



Department of Public Works
Right of Way Services
201 W Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
www.denvergov.org/survey

REQUEST FOR AN ORDINANCE TO ABANDON STATE HIGHWAY TO CITY AND COUNTY OF DENVER

TO: Robert Wheeler, City Attorney's Office

FROM: Robert J. Duncanson P.E., Engineering Manager II
Right-of-Way Services

DATE: February 1, 2017

ROW #: 2017-Dedication-0000023

SUMMARY: For an ordinance agreeing to the State of Colorado's abandonment of that portion of State Highway 265, known as Brighton Boulevard, from the north right of way line of 47th Ave. northerly along Brighton Blvd. to the City and County of Denver boundary to be owned and maintained by the City and County of Denver.

It is requested that the above subject item be placed on the Mayor-Council Agenda for the next available date.

Therefore, you are requested to initiate Council action to request from the State of Colorado all rights be transferred to the City and County of Denver, as Public Right of Way. The land is described as follows:

ALL COLORADO DEPARTMENT OF TRANSPORTATION RIGHTS OF WAY AND EASEMENTS ACQUIRED AND ASSOCIATED WITH THAT PORTION OF STATE HIGHWAY 265 (BRIGHTON BOULEVARD) FROM THE EXTENDED NORTHERN RIGHT OF WAY LINE OF 47TH AVENUE (APPROXIMATE MILEPOST MARKER 0.16) NORTHERLY ALONG BRIGHTON BOULEVARD TO THE CITY AND COUNTY OF DENVER BOUNDARY (APPROXIMATE MILEPOST MARKER 1.21).

RD/blv

c: Asset Management, Steve Wirth
City Councilperson & Aides, Albus Brooks District #9
Council Aide Chy Montoya
Council Aide Brande Micheau

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm on Monday.**

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: February 1, 2017

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** (Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: **grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.**)

For an ordinance agreeing to the State of Colorado's abandonment of that portion of State Highway 265, known as Brighton Boulevard, from the north right of way line of 47th Ave. northerly along Brighton Blvd. to the City and County of Denver boundary to be owned and maintained by the City and County of Denver.

3. **Requesting Agency:** Public Works-Right-of-Way Services
Agency Division: Survey

4. **Contact Person:** (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Barbara Valdez
- **Phone:** 720-865-3153
- **Email:** Barbara.valdez@denvergov.org

5. **Contact Person:** (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

- **Name:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@denvergov.org

6. **General description/background of proposed ordinance including contract scope of work if applicable:**

In accordance with our Intergovernmental Agreement for the I-70 East Corridor and Colorado Transportations Commission Resolution #TC-16-7-5 for the abandonment by CDOT of a portion of State Highway 265, also known as Brighton Blvd., from the north right of way line of 47th Ave. northerly along Brighton Blvd. to the City and County of Denver boundary. This is an agreed devolution of a state highway.

****Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** Brighton Blvd from E. 47th Ave. to Milepost Marker 0.16
- d. **Affected Council District:** District #9 Albus Brooks
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

7. **Is there any controversy surrounding this ordinance?** (Groups or individuals who may have concerns about it?) **Please explain.**

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: To Abandon State Highway 265 known as Brighton Blvd.

Description of Proposed Project: In accordance with our Intergovernmental Agreement for the I-70 East Corridor and Colorado Transportations Commission Resolution #TC-16-7-5 for the abandonment by CDOT of a portion of State Highway 265, also known as Brighton Blvd., from the north right of way line of 47th Ave. northerly along Brighton Blvd. to the City and County of Denver boundary.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Abandon State Highway to Public Right of Way, approved through City Council.

Has a Temp MEP been issued, and if so, what work is underway: N/A

What is the known duration of an MEP: N/A

Will land be dedicated to the City if the vacation goes through: N/A

Will an easement be placed over a vacated area, and if so explain: N/A

Will an easement relinquishment be submitted at a later date: N/A

Additional information: N/A



City and County of Denver



- Legend**
- Streams
 - Irrigation Ditches Reconstruct (Gardens)
 - Irrigation Ditches
 - Streets
 - Alleys
 - Railroads
 - Main
 - Yard
 - Spur
 - Siding
 - Interchange track
 - Other
 - Rail Transit Stations
 - Existing
 - Planned
 - Park-N-Ride Locations
 - Lakes
 - County Boundary
 - Parks
 - All Other Parks; Linear
 - Mountain Parks

1652 0 926 1652 Feet
 WGS_1984_Web_Mercator_Auxiliary_Sphere
 © City and County of Denver
 1: 12,887
 Map Generated 2/1/2017

The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use.
 THIS IS NOT A LEGAL DOCUMENT.



COLORADO

Department of Transportation

Region 1

Region Transportation Director
2000 South Holly Street
Denver, CO 80222

January 19, 2017

Jose M. Conejo, P.E.
Executive Director
City of Denver Department of Public Works
201 West Colfax Avenue
Denver, Colorado 80202

Subject: Devolution of Brighton Boulevard - State Highway 265

Dear Mr. Conejo,

In accordance with our Intergovernmental Agreement for the I-70 East Corridor and Colorado Transportation Commission Resolution #TC-16-7-5 (attached), consider this letter to be the official notification of the abandonment by CDOT of a portion of State Highway 265, also known as Brighton Boulevard, from the north right of way line of 47th Ave. northerly along Brighton Blvd. to the City and County of Denver boundary.

Please proceed to have your City Council adopt a resolution agreeing to the State's abandonment of this portion of SH 265 and committing to ownership of it in the "as is" condition. We will proceed to execute a quitclaim deed transferring title to the underlying right-of-way to the City and County.

If you have any questions please contact John Vetterling, the Resident Engineer for local agencies at 303-757-9914 or john.vetterling@state.co.us

Sincerely,

Paul Jesaitis
Region Transportation Director

Attachment:
Resolution #TC-16-7-5
CDOT Form 128

cc: Jay Hendrickson, Central Program Engineer, CDOT Region 1
Irv Mallo, Property Manager, CDOT Region 1 Right of Way



COLORADO DEPARTMENT OF TRANSPORTATION CATEGORICAL EXCLUSION DETERMINATION	Date: 8/3/2016	Revision Date:	Project Code # DEVOLUTION
	Project #:		

Project Name:
Highway 265 Devolution to Denver

Project Description:
Highway 265 MP 0.18 to MP 1.20

A. Categorical Exclusion Project Determination

- This project has a Federal nexus (yes or no) No.
- This project fits Categorical Exclusion or Programmatic CE number d6 non interstate
- CDOT Areal & ROW Plans design plans dated 2/29/16 were referenced in selecting the Clearance Actions required in Block B of this form.

B. Clearance Actions

REQUIRED If not checked is Not Applicable	DATE COMPLETED	REQUIRED If not checked is Not Applicable	DATE COMPLETED
<input type="checkbox"/> Air Quality (hot spot analysis)	_____	<input type="checkbox"/> Paleontology	<u>3/22/2016</u>
<input type="checkbox"/> Noise	_____	<input type="checkbox"/> Archaeology	<u>3/2/2016</u>
<input type="checkbox"/> Hazardous Waste	_____	<input type="checkbox"/> History	<u>8/2/2016</u>
<input type="checkbox"/> - ISA Checklist	<u>3/16/2016</u>	<input type="checkbox"/> Historic Bridge	_____
<input type="checkbox"/> - MESA (or Phase I)	_____	<input type="checkbox"/> 4(f)	<u>3/3/2016</u>
<input type="checkbox"/> Threatened or Endangered Species	<u>3/1/2016</u>	<input type="checkbox"/> 6(f) Agreements	_____
<input type="checkbox"/> Wetland Delineation (survey)	<u>3/1/2016</u>	<input type="checkbox"/> Other	_____

STATE Funds

All required clearance actions indicated have been completed for the work described in the design plans referenced above. No significant environmental impacts will result from this project. All Permits and Additional Requirements indicated in Part C below will be obtained before project advertisement/construction. Implementation of project shall include required mitigation commitments.

RPEM Signature: *Chushttard* Date: 8-3-16 Region #: 1

I concur in the above category designation and the scope of environmental clearance/permits indicated.
 FWA Division Administrator Signature (when required): *N/A* (Please return form to RPEM) Date: _____

C. Permits and Additional Requirements

REQUIRED COMPLETED If not checked is Not Applicable	DATE COMPLETED	REQUIRED If not checked is Not Applicable	DATE
<input type="checkbox"/> 404 Permit	_____	<input type="checkbox"/> CO Parks & Wildlife SB 40	_____
<input type="checkbox"/> 401 Certification	_____	<input type="checkbox"/> Wetland Finding	_____
<input type="checkbox"/> 402 Certification	_____	<input type="checkbox"/> APCD Bridge/Structure Demo Permit	_____
<input type="checkbox"/> Const Dewatering Permit	_____	<input type="checkbox"/> Hazardous Materials (Phase II)	_____
<input type="checkbox"/> Const Stormwater Permit	_____	<input type="checkbox"/> 6(f) Completion	_____
<input type="checkbox"/> Floodplains Development Permit	_____	<input type="checkbox"/> Other	_____

D. Comments

The area has a long history of industrial/commercial uses, many of which have likely impacted soil, soil vapor, & groundwater on or near SH285. The ISA has not been conducted to provide a comprehensive review of these concerns, but to rather inform the City and County of Denver that environmental concerns are prevalent along this corridor.

E. Environmental Project Certification

All clearance and permit requirements for this project have been completed and mitigation included in the Areal & ROW Plans set of plans and specifications dated 2/29/16. The appropriate documentation is on file in the Region office.

RPEM Signature: *Chushttard* Date: 8/3/2016

Notes to Project Manager: Any changes to the plans and specifications after the date of the RPEM signature in Part B that affect environmental impacts or mitigation must be approved by the RPEM.

Resolution # TC-16-7-5

Abandonment of parcels near SH 265"

Approved by the Transportation Commission on July 21, 2016.

WHEREAS, the Department of Transportation owns 1.05 linear miles of Highway in the City and County of Denver identified as State Highway 265 (Brighton Boulevard);

WHEREAS, that portion of SH 265 is located between I-70 and I-270, beginning at the northerly right of way line of 47th Avenue and ending near the southeasterly right of way line of York Street (Exhibit A);

WHEREAS, Region 1 has determined that abandoning this portion of SH 265 would be in the best interest of Colorado taxpayers;

WHEREAS, Region 1 is currently completing an environmental clearance (Categorical Exclusion, Form 128) as required for the devolution of state highways;

WHEREAS, the Colorado Revised Statute 43-2-103 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a State Highway, and with the agreement of each affected county or municipality, the State Highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the affected county or municipality will assume ownership of the above mentioned roads in "as is" condition on the date of the transfer of ownership of this specified road segment;

WHEREAS, the governing body of the City and County of Denver shall adopt a resolution agreeing to the State's abandonment of the portion of SH 265 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the City and County of Denver to assume ownership of said highway segment in the "as is" condition;

WHEREAS, subject to completion of the required environmental clearance and within 90 days of the official notification of such abandonment by the Transportation Commission, the City and County of Denver shall execute a resolution or ordinance accepting the abandoned portion of SH 265 as a city street;

WHEREAS, within 90 days of the date of execution of the City and County of Denver Resolution or Ordinance accepting the abandoned portion of SH 265, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim

deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to CRS 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highway(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this portion of SH 265 is no longer needed for State Highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 29-1-203, 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of SH 265 abandoned, as shown in Exhibit A, containing approximately 1.05 miles.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

7-21-16

Date of Approval