

Resolution # TC-16-5-[]

R3 SH 82 Grand Avenue Bridge, Project Number FBR 0821-094, Project Code 18158

Authorizing the Chief Engineer to enter into negotiations with to SGM Springs Properties, LLC, for acquisition of the property specified below.

Approved by the Transportation Commission on _____, 2016.

WHEREAS, the Transportation Commission is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

WHEREAS, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon the Transportation Commission to acquire private property necessary for state highways purposes; and

WHEREAS, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

WHEREAS, the *Amerco Real Estate Company* opinion held that the Transportation Commission must decide that the public interest or convenience will be served by a proposed alteration of a state highway and that the Commission's decision must be made in consideration of the portions of land of each landowner to be taken and an estimate of the damages and benefits accruing to each landowner prior to authorizing condemnation of property; and

WHEREAS, the *Amerco Real Estate Company* opinion also held that the Transportation Commission is authorized to either direct the Chief Engineer to make tender to a landowner or the Transportation Commission can proceed in the acquisition of private lands for state highway purposes, according to articles 1 to 7 of title 38, C.R.S., without tender to the landowner; and

WHEREAS, the *Amerco Real Estate* opinion further held that the Transportation Commission could delegate to the "legal staff or representatives of the commission or department" the "initiation and conduct of condemnation proceedings." *Amerco Real Estate Company*, 2016SA75, ¶15; and

WHEREAS, the Transportation Commission is authorized pursuant to Section 43-1-208(2), C.R.S. to determine whether a proposed change to a state highway will serve the interest or convenience of the public; and

WHEREAS, the Transportation Commission may enter a resolution upon its minutes approving the proposed highway changes and authorizing the CDOT Chief Engineer to

either tender landowners the amount of damages, as estimated by the Chief Engineer or authorize condemnation without tender to the landowner; and

WHEREAS, CDOT seeks to acquire necessary Property for Project No. FBR 0821-094, SH 82 Grand Avenue Bridge ("Project"); and

WHEREAS, CDOT may negotiate with SGM Springs Properties, LLC; and

WHEREAS, the property owned by SGM Springs Properties, LLC, is located at 118 W. 6th Street in Glenwood Springs, Colorado ("Property"), which is within the Project boundaries; and

WHEREAS, CDOT seeks to acquire from the Property a Temporary Easement containing 398 square feet, more or less, for the purpose of providing additional temporary work space for the installation of curbing and a wall necessary for the Project; and

WHEREAS, the Property may include buildings, structures, or other improvements on the real Property and may also include tenant-owned improvements, personal property, and other real estate; and

WHEREAS, the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer, which included all information and documents required pursuant to Section 43-1-208(1), in relation to the Project and the Property; and

WHEREAS, after reviewing the Chief Engineer's written report regarding the Project and the Property, the Transportation Commission has determined that the proposed changes to State Highway 82 will serve the public interest and convenience of the traveling public and that acquisition of the Property described in the report is necessary and in the public interest; and

WHEREAS, the Transportation Commission also approves the Chief Engineer's Cost Estimate of damages and benefits, if any, set forth in his written report.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and convenience will be served by the proposed changes to State Highway 82 by virtue of Project No. FBR 0821-094, Project Code 18158, Parcel TE-3A, and authorizes the CDOT staff to enter into negotiations with SGM Springs Properties, LLC, for acquisition of the property. Further, if a settlement amount is reached with respect to the amount of just compensation due to the landowner, the final settlement amount is subject to approval by the Transportation Commission. If acquisition of the Property requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items if necessary.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date




COLORADO

Department of Transportation

Office of the Chief Engineer
4201 East Arkansas Ave, Suite 262
Denver, CO 80222

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSH LAIPPLY, CHIEF ENGINEER 

DATE: November 28, 2016

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER FBR 0821-094, SH 82 GRAND AVENUE BRIDGE.

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1). I deem it desirable to improve portions of SH 82 in Glenwood Springs.

The SH Grand Avenue Bridge Replacement Project, which spans the Union Pacific Railroad, the Colorado River and Interstate 70, serves as a vital transportation link connecting the cities and towns of Glenwood Springs, Carbondale, El Jebel, Basalt, Snowmass and Aspen. The goals of the Project are to: (1) improve multimodal connectivity between downtown Glenwood Springs, Interstate 70, and the historic Hot Springs Pool Area, and (2) address the functional and structural deficiencies of the existing bridge to improve public safety and reliability as a critical transportation route. In addition to replacing the SH 82 Grand Avenue Bridge, the Project will convert the signalized intersection at 6th Street and Laurel Street to a roundabout, and install a new pedestrian bridge between downtown Glenwood Springs and the Hot Springs Pool area, and is therefore desirable. I hereby request that the Transportation Commission determine that the proposed changes of the Project serve the public interest and/or convenience of the traveling public.

The property interest required is located at 118 W. 6th Street in Glenwood Springs, Garfield County, Colorado.

If the Transportation Commission determines that the proposed changes will serve the public and/or convenience of the traveling public, I respectfully request that the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize CDOT to enter into negotiations with the respective landowners for acquisition of these Properties.

Description of Portion of Highway to be Changed and Proposed Changes

The Project will replace the SH 82 Grand Avenue Bridge, install a roundabout at the intersection of 6th Street and Laurel Street, and install a new pedestrian bridge. The Project will improve multimodal connectivity and improve pedestrian mobility. The Project is a highway improvement and pedestrian upgrade project, which was initially approved by the Transportation Commission by a budget action on May 22, 2013. I have determined that it is necessary to alter and improve this portion of SH 82 to improve public safety and reliability as a critical transportation route.

Description of Property Interest Needed for Project

There is one (1) Property interest needed from one (1) ownership necessary for completion of the Project. The following lists the parcel required and a description of the parcel's purpose for the Project.

1. Address: 118 W. 6th Street, Glenwood Springs, CO
Landowner's Name: SGM Springs Properties, LLC
Current Size of Property: 0.83 acres
Proposed Size of Acquisition: TE-3A = 398 sq. ft.;
Purpose of Parcels Necessary for Project:
 - TE-3A: The purpose of this Temporary Easement is to provide additional temporary workspace for the construction of curbing and a wall. The required duration of use for this Temporary Easement is six (6) months. Value estimated at: \$ 600.00

Estimate of Damages and Benefits

On November 22, 2016, Tim Woodmansee approved an estimate of land acquisition costs and damages for property in this Project area, attached to this report. The Cost Estimate approved by me, attached to this report, individually lists the estimate of land acquisition costs, property value, and/or damages for the Property interest required for this Project. If applicable, the Cost Estimate also describes whether the Property accrues any benefits because of the Project. In my opinion, the Cost Estimate represents a reasonable budget of the property value, damages, and/or benefits, if any, related to the Property. The following list describes how the value of Property interest was determined:

1. Address: 118 W. 6th Street, Glenwood Springs, CO
Landowner's Name: SGM Springs Properties, LLC
Name of Person who Determined Property Value: Tim Woodmansee
Property Value Determined by: Value was based on comparable sales of similar Properties near the location of the subject Property.

The estimate provided is for budgetary purposes only, and is subject to change. I anticipate that these figures will increase or decrease as the Department obtains additional information about the acquisition and the Property, as appraisals are considered and evaluated, and as litigation expenses and risks are considered. CDOT will re-submit the final settlement, ascertainment or verdict for commission approval.

Attachments
§43-1-208, C.R.S.
Legal Descriptions of Parcel TE-3A
Right-of-Way Plans
Chief Engineer's Cost Estimate
Proposed Resolution

COLORADO DEPARTMENT OF TRANSPORTATION
CHIEF ENGINEER'S RIGHT-OF-WAY COST ESTIMATE

Project Code: **18158** State Highway # **82**
 Project No: **FBR 0821-094**
 Location: **SH 82-Grand Ave Bridge**

The following is the **estimated** cost of right of way required for the construction of the above captioned project as required by CRS 43-1-208. As shown, the totals include the **estimated value** of the land to be acquired, the value of any improvements thereon and the damage and benefits, if any, to the remaining land. This estimate is prepared and used for budgetary purposes only, and should not be considered an indication of actual market value.

Region Right-of-Way Manager
Jim Woodman
 Date: *11/22/16*

Parcel	Owner	Area	Unit	Unit Value		Land Value	Improvements	Damages / (Benefits)	Land Rental (mos)		Total				
				\$/Unit	%				Land Rental Cost						
TE-3A	SGM Springs Properties LLC	398	SF	\$30.00	@ 10%				6	\$ 597	\$ 600				
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Sheet Totals						\$	-	\$	-	\$	-	\$	597	\$	600

Colorado Department of Transportation
 222 South 6th Street
 Room 317
 Grand Junction, CO 81501
 Phone: 970-683-6233 FAX: 970-683-6249
 Region 3 JEM

Date	Description	Initials
07/28/16	add SH 82, 7.07, 7.07, 8.02 b	jgm
rev 7.07, 7.04, 5.01, 5.02, 7.07, 7.04, 8.01	jgm	
05/16/15	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm
06/02/15	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm
07/14/15	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm
08/02/16	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm
08/26/16	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm

Date	Description	Initials
07/28/16	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm
05/09/16	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm
05/17/16	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm
06/28/16	rev 7.01, 7.02, 5.01, 5.02, 7.01, 7.04, 7.05, 8.01	jgm

Date	Description	Initials
XXXXXX	XXXXXX	XXXX

JACOBS
 707 17th Street, Suite 2400
 Denver, Colorado 80202
 Phone: 303-820-8240
 Fax: 303-820-8298

Project Code	Last Mod. Date	Sheet	Sheet No.
MSB	09-26-16	1.01 of 1.01	1.01

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED
 PROJECT NO. FBR 0821-094
 STATE HIGHWAY NO. 82
 GARFIELD COUNTY

(CONSTRUCTION PROJECT: FEDERAL AID PROJECT NO. FBR 0821-094)

R.O.W. Length of Project - 0.25 Miles
 Const. Length of Project - 0.40 Miles

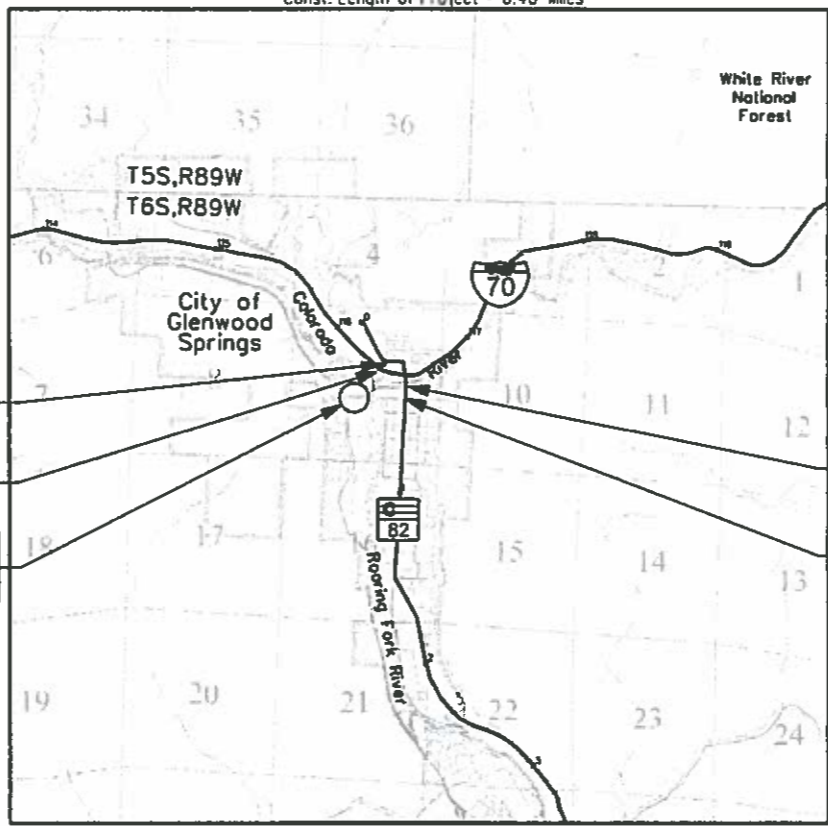
SHEET NO.	INDEX OF SHEETS
1.01	(1) Title Sheet
2.01-2.05	(5) Tabulation of Properties
3.01-3.03	(3) Project Control Diagram
4.01-4.04	(4) Land Survey Control Diagram
5.01-5.02	(2) Monumentation Sheets
6.01	(1) Tabulation of Road Approach Sheets
7.01-7.07, 7.02A, 7.06A	(9) Plan Sheets (includes Sht. 7.06A)
8.01-8.02	(2) Ownership Map
	(27) Total Sheets
	Scales of Original 11x17 Drawings
	Plan Sheets 1"=50'
	Ownership Map 1"=200'

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N89°11'49"W from East Sixteenth Corner of Section 9 and Section 4, being a chiseled X on top of a 6"x2" limestone boulder in place to the North Quarter Corner of said Section 9 being a 5"x8" limestone in a mound of stone 4"x4" marked 1/4 on south face.
 The survey data was obtained from a Global Positioning System (GPS) survey base on the Continuously Operating Reference Station (CORS).

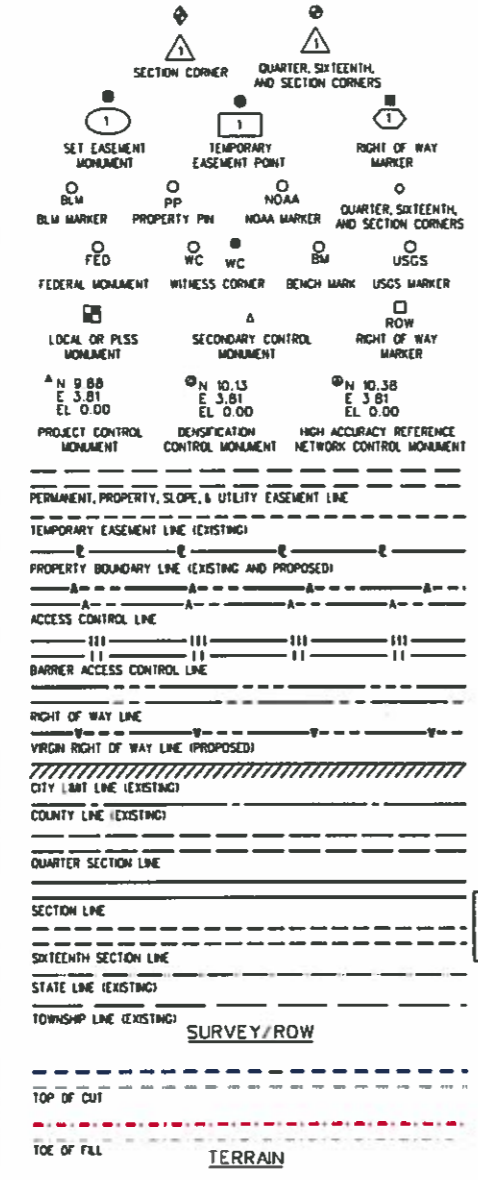
1. This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.
 2. For title information, The Colorado Department of Transportation relied on Title Commitments prepared by Common Wealth Title Company of Garfield County, Inc. for Colorado Department of Transportation. Please see Tabulation Sheet for Title Commitment Numbers.

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
 STATE HIGHWAY NO. 82
 ROW PLANS AUTHORIZED: *12-1-16*
 Date: *10/20/16*
Chris Rees
 CDOT STATE OF COLORADO RIGHT OF WAY MANAGER



PROJECT LOCATION MAP
 0 2640' 5280' 10560'
 Lineal Units - U.S. Survey Feet



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 dated July 2012. Existing features are shown as screened weight (gray scale), except as noted with the word (existing). Proposed or new features are shown as full weight without screening, except as noted with the word (proposed).

SURVEYOR STATEMENT (ROW PLAN)
 I, Mario M. McOmber, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation this Land Survey Control Diagram was prepared and the field survey it represents was performed under my responsible charge and, based upon my knowledge, information and belief is in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.
 PLS No. 24961

PLANS CERTIFICATION: DAY OF _____, 20____, AT _____, CO., DEPT. _____, COUNTY LAND SURVEYOR/RIGHT OF WAY SURVEY AT PAGE _____, RECEPTION NUMBER _____
 10/17/2016 6:51:14 AM H:\V\1212100_Grand_Avenue_Bridge\10581601_Survey\Drawings\10581601_T1154101.dwg

Colorado Department of Transportation
 222 South 6th Street
 Room 317
 Grand Junction, CO 81501
 Phone: 970-683-6233 FAX: 970-683-6249
 Region 3 JEM

Date	Description	Initials
03/16/15	rev RW-2A, RW-5, TE-2, TE-3, TE-4 del RW-3	jom
05/09/16	add PE-2, PE-3 Update Ownership 4	jom
09/28/16	rev RW-5 Revl, PE-5 Revl	jom
	add TE-3A	jom

Date	Description	Initials
	xxxxxxx	xxx

Date	Description	Initials
	xxxxxxx	xxx

Right of Way Plans			
Plan Sheet			
Project Number:	FBR 0821-094	Sheet No.:	7.01
Project Location:	SH B2, Grand Avenue Bridge (F-07-A)	Subset:	7.01 of 7.07
Project Code:	18158	Last Mod. Date:	09-28-16

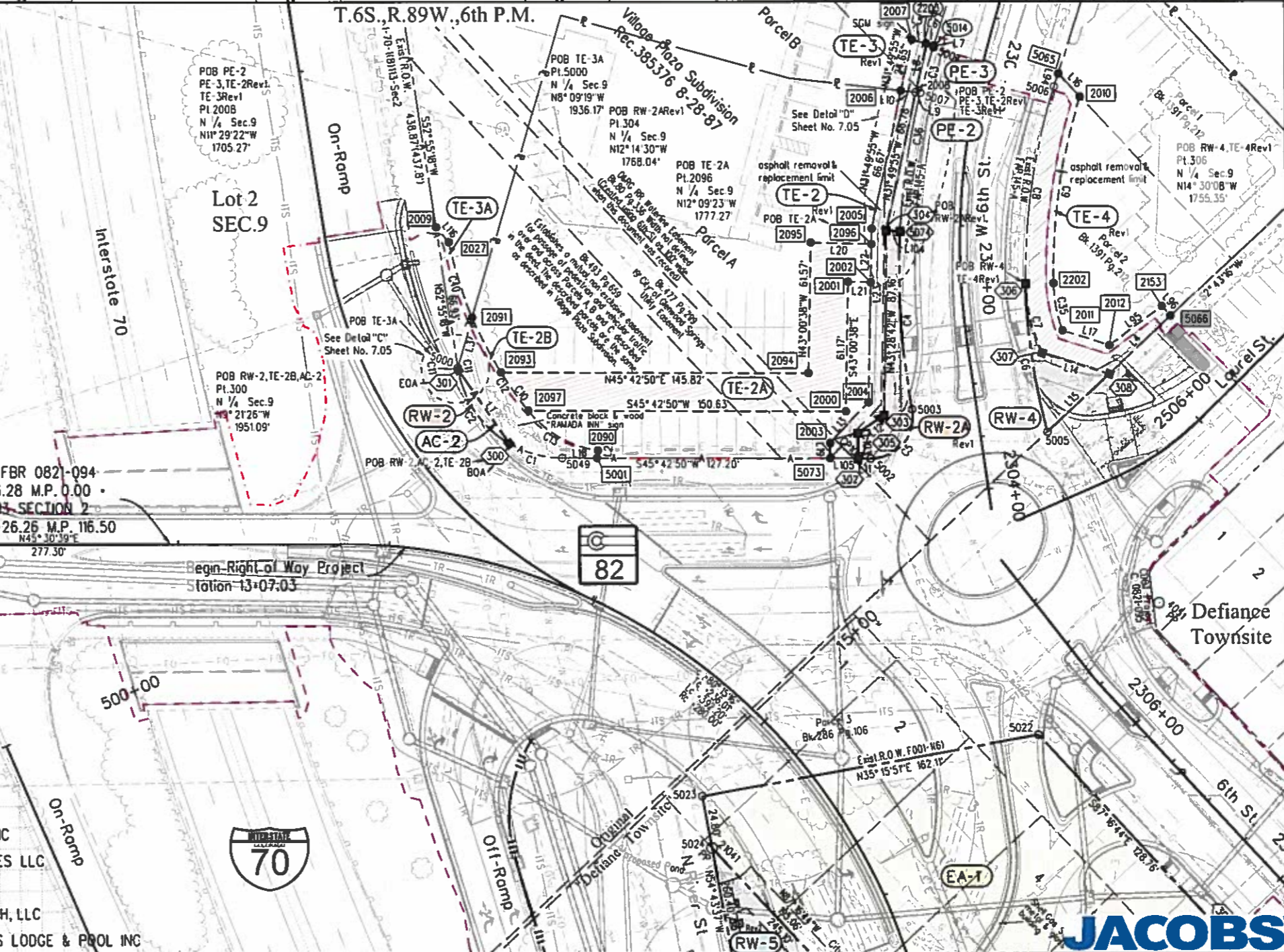
NAME	RADIUS	DELTA	ARC	CHORD	BEARING
C1	50.00'	29°54'16"	26.10'	25.80'	S 60°40'01" W
C2	50.00'	50°14'08"	43.84'	42.45'	N 79°15'47" W
C3	348.30'	3°40'52"	22.38'	22.37'	S 28°17'39" E
C4	348.30'	13°52'40"	84.36'	84.16'	S 47°57'52" E
C5	20.00'	99°24'11"	34.70'	30.51'	S 3°59'03" E
C6	288.30'	14°04'27"	70.82'	70.64'	N 52°14'38" W
C7	81.50'	23°44'08"	33.76'	33.52'	N 57°04'28" W
C8	288.30'	18°45'11"	94.36'	93.94'	N 35°49'49" W
C9	275.30'	18°35'50"	89.36'	88.97'	S 35°54'30" E
C10	186.50'	6°47'19"	22.10'	22.08'	N 79°41'28" W
C11	50.00'	1°13'12"	1.06'	1.06'	N 53°32'07" W
C12	186.50'	15°44'58"	51.26'	51.10'	S 75°12'39" E
C13	51.50'	43°22'37"	38.99'	38.06'	N 75°13'34" E
C35	68.50'	19°02'57"	22.77'	22.67'	S 54°43'53" E
C36	348.30'	10°53'27"	66.20'	66.11'	S 35°34'49" E
C40	186.50'	11°27'35"	37.30'	37.24'	S 61°36'23" E

NAME	BEARING	DISTANCE
L1	N 79°15'47" W	42.45'
L2	S 36°27'45" E	3.58'
L3	N 27°39'19" W	24.66'
L4	S 2°43'16" W	40.26'
L5	N 60°25'38" E	7.01'
L6	N 60°25'38" E	3.74'
L7	S 26°27'14" E	0.89'
L8	N 31°49'55" W	23.61'
L9	N 51°57'44" E	2.29'
L10	N 51°57'44" E	7.04'
L11	S 45°42'50" W	6.00'
L12	N 11°24'25" E	15.05'
L13	N 1°07'14" W	26.48'
L14	N 62°57'13" E	33.26'
L15	S 2°43'16" W	40.20'
L16	S 87°26'44" E	14.87'
L17	N 62°57'13" E	23.31'
L18	S 45°42'50" W	16.53'
L19	N 44°17'10" W	7.31'
L20	N 46°59'22" E	28.69'
L21	S 46°59'22" W	10.69'
L22	S 43°00'38" E	18.00'
L23	N 43°00'38" W	81.91'
L94	N 26°27'14" W	6.46'
L95	N 9°00'26" E	31.07'
L96	S 87°16'44" E	6.39'
L103	N 44°17'10" W	12.00'
L104	N 48°58'28" E	6.68'
L105	S 45°42'50" W	13.25'
L116	S 85°07'07" E	9.22'

PROJECT FBR 0821-094
 Sta. 11+96.28 M.P. 0.00
 1-70-18(1) SECTION 2
 Sta. 432+26.26 M.P. 116.50
 N45°30'39"E
 277.30'

Begin Right of Way Project
 Station 13+07.03

Legend:
 AC-2, TE-2A, TE-2B, PE-2, TE-2, RW-2A, RW-2, FAMILY RESTAURANTS, INC
 PE-3, TE-3A, TE-3, RW-3, SGM SPRINGS PROPERTIES LLC
 TE-4, RW-4, JoyR, LLC
 EA-1 HARVEST MOON MONARCH, LLC
 RW-5 GLENWOOD HOT SPRINGS LODGE & POOL INC



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