

Right-of-Way

LUTI Presentation
October 29, 2019

Purpose & Agenda

Provide an introduction to the meaning of Right-of-Way (ROW) and a brief description of pertinent City processes.

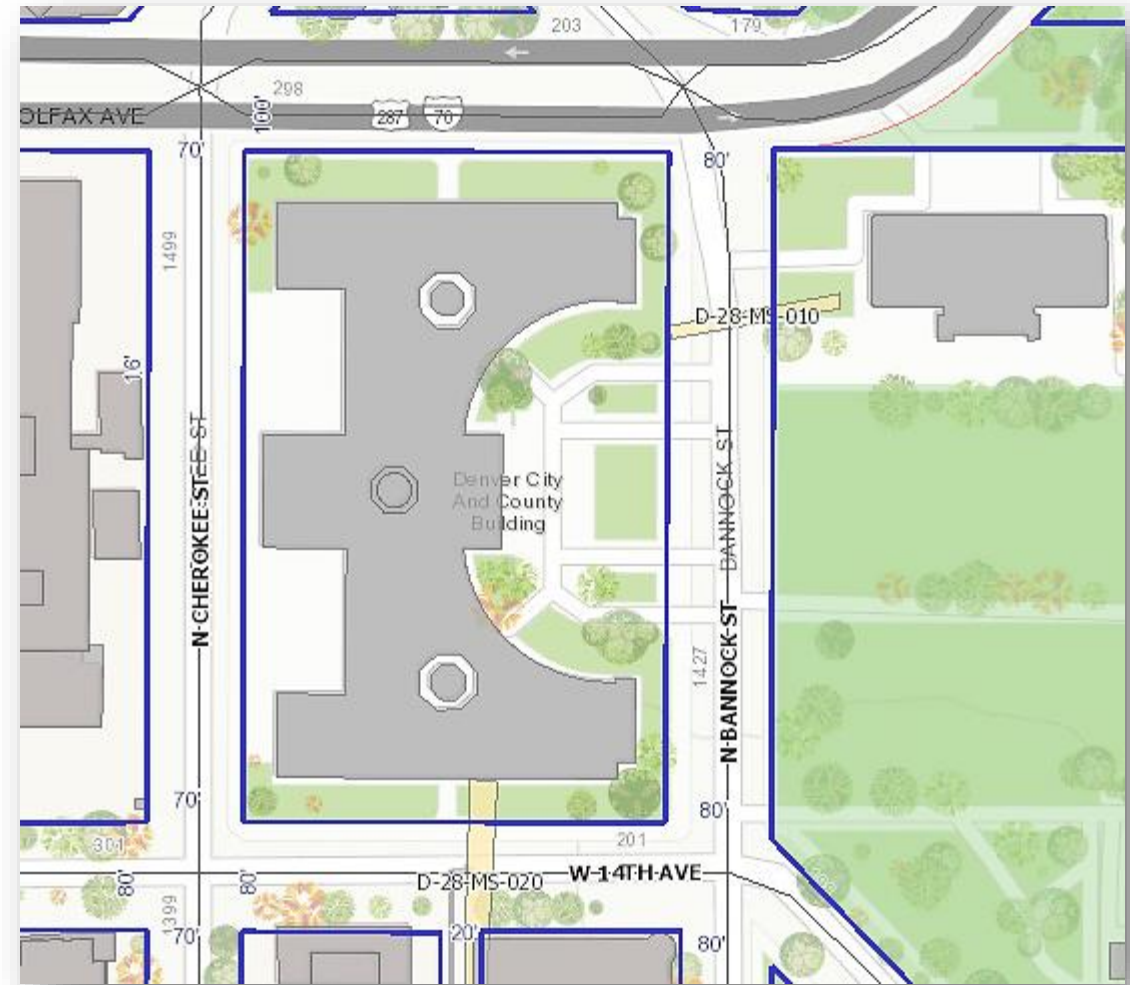
- Right-of-Way Definition
- History
- Dedication
- Encroachment
- Development
- Occupancy
- Vacation

ROW Definition

ROW is public property specifically dedicated by City Council for the purposes of constructing, reconstructing, owning, and repairing public thoroughfares such as:

- Streets
- Alleys
- Sidewalks
- Trails

These thoroughfares are for transportation and utilities public infrastructure and uses.



History

- The legal right to pass across land developed into today's ROW.
- Denver acquires land and City Council defines the dedicated use upon it.



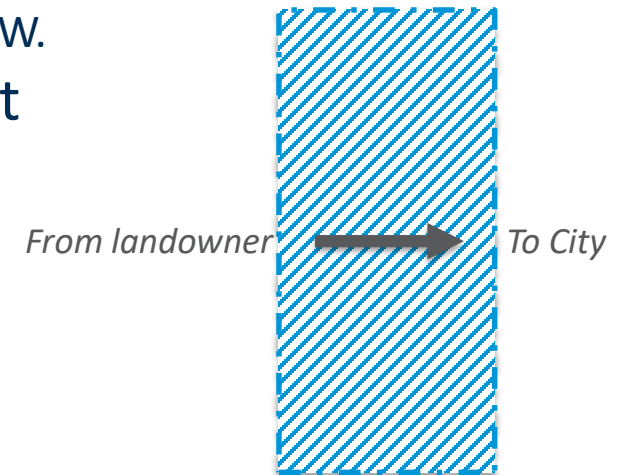
Possible future Larimer St with not yet dedicated ROW from 1860.



Multi-modal transportation and utility uses on 16th St ROW with Daniels Fisher Tower in background from 1911.

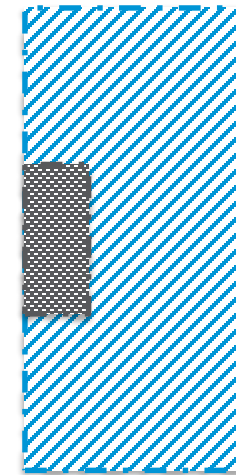
Dedication

- City process to create a legally defined piece of land into ROW.
- Dedicated ROW has public transportation and utility uses.
 - Land owner submits application to Public Works.
 - City standards used to determine how much land is needed.
 - DDPHE determines if the land is clear of hazards (*is it clean?*).
 - City agencies review title work.
 - Property conveyed to City under special warranty deed.
 - Public Work submits Request for Resolution to City Council for consideration.
 - With City Council's passage of the resolution the land is established as ROW.
- Dedicated ROW may be created as part of a subdivision plat approved by City Council action.



Encroachment

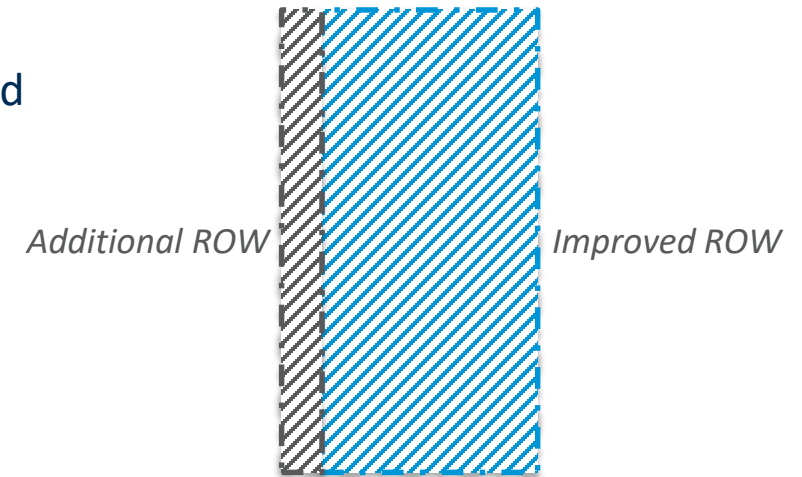
- City process to allow long-duration non-City owned improvements in ROW.
- Encroachments are acceptable intrusion to full public transportation and utility uses.
 - Encroachment owner works with Public Works.
 - Encroachments fall into three tiered categories:
 - Tier I – basic/simple improvements (*easily removable*).
 - Tier II – more significant improvements require an application & review process and final approval by the Manager of Public Works.
 - Tier III – substantial improvements that are structural or not easily removed require an application & review process that includes legal description and final passage of resolution by City Council.
- There are limitations to what the City can do because some types of public utilities and mass-transit encroachments have full or partial control by Federal and State regulatory agencies.



Long duration

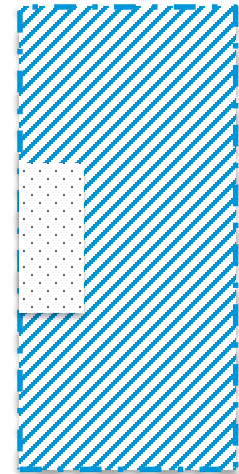
Development

- City process to allow re/development of private/public land impacting ROW.
- Development impacts public transportation and utility uses and may require additional dedication of and/or improvements to adjacent ROW.
 - Developer submits plans for review to Public Works.
 - Public Works has authority to acquire ROW and require improvements therein.
 - Limitations on the amount of ROW acquired and improvements required (*must be roughly proportional*).
 - Essential nexus necessary.



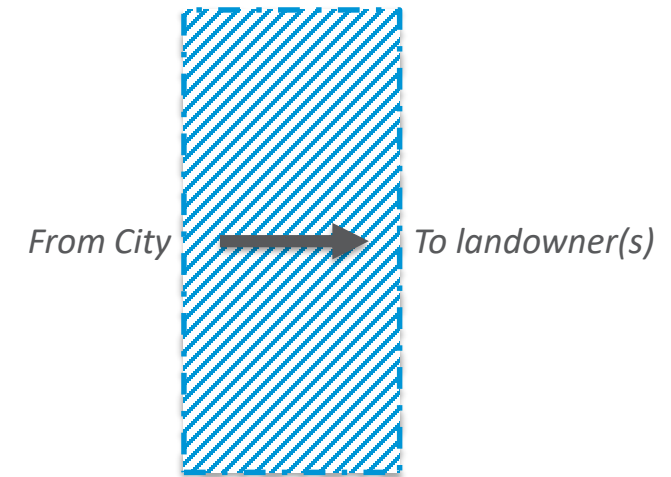
Occupancy

- City process to allow short-duration managed access of ROW.
- Occupancy impose limitations of full public transportation and utility uses.
 - Individual/entity submits application to Public Works.
 - Occupancy allows for both construction and non-construction activities.
 - Review under City Traffic Engineer authority to ensure both safety and mobility maintained (*through her staff and delegated authority*).
 - May involve bagging of meters and appropriate traffic control.
 - Legal parking of mobility devices and vehicles is separate process.



Vacation

- City process to relinquish ownership of dedicated ROW.
- Vacations are acceptable when the public transportation and utility uses are no longer required or can be accommodated via other means.
 - Adjacent land owner submits application to Public Works.
 - Technical review by roughly 30 agencies in/outside City.
 - Public Notice given and any public comments reviewed for Technical Merit related to public transportation or utility needs.
 - If no Technical Merit, Public Works submits Request for Vacation Ordinance to City Council for consideration.
 - With City Council's passage of the ordinance the land is no longer ROW.
- There are limitations to what the City can do because vacations are controlled by state law.





Questions?