

**Resolution # TC-16-5-[ ]**

R5 US 160 MM 43.2, 150.4, 156.3 Priority Culverts, NHPP 160A-030, Project Code 20693

Authorizing the Chief Engineer to negotiate and tender damages to properties 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; 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 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; and

**WHEREAS**, CDOT seeks to acquire necessary Properties, for the US 160 MM 43.2, 150.4, 156.3 Priority Culverts Project, Project Number NHPP 160A-030, Project Code 20693 ("Project").

**WHEREAS**, CDOT may negotiate with the property owners as specified in the attached Chief Engineer's Cost Estimate].

**WHEREAS**, CDOT seeks to acquire multiple properties, as specified in the attached Chief Engineer's Estimate for the Project ("Properties"). The Chief Engineer's Estimate specifies the landowners, property locations, proposed size of the acquisitions, and the estimated damages and benefits, if any, to the properties.

**WHEREAS**, the Properties may include buildings, structures, or other improvements on the real Properties 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 Project and the Properties, the Transportation Commission has determined that the proposed changes to U.S. Highway No. 160 will serve the public interest and convenience of the traveling public and that acquisition of the Properties 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 U.S. Highway No. 160 by virtue of the US 160 MM 43.2, 150.4, 156.3 Priority Culverts Project, Project Number NHPP 160A-030, Project Code 20693, parcels TE-1, TE-1A, TE-2, TE-2A, and authorizes the CDOT staff either to negotiate and tender the Owner of the Properties the amount of estimated damages. Further, if a settlement amount, is reached with respect to the amount of just compensation due to the landowner, the final settlement is subject to approval by the Transportation Commission. If acquisition of the Properties 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 negotiate for the acquisition of those items if necessary.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date



## COLORADO

Department of Transportation

Region 5

Right of Way  
3803 North Main Avenue, Suite 300 Durango,  
CO 81301

### MEMORANDUM

DATE: November 14, 2016  
TO: Transportation Commission  
FROM: Josh Laipply, Chief Engineer  
SUBJECT: Report pursuant to CRS 43-1-208 regarding project number NHPP 160A-030, code 20693, US 160 MM 43.2, 150.4 156.3 Priority Culverts

#### Background

This written report to the Transportation Commission is pursuant to the Colorado Revised Statutes (CRS), Section 43-1-208(1). It is desirable to improve failing culverts along US 160 at mile markers 43.2, 150.4, 156.3, the latter two requiring temporary easement acquisition. This project will prevent further degradation of the already failing culverts, rehabilitating them.

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 either make tender and negotiate for the Property.

#### Description of Port of Highway to be Changed and Proposed Changes

The project will repair or replace the existing culverts and enhance the inlet and discharge side of the culverts.

#### Description of the Property Interests Needed for the Project

There are four (4) property interests to acquire from two (2) ownership's as temporary construction easements. The following is a list of parcels required and a description of each parcel's purpose for the project.

1. Donald L. Weber Trust Dated August 5, 1999 and Kathryn L. Weber Trust Dated August 5, 1999  
2980 E. Highway 160  
Pagosa Springs, CO 81147  
Parcel #: 5579-223-00-045

- TE-1: 112 sq. ft. for the purpose of installation or repair of an existing culvert and minor grading on the outlet of the culvert with new wing walls.
- TE-1A: 8,437 sq. ft. for the purpose of repair of an existing culvert and minor grading on the inlet of the culvert with new wing walls.



2. Bootjack Ranch, LLC a Colorado Limited Liability Company  
3738 Oak Lawn Avenue  
Dallas, TX 75219  
Parcel #: 5393-173-00-014

- TE-2: 544 sq. ft. for the purpose of installation or repair of an existing culvert, minor grading on the outlet of the culvert with new wing walls.
- TE-2A: 1,513 sq. ft. for the purpose of installation or repair of an existing culvert and minor grading on the inlet of the culvert with new wing walls.

Estimate of Damages and Benefits

The Chief Engineer Cost Estimate (CECE) was approved by Neil J. Lacey, P.E. on October 6, 2016, and is attached herein. The CECE individually lists the estimate of land acquisition costs, property value and any associated damages or offsetting benefits, if applicable. The CECE represents a reasonable budget of property values, damages and/or offsetting benefits, if any, related to the Properties. The valuation of the property has been performed by using paired sales analysis of comparable sales of similar properties in the vicinity of the subject properties.

The estimates provided are for budgetary purposes only and are subject to change or revision. It is anticipated that these figures will increase or decrease as the Department obtains additional information about the acquisition of the Property, as any applicable appraisals or landowner estimates of value are negotiated and evaluated and any risks or litigation are considered.

Attachments:

Right of way plans

CECE

Environmental form 128

3803 North Main Avenue, Suite 300, Durango, CO 81301 P 970-385-1400 F 970-385-1431 [www.colorado.gov/info](http://www.colorado.gov/info)

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

Project Code: **20693** State Highway # **160**  
 Project No: **NH 160A-030**  
 Location: **Structure 2 and 3 - US 160 MP 150.4 and 156.34**

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  
*[Signature]*  
 Date: *10-4-16*

Parcel	Owner	Area	Unit	Unit Value		Land Value	Improvements	Damages / (Benefits)	Land Rental (mos)		Total		
				\$/Unit	%				Land Rental Cost				
TE-1	Donald L Weber Trust	112	SF	\$0.17	@ 10%				12	2	\$ 200		
TE-1A	Donald L Weber Trust	8437	SF	\$0.17	@ 10%				12	143	\$ 200		
TE-2	Bootjack Ranch Ranch LLC	544	SF	\$0.58	@ 10%				12	32	\$ 200		
TE-2A	Bootjack Ranch Ranch LLC	1513	SF	\$0.58	@ 10%				12	88	\$ 200		
				\$0.00	@								
				\$0.00	@								
				\$0.00	@								
				\$0.00	@								
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<b>Sheet Totals</b>						\$	-	\$	-	\$	-	\$ 265	\$ 800

<b>COLORADO DEPARTMENT OF TRANSPORTATION CATEGORICAL EXCLUSION DETERMINATION</b>	Date: March 24, 2016	Revision Date:	Project Code #: 20693
	Project #: NHPP 160A-030		
Project Name: R5 US160 MM 43.2, 150.4, 156.3 Prior Civ			
Project Description: R5 US160 MM 43.2, 150.4, 156.3 Prior Civ			

**A. Categorical Exclusion Project Determination**

1. This project has a Federal nexus (yes or no) Yes.

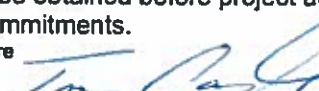
2. This project fits Categorical Exclusion or Programmatic CE number P4

3. CDOT FIR \_\_\_\_\_ design plans dated 3/17/16 were referenced in selecting the Clearance Actions required in Block B of this form.

**B. Clearance Actions**

REQUIRED <small>If not checked is Not Applicable</small>	DATE COMPLETED	REQUIRED <small>If not checked is Not Applicable</small>	DATE COMPLETED
<input type="checkbox"/> Air Quality (hot spot analysis)	_____	<input type="checkbox"/> Paleontology	<u>6/16/16</u>
<input type="checkbox"/> Noise	_____	<input type="checkbox"/> Archaeology	<u>6/9/16</u>
<input type="checkbox"/> Hazardous Waste	_____	<input type="checkbox"/> History	<u>9/27/16</u>
<input type="checkbox"/> - ISA Checklist	<u>7/19/16</u>	<input type="checkbox"/> Historic Bridge	_____
<input type="checkbox"/> - MESA (or Phase I)	_____	<input type="checkbox"/> 4(f)	<u>9/27/16</u>
<input checked="" type="checkbox"/> Threatened or Endangered Species	<u>7/25/16</u>	<input type="checkbox"/> 6(f) Agreements	_____
<input checked="" type="checkbox"/> Wetland Delineation (survey)	<u>8/1/16</u>	<input type="checkbox"/> Other	_____

All required clearance actions indicated have been completed for the work described in the design plans referenced above. No significant environmental impacts will result from this project. All Permits and Additional Requirements indicated in Part C below will be obtained before project advertisement/construction. Implementation of project shall include required mitigation commitments.

RPEM Signature:  Date: 9/28/16 Region #: 5

I concur in the above category designation and the scope of environmental clearance/permits indicated.  
 FHWA Division Administrator Signature (when required) (Please return form to RPEM) \_\_\_\_\_ Date \_\_\_\_\_

**C. Permits and Additional Requirements**

REQUIRED COMPLETED <small>If not checked is Not Applicable</small>	DATE COMPLETED	REQUIRED <small>If not checked is Not Applicable</small>	DATE
<input type="checkbox"/> 404 Permit	_____	<input type="checkbox"/> CO Parks & Wildlife SB 40	_____
<input type="checkbox"/> 401 Certification	_____	<input checked="" type="checkbox"/> Wetland Finding	<u>8/1/16</u>
<input type="checkbox"/> 402 Certification	_____	<input type="checkbox"/> APCD Bridge/Structure Demo Permit	_____
<input type="checkbox"/> Const Dewatering Permit	_____	<input type="checkbox"/> Hazardous Materials (Phase II)	_____
<input type="checkbox"/> Const Stormwater Permit	_____	<input type="checkbox"/> 6(f) Completion	_____
<input type="checkbox"/> Floodplains Development Permit	_____	<input type="checkbox"/> Other	_____

**D. Comments**

**E. Environmental Project Certification**

All clearance and permit requirements for this project have been completed and mitigation included in the \_\_\_\_\_ set of plans and specifications dated \_\_\_\_\_. The appropriate documentation is on file in the Region office.

RPEM Signature \_\_\_\_\_ Date \_\_\_\_\_

**Note to Project Manager:** Any changes to the plans and specifications after the date of the RPEM signature in Part B that affect environmental impacts or mitigation must be approved by the RPEM.

PODI / NHS	
FHWA PROJECT OF DIVISION INTEREST (PODI)	<input type="checkbox"/> NO <input type="checkbox"/> YES
NATIONAL HIGHWAY SYSTEM?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES

# DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

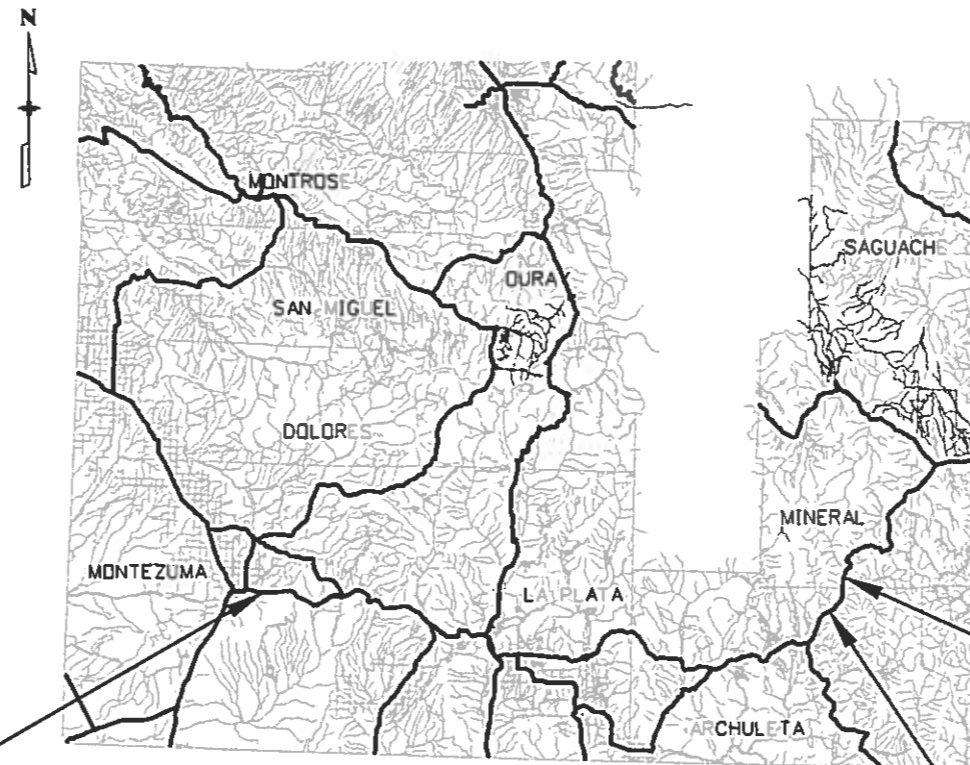
<b>Related Projects:</b>	
P. E. UNDER PROJECT:	NHPP 160A-030
Project Number	20693
Project Code:	
<b>R.O.W. Projects:</b>	
R.O.W. Project Description	N/A

## CULVERT CONSTRUCTION BID PLANS OF PROPOSED FEDERAL AID PROJECT NO. NHPP 160A-030 REGION 5 CULVERT REHABILITATION MONTEZUMA, ARCHULETA AND MINERAL COUNTY CONSTRUCTION PROJECT CODE NO. 20693

TABULATION OF LENGTH & DESIGN DATA	
PROJECT MP SUMMARY	WORK ZONE
US 160 MP 43.18	5280*
US 160 MP 150.40	5280*
US 160 MP 156.34	5280*
<b>TOTAL (FEET)</b>	15840
<b>TOTAL (MILES)</b>	3

\* APPROACH TO PROJECT IS 1/2 MILE ON EITHER SIDE OF PROJECT LOCATION

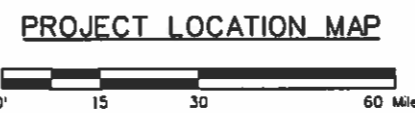
DESIGN DATA	US 160 MP 43.18	US 160 MP 150.40	US 160 MP 156.34
MAXIMUM DESIGN SPEED	65 mph	65 mph	65 mph
2015 DESIGN TRAFFIC	ADT=7300	ADT=3600	ADT=3400
2035 DESIGN TRAFFIC	8680	3978	4721
DHV TRUCK %	DHV=12 6.30%	DHV=16 11.20%	DHV=10.5 10.50%
CLEAR ZONE DISTANCE (TANGENT)	30 FT.	30 FT.	34 FT.
CONSTRUCTION CLEAR ZONE (MIN 18')			



**STRUCTURE 1**  
US 160  
MP 43.18  
160A043180BL

**STRUCTURE 3**  
US 160  
156.34  
160A156340BR

**STRUCTURE 2**  
US 160  
MP 150.40  
160A150400BL



SHEET NO.	INDEX OF SHEETS
1	TITLE SHEET
2	STANDARDS PLANS LIST
3 - 5	GENERAL NOTES
6	SURVEY TABULATION
7 - 8	SUMMARY OF APPROXIMATE QUANTITIES
9 - 10	STRUCTURE 1 - US 160 @ MP 43.18
11 - 12	STRUCTURE 1 - STORMWATER MANAGEMENT PLAN
13	STRUCTURE 1 - US 160 @ MP 43.18 SWMP SITE MAP
14	STRUCTURE 1 - US 160 @ MP 43.18 WETLANDS IMPACT
15 - 16	STRUCTURE 2 - US 160 @ MP 150.40
17 - 18	STRUCTURE 2 - STORMWATER MANAGEMENT PLAN
19	STRUCTURE 2 - US 160 @ MP 150.40 SWMP SITE MAP
20	STRUCTURE 2 - US 160 @ MP 150.40 WETLANDS IMPACT
21	STRUCTURE 2 - US 160 @ MP 150.40 EXISTING ROW EXHIBIT
22 - 23	STRUCTURE 3 - US 160 @ MP 156.40
24 - 25	STRUCTURE 3 - STORMWATER MANAGEMENT PLAN
26	STRUCTURE 3 - US 160 @ MP 156.40 SWMP SITE MAP
27	STRUCTURE 3 - US 160 @ MP 156.40 WETLANDS IMPACT
28	STRUCTURE 3 - US 160 @ MP 156.40 EXISTING ROW EXHIBIT
29	TABULATION OF CONSTRUCTION TRAFFIC CONTROL



**FOR**  
JUL. 07, 2016

Print Date: 8/3/2016
File Name: 01_TitleSheet.dgn
Horiz. Scale: 1:150000 Vert. Scale: As Noted
Unit Information
<b>amec foster wheeler</b>

Sheet Revisions		
Date:	Comments	Init.

Colorado Department of Transportation  
3803 North Main Avenue, Suite 100  
Durango, CO 81301  
Phone: 970-385-1440 FAX: 970-385-8365

Region 5 DRV

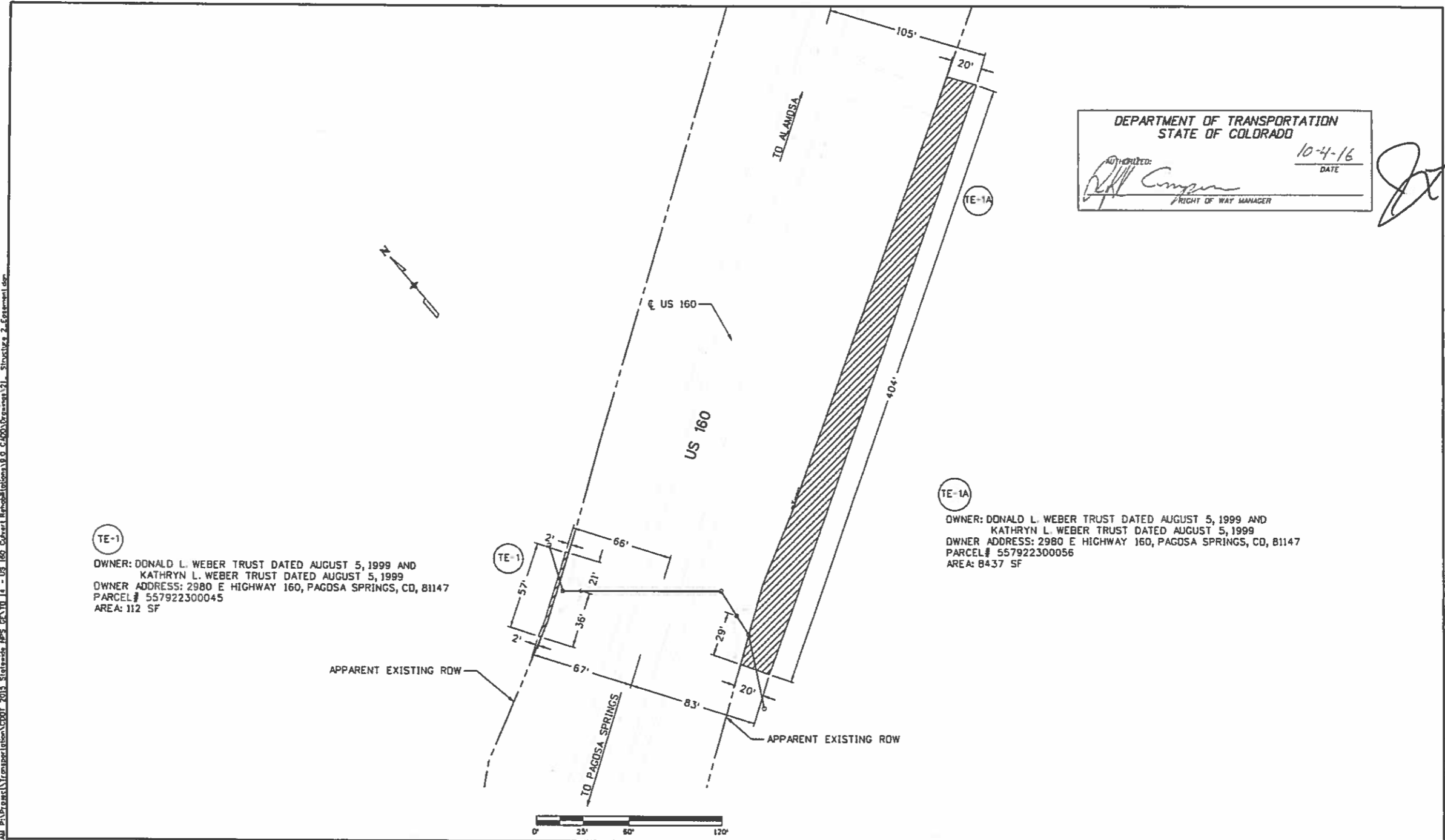
As Constructed
No Revisions:
Revised:
Void:

Contract Information	
Contractor:	
Resident Engineer:	
Project Engineer:	
PROJECT STARTED: / / ACCEPTED: / /	
Comments:	

Project No./Code
NHPP 160A-030
20693
Sheet Number 1

I:\Projects\Transportation\CDOT 2015 Statewide MPS GE.TD 14 - US 160 Culvert Rehabilitations\9.0 CAD\Drawings\01\_TitleSheet.dgn





DEPARTMENT OF TRANSPORTATION  
STATE OF COLORADO

AUTHORIZED: *[Signature]* DATE: 10-4-16  
RIGHT OF WAY MANAGER

*[Signature]*

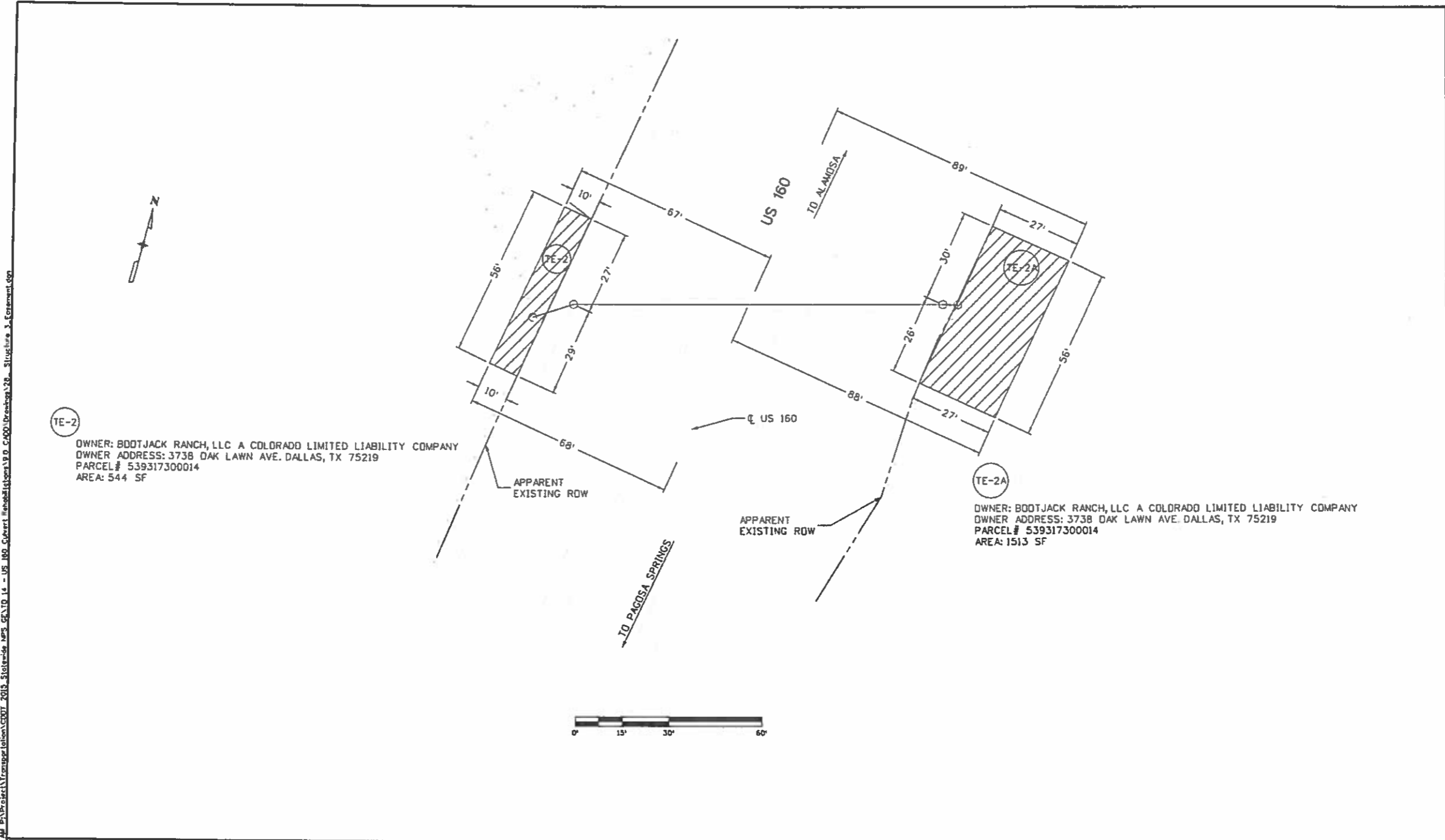
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Horiz. Scale: 1:50 Vert. Scale: As Noted  
UNIT INFORMATION DRV  
**amec foster wheeler**

Sheet Revisions		
Date:	Comments	Init.

Colorado Department of Transportation  
3803 North Main Avenue, Suite 100  
Durango, CO 81301  
Phone: 970-385-1440 FAX: 970-385-8365  
Region 5 DRV

As Constructed	STRUCTURE 2 - US 160 MP 150.40 EXISTING ROW EXHIBIT		Project No./Code
No Revisions:	Designer: FAM	Structure Numbers: 16DAJ50400BL	NHPP 160A-030
Revised:	Detailer: FAM		20693
Void:	Sheet Subset: RDW	Subset Sheets:	Sheet Number

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Print Date: 10/4/2016  
 File Name: 28\_ Structure 3\_Easement.dgn  
 Horiz. Scale: 1:30 Vert. Scale: As Noted  
 UNIT INFORMATION: DRV  
**amec foster wheeler**

Sheet Revisions		
Date:	Comments	Init.

Colorado Department of Transportation  
 3803 North Main Avenue, Suite 100  
 Durango, CO 81301  
 Phone: 970-385-1440 FAX: 970-385-8365  
**Region 5** **DRV**

**As Constructed**  
 No Revisions:  
 Revised:  
 Void:

**STRUCTURE 3 - US 160 MP 156.34**  
**EXISTING ROW EXHIBIT**  
 Designer: FAM  
 Detailer: FAM  
 Sheet Subset: ROW  
 Structure Numbers: 160A156340BR  
 Subset Sheets:

**Project No./Code**  
 NHPP 160A-030  
 20693  
 Sheet Number