

**MEMORANDUM OF UNDERSTANDING
US 85 @ Bromley Right of Way Exchange**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this 25th day of April, 2016 by and between the **DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO** ("CDOT") and the **CITY OF BRIGHTON** ("City"), together referred to herein as the "Parties".

RECITALS

WHEREAS, on February 15, 2001, the Transportation Commission approved resolution TC-925 which abandoned State Highway 85-B (Business) within the city limits of Brighton; and

WHEREAS, the Transportation Commission received from the City of Brighton, Ordinance 1661 accepting the abandoned portion of SH 85-B; and

WHEREAS, the City entered into an Intergovernmental Agreement (IGA) with CDOT on June 27, 2001 to set forth the terms of the City taking possession of SH 85-B (now known as Main Street) between Bromley Lane and Denver Street; and

WHEREAS, the City also entered into an IGA with CDOT on January 17, 2013 setting forth terms of the realignment of Main Street at Bromley Lane and other safety improvements in the vicinity; and

WHEREAS, in accordance with CRS 43-2-106 if the City ceases to use the abandoned portion of SH 85 for the purpose of a city street, title to the abandoned state highway or portion thereof shall revert to the Department of Transportation, State of Colorado; and

WHEREAS, Parcel 1 on the attached exhibit is a portion of the abandoned SH 85-B which was accepted by the City as part of Main Street; and

WHEREAS, the City and the Brighton Urban Renewal Authority have or will acquire the properties abutting the previous (2001) and current Main Street alignments, identified as Parcels 2 and 4 on the attached exhibit; and

WHEREAS, it is the intent of the City to assemble and develop the parcels with a hotel and conference center. A conceptual draft site plan is shown on the exhibit; and

WHEREAS, Parcel 3 represents a portion of the previously defined right of way of Main Street upon which an existing cul-de-sac serves to provide access to Parcel 2; and

WHEREAS, the City acknowledges that the intersection of US 85 and Bromley Lane is planned to be a single point urban interchange (SPUI) at some point in the future, and that the right of way beyond the existing boundaries of US 85 will be necessary for the planned interchange; and

WHEREAS, the design of the hotel site will keep any structures and parking improvements outside of the anticipated footprint of the SPUI to reduce impacts to the future interchange; and

WHEREAS, Parcel 1 and Parcel 2A on the attached exhibit comprise a portion of the anticipated right of way required for the interchange footprint; and

WHEREAS, the City and CDOT desire to exchange properties in the area of SH 85 and Bromley Lane to allow the assemblage of properties for a hotel and conference development site and for the preservation of the right of way needed for the future interchange; and

WHEREAS, the City intends to convey Parcels 1 and 2A to CDOT for the right of way preservation in exchange for CDOT conveying Parcel 3 to the City for the hotel development site.

NOW, THEREFORE, it is mutually agreed by and between the parties:

1. The City and CDOT will pursue the exchange of properties in good faith.
2. The City shall acquire Parcel 2 from the private property owner of record.
3. The City will provide a letter to CDOT referencing CRS 43-2-106 with a statement that the purpose of the letter is to trigger the statutory reversion of title for Parcel 3 to CDOT.
4. CDOT will record subject letter in the property records of the Adams County Clerk and Recorder's Office.
5. CDOT will petition the Transportation Commission to approve a resolution, that contingent upon the City acquiring Parcel 2, declares Parcel 3 as excess right of way, and approves the disposal of Parcel 3 in accordance with CDOT policies and procedures in exchange for Parcels 1 and 2A with the City.
6. Contingent upon the completion of the above actions, the Parties agree to complete the exchange of properties no later than July 31, 2016.

IN WITNESS WHEREOF, the parties have authorized and executed this Memorandum of Understanding this 25th day of April, 2016.

CITY OF BRIGHTON

By: [Signature]
City Manager

**DEPARTMENT OF TRANSPORTATION
STATE OF COLORADO**

[Signature]
Joshua Laipply, PE
Chief Engineer

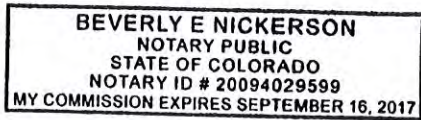
ATTEST:

[Signature]
David Fox
Chief Clerk for CDOT Property Management

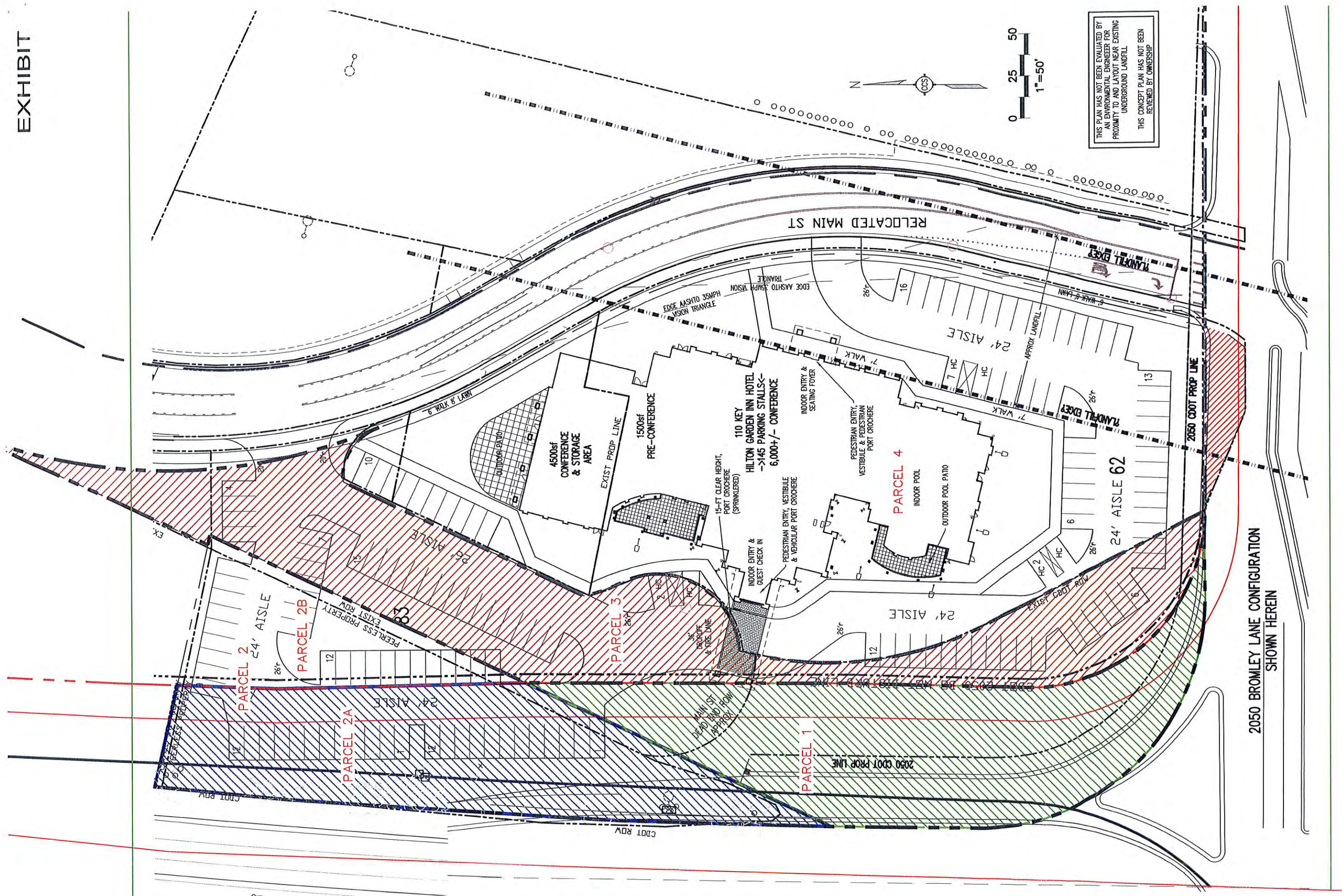
STATE OF COLORADO)
City and) ss.
County of Denver)

The foregoing instrument was acknowledged before me this 25th day of April, 2016, by David Fox as Chief Clerk for Property Management and Joshua Laipply, P.E. as Chief Engineer, Department of Transportation, State of Colorado.

Witness my hand and official seal.
My commission expires: 9-16-2017



[Signature]
Notary Public



2050 BROMLEY LANE CONFIGURATION SHOWN HEREIN