Vacation of Access Easement Report
Case #V25-0001

City Council Date: April 7, 2025

GENERAL INFORMATION

PROJECT NAME	Revesco Vacation
LOCATION	Generally located west of Peoria Parkway between E. 104th Avenue and the Xcel Power lines
SITE SIZE	1.118 Acres
CURRENT ZONING	PUD (Planned Unit Development District) – Burlington Northern/ Catellus (Turnberry) PUD
APPLICANT	Revesco Properties
CASE PLANNER	Nic Berry

REQUEST

Ordinance V25-0001, if approved vacates an easement located at the southwest corner of E 104th Avenue and Peoria Parkway. The request is being made by Revesco Properties in conjunction with the development of the site.

BACKGROUND AND CASE HISTORY

Revesco Properties is proposing a commercial development at the southwest corner of E. 104th Ave and Peoria Parkway. The 22.2 acre site is currently being subdivided to support the development of a QuikTrip gas station/convenience store. Other future users are not currently known. As part of the subdivision, new access points and internal circulation are being established eliminating the need for the existing easement.

In 2007, the subject easement was dedicated to the City for the development of a Regional Transportation District (RTD) Park-N-Ride. A temporary station was started operations in 2010 and has continued on a month-to-month lease. RTD is aware of the proposed vacation and termination of lease. RTD provided a letter stating they will work with the developer and the City to find a new Park-N-Ride location to service this area.

This request is coming in front of Council pursuant of Section 4.14 to the City Charter “any sale, conveyance or transfer of real estate, shall have prior approval of the council, passed by majority vote of the entire council in office at the time the vote was taken” and Section 21-3233 of the Land Development Code, which governs the vacation of rights-of-way and easements.

ADDITIONAL INFORMATION

There is a final plat (S24-0014) in the approval process for the 22.2 acre site, which dedicates a new access easement and creates one lot. Also, there is PUD Permit (PUDP24-0010) under

review which provides the detail of the roadway to be built within the new access easement and landscaping to be installed along E. 104th Avenue and Peoria Parkway. Additionally, there is a PUD Permit (PUDP24-0018) which lays out development of Lot 1, for a QuikTrip gas station/ convenience store.

PROJECT ANALYSIS

Site Overview

The requested vacation of easement is for what is currently an unimproved dirt road known as E. 103rd Place. The easement is approximately 1.118 acres in size (886 feet in length).

At the end of this report, there is a "vacation exhibit" image showing the easement to be vacated and the new access easement established by Turnberry Filing 2 Amendment 1, (S24-0014).

Road Network Impacts

The access easement requested for vacation only takes access off of Peoria Parkway. The new access easement associated with Turnberry Filing 2, Amendment 1 (S24-0014) adds an entrance to the site off of E. 104th Avenue and shift the access from Peoria Parkway 50 feet south, creating greater spacing from the intersection.

Overall Analysis

The proposed vacation has been reviewed by the Development Review Team, including: Planning, Development Review Engineering, Parks, GIS, Economic Development, the Energy, Equity and the Environment Division, South Adams County Fire Department, South Adams County Water and Sanitation District, and Xcel Energy. There are no outstanding comments or concerns. RTD provided a letter stating they are aware of the lease termination and acknowledges cooperation with the City and Revesco Properties to maintain service.

PLANNING COMMISSION

March 4, 2025

This requested Vacation of Easement was heard in a public hearing on March 4, 2025 by the Planning Commission. The Commission asked one question about the history of the temporary RTD Park-N-Ride (discussed under Background section above). The Commission then forwarded a recommendation of approval to City Council. The vote was 5-0 to recommend approval.

STAFF RECOMMENDATION

Approval with Conditions

Staff is recommending approval with one condition. The Turnberry Filing 2 Amendment 1 (associated with S24-0014) final plat is in the approval process and is awaiting final recordation with Adams County. Recordation of this plat will officially establish the new access easement discussed in this report. In order to assure that Approval Criterion iii is satisfied there would need to be some guaranteed means of access to the parcels affected by this vacation. Thus staff is recommending one condition seen below.

1. Recordation of final plat Turnberry Filing 2, Amendment 1 associated with case number S24-0014.

VACATION OF RIGHT-OF-WAY APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3233 (3b) of the Land Development Code:

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

The proposed vacation is consistent with the Comprehensive Plan and will allow for future infill development. The subject site is located within the Northern Neighborhoods character area. This vacation will support Commerce and Employment goal 6.2 "Encourage development of new centers" and will allow for commercial development on the south side of East 104th Avenue.

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

The easement to be vacated is used to access the temporary RTD parking lot. The creation of a new access easement mitigates any impacts from the vacation of this access easement. The developer and RTD are in discussions to maintain parking to service along the 104L route.

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

This vacation request will not have any impact to access of surrounding properties and no properties will become landlocked as a result.

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

The proposed vacation will not render access to any parcel unreasonable. Further, as Tract A (S24-0014) is developed the access easement will be extended to create access for future lots.

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

There is no reason to believe that the quality of public services to any parcel of land will be impacted by the proposed vacation of easement.

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

A separate plat (S24-0014) is in the approval process, which includes the vacated easement into usable parcels.

CONSIDERATIONS FOR DISCUSSION

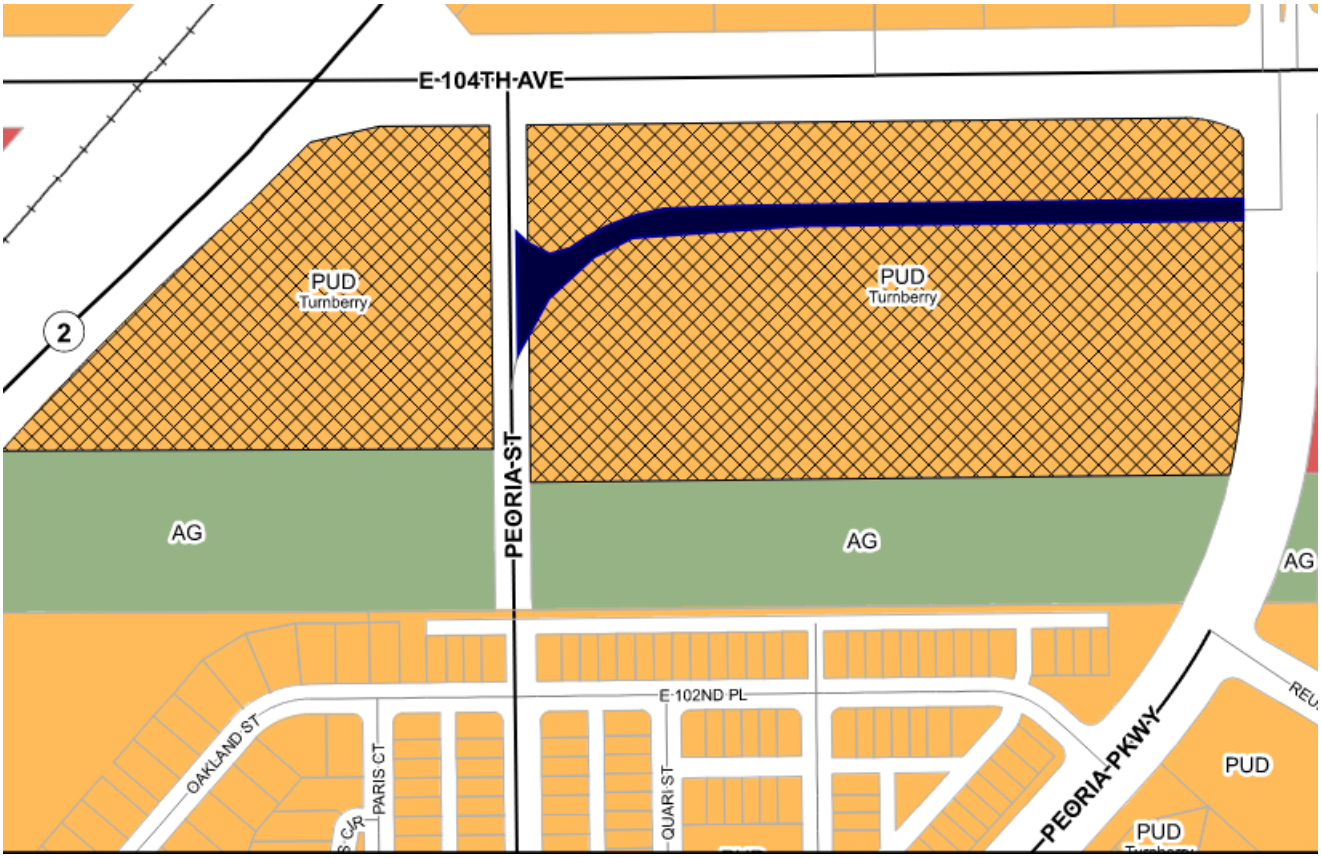
1. The final plat, Turnberry Filing 2 Amendment 1, creates a new traffic pattern, which is more connected to existing roadways and a safer access point on Peoria Parkway.
2. Vacation of this easement will allow for future development at the corner of E. 104th Avenue and Peoria Parkway.

AVAILABLE ACTIONS

1. Approve Ordinance V25-0001, which approves the vacation and assures that the new access easements are in place to facilitate access from established public rights-of-way (E 104th Avenue and Peoria Parkway) to the subject parcel.
2. Do not approve Ordinance V25-0001, which will keep the existing easement in place and require the developer to revise their plans for the site, to include the use of the existing easement.

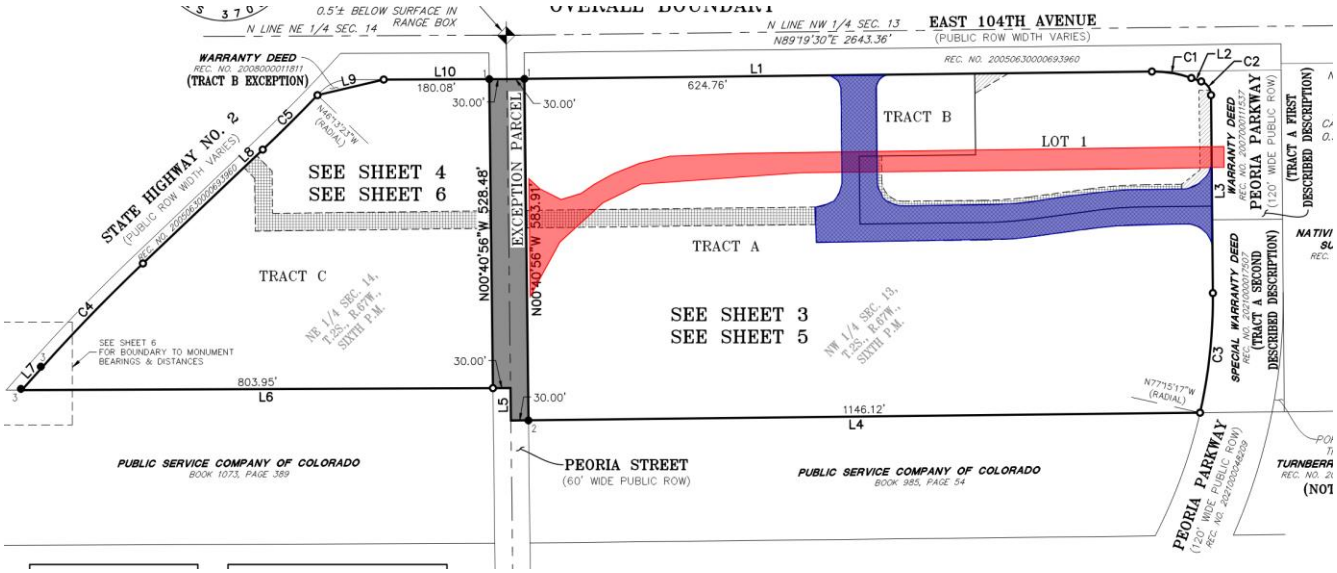
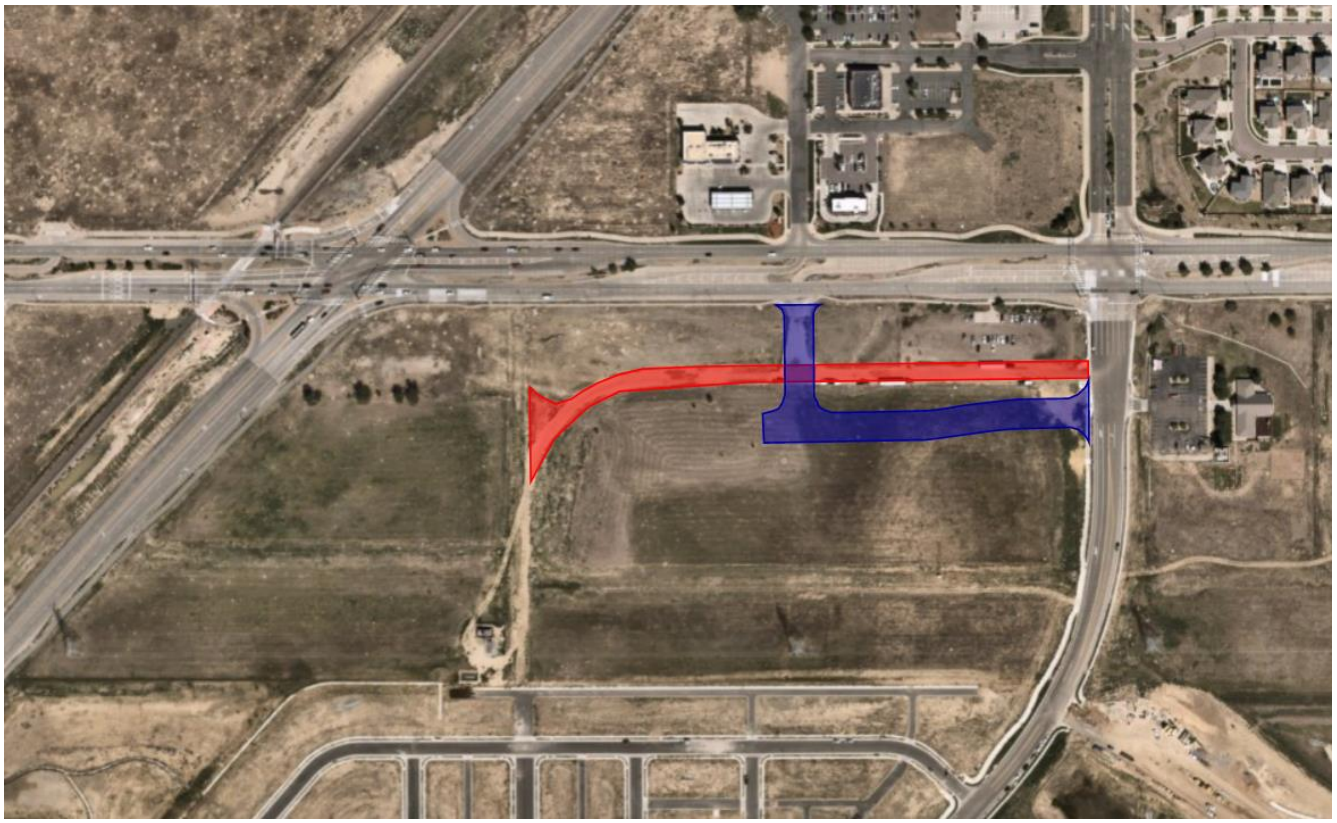
Zoning Map

The black shape shows the area of the easement



Aerial Map

The black outline shows the area of the easement

Vacation Exhibit

Below is an overlay of the old easement requested to be vacated (red) and the new access easement which is in the approval process (blue).