

Memo

To: Bruce Nelson, Interim City Manager
City Council

From: Randy Call, Road and Bridge and Refuse Director

Date: August 18, 2016

Subject: ROW 6th and Yampa

I think everyone on City Council is aware of the street light project at 6th and Yampa to be completed in 2017 by CDOT.

In April we agreed to grant them a temporary construction easement. After their final survey they realized that the control box was already on City of Craig property. They need an 8 ft. x 10 ft. area to place the new control box in CDOT ROW. I would like to recommend the City donate this property to CDOT so this ROW is in place by the bid date of September 1, 2016.

If you have any questions please contact me @ 970-824-4463.

Project No.: NHPP 0402-093
Location: US 40 Craig Signal Repacement
Project Code: 20969
Parcel(s): TE-1

Relocating Signal Box into CDOT Right of Way





COLORADO
Department of Transportation
Region 3 Right of Way

Project No.: NHPP 0402-093
Location: US 40 Craig Signal Replacement
Project Code: 20696
Parcel: TE-1

August 18, 2016

Randy Call
Interim Public Works Director
City of Craig
300 W 4th St
Craig CO 81625

RE: Documents required for a real property interest donation

Dear Mr. Call,

As you are aware, The Colorado Department of Transportation (CDOT) is proceeding with a safety improvement project along US 40 and also State Highway 13B (Yampa Avenue), between mile markers 90 and 91. This is a state funded project that involves installing pedestrian improvements to bring handicap ramps into compliance with the Americans with Disabilities Act and to relocate the signal box at the corner of State Hwy 13B and West 6th Street.

During our telephone conversation, you mentioned that the City of Craig had discussed the option of donating the 80 square foot Temporary Easement (TE-1) needed to relocate the signal box as stated above.

Continuing along those lines, accompanying this letter is the following:

- Memorandum of Agreement - The Memorandum of Agreement constitutes CDOT's formal offer, that becomes a contract when fully signed by all parties. Please sign in the box identified as "Grantor" on page 2 of the form. Once signed, return the original to CDOT for signatures and when fully executed, I will provide you with a copy. (Self addressed stamped envelope, enclosed for all return documents)
- Real Property Donation Form - Please have the individual authorized to sign for real property transactions, sign, date and notarize said signature. Return the original to CDOT for signatures and I will provide a fully executed copy to you.
- Also enclosed is a Demographic Information form. Completing the Demographic Information form is voluntary; it is used to document CDOT's compliance with several



federal civil rights laws. If you choose to complete this information, please return it in the enclosed pre-paid envelope addressed to our CDOT Denver, Colorado, address.

Please contact me at 970-683-6241 if you have any questions or concerns regarding these instructions or the enclosures. I am also available to discuss the acquisition process with you at your convenience. Thank you for your assistance in this important public improvement project.

Sincerely,



Kathy Valdez
Real Estate Specialist
Region 3

Enclosures:

Memorandum of Agreement form 784
CDOT Right of Way Plans to illustrate the proposed acquisition
Real Property Donation Form with attached Exhibit "A"
Demographic Information Form
Self addressed stamped envelope (2)



COLORADO DEPARTMENT OF TRANSPORTATION MEMORANDUM OF AGREEMENT TEMPORARY EASEMENT(S)	Project Code: 20969	Parcel No: TE-1
	Project No: NHPP 0402-093	
	Location: US 40 Craig Signal Replacement	
	County: Moffat	State Highway No: 13B (US 40)
This agreement made on (date) _____, 2016, is between the State of Colorado for the use and benefit of the Colorado Department of Transportation (GRANTEE) for the purchase of the parcel(s) listed above from the Owner(s) City of Craig, a home rule municipality, (GRANTOR). Just compensation was prepared in accordance with Colorado state laws and regulations. The amount of money and/or compensation listed below is full consideration for the following Temporary Easement(s), improvements, and damages of any kind.		
Temporary Easements (shown in attached exhibits)	80 Sq.ft. <input checked="" type="checkbox"/> Acres <input type="checkbox"/>	\$ Donation
Improvements: N/A		\$
Damages: N/A		\$
Grantor agrees to donate parcel TE-1	Gross Total	\$ Donation
	Less Credit	\$
	Net Total	\$ Donation
Other conditions: The term of Grantee's use of the Temporary Easement(s) shall be for a period of twelve months ("term"). The term shall commence on the date Grantee or Grantee's contractor enters the Temporary Easement area(s) ("commencement date"), and shall terminate at the conclusion of construction or twelve months after the commencement date, whichever event occurs first.		
The GRANTOR and GRANTEE agree that: -with the exception of any Relocation Agreement (CDOT Form #591) there are no promises, terms, conditions, or obligations other than those listed on this agreement. -this contract is binding on both the GRANTOR and GRANTEE and their heirs, devisees, executors, administrators, legal representatives, successors, assigns, and designees, but only after approval by one of the following on behalf of the, Region Right of Way Manager/Supervisor or their superiors as indicated below. -the compensation shown on this agreement is for the temporary easement(s) described and damages of any kind. -grantee's use and occupancy of the Temporary Easement(s) may not be continuous during the duration of the term; such lack of continuous use and occupancy shall not serve as an abandonment, relinquishment or earlier termination of the term.		
The GRANTOR: -has entered into this agreement only because the GRANTEE has the power of eminent domain and requires the property for public purposes. -covenants and agrees that, from the time payment is tendered and continuing through conclusion of the term, Grantor shall not burden or overburden the Temporary Easement(s) with any improvement or any other item or fixture which might be detrimental to Grantee's use and occupancy of the Temporary Easement(s). -covenants and agrees that, from the time payment is tendered and continuing through conclusion of the term, to disclose the terms and conditions of this Agreement to any potential future owner of Grantor's property.		
The GRANTEE: -will be entitled to specific performance of this agreement upon tender of the agreed consideration. -will be held harmless from any claims against the property or to any interest in the property, except for any benefits due under relocation law.		
Order Warrant \$ N/A	Payable to: N/A	
Order Warrant \$	Payable to:	
Real Estate Specialist	Grantor signature	Attach form W-9
	Grantor (if applicable)	
Department approval (Region ROW Manager/Supervisor)	Grantor (if applicable)	

cc: Project Development Branch – ROW Services (original)
 Property Owner
 Region Right of Way Manager
 Region Program Engineer/Resident Engineer/Project Engineer

CDOT Form #784 - TE

Colorado Department of Transportation
 Region 3
 222 South 6th Street
 Grand Junction, CO 81501
 Phone: 970-683-6234, FAX: 970-683-6249
 LED

Farnsworth GROUP
 5613 DTC Parkway, Suite 1100
 GREENWOOD VILLAGE, CO 80111
 www.fwg.com

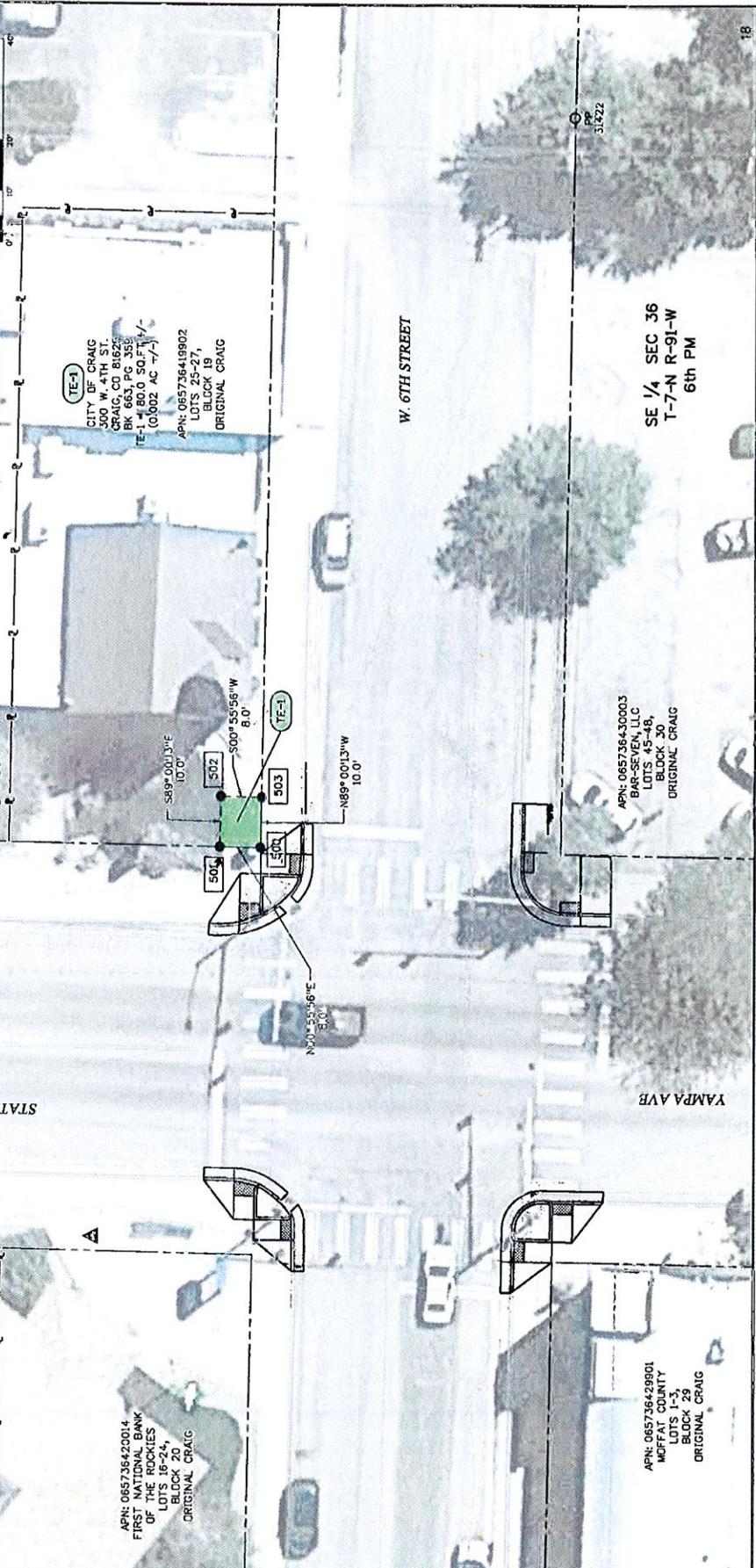
Right of Way Plans Exhibit
 Project Number: NHPP 0402-093
 Project Location: US 40 - CRAIG
 Project Code: LE1 Mod. Data
 Sheet No. 7/01

SHEET REVISIONS

Date	Description	By	Check

TABULATION OF TEMPORARY EASEMENT POINTS TO BE STAKED

Point No.	Northing (ft)	Easting (ft)	Description
500	37914.81	431877.31	TEMPORARY EASEMENT STAKE
501	37922.81	431877.44	TEMPORARY EASEMENT STAKE
502	37922.64	431887.44	TEMPORARY EASEMENT STAKE
503	37914.64	431887.31	TEMPORARY EASEMENT STAKE



APN: 0657364290014
 FIRST NATIONAL BANK
 OF THE ROCKIES
 LOTS 18-24,
 BLOCK 20
 ORIGINAL CRAIG

APN: 065736429801
 MOFFAT COUNTY
 LOTS 1-3,
 BLOCK 29
 ORIGINAL CRAIG

APN: 065736430003
 BAR-SEVEN, LLC
 LOTS 45-48,
 BLOCK 30
 ORIGINAL CRAIG

SE 1/4 SEC 36
 T-7-N R-91-W
 6th PM

W. 6TH STREET

YAMPA AVB

STATE HWY 13B

18

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
4201 E. Arkansas Ave.
Denver, CO 80222



COLORADO
Department of Transportation

Region 3, Right of Way Unit

REAL PROPERTY DONATION

Project Code: 20969
Parcel No: TE-1
Location: US 40 Craig Signal Replacement
State Highway No: 13B (US 40)

Property owners whose real property is needed for a transportation improvement project may donate all or any part of the property to the State of Colorado, Department of Transportation (CDOT), or may donate (waive receipt of) all or any portion of just compensation due the owner for the property required for the project.

Where the property owner wishes to use the donation for a tax deduction, the owner should seek advice from the Internal Revenue Service or a tax expert regarding the current rules for valuation. It is the property owner's responsibility to ascertain the fair market value of the property for tax purposes. CDOT will pay the reasonable cost of an appraisal for tax purposes if the value of the acquisition is estimated by CDOT at \$5,000 or more and the appraisal is prepared by an independent appraiser.

If the property is contaminated, the costs to clean up such contamination will not exceed the value of the property.

Donation of the property is made voluntarily and with full knowledge of the right to receive just compensation. See the attached "Exhibit A" which is incorporated herein.

The undersigned hereby releases CDOT from obtaining an appraisal of the acquired property, waives the right to receive an appraisal other than an appraisal for tax purposes as described above, and waives the right to receive just compensation for the property. The undersigned hereby agrees to execute the necessary conveyance instruments to transfer said property free and clear of all liens and encumbrances.

City of Craig:

By: _____ as _____

Date: _____

Notary acknowledgement on Page 2

cc: Project Development Branch, ROW Services (original)
Property Owner
Region ROW

CDOT Form #1344
10/08

Previous editions are obsolete and may not be used

State of Colorado)
)ss
County of Moffat)

The foregoing instrument was subscribed and sworn before me on the _____ day of _____, 2016,
by _____ as _____, for the City of Craig.

Witness my hand and official seal.
My Commission Expires:

Notary Public

ACCEPTED FOR THE STATE:

Region ROW Manager/Supervisor

Date

Attachment (Exhibit "A")

Exhibit "A"

Colorado Department of Transportation
 929 South 6th Street
 Grand Junction, CO 81501
 Phone: 970-683-6234 FAX: 970-683-6249
LED

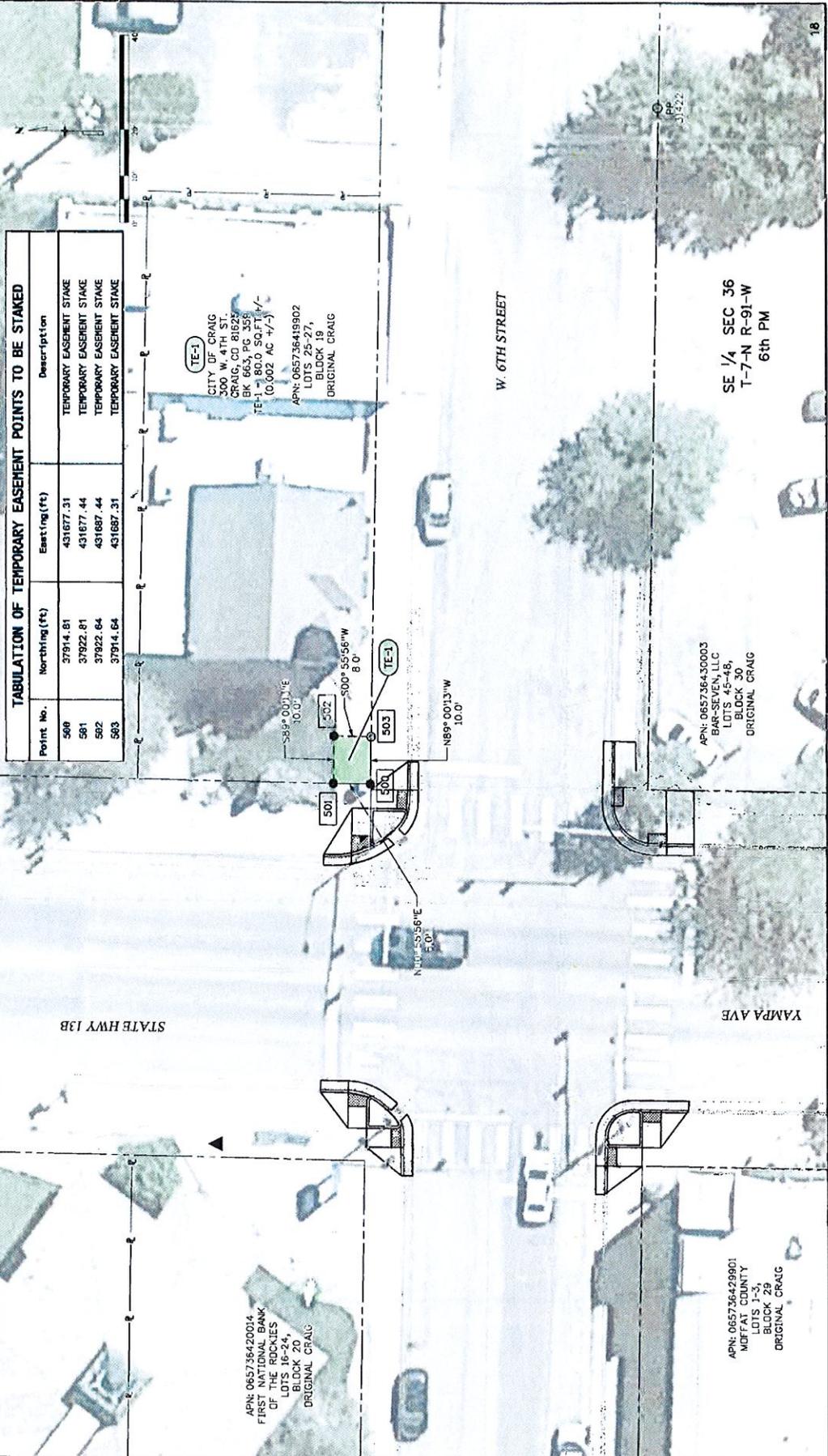
Farnsworth GROUP

5613 DTC Parkway, Suite 1100
 Greenwood Village, CO 80111
 (303) 440-9438 / (303) 492-0470 Fax
 www.fwg.com

Right of Way Plans Exhibit

Project Number: NPPP 0402-093
 Project Location: US 40 - CRAIG
 Project Code: SIGNAL REPLACEMENT
 Issue Date: 7/26/17
 Sheet No.: 70

Sheet Revisions		Sheet Revisions	
Date	Description	Date	Description



COLORADO DEPARTMENT OF TRANSPORTATION DEMOGRAPHIC INFORMATION

To be completed by the Real Estate Specialist:

► **NOTE:** Only one section of this form should be completed. If the residential portion is applicable please strike through the business portion. If the business portion is applicable please strike through the residential portion ◀

Project Code: 20969

Parcel: TE-1

Project Number: NHPP 0402-093

Location: US 40 Craig Signal Replacement

Acquisition Relocation

To be completed by Property Owner/Tenant :

NAME: Last Name

First Name

Middle Name

VOLUNTARY INFORMATION

The information is voluntary. It is requested only for record keeping purposes required by Title VI of the Civil Rights Act of 1964 and other federal laws that prohibit discrimination by recipients of federal funds. This sheet is confidential and will be kept permanently separated from the acquisition/relocation files.

RESIDENTIAL:

ETHNICITY/RACE: Check only one.

- | | |
|--|--|
| <input type="checkbox"/> 1 - Black or African American, Not Hispanic or Latino | <input type="checkbox"/> 4 - Hispanic or Latino |
| <input type="checkbox"/> 2 - American Indian or Alaska Native | <input type="checkbox"/> 5 - White, Not Hispanic or Latino |
| <input type="checkbox"/> 3 - Asian | <input type="checkbox"/> 6 - Native Hawaiian or Pacific Islander |

BUSINESS:

ETHNICITY/RACE:

- 1 - Woman-owned
 2 - Minority-owned
 3 - All other-owned

Please return in the attached pre-paid envelope to:

Colorado Department of Transportation – ROW Services
 Attn: Acquisition/Relocation Unit
 4201 East Arkansas Avenue, 4th Floor
 Denver, Colorado 80222-3400