



# Commerce City

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## Council Communication

File Number: Ord 2396

**Agenda Date:** 6/6/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council

**File Type:** Ordinance

**Agenda Number:**

FIRST READING OF AN ORDINANCE VACATING COLORADO BOULEVARD RIGHT-OF-WAY CONSISTING OF THE NORTHWEST SIDE OF THE REALIGNED COLORADO BOULEVARD SOUTH OF THE BURLINGTON DITCH AT EAST 72ND AVENUE, COMMERCE CITY, COLORADO.

### Summary and Background Information:

Prospect, LLC is requesting approval of a vacation for a portion of Colorado Boulevard right-of-way. The right-of-way proposed for vacation is approximately .08 acres in size and will be appended to the adjacent property located at 7001 Colorado Boulevard.

This request for vacation of ROW was referred to all relevant agencies including Public Works Department, the South Adams County Water, and Sanitation District, the South Adams County Fire District, and Xcel Energy. No comments were received stating a reduction in the quality of services or facilities would result from this vacation. Further, letters stating no objections were received from the following agencies: Public Works Department, Xcel Energy, Comcast, and CenturyLink Lumen.

Vacation of this portion of right-of-way would make land that is no longer needed for a stormwater facility.

This case is in conjunction with the annexation case AN-265-22 and the annexation zoning case Z-984-22.

### Approval Criteria

Section 21-3233(3) of the Commerce City Land Development Code (LDC) outlines the criteria use when evaluating vacations of rights-of-way.

#### Sec. 21-3233(3)(b)

*Approval Criteria.* A vacation application may be approved if:

**Criteria (i):** The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;

**Analysis:** Divesting the city of unneeded right-of-way implements goal FS 1 of the Comprehensive Plan (Comp Plan) that strives to provide efficient infrastructure. This application also makes the vacated right-of-way available for a stormwater facility, which

is consistent with goal PF 1 of the Comp Plan that promotes coordination between entities to provide infrastructure, including for stormwater management.

*Staff finds this application **meets this criterion.***

**Criteria (ii):** The land to be vacated is no longer necessary for the public use and convenience;

**Analysis:** The improvements for Colorado Boulevard at this location are fully constructed and the excess right-of-way is not necessary for public transportation use and convenience.

*Staff finds this application **meets this criterion.***

**Criteria (iii):** The vacation will not create any landlocked properties;

**Analysis:** The surrounding properties have access to either Colorado Boulevard, 70th Avenue, or 72nd Avenue.

*Staff finds this application **meets this criterion.***

**Criteria (iv):** The vacation will not render access to any parcel unreasonable or economically prohibitive;

**Analysis:** This vacation does not impact in any way the access to the subject property or surrounding properties.

*Staff finds this application **meets this criterion.***

**Criteria (v):** The vacation will not reduce the quality of public services to any parcel of land; and

**Analysis:** There will be no change to the quality of public services to any parcel of land as a result of the vacation.

*Staff finds this application **meets this criterion.***

**Criteria (vi):** A separate plat to replat the vacated area into a larger, usable piece of land has been submitted.

**Analysis:** A separate subdivision plat is under review to include the vacated right-of-way with a larger development parcel.

*Staff finds this application **meets this criterion.***

**Staff Responsible (Department Head):** Jim Tolbert, Community Development

**Staff Presenting:** Anita Riley, City Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:** On May 3, 2022, this case was presented to the Planning Commission in conjunction with the associated annexation zoning case (Z-984-22). The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the vacation request to City Council with a recommendation for approval.

**Suggested Motion:** I move that the City Council enter a finding that the requested vacation for the subject property contained in case V-94-22 meets the criteria of the Land

Development Code and, based upon such finding, approve the vacation of right-of-way.