



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, March 27, 2012 10:30 AM City & County Building, Room 391

Committee Members: Robb, Chair; Montero, Co-Chair; Lehmann; López; Shepherd; Susman

Committee Staff: Gretchen Williams

Members Present: Lehmann, Lopez, Robb, Shepherd, Susman

Members Absent: Montero

Bill Requests

BR12-0233 Grants authority to acquire property interest in 22 properties for easements, access, and construction of temporary and permanent improvements as part of the Peoria/Smith Road Grade Separation Project.

Tykus Holloway, Public Works; Steve Wirth, Real Estate; Karen Aviles, Assistant City Attorney

The proposed ordinance provides the City's Real Estate Division the authority to start working with the property and business owners of properties that will need to be acquired in order to construction the grade-separation necessary to take Peoria over 37th Ave., two Union Pacific tracks, and the future RTD tracks. It also provides authority to sale or trade City land and to allow people to use City-owned land in conjunction with this project without coming back to Council. The legal descriptions will be attached to the final bill, which allows acquisition of any or all property rights, including air rights, utility easements, etc.

The RTD East Corridor rail line is scheduled to open in 2016. The proposed project discussed today is to provide a safe and efficient multimodal crossing at Peoria St.

This grade-separation project must be completed a year prior to opening the East Corridor. The project is being accomplished as a result of a partnership among Denver, Aurora and RTD.

Trains on the existing UP tracks halt traffic with up to 60 crossings per day. Commuter Rail operations beginning in 2016 will run 146 trains per day on the line, and every there will be trains every 7.5 minutes during peak hours, creating even more significant safety concerns. There is a school in the area to which many children walk and have to cross Peoria.

The project has cleared environmental assessments, allowing for faster implementation. The project is in early design phase, on a fast track. The City will begin negotiating right-of-way acquisition once this ordinance is approved.

The decision has been made to go over the tracks rather than under, partly due to underground jet fuel lines running through the area. A six-lane structure is needed, and the widening will be on the west alignment. After comparing the impacts of widening on the west or east side, it was determined that that west side would impacts fewer properties and employees and will cost less. Additionally, UP has extensive equipment on the east side of Peoria. The relocation of Smith Road, a committed project, further complicates this project

Aurora and Denver are cooperating on the plans and have a very good collaboration. Pedestrian /bike crossing will probably be accessed by elevator. Due to the 30-foot height required to clear the tracks, it would take very long, steep ramps or stairs, so an elevator is preferred.

The specifics of maintenance responsibilities have yet to be developed with Aurora, but there will be a formal agreement, hopefully including RTD.

The total project cost is \$50 million. On Dec. 5, 2011, Council approved CB11-0838, a Project Funding Agreement among Denver, Aurora and RTD for the Peoria Grade Separation Crossing. The ordinance also established capital grant funds and appropriated \$2.5 million from Denver; \$2.5 million from Aurora; and \$20 million from RTD to the project budget. DRCOG has approved a \$25 million grant to cover half of the project cost.

Two large public meetings have been held, advertised through thousands of fliers and newspaper notices. Certified mailings were made to potentially impacted business, and several meetings have been held with property and business owners. The project website address is www.denvergov.org/PeoriaStreet.

Property acquisition will include construction easements, permanent easements, partial and full acquisitions. The intent of the proposed ordinance is to acquire pieces of land through negotiation or through condemnation. Karen Aviles, Assistant City Attorney, warned that the City may file for condemnation in some

cases but will keep negotiating in hopes of avoiding actual condemnation. Due to the short timeframe, it may be necessary to start the legal process, but Denver generally settles 98% of acquisition cases.

It is estimated that acquisitions will involve 8 full properties; 3 partial; and 12 temporary easements. Currently businesses are operating on all 8 of the full properties. The City must follow the Uniform Relocation Act that ensures all property and business owners will get help to with relocation. Businesses involved include a gas station; fast food places; restaurant; motel; veterinary clinic; tire store; and a bar & grill. Everyone in the project area concluded something has to be done, but there will most likely be some opposition when it comes down to property acquisition.

Councilwoman Shepherd asked if it is good policy to leave it open-ended. Ms. Aviles replied that the public process is still on-going with meetings and discussions. Once this ordinance passes, we can contact the owners with exactly what we need from them. That will settle the anxiety about what might be involved.

The plan is to keep some portion of Peoria open in some form the entire time. Total closings will be temporary and done at night whenever possible. Construction completion is to be complete in December, 2014.

Councilman Lopez said that there were 6 total acquisitions and about 89 partial on S. Federal. He advised that project staff stay in close contact with the businesses throughout the project. Access to businesses during construction is highly important.

Councilwoman Susman asked if Councilman Herndon is on board with this project and was told that he is totally involved and supportive.

A motion offered by Councilmember Lopez, duly seconded by Councilmember Susmanto file the bill carried by the following vote:

AYES: Lehmann, Lopez, Robb, Shepherd, Susman(5)
NAYS: (None)
ABSENT: Montero(1)
ABSTAIN: (None)