

### **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:

obert Wheeler City Attorney's Office

FROM:

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.

Please mark one:				Date of Request:	February 1, 2017
Yes   No   If yes, please explain:  2. Title: (Include a concise, one sentence description — please include name of company or contractor and contract control numeric that clearly indicates the type of request: grant acceptance, contract execution, contract amendment, municipal code chang 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 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 NA for that field – please do not leave blank.)  ■ Contract Term: N/A  ■ Contract Control Number: N/A  ■ Contract Council District: District #9 Albus Brooks  ■ Benefits: N/A  ■ Contract Amount (indicate amended amount and new contract total):	Please mark one:	Bill Request	or Resolution	Request	
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explain.	f. Contract	Amount (indicate amende	ed amount and new contrac	t total):	
	7. Is there any contr explain.	roversy surrounding this or	rdinance? (Groups or individ	duals who may have concerns ab	out it?) Please
None.	None.				



### **EXECUTIVE SUMMARY**

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 47<sup>th</sup> 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

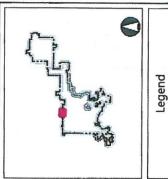
Will an easement be placed over a vacated area, and if so explain: N/A

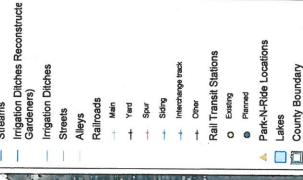
Will an easement relinquishment be submitted at a later date: N/A

Additional information: N/A



# City and County of Denver





All Other Parks; Linear

Mountain Parks

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.

Map Generated 2/1/2017

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WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere © City and County of Denver

1652

1652 Feet

826





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 47<sup>th</sup> 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



MI ADARA META A MEMARANA A MARANA				
COLORADO DEPARTMENT OF TRANSPOR	HOTTATS	8/3/2016	Playinian Date:	Project Code # DEVOLUTION
CATEGORICAL EXCLUSION		Project (F		DEVOLUTION
DETERMINATION				
lighway 265 Devolution to Denver				
lighway 265 MP 0.16 to MP 1.20				
. Categorical Exclusion Project Determi	ination			
. This project has a Federal nexus (yes or	rno) No			
This project fits Categorical Exclusion of CDOT Arelal & ROW Plans design plans     Block B of this form.	r Programn	natic CE number de V16 were reference	3 non interstate Cod in selecting the Cla	arance Actions required in
L. Clearance Actions				
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Air Quality (hot spot analysis)		linds	Paleoniology	3/22/2016
Noise	OTHER DESIGNATION OF THE PERSON OF THE PERSO		Archaeology	3/2/2016
Hazardous Waste			History	8/2/2016
- ISA Checklist	3/16/201		Historic Bridge	waza iu
- MESA (or Phase I)				Fauls 3/3/2018
Threatened or Endangered Species	3/1/2016	was collected	6(f) Agreements	rand) moreon
Wetland Delineation (survey)	3/1/2016	Market Company	Other	
I required clearance actions indicated have		- Contract of the Contract of		nione referenced above
o significant environmental impacts will res	wilt from this	s project. All Permi	ts and Additional Reoui	rements indicated in Part
below will be obtained before project adve	rticement/c	construction. Imple	mentation of project she	d include required
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Mugh	M	tardi		Dete 3. Region #
concur in the above category designation a	nd the sco	pe of environments	clearance/permits indi	cated.
HWA Division Administrator Signature (when requi	red) /Pleas	e return form to RPEM)	to the control of the	Date
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### 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.

Normy 7. Stoot III Herman Stockinger, Secretary

Transportation Commission of Colorado

7-21-16
Date of Approval