

CDOT wins 1st battle of the bridge

Judge shoots down Chris Webb's allegations of fraud, bad faith

by Garrett Andrews
Herald Staff Writer

Article Last Updated; Friday, March 26, 2010 12:00AM

A recent ruling in 6th Judicial District Court will make it easier for the Colorado Department of Transportation to connect U.S. Highway 550 to a lonely overpass in Grandview.

Judge Jeffrey R. Wilson shot down Webb Ranch property-owner Chris Webb's allegations of bad faith and fraud in a 12-page order filed in District Court on Jan. 29. Wilson said the allegations didn't fit because Webb's former attorney should have known CDOT planned to build across Webb's land.

Webb has said he thought he agreed only to allow CDOT to expand the existing highway abutting his land, and that he didn't agree to let the department reroute a highway directly through his 500-acre ranch.

The ruling marks a clear victory for CDOT, which has taken heat from residents for building a highly visible \$6 million traffic feature across one of the area's busier roads before acquiring all the necessary rights of way.

CDOT spokeswoman Nancy Shanks called the ruling "great news."

"The bridge will remain in its current location and CDOT maintains possession of the Webb property obtained for the project," she wrote in a news release. "In addition, allegations of fraud and fraudulent conduct by CDOT were found by the court to have absolutely no merit."

Calls to Chris Webb's attorney Tom McNeill were not returned Thursday.

The case asks whether CDOT used bad faith to induce Webb to enter into an agreement, and if Webb's former attorney should have known what CDOT planned to do.

Webb's former lawyer Mikaela Rivera said in 2008, Deputy Attorney General Eric Meyer told her the project did not include a Highway 550 alignment through Webb's land.

Rivera said that's why she didn't look closely at the discovery documents she received from CDOT.

Wilson said that doesn't make it excusable neglect on her part.

"Had she (looked closely), she would have realized that even though CDOT did not have present plans to realign Highway 550 through the Webb Ranch, they intended to

do so in the future," Wilson wrote, adding that it took him "less than one-half hour" to find the plans.

"Ms. Rivera's failure to conduct a modest due diligence investigation of documents provided to her confirm she and Eric Meyer understood each other's intentions regarding the stipulation cannot be used as a basis to find CDOT acted in bad faith."

Calls to Rivera's office were not returned Thursday.

Since it was built, the overpass has been mocked by drivers as a monument to government inefficiency, and CDOT has been criticized for taking \$4 million in stimulus money to attach an onramp.

The Bridge to Nowhere is one of three overpasses planned for the 20-year, \$455 million Durango-to-Bayfield corridor project.

Because the property contains historical artifacts, CDOT intends to continue conducting environmental assessments until at least May 2011, Shanks said. CDOT is still studying proposed alternative alignments, she said, and will settle on the option that impacts the land least.

Negotiations between CDOT and Webb's representatives are ongoing. A compensation hearing was held Wednesday in Durango.

La Plata County is now in talks with the owner of Ewing Mesa, Sandra Pautsky of Oakridge Energy, to develop a road that would connect south Durango to the bridge from the north.

County Manager Shawn Nau has said, if approved, the project could take up to nine years.

gandrews@durangoherald.com