

**A RESOLUTION AUTHORIZING THE DEDICATION OF CERTAIN REAL
PROPERTY FROM COMMERCE CITY TO THE COLORADO DEPARTMENT OF
TRANSPORTATION FOR ADDITIONAL RIGHT-OF-WAY ALONG EAST 104TH AVE**

NO. 2022-35

WHEREAS, the Colorado Department of Transportation (“CDOT”) is in the process of constructing a deceleration/acceleration lane and sidewalk along E. 104th Avenue, directly east of Joliet Street (“Project”),

WHEREAS, the City of Commerce City (“City”) owns a parcel of land totaling 5,481 square feet along East 104th Avenue, as more specifically described in Exhibit A, attached hereto and incorporated by reference (“Parcel”);

WHEREAS, CDOT has indicated to the City that the acquisition of the Parcel and use thereof for the establishment of permanent right-of-way is necessary for completion of the Project; which will serve a public purpose;

WHEREAS, the City wishes to dedicate the Parcel to CDOT for completion of the Project via Quitclaim Deed (“Deed”), substantially in the form attached hereto as Exhibit B; and

WHEREAS, in accordance with section 4.14 of the City Charter of the City, and Section 2-4201(a) of the Commerce City Revised Municipal Code, any agreement to transfer real property owned by the City must be approved by a majority vote of the entire City Council in office, signed by the Mayor, approved as to form by the City Attorney, and attested to by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution, and specifically, the transfer of the Parcel to CDOT for completion of the Project, is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Approval of Dedication. Execution of the Deed, substantially in the form attached, is hereby approved. The Mayor, City Clerk, and City Attorney are hereby authorized to sign, attest, and approve the Deed as to form on behalf of the City.

RESOLVED AND PASSED THIS 4TH DAY OF APRIL 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk