

ORDINANCE NO. 067, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ACCEPTING THE ABANDONED PORTION OF STATE HIGHWAY 68
(HARMONY ROAD) FROM MILE POST 0.00 TO MILE POST 4.468 AS PART
OF THE CITY'S STREET SYSTEM

WHEREAS, State Highway 68 (Harmony Road) is part of the State highway system of the State of Colorado; and

WHEREAS, Section 43-2-102 C.R.S. assigns responsibility to the Colorado Department of Transportation ("CDOT") for the responsibility of maintaining State Highway 68; and

WHEREAS, the Colorado Transportation Commission has the authority under Section 43-2-106 C.R.S. to abandon state highways when, in the opinion of the Transportation Commission, they are no longer necessary as state highways; and

WHEREAS, the Transportation Commission, on March 17, 2005, adopted Resolution Number TC-1333 whereby the Transportation Commission of Colorado abandoned that portion of State Highway 68 (Harmony Road) from Mile Post 0.00 to Mile Post 4.468, a copy of which Resolution is attached hereto as Exhibit "A"; and

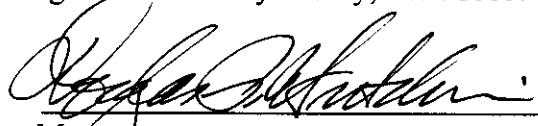
WHEREAS, the aforesaid Resolution of the Colorado Transportation Commission was certified by the Transportation Commission Secretary on April 12, 2005; and

WHEREAS, CDOT has agreed to make a one-time payment of \$13,700,000 to the City as its share of upgrading the roadway condition to an acceptable standard and to pay for the costs of operation and maintenance of the roadway over a twenty year period of time; and

WHEREAS, the City will assume full responsibility and ownership of State Highway 68 (Harmony Road) in accordance with the intergovernmental agreement for the transfer thereof and in accordance with this Ordinance which is adopted under the authority of Section 43-2-106(1) C.R.S.

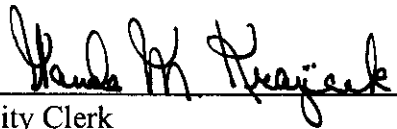
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City does hereby assume full responsibility for ownership, operation and maintenance of State Highway 68 (Harmony Road) from Mile Post 0.00 to Mile Post 4.468 except that CDOT shall retain roadway maintenance responsibilities for that portion of Harmony Road from the west right-of-way line of the I-25 frontage road located on the west side of I-25 and extending east over I-25, including maintenance responsibility for the traffic signal at the intersection of the west I-25 frontage road and Harmony Road, with such transfer of responsibility to be coordinated between the Colorado Transportation Commission and the City in accordance with the Transportation Commissions' abandonment of said State Highway 68 pursuant to its Resolution Number TC-1333, and in accordance with Section 43-2-106(1) C.R.S.

Introduced and considered favorably on first reading and ordered published this 7th day of June, A.D. 2005, and to be presented for final passage on the 5th day of July, A.D. 2005.




Mayor

ATTEST:



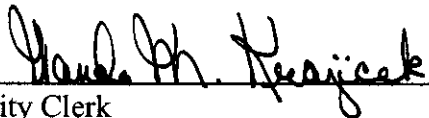
City Clerk

Passed and adopted on final reading this 5th day of July, A.D. 2005.



Mayor

ATTEST:



City Clerk

WHEREAS, State Highway 68 (Harmony Road) is part of the State Highway System; and

WHEREAS, under Section 43-2-102, Colorado Revised Statutes (C.R.S.), the Colorado Department of Transportation (CDOT) has the responsibility to maintain State Highway 68 (Harmony Road) and the Transportation Commission of Colorado has the responsibility, under Section 43-1-106, C.R.S. to formulate the general policy with respect to such maintenance; and

WHEREAS, the Transportation Commission also has the authority, under Section 43-2-106, C.R.S., to abandon that portion of State Highway 68 (Harmony Road) from Mile Post 0.00 to Mile Post 4.468 (Exhibit A), which is no longer needed as a State Highway; and

WHEREAS, the Transportation Commission received from the City of Fort Collins resolution accepting the abandoned portion of State Highway 68 as part of the City's street system (Exhibit B); and

WHEREAS, no land owner will suffer damages due to this action provided the City accepts the abandoned road as part of the City's street system; and


WHEREAS, CDOT has agreed to make a one-time payment of approximately \$13.65 million to the City of Fort Collins as its share of upgrading the roadway condition to an acceptable standard and to pay for the costs of operation and maintenance over a 20-year period; and

**WHEREAS, the \$13.65 million would be funded from the Region 4 Resurfacing Program and paid to the City of Fort Collins as a one-time payment; and
WHEREAS, approval of the abandonment is conditioned upon the signing of an Intergovernmental Agreement (IGA) between the City of Fort Collins and CDOT to set forth responsibilities concerning the abandonment.**

WHEREAS, the City of Fort Collins will assume full responsibility and ownership of State Highway 68 (Harmony Road) from Mile Post 0.00 to Mile Post 4.468.

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission of Colorado abandons that portion of State Highway 68 (Harmony Road) from Mile Post 0.00 to Mile Post 4.468.

I hereby certify Resolution Number TC-1333 is a true and exact copy of the resolution adopted by the Transportation Commission of Colorado on March 17, 2005.



JENNIFER WEBSTER, Secretary
TRANSPORTATION COMMISSION OF COLORADO

Dated: April 12, 2005