



Matt Bryner, Public Works Senior Engineer
Public Works Engineering
Regulatory and Analytics Department
201 W Colfax Ave, Department 507
Denver CO 80202-5329
denver.pwera@denvergov.org

Via electronic delivery

Re: Letter of Intent - Partial Vacation of Interstate 70 Right of Way

Dear Mr. Bryner,

The Regional Transportation District ("RTD") and the BNSF Railway Company ("BNSF") respectfully request the partial vacation of the right of way for Interstate 70 ("I-70") owned by the City and County of Denver ("CCD"), in the area described on the enclosed legal description and depiction, Exhibit A (the "**Vacation Area**"), and as shown on the Aerial Exhibit (in lieu of a Site Plan, since the area is not being developed), Exhibit B. The Vacation Area is dedicated CCD right of way pursuant to Ordinance No. 3, dated 1962 (Exhibit C). The Vacation Area is not currently used by CCD; however, I-70, operated by the Colorado Department of Transportation ("CDOT"), passes over it but will not be included within Vacation Area. The utilities within the Vacation Area are described on the memorandum and utility matrix enclosed as Exhibit D. All of the utilities within the Vacation Area will remain in place, and not be relocated. The vacation is required because the parties relocated BNSF tracks to the Vacation Area to allow for construction of the RTD Gold Line on BNSF property.

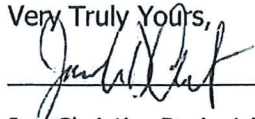
Please find enclosed, the following:

1. Exhibit A, two (2) original Legal Descriptions and Depictions of the Vacation Area;
2. Exhibit B, Aerial Exhibit (in lieu of a Site Plan);
3. Exhibit C, Ordinance No. 3, dated 1962 (relevant pages only);
4. Exhibit D, Utility Memorandum and Utility Matrix; and
5. Check in the amount of \$1,000 for the Initial Processing Fee.

If you have any questions or comments regarding this application, please contact:

Michael Millage, RTD-Eagle P3,
NWES/GL-Eagle Construction Manager
1560 Broadway, Denver, CO 80202
michael.millage@rtd-denver.com
303-299-2897 (w) 719-325-9888 (c)

Very Truly Yours,



Joe Christie, Project Director – EAGLE
Regional Transportation District
1560 Broadway, Denver, CO 80202
joe.christie@rtd-denver.com
303-299-6989



Charlie Keltner
Senior Manager Corporate Real Estate
BNSF Railway Company
2301 Lou Menk Drive, GOB-3W
Fort Worth, TX 76131

8/21/18 Date

9/25/2018 Date

RTD BNSF Valley Highway Vacation

10/07/2019

Master ID: 2018-PROJMSTR-0000712 **Project Type:** ROW Vacation
Review ID: 2018-VACA-0000017 **Review Phase:**
Location: Adjacent north of 4665 N Fox St and south of 700 W 48th Ave. **Review End Date:** 01/16/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: Asset Management Review

Review Status: Approved - No Response

Reviewers Name:

Reviewers Email:

Status Date: 01/18/2019

Status: Approved - No Response

Comments:

Reviewing Agency: Building Department Review

Review Status: Approved

Reviewers Name: Eric Browning

Reviewers Email: Eric.Browning@denvergov.org

Status Date: 01/14/2019

Status: Approved

Comments:

Reviewing Agency: CenturyLink Referral

Review Status: Approved w/Conditions

Status Date: 04/16/2019

Status: Approved w/Conditions

Comments: PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation Reviewing Agency/Company: CenturyLink

Reviewers Name: Don Twiggs

Reviewers Phone: 4257700257

Reviewers Email: Don.Twiggs@CenturyLink.com

Approval Status: Approved with conditions

Comments:

Please see the attached CenturyLink Approved Response letter with conditions attached.

Attachment: P811340 CenturyLink Vacate Response Letter.pdf

01/18/2019

Status Date: Approved - No Response

Status:

REDLINES are uploaded to the E-Review webpage.

Comments:

Reviewing Agency: CDOT Referral

Review Status: Approved - No Response

Status Date: 01/18/2019

Status: Approved - No Response

Comments:

Comment Report

RTD BNSF Valley Highway Vacation

10/07/2019

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Reviewing Agency: City Councilperson and Aides Referral Review Status: Approved - No Response

Status Date: 01/18/2019
Status: Approved - No Response
Comments:

Reviewing Agency: City Forester Review Review Status: Approved

Reviewers Name: Nick Evers
Reviewers Email: Nick.Evers@denvergov.org

Status Date: 01/16/2019
Status: Approved
Comments: Approved. No PRW tree conflict.

Reviewing Agency: Comcast Referral Review Status: Approved - No Response

Status Date: 01/18/2019
Status: Approved - No Response
Comments:

Reviewing Agency: DS Project Coordinator Review Review Status: Approved

Reviewers Name: Jeffrey Brasel
Reviewers Email: Jeff.Brasel@denvergov.org

Status Date: 10/07/2019
Status: Approved
Comments: PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation
Reviewing Agency/Company: Development Services Project Coordinator
Reviewers Name: Jeff Brasel
Reviewers Phone: 720-865-2836
Reviewers Email: jeff.brasel@denvergov.org
Approval Status: Approved

Comments:

Status Date: 05/03/2019
Status: Denied
Comments: PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation
Reviewing Agency/Company: Development Services - Project Coordination
Reviewers Name: Jeff Brasel
Reviewers Phone: 720-865-2836
Reviewers Email: jeff.brasel@denvergov.org
Approval Status: Denied

Comments:

The proposed vacation is not opposed, contingent upon the reservation of an access easement on the vacated right-of-way that will allow Denver to construct a bridge, as necessary, in that location. Denver's adopted plans, including the 2009 41st & Fox Station Area Plan, and the 2017 Infrastructure Master Plan, approved in association

Comment Report

RTD BNSF Valley Highway Vacation

10/07/2019

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with the Fox North development, anticipate an additional bridge connection between the Fox Station East area and the Sunnyside neighborhood, in the vicinity of the I-70 / 47th Ave. alignment. With the reservation of an access easement for this purpose, the proposed vacation can proceed.

Status Date: 01/07/2019

Status: Denied

Comments: Denver's adopted plans, including the 2009 41st & Fox Station Area Plan, and the 2017 Infrastructure Master Plan, approved in association with the Fox North development, anticipate an additional bridge connection between the Fox Station East area and the Sunnyside neighborhood, in the vicinity of the I-70 / 47th Ave. alignment. Construction of this facility may require utilization of the Denver right-of-way proposed for vacation. More information will be available after completion of the City's upcoming Next Steps Study, which will explore the feasibility of this connection and other roadway improvements in the area. Therefore, the proposed vacation, as requested, is denied. Nonetheless, the City is open to discussing options and alternatives to the vacation request. Please reach out to Chris Nevitt (Chris.Nevitt@DenverGov.org) and/or Karen Good (Karen.Good@DenverGov.org).

Reviewing Agency: DES Transportation Review

Review Status: Approved

Reviewers Name: Viktoriya Sandler

Reviewers Email: Victoria.Sandler@denvergov.org

Status Date: 10/07/2019

Status: Approved

Comments: PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation
Reviewing Agency/Company: DS Transportation
Reviewers Name: Victoria Sandler
Reviewers Phone: 7209131782
Reviewers Email: victoria.sandler@denvergov.org
Approval Status: Approved

Comments:

Status Date: 01/16/2019

Status: Denied

Comments: Denver's adopted plans, including the 2009 41st & Fox Station Area Plan, and the 2017 Infrastructure Master Plan, approved in association with the Fox North development, anticipate an additional bridge connection between the Fox Station East area and the Sunnyside neighborhood, in the vicinity of the I-70 / 47th Ave. alignment. Construction of this facility may require utilization of the Denver right-of-way proposed for vacation. More information will be available after completion of the City's upcoming Next Steps Study, which will explore the feasibility of this connection and other roadway improvements in the area. Therefore, the proposed vacation, as requested, is denied. Nonetheless, the City is open to discussing options and alternatives to the vacation request. Please reach out to Chris Nevitt (Chris.Nevitt@DenverGov.org) and/or Karen Good (Karen.Good@DenverGov.org).

Reviewing Agency: DES Wastewater Review

Review Status: Approved

Reviewers Name: Kelsey Kijowski

Reviewers Email: Kelsey.Kijowski@denvergov.org

Status Date: 01/14/2019

Status: Approved

Comments:

2018-VACA-0000017

Comment Report

RTD BNSF Valley Highway Vacation

10/07/2019

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Reviewing Agency: Office of Disability Rights Review

Review Status: Approved

Reviewers Name: Juan Pasillas

Reviewers Email: Juan.Pasillas@denvergov.org

Status Date: 01/16/2019

Status: Approved

Comments:

Reviewing Agency: Denver Water Referral

Review Status: Approved

Status Date: 01/18/2019

Status: Approved

Comments: PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation

Reviewing Agency/Company: Denver Water

Reviewers Name: Gina Begly

Reviewers Phone: 303-628-6219

Reviewers Email: gina.begly@denverwater.org

Approval Status: Approved

Reviewing Agency: Denver Fire Department Review

Review Status: Approved - No Response

Reviewers Name: Richard Tenorio

Reviewers Email:

Status Date: 01/11/2019

Status: Approved - No Response

Comments:

Reviewing Agency: Landmark Review

Review Status: Approved - No Response

Reviewers Name:

Reviewers Email:

Status Date: 01/18/2019

Status: Approved - No Response

Comments:

Reviewing Agency: Metro Wastewater Referral

Review Status: Approved - No Response

Status Date: 01/18/2019

Status: Approved - No Response

Comments:

Reviewing Agency: Office of Emergency Management Referral

Review Status: Approved - No Response

Status Date: 01/18/2019

Status: Approved - No Response

Comments:

Comment Report

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Reviewing Agency: Dev and Planning Services Review Review Status: Approved - No Response

Reviewers Name:

Reviewers Email:

Status Date: 01/18/2019

Status: Approved - No Response

Comments:

Reviewing Agency: Parks and Recreation Review Review Status: Approved

Reviewers Name: Mark Tabor

Reviewers Email: Mark.Tabor@denvergov.org

Status Date: 01/08/2019

Status: Approved

Comments: PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation
Reviewing Agency/Company: Parks Planning Design and Construction
Reviewers Name: Gregory Neitzke PLS
Reviewers Phone: 720-913-0726
Reviewers Email: greg.neitzke@denvergov.org
Approval Status: Approved

Comments:

Reviewing Agency: ERA Transportation Review Review Status: Approved

Reviewers Name: Brent McMurtrie

Reviewers Email: Brent.McMurtrie@denvergov.org

Status Date: 01/16/2019

Status: Approved

Comments:

Reviewing Agency: ERA Wastewater Review Review Status: Approved

Reviewers Name: Steven Forvilly

Reviewers Email: Steven.Forvilly@denvergov.org

Status Date: 01/03/2019

Status: Approved

Comments:

Reviewing Agency: Construction Engineering Review Review Status: Approved

Reviewers Name: Karl Brekke

Reviewers Email: Karl.Brekke@denvergov.org

Status Date: 01/01/2019

Status: Approved

2018-VACA-0000017

Comment Report

RTD BNSF Valley Highway Vacation

10/07/2019

Master ID: 2018-PROJMSTR-0000712 **Project Type:** ROW Vacation
Review ID: 2018-VACA-0000017 **Review Phase:**
Location: Adjacent north of 4665 N Fox St and south of 700 W 48th Ave. **Review End Date:** 01/16/2019

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Comments: The City and County of Denver has completed its Public Works Construction Engineering review of the submitted RTD BNSF W 48th Ave and N Fox St Vacation and has generated no further comments.

Reviewing Agency: Policy and Planning Review

Review Status: Approved - No Response

Reviewers Name: Emily Gloeckner
Reviewers Email: Emily.Gloeckner@denvergov.org

Status Date: 01/18/2019
Status: Approved - No Response
Comments:

Reviewing Agency: Street Maintenance Review

Review Status: Approved - No Response

Reviewers Name: Brian Roecker
Reviewers Email:

Status Date: 01/18/2019
Status: Approved - No Response
Comments:

Reviewing Agency: Survey Review

Review Status: Approved

Reviewers Name: Ali Gulaid
Reviewers Email: Ali.Gulaid@denvergov.org

Status Date: 01/15/2019
Status: Approved
Comments: None..

Reviewing Agency: TES Sign and Stripe Review

Review Status: Approved - No Response

Reviewers Name: Brittany Price
Reviewers Email: Brittany.Price@denvergov.org

Status Date: 01/18/2019
Status: Approved - No Response
Comments:

Reviewing Agency: CPM Wastewater Review

Review Status: Approved - No Response

Reviewers Name:
Reviewers Email:

Status Date: 01/18/2019
Status: Approved - No Response
Comments:

Reviewing Agency: RTD Referral

Review Status: Approved - No Response

Comment Report

RTD BNSF Valley Highway Vacation

10/07/2019

Master ID: 2018-PROJMSTR-0000712 **Project Type:** ROW Vacation
Review ID: 2018-VACA-0000017 **Review Phase:**
Location: Adjacent north of 4665 N Fox St and south of 700 W 48th Ave. **Review End Date:** 01/16/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

Status Date: 01/18/2019
Status: Approved - No Response
Comments:

Reviewing Agency: Xcel Referral **Review Status:** Approved

Status Date: 06/03/2019
Status: Approved
Comments: Rec'd comment 5.21.19.

PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation
Reviewing Agency/Company: Public Service Company of Colorado / Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 303-571-3306
Reviewers Email: donna.l.george@xcelenergy.com
Approval Status: Approved

Status Date: 01/18/2019
Status: Approved w/Conditions
Comments: PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation
Reviewing Agency/Company: Public Service Company of Colorado / Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 303-571-3306
Reviewers Email: donna.l.george@xcelenergy.com
Approval Status: Approved with conditions

Comments:

Please be aware Public Service Company of Colorado owns and operates existing overhead electric TRANSMISSION facilities and electric secondary DISTRIBUTION facilities for street lighting located within the right-of-way proposed to be vacated; therefore, we are able to give conditional approval, PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire easement area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the easement area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver. The property owner shall be liable for all damages to such utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not be liable for any damage to property owner's property due to use of this reserved easement.

Status Date: 01/18/2019
Status: Denied
Comments: PWPRS Project Number: 2018-VACA-0000017 RTD BNSF Valley Highway Vacation
2018-VACA-0000017

Comment Report

RTD BNSF Valley Highway Vacation

10/07/2019

Master ID: 2018-PROJMSTR-0000712 **Project Type:** ROW Vacation
Review ID: 2018-VACA-0000017 **Review Phase:**
Location: Adjacent north of 4665 N Fox St and south of **Review End Date:** 01/16/2019
700 W 48th Ave.

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency/Company: Public Service Company of Colorado / Xcel Energy
Reviewers Name: Donna George
Reviewers Phone: 303-571-3306
Reviewers Email: donna.l.george@xcelenergy.com
Approval Status: Denied

Comments:

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PSCo must deny this request for now due to awaiting additional clarifying information from a PSCo associate.
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Reviewing Agency: Case Manager Review/Finalize

Review Status: Comments Compiled

Reviewers Name: Brittany Pirtle

Reviewers Email:

Status Date: 01/18/2019

Status: Comments Compiled

Comments:

Status Date: 01/04/2019

Status: Confirmation of Payment

Comments: