rainbow Bridge to accommodate a new alignment of SH 52 in 1968; and

WHEREAS, the Rainbow bridge is not wide/structurally sound enough to accommodate modern traffic; and

WHEREAS, the Department of Transportation, Region 4, has determined that the Rainbow Bridge and the right of way it occupies (the Property) are longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation, Region 4 has determined the Property is excess land no longer needed for transportation purposes; and

WHEREAS, the City of Fort Morgan (the City) has requested that CDOT convey the Property to the City for use as a public park, which is a nonproprietary public use; and

WHEREAS, Title 23, Part 710, Section 403(d)(1), allows CDOT to convey property to other governmental agencies when the property will be used for a nonproprietary public use; and

WHEREAS, upon the Transportation Commission concurrence that the Property is longer needed for transportation purposes, Region 4 will convey the Property to the City of Fort Morgan; and

WHEREAS; if the Property ever ceases to be used as a nonproprietary public use, the Property will revert back to CDOT ownership; and

WHEREAS, the conveyance of the Property will alleviate CDOT of future maintenance expenditures and liability associated with the Rainbow Bridge; and

WHEREAS, the Department of Transportation, Region 4 has declared through Timothy Harris as Chief Engineer, that this right of way is no longer needed for transportation purposes; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-110, 43-1-114(3), and 43-1-210(5) to make determinations regarding property to be declared excess and not needed for transportation purposes; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that the Rainbow Bridge and associated right of way are no longer needed for transportation purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to 23 CFR 710.409 (d)(1)), and C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210 the Department of Transportation be given authority to declare the Property shown in Exhibit A, to be excess and to convey it to the City of Fort Morgan.