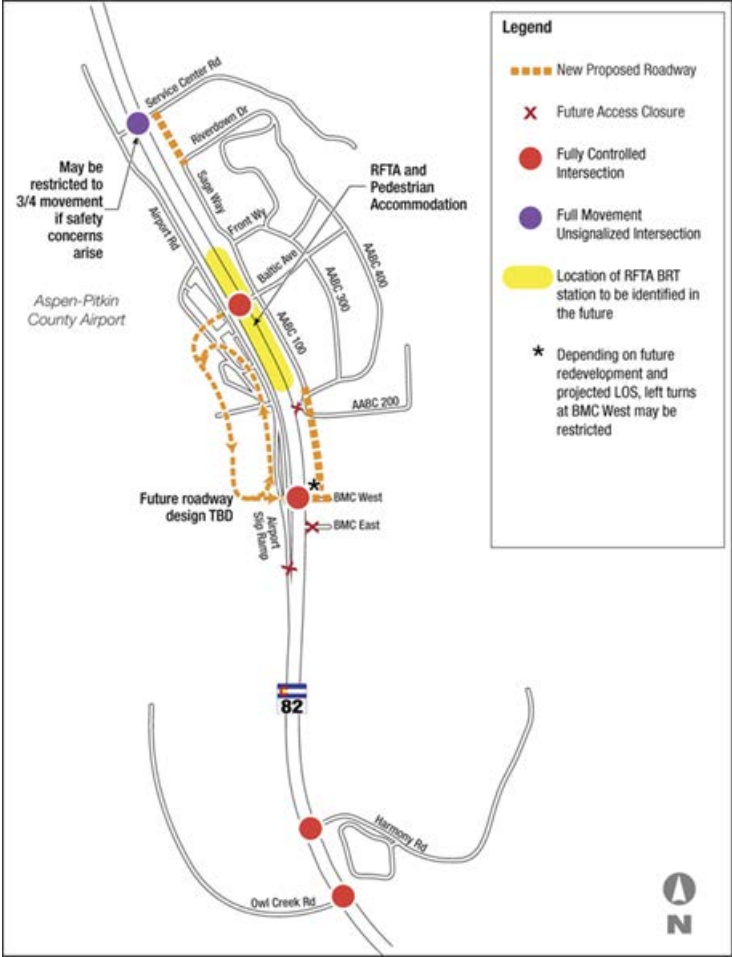


Figure C - Hwy 82 Access Control Plan



**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO, APPROVING AN INTERGOVERNMENTAL  
AGREEMENT (IGA) WITH THE CITY OF ASPEN AND THE STATE OF COLORADO  
DEPARTMENT OF TRANSPORTATION ADOPTING THE  
STATE HIGHWAY 82 ACCESS CONTROL PLAN**

**Resolution No. 015 - 2012**

**Recitals**

1. The State Highway 82 corridor is an important transportation resource for the communities of the Roaring Fork Valley.
2. The County, City of Aspen (City), and the Colorado Department of Transportation identified a need to develop an Access Control Plan (ACP) for the corridor between Smith Way and Maroon Creek Bridge in 2005.
3. The agencies contracted an engineering consulting firm to conduct a study and develop a comprehensive roadway access control plan to manage existing and future access points. The goal of the plan is to provide appropriate access to the highway while maintaining the safety and efficiency of the facility.
4. An IGA was not signed from the original Access Management Plan completed in 2005. In 2008, the County identified a need to update the ACP between Service Center Road and Owl Creek. The update area will be incorporated into the previous document to create one final ACP from Smith Way to Maroon Creek Bridge.
5. The purpose of the ACP is to provide for greater safety for the traveling public, more efficient highway operations, and to bring the corridor into compliance with the assigned access category in the State Access Code.
6. Having a formalized ACP will allow for the control of future demands for access along SH 82.

**NOW, THEREFORE, BE IT RESOLVED** by the Pitkin County Board of Commissioners that it hereby approves an Intergovernmental Agreement with the City of Aspen and the State of Colorado Department of Transportation adopting the State Highway Access Control Plan dated January 2012 attached as Exhibit A and the associated maps described as Table of Accesses and Map of Accesses attached as Exhibit B and C respectfully.

**NOTICE OF PUBLIC HEARING PUBLISHED BY TITLE AND SHORT SUMMARY  
IN THE ASPEN TIMES WEEKLY FEBRUARY 9, 2012.**

Figure C - Hwy 82 Access Control Plan

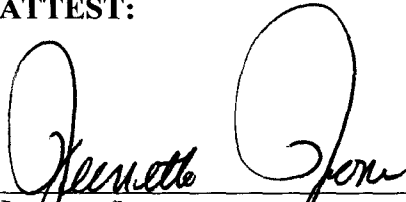
**INTRODUCED, FIRST READ AND SET FOR PUBLIC HEARING ON FEBRUARY 8, 2012.**

**FULL TEXT OF THE RESOLUTION POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE ([aspenpitkin.com](http://aspenpitkin.com)) ON FEBRUARY 9, 2012.**

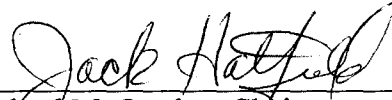
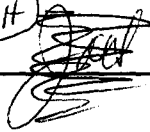
**APPROVED AND ADOPTED AFTER SECOND READING AND PUBLIC HEARING ON FEBRUARY 22, 2012.**

Figure C - Hwy 82 Access Control Plan

ATTEST:

  
\_\_\_\_\_  
Jeanette Jones  
Deputy Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO:

  
\_\_\_\_\_  
~~Michael M. Owsley, Chairman~~  
Jack Hatfield, Vice Chair  
(01)  
Date:  3/14/12

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John Ely, County Attorney

MANAGER'S APPROVAL:

  
\_\_\_\_\_  
Jon Peacock, County Manager

CONTRACT # 300-2012

**INTERGOVERNMENTAL AGREEMENT  
AMONG THE CITY OF ASPEN,  
PITKIN COUNTY,  
AND  
THE STATE OF COLORADO  
DEPARTMENT OF TRANSPORTATION**

NOV 09 2012

**THIS AGREEMENT** is entered into effective as of the \_\_\_\_\_ day of \_\_\_\_\_ 2012, by and among the City of Aspen and Pitkin County (hereafter referred to collectively as the "City and County"), and the State of Colorado, Department of Transportation (hereafter referred to as the "Department"), all of said parties being referred to collectively herein as the "Agencies".

**WITNESSETH:**

**WHEREAS**, the Agencies are authorized by the provisions of Article XIV, Section 18(2)(a), Colorado Constitution, and Sections 29-1-201, et. seq., C.R.S., to enter into contracts with each other for the performance of functions which they are authorized by law to perform on their own; and

**WHEREAS**, each Agency is authorized by Section 43-2-147(1)(a), C.R.S., to regulate access to public highways within its jurisdiction; and

**WHEREAS**, the coordinated regulation of vehicular access to public highways is necessary to maintain the efficient and smooth flow of traffic, to reduce the potential for traffic accidents, to protect the functional level and optimize the traffic capacity, to provide an efficient spacing of traffic signals, and to protect the public health, safety and welfare; and

**WHEREAS**, the Agencies desire to provide for the coordinated regulation of vehicular access for the section of State Highway 82 between Smith Way (MP 34.454) and the Maroon Creek Bridge (MP 39.202) (hereafter referred to as the "Segment"), which is within the jurisdiction of the agencies; and

**WHEREAS**, the Agencies are authorized pursuant to Section 2.12 of the 2002 State Highway Access Code, 2 C.C.R. 601-1 (the "Access Code") to achieve such objective by written agreement among themselves adopting and implementing a comprehensive and mutually acceptable highway access control plan for the Segment for the purposes above recited; and

**WHEREAS**, the development of this Access Control Plan adheres to the requirements of the Access Code, Section 2.12; and

H

## Figure C - Hwy 82 Access Control Plan

**NOW THEREFORE**, for and in consideration of the mutual promises and undertakings herein contained, the agencies agree as follows:

1. This Agreement shall constitute an approved Access Control Plan for the Segment, within the meaning of Section 2.12 of the Access Code.
2. The agencies shall regulate access to the Segment in compliance with the Highway Access Law, Section 43-2-147, C.R.S. (the "Access Law"), the Access Code, and this Agreement including Exhibit A ("Appendix A. SH 82 Access Control Plan") – which exhibit by this reference is hereby incorporated into this document as though fully set forth herein. Vehicular access to the Segment shall be permitted only when such access is in compliance with the Access Law, the Access Code and this Agreement – including Exhibit A.
3. Accesses which were in existence in compliance with the Access Law prior to the effective date of this Agreement may continue in existence until such time as a change in the access is required by the Access Law, the Access Code or this Agreement or in the course of highway construction. When closure, modification, or relocation of access is required, the Agency(ies) having jurisdiction shall utilize appropriate legal process to affect such action.
4. Actions taken by any Agency with regard to transportation planning and traffic operations within the areas described in Exhibit A to this Agreement shall be in conformity with this Agreement. As per Code Section 2.12 (a), design waivers may be approved if agreed upon by the Agencies.
5. Parcels of real property created after the effective date of this Agreement that adjoin the Segment shall not be provided with direct access to the Segment unless the location, use and design thereof conform to the provisions of this Agreement.
6. This Agreement is based upon and is intended to be consistent with the Access Law and the Access Code as now or hereafter constituted. An amendment to either the Access Law or the Access Code which becomes effective after the effective date of this Agreement and which conflicts irreconcilably with an express provision of this Agreement may be grounds for revision of this Agreement.
7. This Agreement does not create any current financial obligation for any Agency. Any future financial obligation of any Agency shall be subject to the execution of an appropriate encumbrance document, where required. Agencies involved in or affected by any particular or site-specific undertaking provided for herein will cooperate with each other to agree upon a fair and equitable allocation of the costs associated therewith, but, notwithstanding any provision of this Agreement, no Agency shall be required to expend its public funds for such undertaking without the express prior approval of its governing body or director. All financial obligations of the Agencies hereunder shall be contingent upon sufficient funds therefore being appropriated, budgeted, and otherwise made available.
8. Should any one or more sections or provisions of this Agreement be judicially determined to be invalid or unenforceable, such judgment shall not affect, impair

## Figure C - Hwy 82 Access Control Plan

or invalidate the remaining provisions of this Agreement, the intention being that the various provisions hereof are severable.

9. This Agreement constitutes the entire understanding and agreement between the Parties regarding the subject matter hereof and supersedes and controls all prior written and oral agreements and representations of the Agencies concerning regulating vehicular access to the segment. No additional or different oral representation, promises or agreement shall be binding on any Agency. This agreement may be amended or terminated only in writing executed by the Agencies with express authorization from their respective governing bodies or legally designated officials. To the extent the Access Control Plan, attached as Exhibit A to this Agreement, is modified by a change, closure, relocation, consolidation or addition of an access, the Agencies may amend the attached Exhibit A so long as the amendment to the Access Control Plan is executed in writing and amended in accord with the Access Law and Access Code. The Access Control Plan Amendment Process has been included in Exhibit B.
10. By signing this Agreement, the Agencies acknowledge and represent to one another that all procedures necessary to validly contract and execute this Agreement have been performed, and that the persons signing for each Agency have been duly authorized by such Agency to do so.
11. The parties agree and understand that both parties are relying on and do not waive, by any provisions of this Agreement, the monetary limitations or terms or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101, *et seq.*, as from time to time amended or otherwise available to the parties or any of their officers, agents, or employees.
12. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.
13. Any notice required or permitted under this Agreement shall be in writing and shall be hand-delivered or sent by registered or certified regular mail, postage pre-paid to the addresses of the parties as follows. Each party by notice sent under this paragraph may change the address to which future notices should be sent.

To Pitkin County:  
76 Service Center Road  
Aspen, CO 81611

With a Copy to:  
Pitkin County Attorney's Office  
530 Main Street, Suite 302

## Figure C - Hwy 82 Access Control Plan

Aspen, CO 81611

To City of Aspen:  
C/O Transportation Department  
215 North Garmisch St  
Aspen, CO 81611

To Colorado Department of Transportation:  
C/O Region 3  
222 South 6<sup>th</sup> St  
Grand Jct., CO 81501

14. The rights and obligations of the parties under this Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns.




Figure C - Hwy 82 Access Control Plan

IN WITNESS WHEREOF, the Agencies have executed this Agreement effective as of the day and year first above written.

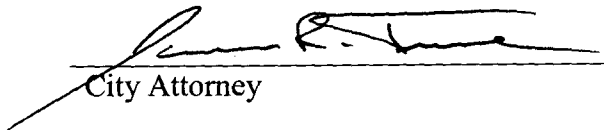
**City of Aspen, Colorado**

ATTEST:

  
\_\_\_\_\_  
Mayor, City of Aspen

  
\_\_\_\_\_  
City Clerk

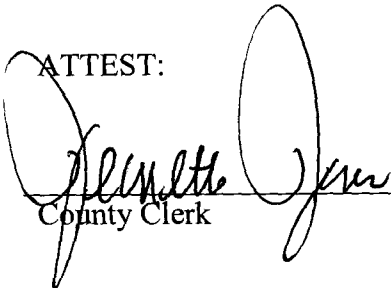
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

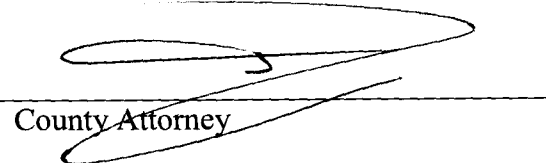
**Pitkin County, Colorado**

ATTEST:

  
\_\_\_\_\_  
Commissioner, Pitkin County


  
\_\_\_\_\_  
County Clerk

APPROVED AS TO FORM:


  
\_\_\_\_\_  
County Attorney

**State of Colorado  
Department of Transportation**

ATTEST:

  
\_\_\_\_\_  
Chief Engineer

NOV 09 2012

  
\_\_\_\_\_  
Chief Clerk

CONCUR:

  
\_\_\_\_\_  
Regional Transportation Director

# Exhibit A

## Access Control Plan

### State Highway 82

### Milepost 34.45 to 39.20

Figure C - Hwy 82 Access Control Plan

Access	Milepost	Side	Access Description	Existing Configuration	Proposed Configuration and Conditions for Change
1	34.45	Both	Smith Way	Unsignalized Full Movement	Remains the same. An acceleration lane has been added to mitigate for conflict points.
2	34.68	Both	Residential Driveways	Unsignalized Full Movement	Close driveway on west side since property has alternate access. Close median crossover creating a right in/right out access on the east side.
3	34.93	East	Residential Driveway	Unsignalized Full Movement	Close median crossover creating a right in/right out access.
4	34.95	West	Field Access	Unsignalized Right in/Right out	Close driveway since this property has alternate access.
5	35.15	East	Park and Ride Lot Access	Unsignalized Right out	Remains the same. Add a YIELD sign to control vehicles exiting the park and ride facility.
6	35.26	Both	Brush Creek	Signalized Full Movement	Remains the same. Widen west approach to accommodate an additional travel lane as part of development project.
7	35.32	West	Irrigation Access	Unsignalized Right in/Right out	Close driveway since this property has alternate access.
8	35.94	East	Gated Field Access	Unsignalized Right in/Right out	To remain as a gated field access.
9	36.28	East	Gated Field Access	Unsignalized Right in/Right out	To remain as a gated field access.
10	36.32	West	Emergency Gated Airport Access	Unsignalized Right in/Right out	To remain as a gated field access.
11	36.78	East	Residential Driveway	Unsignalized	Close driveway and median crossover after alternate access can

Figure C - Hwy 82 Access Control Plan

**Exhibit A**  
**Access Control Plan**  
**State Highway 82**  
**Milepost 34.45 to 39.20**

Access	Milepost	Side	Access Description	Full Movement	Existing Configuration	Proposed Configuration and Conditions for Change
12	37.3	Both	Service Center Road	Unsignalized	Unsignalized	Remains the same. If safety concerns arise or volumes become too high intersection may be converted to a ¾ movement intersection to eliminate left turn movements onto SH 82.
				Full Movement	Full Movement	
13	37.61	Both	Baltic Avenue/Airport Entrance	Signalized	Signalized	Remains the same as a Full Movement Intersection with a Traffic Control Device.
14	37.78	East	AABC 400	Unsignalized	Unsignalized	Close driveway since this property has alternate access.
15	37.91	Both	Commercial Driveway to BMC West/Proposed Airport Exit	Unsignalized	Unsignalized	Full Movement Intersection with a Traffic Control Device when future development occurs and warranted.
16	37.95	East	Commercial Driveway to BMC East	Unsignalized	Unsignalized	Close driveway since this property has alternate access.
17	38.08	West	Airport Access	Unsignalized	Unsignalized	Close driveway when Access 15 improvements are constructed or as warranted since this property has alternate access.
18	38.4	East	Harmony Place	Signalized	Signalized	Remains the same. The access should be moved to be re-aligned with Owl Creek if funding and right of way become available. If not possible, no changes will be made to this access.
19	38.51	West	Owl Creek	Full Movement	Full Movement	Remains the same. The access should be moved to be re-aligned with Harmony Place if funding and right of way become available. If not possible, no changes will be made to this access.
20	38.66	West	The Inn at Aspen	Unsignalized	Unsignalized	Add channelizing treatment to median to eliminate left turn

be provided to proposed secondary roadway connecting to Access 12.

# Exhibit A

## Access Control Plan

### State Highway 82

### Milepost 34.45 to 39.20

Figure C - Hwy 82 Access Control Plan

Access	Milepost	Side	Access Description	Full Movement		Proposed Configuration and Conditions for Change
				Existing Configuration		
21	38.75	West	Private Driveway	Unsignalized Full Movement		movement onto SH 82 creating a 3/4 movement intersection.  <b>Close driveway to traffic</b> since this property has alternate access. The access will be allowed as a temporary event access and will require coordination between CDOT and County for special events.
22	38.76	East	Stage Road	Unsignalized Right in/Right out		<b>Remains the same.</b>
23	38.84	West	Tiehack Road	Unsignalized Right in/Right out		<b>Remains the same.</b>
24	39.08	West	Pomegranate Condominiums Access	Unsignalized Full Movement		<b>Remains the same.</b>
25	39.2	West	Field Access	Unsignalized Full Movement		<b>Close driveway</b> since this property has alternate access.

## Figure C - Hwy 82 Access Control Plan

### **EXHIBIT B: STATE HIGHWAY 82 ACCESS CONTROL PLAN AMENDMENT PROCESS**

1. Any request for amendment of the Access Control Plan must be submitted to and agreed upon by the affected jurisdictions; the Colorado Department of Transportation staff and/or the County/City of the Intergovernmental Agreement depending on the property location. The amendment request shall include:
  - Description of changes requested of the Access Control Plan
  - Justification for Amendment
  - Traffic Impact Study or analysis, depending upon the magnitude of the change requested. Either party to the Access Control Plan can request this supporting documentation.
2. The Department shall review the submittal for completeness and for consistency with the access objectives, principles, and strategies described in the State Highway 82 Access Control Plan report for this corridor and the State Highway Access Code.
3. Once the appropriate local government approves the request for the amendment with an ordinance, the amendment and all accompanying documentation shall be submitted to CDOT for final review and approval.

SEP 25 2012

**A RESOLUTION OF THE CITY OF ASPEN, COLORADO, APPROVING TRAFFIC INTERGOVERNMENTAL AGREEMENT (IGA) WITH PITKIN COUNTY AND THE STATE OF COLORADO DEPARTMENT OF TRANSPORTATION ADOPTING THE STATE HIGHWAY 82 ACCESS CONTROL PLAN**

Resolution No. 21  
Series of 2012

**Recitals**

WHEREAS, The State Highway 82 corridor is an important transportation resource for the communities of the Roaring Fork Valley.

WHEREAS, The County, City of Aspen (City), and the Colorado Department of Transportation identified a need to develop an Access Control Plan (ACP) for the corridor between Smith Way and Maroon Creek Bridge in 2005.

WHEREAS, The agencies contracted an engineering consulting firm to conduct a study and develop a comprehensive roadway access control plan to manage existing and future access points. The goal of the plan is to provide appropriate access to the highway while maintaining the safety and efficiency of the facility.

WHEREAS, An IGA was not signed from the original Access Management Plan completed in 2005. In 2008, the County identified a need to update the ACP between Service Center Road and Owl Creek. The update area will be incorporated into the previous document to create one final ACP from Smith Way to Maroon Creek Bridge.

WHEREAS, The purpose of the ACP is to provide for greater safety for the traveling public, more efficient highway operations, and to bring the corridor into compliance with the assigned access category in the State Access Code.

WHEREAS, Having a formalized ACP will allow for the control of future demands for access along SH 82.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUCIL OF THE CITY OF ASPEN, COLORADO:**

That it hereby approves an Intergovernmental Agreement with Pitkin County and the State of Colorado Department of Transportation adopting the State Highway Access Control Plan dated January 2012 with attachments hereto.

Dated: 3/17, 2012

  
\_\_\_\_\_  
Michael C. Ireland, Mayor

Figure C - Hwy 82 Access Control Plan

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO, APPROVING AN INTERGOVERNMENTAL  
AGREEMENT (IGA) WITH THE CITY OF ASPEN AND THE STATE OF COLORADO  
DEPARTMENT OF TRANSPORTATION ADOPTING THE  
STATE HIGHWAY 82 ACCESS CONTROL PLAN**

Resolution No. 015 - 2012

**Recitals**

1. The State Highway 82 corridor is an important transportation resource for the communities of the Roaring Fork Valley.
2. The County, City of Aspen (City), and the Colorado Department of Transportation identified a need to develop an Access Control Plan (ACP) for the corridor between Smith Way and Maroon Creek Bridge in 2005.
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**NOTICE OF PUBLIC HEARING PUBLISHED BY TITLE AND SHORT SUMMARY  
IN THE ASPEN TIMES WEEKLY FEBRUARY 9, 2012.**

Figure C - Hwy 82 Access Control Plan

**INTRODUCED, FIRST READ AND SET FOR PUBLIC HEARING ON FEBRUARY 8, 2012.**

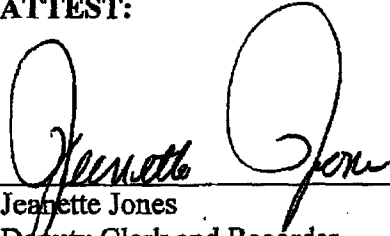
**FULL TEXT OF THE RESOLUTION POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE ([aspenspitkin.com](http://aspenspitkin.com)) ON FEBRUARY 9, 2012.**

**APPROVED AND ADOPTED AFTER SECOND READING AND PUBLIC HEARING ON FEBRUARY 22, 2012.**

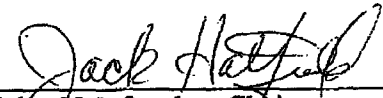
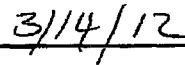


Figure C - Hwy 82 Access Control Plan


ATTEST:

  
\_\_\_\_\_  
Jeannette Jones  
Deputy Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO:

  
\_\_\_\_\_  
Michael M. Owsley, Chairman  
Jack Hatfield, Vice Chair  
(JH)  
Date:  3/14/12

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John Ely, County Attorney

MANAGER'S APPROVAL:

  
\_\_\_\_\_  
Jon Peacock, County Manager