

Summary of Right of Way Issues for the U.S. 287 at Lamar Project

PREPARED FOR: U.S. 287 at Lamar – CDOT Region 2

DATE: March 25, 2004

Executive Summary

Assessing the right of way issues for a new highway project is important as it may affect many property owners and it generally tends to reflect a significant portion of the final design and construction costs. This memorandum provides a discussion of the right of way issues for the U.S. 287 at Lamar Project. It will address the right of way issues including relocations, functional replacements, land acquisitions, and bisected properties. It will also briefly address some of the current access issues that need to be further addressed in a formal Access Control Plan. The right of way assessment is based on information as provided by the Prowers County Assessors office and is only preliminary. The detailed issues must be reassessed and analyzed during future preliminary design phases.

Due to the new alignment of U.S. 287 highway, there will be many right of way issues along the proposed route. A total of 485.9 acres has been identified as new right of way required for the highway corridor.

In 1988, the County of Prowers purchased right of way for the Alternative Truck Route varying from 200' to 340' in width. Since the County purchased the majority of the right of way for the southern portion of the proposed U.S. 287 corridor, there are minimal impacts along the mainline. The existing County right of way accounts for 125.3 acres of the overall right of way required. Hence, 360.6 acres (74.2%) of the total required right of way will come from other private/public entities.

There are four property types affected along the corridor: businesses, residences, agricultural, and public property. A business property contains a commercial business on the premises. A residential property does not have any farming or business on the premises. An agricultural property is defined as a property that is a farm, rangeland, or cropland. Public property is defined as being owned by a government entity. The right of way acquisitions by property types are summarized in Table-1.

The proposed corridor will require the relocation of four property owners including three businesses and one residential property. None of the relocated businesses are considered “unique” and there shouldn’t be a problem finding comparable property for relocation. There is comparable housing or property available near and around the City of Lamar. There is also one functional replacement required for the Port of Entry north of Lamar. Meetings with the Port of Entry have identified three potential local sites for the relocated facility with the preference being a site north of the Arkansas River and south of SH 196 on the proposed U.S.287/U.S. 50 corridor. The last major acquisition is a complete land acquisition of an agricultural property at the east interchange location.

Several properties will be bisected by the proposed U.S. 287corridor. A total of 13 parcels will be bisected. Of these 13 parcels, nine have remainders that will be considerably detached from the main property. The remainders must be further analyzed to determine whether it is economical to build a land use facility to the remainder or to purchase the remaining property.

TABLE - 1
Right of Way Acquisition by Property Type ^a

Property Type	Acres		Major Acquisitions ^b	Bisected Properties
	Acquired	Percent		
Business	6.3	1.7%	3	1
Residence	1.7	0.5%	1	1
Agricultural	339.0	94.0%	1	11
Public	13.6	3.8%	1	0
Total	360.6		6	13

^a Does not include existing Prowers County right of way.

^b Relocation / Functional Replacement / Complete Land Acquisition

Estimated acquisition and relocation costs are \$791,000 (excluding the Port of Entry). The Port of Entry acquisition and relocations costs are estimated at \$500,000. Fortunately, the overall right of way costs are significantly reduced because Prowers County purchased much of the right of way in 1988. A transfer of ownership between Prowers County and the State is necessary to obtain the County’s right of way along the proposed corridor.

Each property must be assessed to determine what steps of mitigation the State can take for the acquisition of property along the corridor. Loss of acres, connecting facilities, affected operations, or irrigation disturbances must be considered when determining the appropriate mitigation. Those factors are taken into consideration to determine if there are any land acquisitions, uneconomical remainders, bisected properties that inhibit operations, or relocations. The State will mitigate accordingly by either acquiring property at fair market value, evaluating if a land exchange is possible, evaluating possibilities for land service facilities, or by ensuring that no property is landlocked by the proposed corridor. All acquisition and relocation activities will be in accordance to the *Uniform Relocations*

Assistance and Real Property Acquisition Policies Act of 1970. The State is able to use the Functional Replacement program to assist with relocation funding for the Port of Entry

Along the southern portion of the corridor on the existing county road, there are several access points to county roads, city properties, irrigation ditches, fields, and other properties. Prowers County has allowed for access to these properties with the understanding that the ultimate purpose for the roadway corridor will be for use as a new state highway, at which time access availability will be discontinued. Prowers County issued a written Notice of Non-Access in November of 1997 to all adjacent property owners along the route formalizing this position. The final disposition of these access points and issues will be addressed in a future formal Access Control Plan.

Introduction

This memorandum summarizes the right-of-way issues along the proposed corridor for the U.S. 287 at Lamar Environmental Assessment Project. The proposed U.S. 287 corridor connects to existing U.S. 287 south of the City of Lamar and continues northward to the east side of the City of Lamar connecting to U.S. 50. It then continues northward and connects to existing U.S. 287/U.S. 50 just west of the existing U.S. 50/U.S. 287 and SH 196 intersection.

Due to the new alignment of U.S. 287, there are many right-of-way issues along the proposed route. This memorandum will give a brief history of the previous right-of-way acquisition, the right-of-way impacts to the corridor, and it will end with the conclusions of the issues.

Project Description

The proposed action will relocate U.S. 287 and U.S. 50 from Main Street to a new alignment approximately one mile east of Lamar, Colorado. The proposed action consists of new mainline, ultimately four lanes wide, three new interchanges, and provisions for two future local access points along the route. In addition, the new alignment includes a new crossing of the Arkansas River. The three interchange locations are at the southern terminus, the northern portion and east of Lamar at a point along the alignment where it crosses U.S. 50.

At the southern terminus, located just north of County Road CC, the proposed interchange is a grade separated trumpet configuration with Main Street, providing a free-flow movement into downtown Lamar. A 1.2-mile segment of existing U.S. 287 will be reconfigured to serve as a frontage road providing local access.

A local access point to serve the Prowers County Medical Center will be provided at Lake Road approximately three miles north of the southern interchange. (The proposed action includes constructing an at-grade intersection, with connecting roads to be built by others in the future.) A grade separated crossing (no access) is proposed over existing Parmenter Street. An extension of Parmenter Street to the east will be constructed to provide access back to U.S. 50.

The east interchange with U.S. 50 consists of a grade separated wide diamond with future directional loop ramps to be added when traffic volumes warrant. The mainline will cross the UPRR and County Road HH.50 at a grade-separated crossing (no access) just north of the existing U.S. 50. To facilitate this interchange configuration a 1.8-mile segment of U.S. 50 will be realigned about 1,000 feet south of its present location.

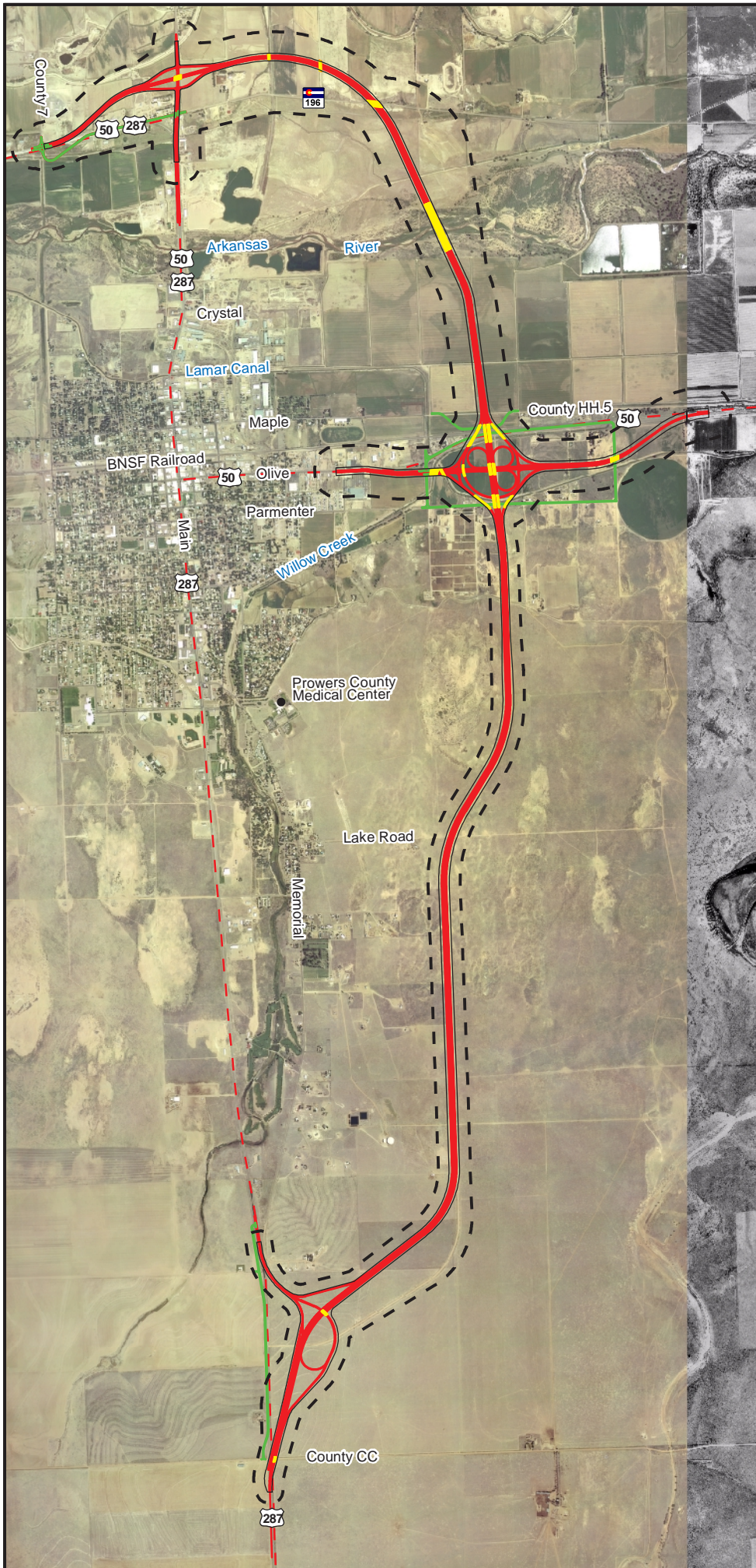
A second local access point to U.S. 287 will be provided approximately one mile north of the U.S. 50 interchange. This connection will allow the City and/or County to construct an extension of existing Crystal Street east to connect with relocated U.S. 287/U.S. 50. (The proposed action includes constructing an at-grade intersection, with connecting roads to be built by others in the future.)

The mainline will cross the Arkansas River approximately 1.4 miles downstream of the existing U.S. 287/U.S. 50 bridge. The proposed bridge is a 1,400-foot-long multi-span structure to provide adequate flood capacity and wildlife movement along the riparian corridor. A grade separated crossing (no access) is proposed over existing SH 196 just north of the new Arkansas River bridge.

Along the northern portion of the alignment a grade separated diamond interchange is proposed with SH 196. The realignment of U.S. 287 will reconnect with the existing highway at County Road 7 just west of the Port of Entry station. The existing east/west portion of U.S. 287/U.S. 50 south of the realignment will be reconfigured to serve as a frontage road to maintain access to existing businesses along U.S. 287/U.S. 50. This new frontage road will be extended west approximately 600 feet and connect to County Road 7 with an improved at-grade intersection.

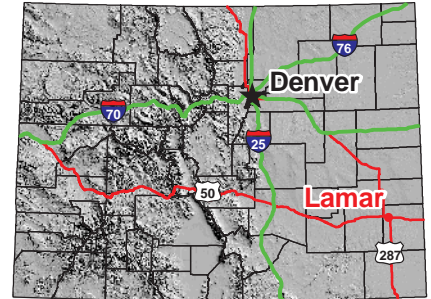
The existing high-speed curve of U.S. 287/U.S. 50, known locally as the “KLMR curve” for the radio station near the west tangent of the curve, will be removed. The existing U.S. 287/U.S. 50 route north of the Arkansas River bridge will be designated as Main Street, and will consist of a four-lane section north to the proposed interchange at SH 196.

The “study area” in which environmental resources were evaluated is 600 feet wide south of U.S. 50 and 1,200 feet wide north of U.S. 50. The “project footprint” or “preferred alignment” comprises a 300-foot-wide right-of-way, including the features described above, and is illustrated in Figure 1.



Legend

- Study Area
- Proposed Project Footprint
- Frontage Roads
- Bridges
- Existing US 50 and 287



Location Map



Sources:

CH2MHILL
 Kirkham-Michael
 Color Aerials 2002
 BW Aerials 1988

Projection:

Colorado State Plane Grid
 South Zone, NAD83

Figure 1
Proposed Action

US 287 at Lamar

History

In the mid to late 1980s, the City of Lamar and Prowers County made plans to identify, develop and preserve a corridor to serve as an Alternative Truck Route. The Alternative Truck Route corridor established by the City & County was a 7.5 mile route that tied into existing U.S. 287 south of the City of Lamar, wrapped around the east side of the city, and then tied back into Main Street in North Lamar at the Crystal Street Intersection. The proposed roadway would also provide access to U.S. 50 east of the City.

In 1988, Prowers County acquired the majority of the right-of-way along the corridor. They purchased a 200' minimum corridor up to a maximum 340' right-of-way width. The only segment not purchased was through a couple business properties along Crystal Street. After the County acquired the right-of-way required for the Alternative Truck Route, they proceeded to construct a gravel road along the southern end, south from U.S. 50 highway, of the proposed alignment. The current gravel road is not officially designated as a truck alternative, but is used by a few trucks, local farmers, and local ranchers. (Colorado Department of Transportation and Kirkham Michael, 2000)

Currently, there are some access points along the Alternative Truck Route including county roads, city property, irrigation ditches, fields and other properties. Prowers County has allowed access to these properties. In 1997, Prowers County established a written *Notice of Non-Access* along the gravel county road. The intent of the notice was to clarify the future ultimate use for the corridor as an access controlled state highway and to restrict and limit all access onto the roadway from adjoining properties. The county notified all of the affected property owners along the gravel county road of the action to ensure no further attempts were made to place access to the road. (Board of County Commissioners of Prowers County, 1997) The current access points along the southern corridor will be further analyzed and studied in a future formal Access Control Plan.

Right of Way Issues

The proposed U.S. 287 highway will require the purchase of new right-of-way at the south interchange, along the existing gravel road, to the east at the U.S.50 and U.S. 287 interchange, across the Arkansas River, and at the north interchange. Thirty-eight property owners and 51 parcels are located within the vicinity of the U.S. 287 proposed highway corridor. Some of the parcels are located along existing streets and county roads, which may be improved for frontage road connections. A summary of the right of way issues to each property owner in the vicinity of proposed U.S. 287 is shown in Table-2. Graphics depicting the parcels and proposed corridor alignments are shown in Figures 2-10. Note that all right of way issues are based on preliminary calculations of the parcel boundaries and will change once final design begins. The parcel boundaries are based on the descriptions as given by the Prowers County Assessors office. Also, the property owners and parcels may change hands or size by the time design and construction begin and they should be re-evaluated at that time.

Corridor Issues

The entire proposed U.S. 287 corridor will impact approximately 360.6 acres of property. Of the 360.6 acres, 6.3 acres (1.7%) of business property, 1.7 acres (0.5%) of residential property, 339.0 acres (94.0%) of agricultural property, and 13.6 acres (3.8%) of public property will be affected. A business property contains a commercial business on the premises. A residential property does not have any farming or a business on the premise. An agricultural property is defined as a property that is a farm, rangeland, or cropland. Public property is defined as being owned by a government entity.

Table-2
Right of Way Issues by Property Owner

	Property Owner	Fig. No.	ID No.	Type "	Acreage		% Imp.	Potential Issues
					Original	Impacted		
Relocations/ Functional Replacements/ Complete Land Acquisition	Four States Feed Yard, Joe Spitz	7	26	AF	80.0		0.0%	<ul style="list-style-type: none"> ♦ Total acquisition of parcel north of Lamar Canal. ♦ U.S. 50 interchange is located in this parcel ♦ The southwest corner south of the Lamar Canal of this parcel won't be affected by the proposed interchange.
	Shirlene Nunnery, Trust	7	30	R	71.4		0.0%	<ul style="list-style-type: none"> ♦ Proposed U.S. 50 realignment bisects this parcel. ♦ Relocation of property owners necessary as Proposed U.S. 50 goes directly over the residence. ♦ Proposed U.S. 50 appears to divide the property building structures onto to separate sides of the highway. ♦ Southern portion (15 acres) isolated from primary residence. ♦ Residence is one of four family homes in immediate vicinity.
	Middleton, Perry & Beverly	10	39	B	0.3		0.0%	<ul style="list-style-type: none"> ♦ Relocation of property due to improvements to existing intersection for SH 196 & Main Street.
	Neibert, Mark & Michelle	10	45	B	6.8		0.0%	<ul style="list-style-type: none"> ♦ Relocation necessary as proposed U.S. 287/U.S. 50 passes through building structures. ♦ Proposed U.S. 287 bisects the northern half of the parcel.
	Dewitt, Ivory & Janet	10	49	B	2.4		0.0%	<ul style="list-style-type: none"> ♦ Relocation necessary as proposed U.S. 287/U.S. 50 passes very close to the building structures and will affect their storage space. ♦ Bisects property from the northeastern corner of the parcel to the west central property line.
	Port of Entry	10	51	P	15.3		0.0%	<ul style="list-style-type: none"> ♦ Functional Replacement
Bisected Properties	Walker Land & Cattle, Rex Walker	2, 3, 4	4	AR	471.4		0.0%	<ul style="list-style-type: none"> ♦ ROW required just west of the center of the north property line tapering down to the southwestern corner of the parcel. ♦ The southern portion of the south interchange is located in this parcel. ♦ Portions of the current gravel county road CC .50 may be reverted back to private ownership.
		2, 3, 4	6	AR	136.9		0.0%	<ul style="list-style-type: none"> ♦ ROW consumes the majority of the parcel located in R46 T23 S29. ♦ The northern portion of the south interchange is located in this parcel.
		3,4	8	AR	77.3		0.0%	<ul style="list-style-type: none"> ♦ Bisects the parcel from the southwest corner to the northwest corner.
	Eddleman, David	7	27	AF	4.2		0.0%	<ul style="list-style-type: none"> ♦ Bisects property in half. ♦ Remaining property consists of 2 acres to the west and .7 acres to the east.
	Contibeef, Greg McLean	7,8	28	AC	2503.8		0.0%	<ul style="list-style-type: none"> ♦ Proposed U.S. 287 bisects parcel between existing U.S. 50 and the Arkansas River. ♦ Minimal to no impacts required to tie proposed U.S. 50 into existing U.S. 50 east of the interchange. ♦ Potential for isolation of 19 acres south of CR HH .5 from irrigation source. ♦ Primary irrigation ditch network and operations can remain intact via culverts under the highway.
	Linares, Javier	7	31	R	20.0		0.0%	<ul style="list-style-type: none"> ♦ Proposed U.S. 50 realignment bisects this parcel. ♦ ROW may be required if a new county road is placed along east property line tying into existing U.S. 50. ♦ Southern portion (0.75 acres) isolated from primary residence.
	Four States Feed Yard, Joe Spitz	7	32	AF	244.0		0.0%	<ul style="list-style-type: none"> ♦ The northern portion of the parcel north of the Lamar Canal will be bisected by proposed U.S. 50.
	Smith, Sara & Toni States	8, 9	33	AF	103.3		0.0%	<ul style="list-style-type: none"> ♦ Proposed U.S. 287 crosses the far southwestern corner of this parcel near the Arkansas river. ♦ Southwestern portion (3 acres) isolated from main rangeland.
	Hall, Jack	8, 9	34	AF	355.0		0.0%	<ul style="list-style-type: none"> ♦ Proposed U.S. 287 bisects the northeastern portion of the parcel from the Hyde Canal to SH 196. ♦ Northeastern portion (17 acres) isolated from main rangeland.
	Beddow, Gerald (et al)	9	35	AF	146.9		0.0%	<ul style="list-style-type: none"> ♦ Proposed U.S. 287 bisects the southwestern portion of this parcel from SH 196 to the County Road. ♦ Southwestern portion (10 acres) isolated from main cropland and irrigation sources.
	Pierson, Paul	9, 10	36, 37	AF	331.5		0.0%	<ul style="list-style-type: none"> ♦ Bisects the property separating the residence on the south from the cropland on the north. ♦ ROW skims the northern edge of the property buildings. ♦ Isolates approximately 80 acres of cropland from irrigation source.
	Dewitt, Ivory & Janet	10	44	B	24.0		0.0%	<ul style="list-style-type: none"> ♦ Bisects Property, separating the residence on the south from agricultural land on the north.
	Lamar Truck Plaza, Dean Davison	10	46	AC	34.5		0.0%	<ul style="list-style-type: none"> ♦ Bisects the southeastern portion of the parcel. ♦ Remaining ____ acre isolated from main agricultural land and irrigation source.
Ragsdale Farms Inc., John Stulp	2	1	AF	622.1	--	--	<ul style="list-style-type: none"> ♦ Minimal ROW widening, if any, required to tie proposed alignment into existing alignment. ♦ ROW required for a new county road placed near the eastern property line. 	
	2	2	AR	630.2		0.0%	<ul style="list-style-type: none"> ♦ Minimal ROW widening required to tie proposed alignment into existing alignment. ♦ Minimal impacts to the northwestern portion of the parcel. 	
	Walker Land & Cattle, Rex Walker	3, 4, 5, 6	9	AR	975.6		0.0%	<ul style="list-style-type: none"> ♦ No additional ROW required.
		5, 6	18	AR	117.7		0.0%	<ul style="list-style-type: none"> ♦ No additional ROW required.
		5, 6	19	AR	17.1		0.0%	<ul style="list-style-type: none"> ♦ ROW widening required along the existing county road CC .50.
		5, 6	20	AR	630.2		0.0%	<ul style="list-style-type: none"> ♦ ROW widening required along the existing county road CC .50.
	West, Faith	2	3	AF	310.9	--	--	<ul style="list-style-type: none"> ♦ ROW will be required for a new county road placed near the eastern property line and new intersection with CR CC.
Hixson, Ethel & Eric & Jillane Hixson	2,3	5, 7	AF	466.5	--	--	<ul style="list-style-type: none"> ♦ ROW will be required for a new county road placed near the eastern property line and new intersection with CR DD. 	
Hall, JoAnn S.	3,4	10	AR	80.0		0.0%	<ul style="list-style-type: none"> ♦ ROW required on southeastern portion of the parcel for curvature of proposed alignment. 	

Table-2
Right of Way Issues by Property Owner

	Property Owner	Fig. No.	ID No.	Type ^a	Acreage		% Imp.	Potential Issues
					Original	Impacted		
Other Right of Way Issues	City of Lamar	4	11	P	180.0		0.0%	♦ ROW widening required along the existing county road CC .50.
	Salmon, Joni K.	4, 5	12	R	54.0		0.0%	♦ ROW widening required along the existing county road CC .50.
	State of Colorado (George Reyher & Sons)	4, 5	13	P	615.5		0.0%	♦ No additional ROW required.
	Jenkins, Jimmy & Quixie	5	14	R	54.0		0.0%	♦ ROW widening required along the existing county road CC .50.
	Hiner, Rex	5	15	AR	40.0		0.0%	♦ ROW widening required along the existing county road CC .50.
	Rainwater, Carlos & Ladawn	5	16	R	44.4		0.0%	♦ ROW widening required along the existing county road CC .50.
	Emick, Donald & Tana	5	17	R	47.3		0.0%	♦ ROW widening required along the existing county road CC .50.
	Woller, Don & Gloria	6	21	AR	131.8		0.0%	♦ ROW widening required along the existing county road CC .50.
	Four States Feed Yard, Joe Spitz	6, 7	22	AF	305.0		0.0%	♦ No additional ROW required.
		6,7	23	AF	64.1		0.0%	♦ ROW widening required along the existing county road CC .50.
	Northrup, Ruth	7	24	AC	33.7		0.0%	♦ ROW required along the north property line to accommodate a south shift of proposed U.S. 50.
	Southeast Colorado Co-op, Doug Wilson	7	25	B	18.7		0.0%	♦ U.S. 50 shifts south and away from the south property line.
	Washburn, Calvin	7	29	R	17.2	--	--	♦ ROW may be required if a new county road is placed along east property line connecting Parmenter Street to existing U.S. 50.
	Sherwood, Jean & Cecelia	10	38	R	4.0	--	--	♦ Minimal, if any, impacts to the northwestern property line due to improvements to the intersection of SH 196 and Main Street.
	Jones, Edward & Sheri	10	40	B	4.0		0.0%	♦ Impacts to the west property line due to proposed improvements to existing Main Street.
	J-S Farms Inc., John Sutphin	10	41	B	2.0	--	--	♦ Impacts to the west property line due to proposed improvements to existing Main Street.
	Prowers County (Museum)	10	42	P	1.5	--	--	♦ Impacts to the north & east boundary due to improvements to the existing intersection of SH 196 & Main Street.
	Lubbers, Douglas & Katharine	10	43	B	2.0		0.0%	♦ Minimal impacts to south property line due to improvements of proposed new county road. ♦ Impacts to the southeastern portion of the property due to improvements to the existing intersection of SH 196 and Main Street. ♦ Impacts to the eastern property line due to improvements to SH 196.
	H. Manning Company, Larry Manning	10	47	B	4.7		0.0%	♦ Minimal impact to the northwestern portion of the parcel. ♦ ROW crosses northeastern corner of parcel.
	Civis, James & Betty	10	42	B	1.2		0.0%	♦ Minimal impact, if any, to the northern portion of the parcel. ♦ ROW crosses northeastern corner of parcel.
Shinn, Carl	10	50	AF	290.4	--	--	♦ ROW may be required if a new county road is placed along north property tying into C.R. 7.	

^a AF=Agricultural Farm, AC= Agricultural Cropland, AR = Agricultural Rangeland, B=Business, R=Residence, P=Public

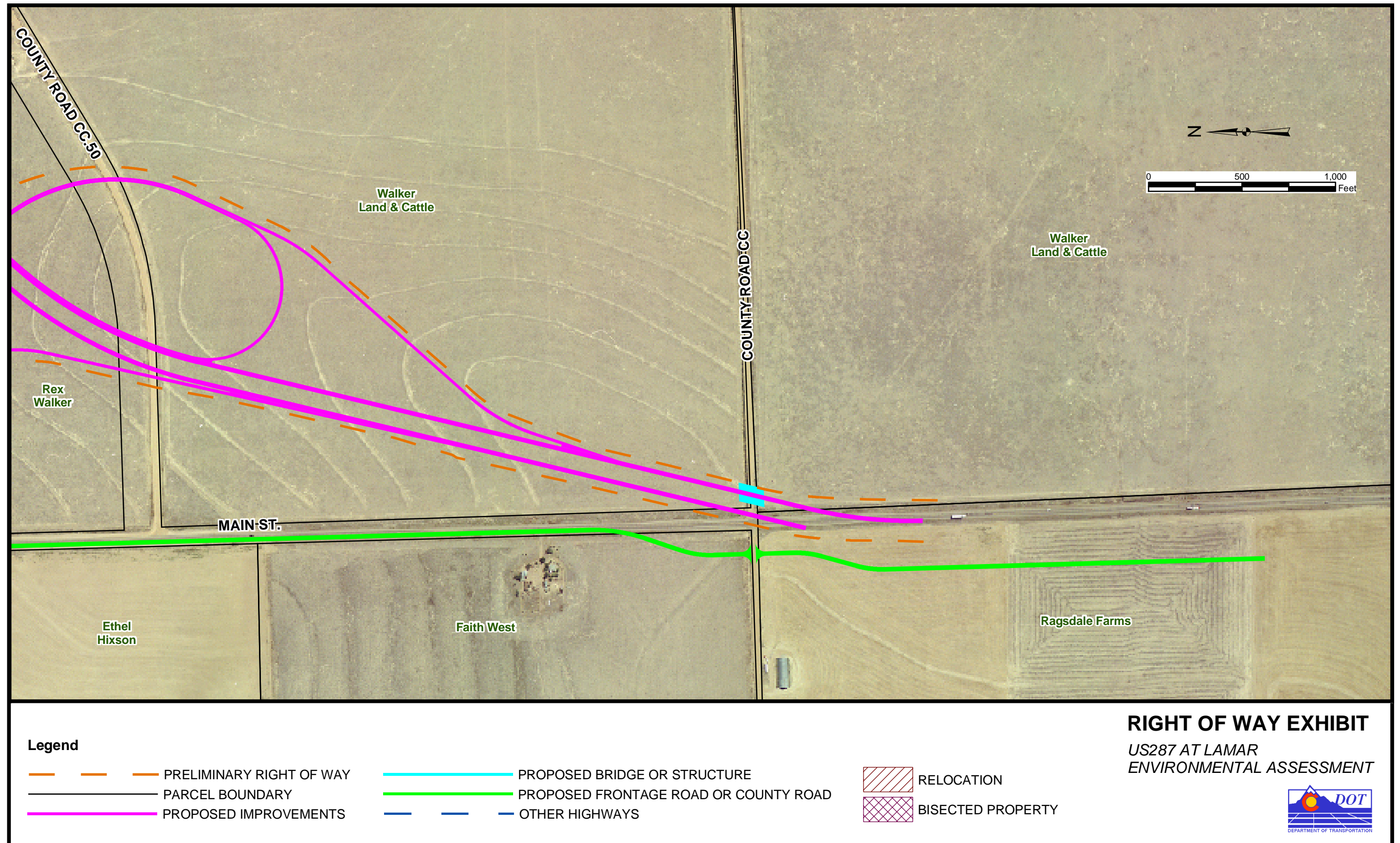
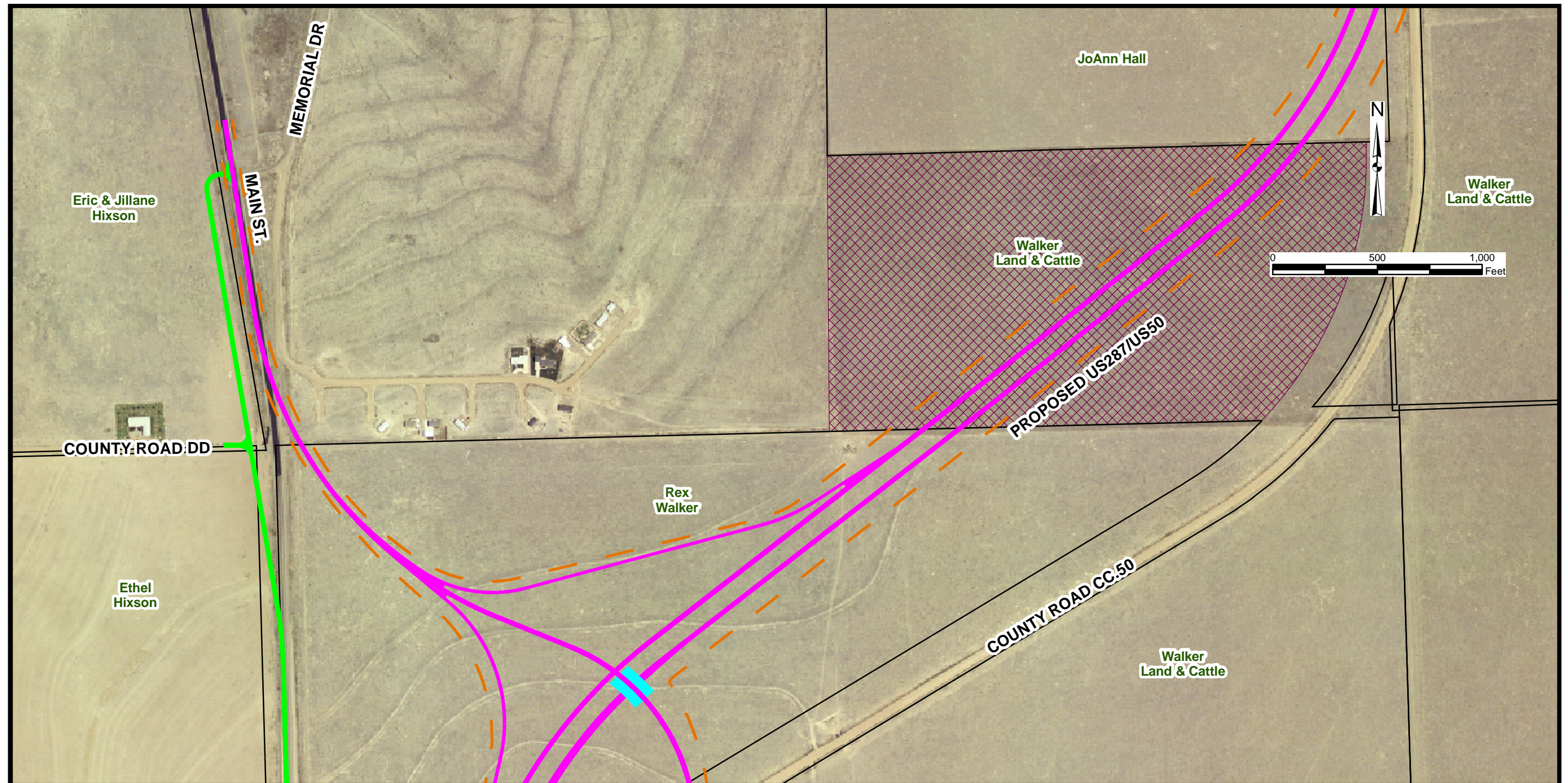










FIGURE 2: RIGHT OF WAY EXHIBIT



Legend

- | | | | | | |
|---|--------------------------|--|---------------------------------------|---|------------------|
|  | PRELIMINARY RIGHT OF WAY |  | PROPOSED BRIDGE OR STRUCTURE |  | RELOCATION |
|  | PARCEL BOUNDARY |  | PROPOSED FRONTAGE ROAD OR COUNTY ROAD |  | BISECTED PARCELS |
|  | PROPOSED IMPROVEMENTS |  | OTHER HIGHWAYS | | |

RIGHT OF WAY EXHIBIT
 US287 AT LAMAR
 ENVIRONMENTAL ASSESSMENT



FIGURE 3: RIGHT OF WAY EXHIBIT

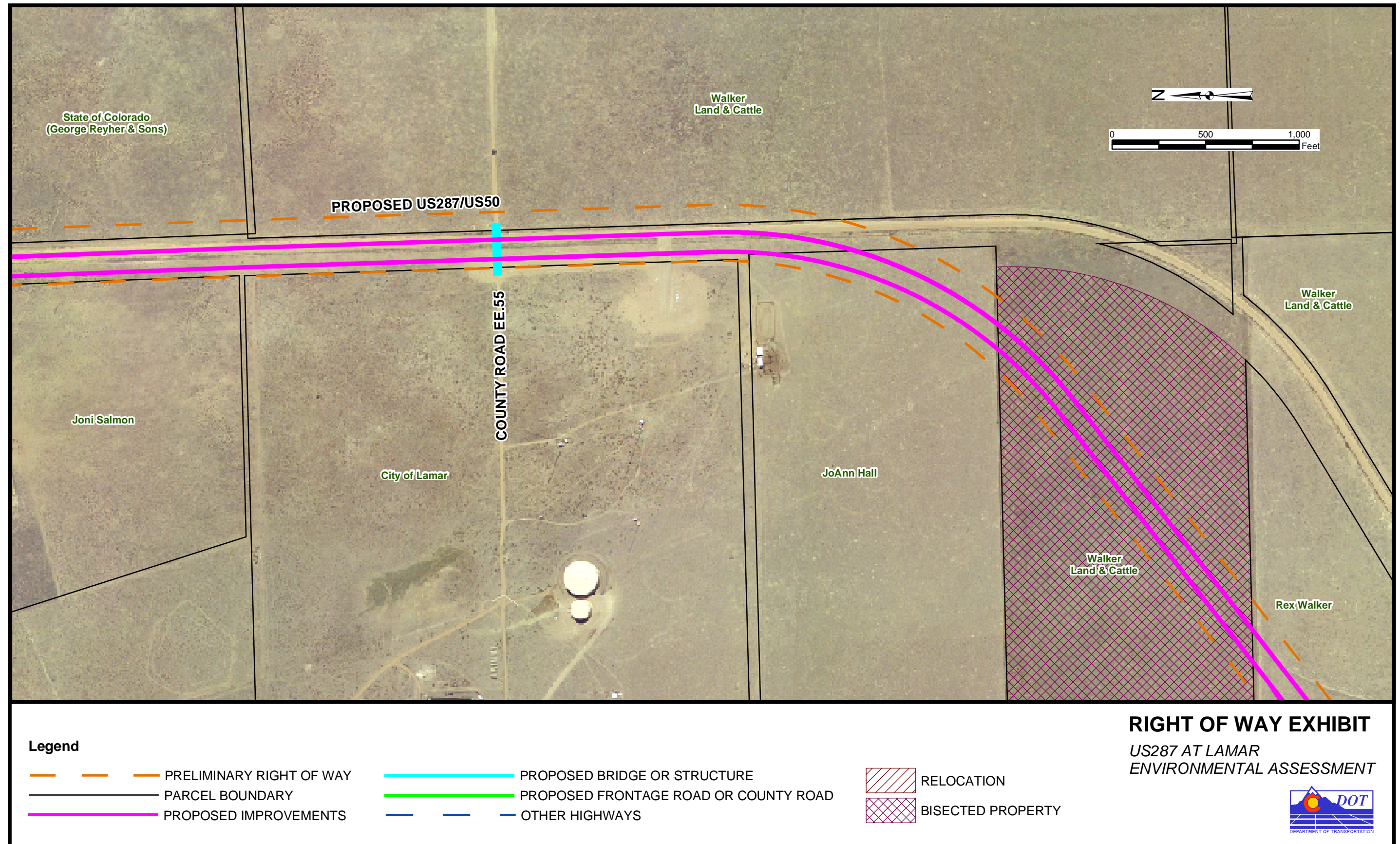


FIGURE 4: RIGHT OF WAY EXHIBIT

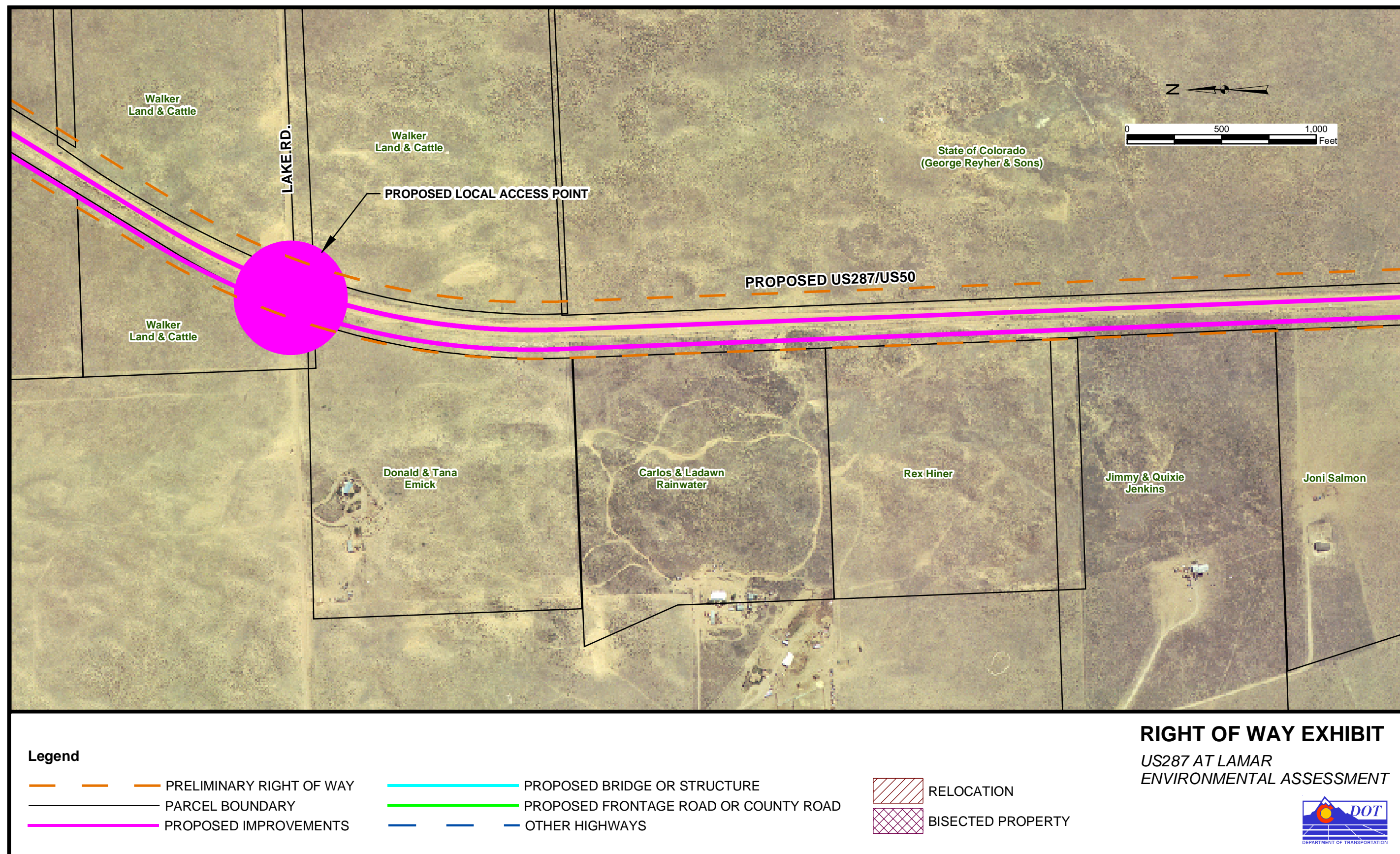


FIGURE 5: RIGHT OF WAY EXHIBIT

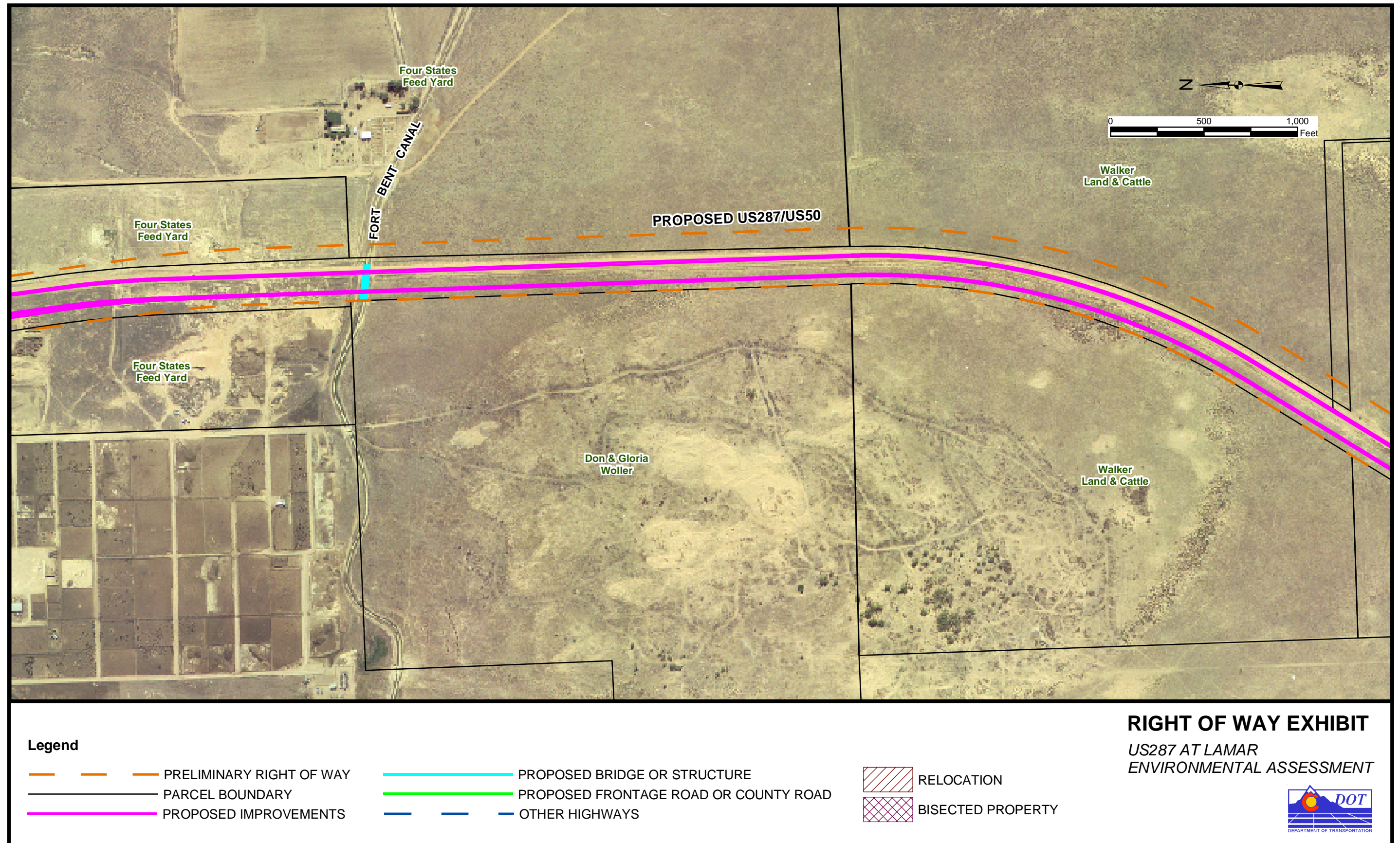
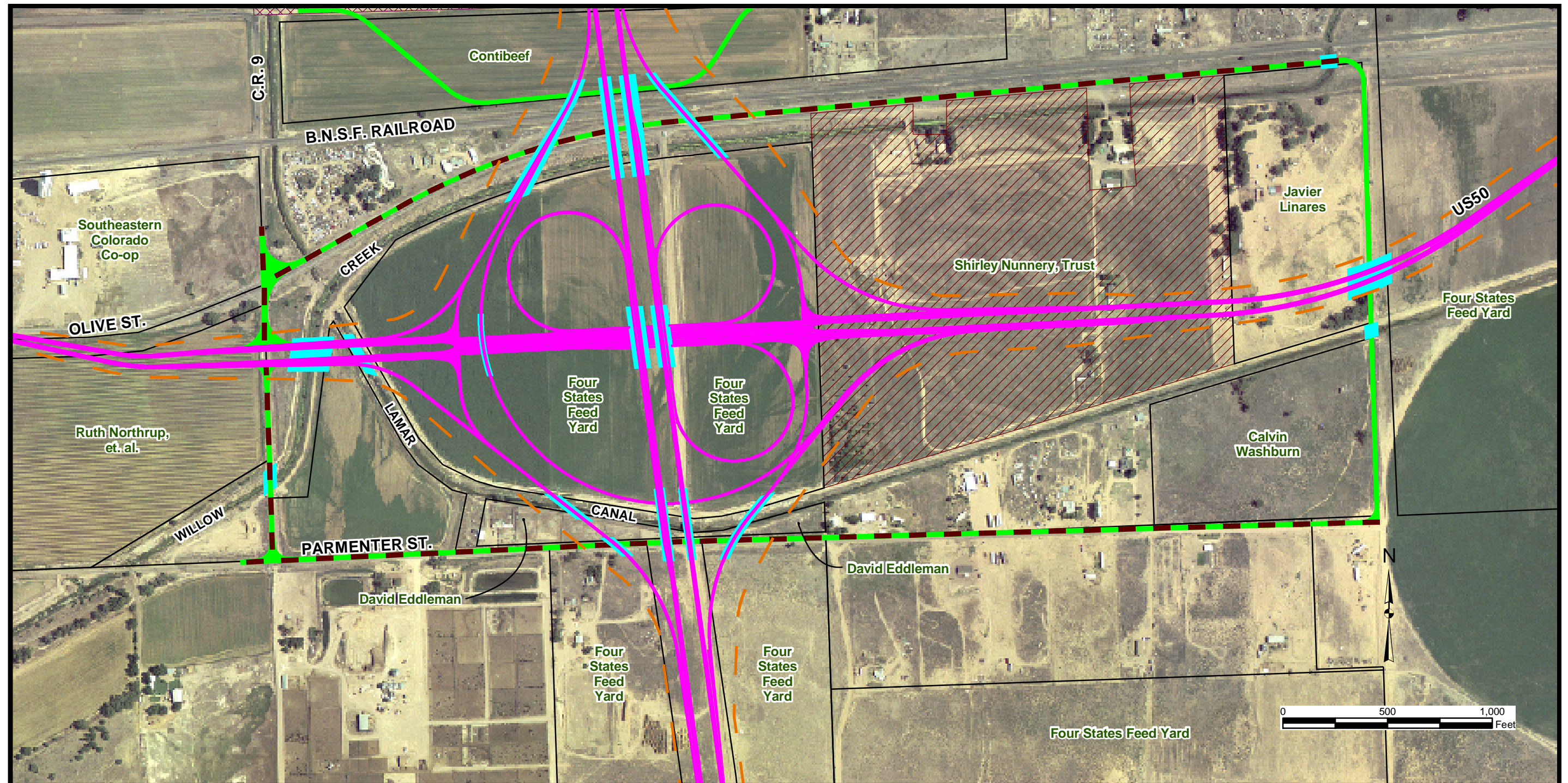


FIGURE 6: RIGHT OF WAY EXHIBIT



Legend			
	PRELIMINARY RIGHT OF WAY		PROPOSED BRIDGE OR STRUCTURE
	PARCEL BOUNDARY		PROPOSED FRONTAGE ROAD OR COUNTY ROAD
	PROPOSED IMPROVEMENTS		EXISTING FRONTAGE ROAD OR COUNTY ROAD
			OTHER HIGHWAYS
			RELOCATION
			BISECTED PROPERTY

RIGHT OF WAY EXHIBIT
 US287 AT LAMAR
 ENVIRONMENTAL ASSESSMENT



FIGURE 7: RIGHT OF WAY EXHIBIT

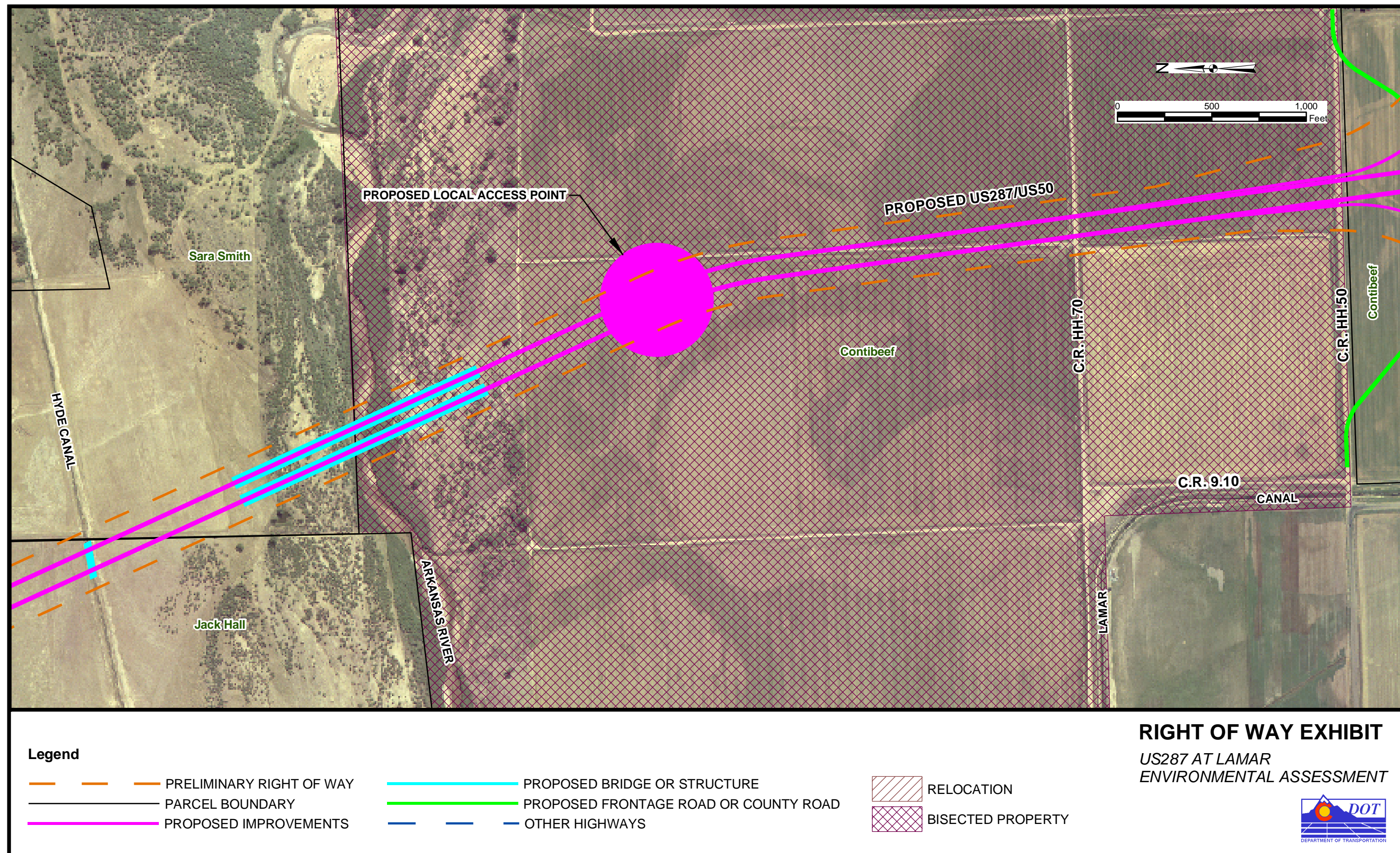


FIGURE 8: RIGHT OF WAY EXHIBIT

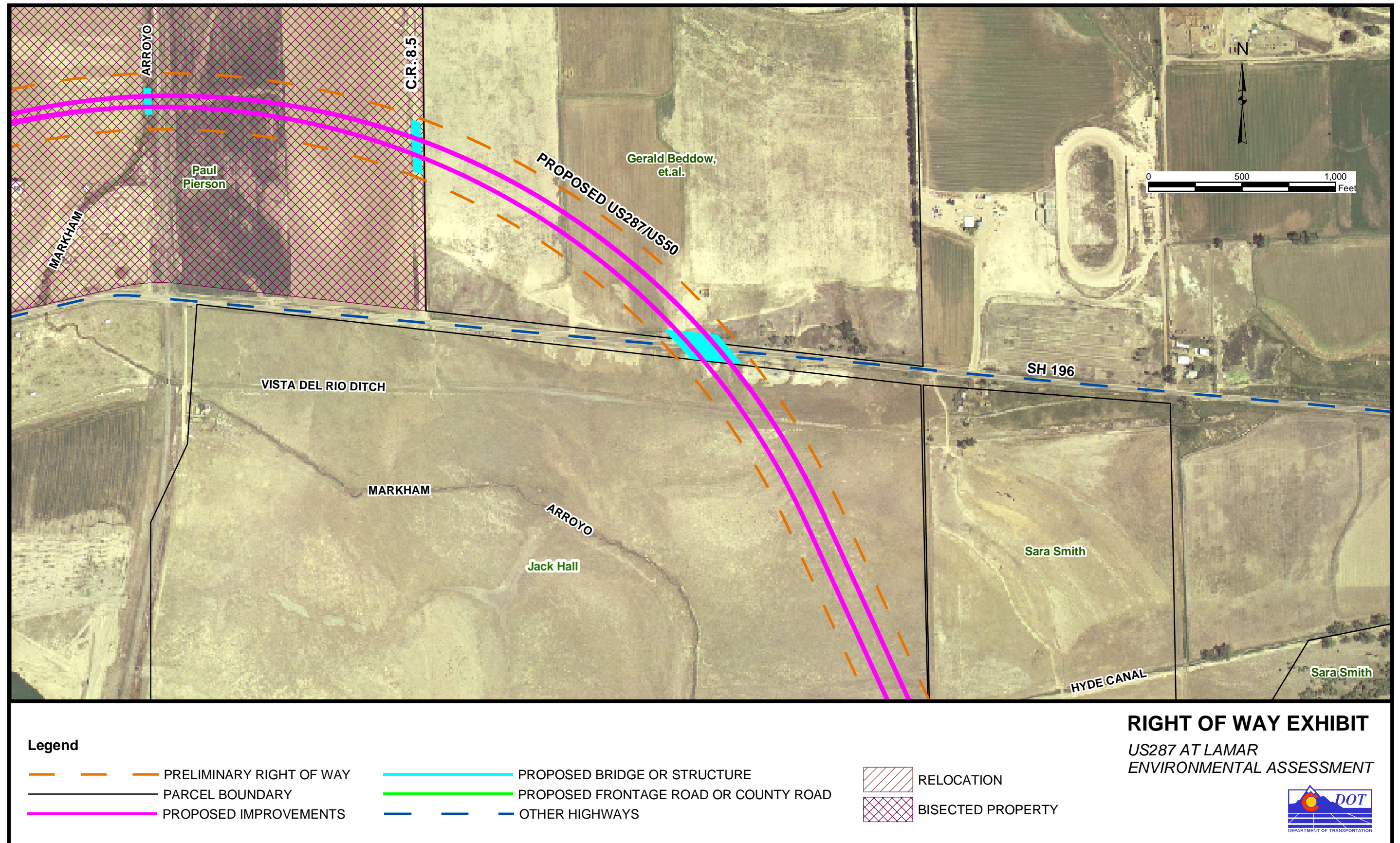


FIGURE 9: RIGHT OF WAY EXHIBIT

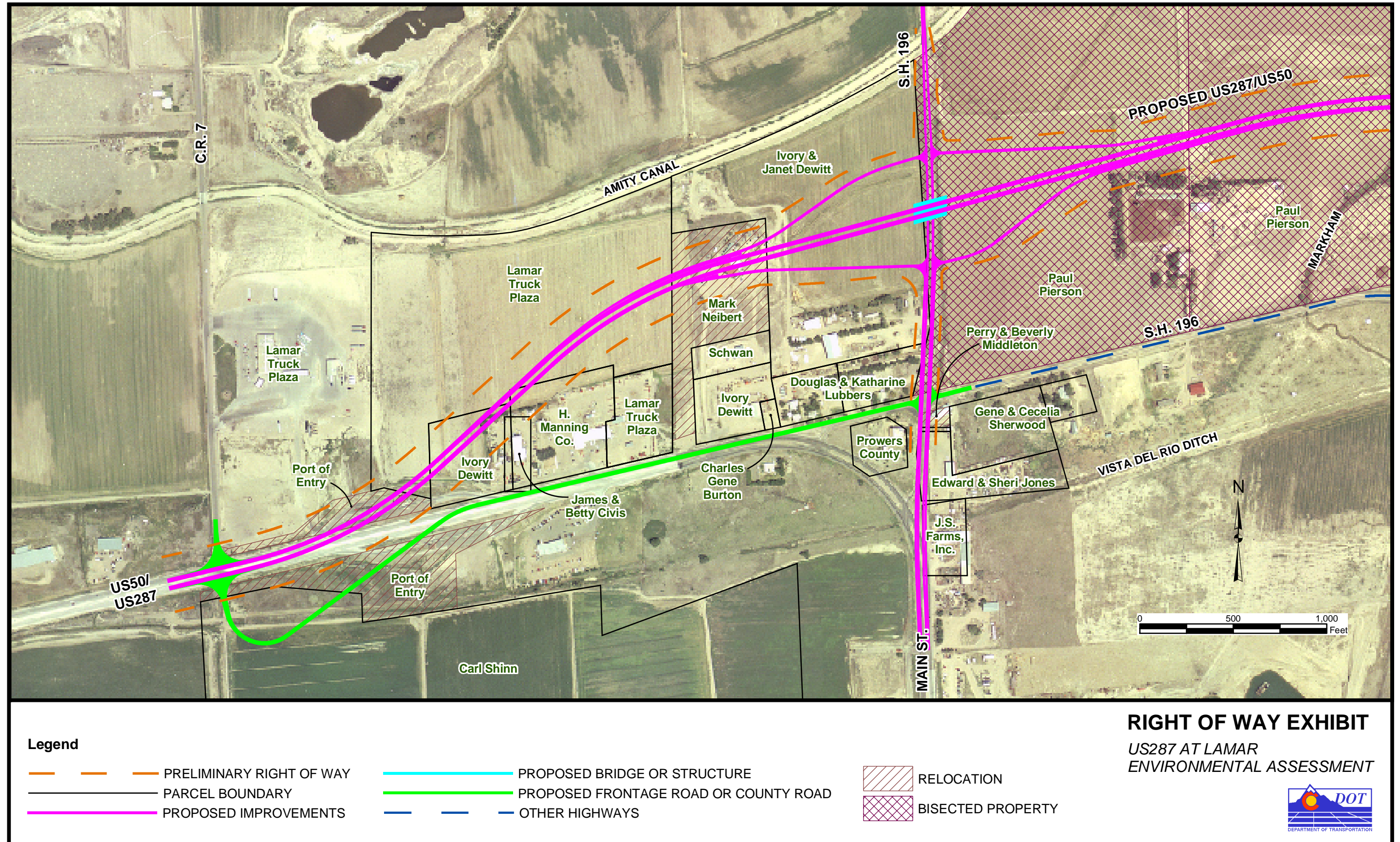


FIGURE 10: RIGHT OF WAY EXHIBIT

Prowers County Right of Way Issues

The County of Prowers acquired advanced right of way necessary for the U.S.287 at Lamar corridor in 1988. Since Prowers County acquired the right of way for the Truck Alternative Route, there are fewer acquisitions required of the property owners adjacent to the corridor. A transfer of ownership between Prowers County and the State is necessary for 125.3 acres of the right of way. A summary of the Prowers County right of way issues is shown in Table-3.

TABLE-3
Prowers County Right of Way Issues

Property Owner	Parcel ID#	Acreage		
		Original	Impacted	% Imp.
County of Prowers, Leroy Mauch	81950	6.3		0.0%
County of Prowers, Leroy Mauch	84990	12.2		0.0%
County of Prowers, Leroy Mauch	85010	24.0		0.0%
County of Prowers, Leroy Mauch	85030	24.0		0.0%
County of Prowers, Leroy Mauch	85040	29.3		0.0%
County of Prowers, Leroy Mauch	85050	0.2		0.0%
County of Prowers, Leroy Mauch	85060	15.9		0.0%
County of Prowers, Leroy Mauch	85110	24.5		0.0%
County of Prowers, Leroy Mauch	85120	13.1		0.0%
County of Prowers, Leroy Mauch	85171	18.1		0.0%
Total		167.5		

Right of Way Costs

Estimated acquisition and relocation costs \$791,000 (excluding the port of entry). The Port of Entry acquisition and relocation estimated costs are \$500,000.

Access Issues

The proposed action will have controlled access along the U.S.287 mainline corridor. Access will be permitted at the following locations:

- 1) Interchange at the southern terminus tying into Main Street,
- 2) Future at-grade intersection at Lake Road to the Hospital
- 3) Interchange at the east with U.S. 50
- 4) Future at-grade intersection at Crystal Street, and
- 5) Interchange at the north with SH 196.

Specific Property Issues

A number of properties along the corridor may be landlocked or the access points eliminated due to the proposed action. Table-4 lists the access issues for affected properties along the proposed corridor. Some property owners will be left with remainders. A remainder is defined as a portion of the property that is isolated from the main property and isn't easily accessible to the main property. Remainder property must be evaluated further to determine whether it is more economical to build a land use facility to the remaining property or to purchase it.

TABLE 4
Access Issues

Property	Access Issues
Fort Bent Canal	No access point provided to U.S. 287. A land use facility or large box culvert may be appropriate to allow for maintenance of the canal.
Lamar Canal	No access allowed from U.S. 287 because U.S. 287 mainline and ramps are on bridge structures providing a continual service road along the canal.
Hyde Canal	No access point provided to U.S. 287. A land use facility or large box culvert may be appropriate to allow for maintenance of the canal.

TABLE 4
Access Issues

Property	Access Issues
Walker Land & Cattle, Rex Walker	<ul style="list-style-type: none"> ◆ Portions north of the southern interchange will be non-accessible (ID# 6 and 8, Exhibit #3). ◆ Western portion at the southern portion is accessible from proposed county road along existing U.S.287. (ID4, Exhibit# 2 and 3 ◆ Eastern portion adjacent to the existing county road CC .50 is accessible via contiguous ownership of property to the south connecting to county road CC. (ID# 9, Exhibit # 3 and 4) ◆ Western portion adjacent to the existing county road CC .50 is accessible via contiguous ownership of property connecting to Lake Road. (ID#19 and 20, Exhibit# 5 and 6) ◆ Eastern portion adjacent to the existing county road CC .50 is accessible via contiguous ownership of property connecting to Lake Road. (ID# 18 and 9, Exhibit# 5 and 6) ◆ Cattle crossings must be replaced where feasible.
State of Colorado (George Reyher & Sons)	Currently landlocked with no existing access. Pre-existing landlocked situation will remain with proposed U.S. 287 corridor.
Woller, Don & Gloria	Currently landlocked with no existing access. Pre-existing landlocked situation will remain with proposed U.S. 287 corridor.
Eddleman, David	Accessible via Parmenter Street.
Contibeef, Greg McLean	East/West access provided off of CR HH.5 and the cropland is accessible from private field roads.
Shirlene Nunnery Trust	Portion south of the realigned U.S. 50 will be non-accessible.
Linares, Javier	Access via new frontage road along east end of property.
Smith, Sara & Toni States	Remaining southwest portion not accessible.
Hall, Jack	Remaining northeast portion accessible via SH196.
Beddow, Gerald (et al)	Remaining southwest portion accessible via SH 196 and CR 8.5.
Lubbers, Douglas and Katherine	Will no longer have direct access to SH 196.
Pierson, Paul	<ul style="list-style-type: none"> ◆ Access to croplands must be served using SH 196, CR8.5, and CR KK. ◆ May need to look at land service facility to connect residence to fields north of proposed U.S. 287.
Dewitt , Ivory	<ul style="list-style-type: none"> ◆ Remaining northern portion accessible via field access only from SH 196. ◆ Remaining southern portion adjacent to SH 196 will no longer have direct access to SH 196 and is accessible via contiguous ownership of property to the south connecting to the proposed county road (existing U.S. 287/U.S. 50).
Lamar Truck Plaza, Dean Davison	Access via proposed county road (existing U.S. 287/U.S. 50)

Along the southern portion of the corridor on the existing county road, there are several access points to county roads, city properties, irrigation ditches, fields, and other properties.

Prowers County has allowed for access to these properties with the understanding that the ultimate purpose for the roadway corridor will be for use as a new state highway, at which time access availability will be discontinued. Prowers County issued a written Notice of Non-access in 1997 to all adjacent property owners along the route formalizing this position. The final disposition of these access points and issues will be addressed in a future formal Access Control Plan.

Mitigation

Each property will require different types of mitigation. Loss of acres, connecting facilities, affected operations, or irrigation disturbances must be considered when determining the appropriate mitigation. Those factors are taken into consideration to determine if there are any land acquisitions, uneconomical remainders, bisected properties that inhibit operations, or relocations. The State will mitigate accordingly by either acquiring property at fair market value, evaluating if a land exchange is possible, evaluating possibilities for land service facilities, or by ensuring that no property is landlocked by the proposed corridor. If a property must be relocated, the State will acquire the property at fair market value and relocate the family to a comparable property. Property that is considered to be an uneconomical remainder will either be acquired at fair market value or determined if a land exchange is possible. The State will check to see if a land use facility is feasible for a bisected property, if it is not, the property may be acquired or it may be eligible for a possible land exchange.

The Colorado State Port of Entry must be relocated. The State is able to use the Functional Replacement program to assist with funding for the relocation of the Port of Entry facility.

The State has various procedures and guidelines to help assess each property and to determine what action is appropriate for each property. All acquisition and relocation activities will be in accordance to the *Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970*. It appears that no land consolidation is necessary for this proposed action. If after further design and investigation land consolidation is necessary, the land consolidation policy procedures may be utilized for bisected agricultural properties. This policy allows the State to purchase property outside the right of way limits to be exchanged for property needed for construction.

Conclusions

The proposed U.S. 287 highway will require the purchase of new right-of-way at the south interchange, along the existing county road, to the east at the U.S. 50 and U.S. 287 interchange, across the Arkansas River, and at the north interchange.

Four types of properties will be impacted: businesses, residences, agricultural, and public properties. Agricultural properties will be impacted the most accounting for 94.0% of the total acres impacted. Businesses, residences and public properties account for the remaining 6% of acres impacted. A summary of the issues by property type is shown in Table-5.

TABLE - 5
Right of Way Acquisition by Property Type ^a

Property Type	Acres		Major Acquisitions ^b	Bisected Properties
	Acquired	Percent		
Business	6.3	1.7%	3	1
Residence	1.7	0.5%	1	1
Agricultural	339.0	94.0%	1	11
Public	13.6	3.8%	1	0
Total	360.6		6	13

^a Does not include existing Prowers County right of way.

^b Relocations/ Functional Replacement/ Complete Land Acquisition

Prowers County purchased 200' to 340' of right-of-way width along the Alternative Truck Route corridor established by the County. This right-of-way will help reduce some of the right of way acquisition where the two corridors coincide along the existing county road south of U.S. 50 and east of Lamar. The Colorado Department of Transportation and Prowers County will transfer ownership of 125.3 acres of right of way.

Not only are their right of way issues to the properties along this corridor, but there are also access issues that must be resolved. Prowers County has made some prior access agreements with various landowners along the existing gravel road. There are also access points along the existing gravel road to county roads, city properties, irrigation ditches, fields, and other properties. The access issues should be further analyzed and studied for the Access Control Plan.

A large portion of the proposed U.S. 287 highway requires all new right of way. Therefore, there are several right of way issues throughout this corridor, which are as follows:

1. There will be a total of 360.6 acres of impacts on property owners in the corridor.

2. The County of Prowers must transfer the ownership of 125.3 acres of the right of way to the Colorado Department of Transportation.
3. The new highway and interchanges will require the relocation of three properties and one functional replacement.
4. ## Properties are bisected with ## remainders that are not easily accessible if at all.
5. Additional right of way acquisition due to access related issues.

Each property must be further assessed to determine what final steps of mitigation the State can take for the acquisition of property along the corridor. Loss of acres, connecting facilities, affected operations, or irrigation disturbances must be considered when determining the appropriate mitigation. Those factors are taken into consideration to determine if there are any land acquisitions, uneconomical remainders, bisected properties that inhibit operations, or relocations. The State will mitigate accordingly by either acquiring property at fair market value, evaluating if a land exchange is possible, evaluating possibilities for land service facilities, or by ensuring that no property is landlocked by the proposed corridor. All acquisition and relocation activities will be in accordance to the *Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970*. The State is able to use the Functional Replacement program to assist with relocation funding for the Port of Entry.

The issues assessed in the technical memorandum are only preliminary and must be reassessed during final design and construction. The Colorado Department of Transportation is also requesting that an Access Control Plan and Inter-Governmental Agreement be developed with area agencies to document the access solutions and long-term access intent along the existing county road and proposed highway corridor.

References

Board of County Commissioners of Prowers County, Colorado. Notice of Non-Access. November 25, 1997.

Board of County Commissioners of Prowers County, Colorado. Owners of Lands Contiguous to Bypass Roadway. November 20, 1997.

Colorado Department of Transportation and Kirkham Michael. *Design Concept Summary Report*. June 2000.