



# Case #V-093-24

## Tower Landfill

Location: Southwest corner of E 88<sup>th</sup> Ave and E-470

Applicant: Allied Waste Systems of Colorado LLC.

Request: Vacation of Right-of-Way

# Associated Cases

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Being heard tonight:

- Land Use Plan Amendment (LUP-058-24)
- Annexation (AN-263-24)
- Annexation Zoning (Z-705-99-00-09-24)
- Vacation of Right-of-Way (V-093-24)

# Case Summary

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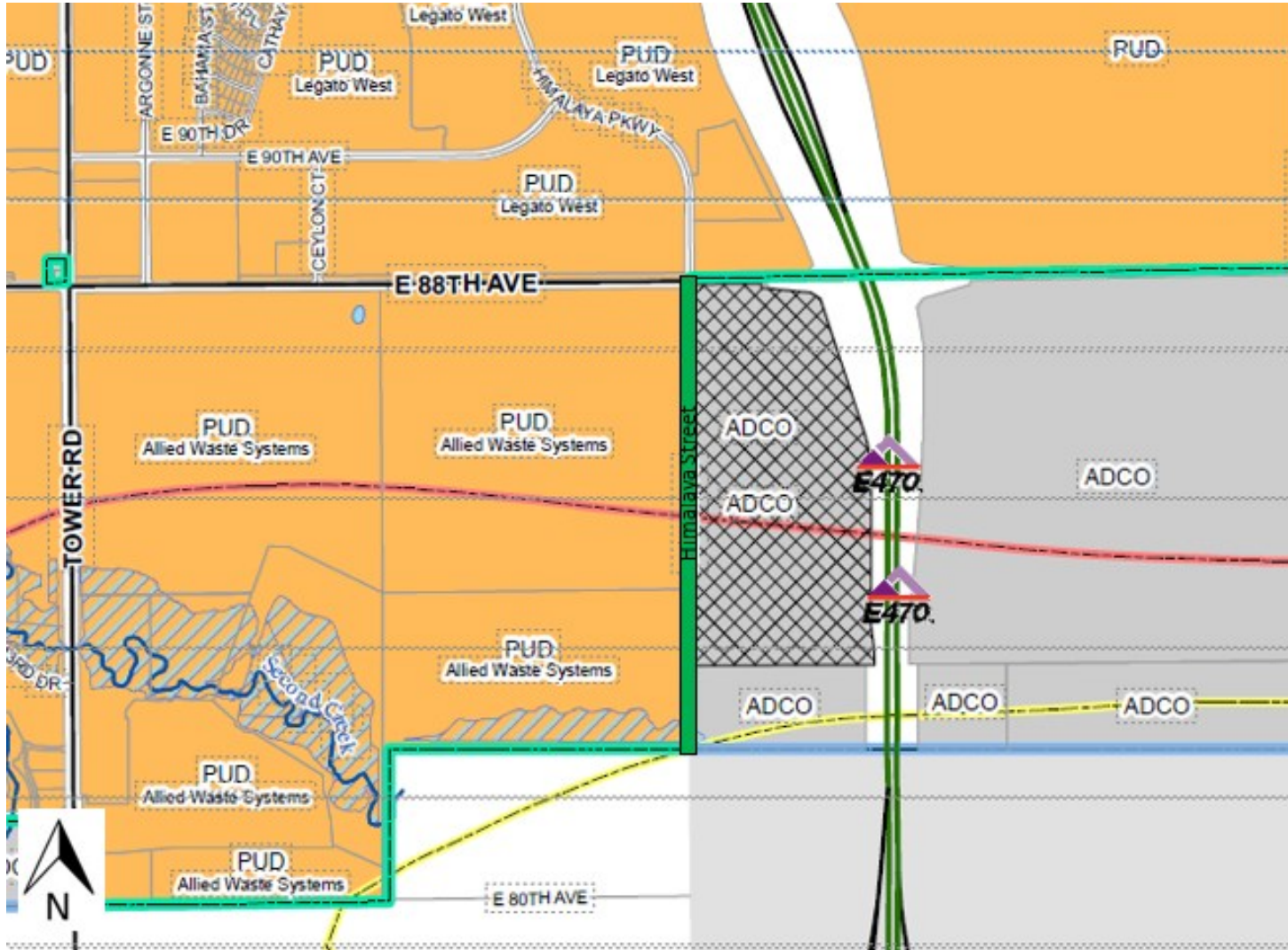
- Location: Himalaya Street extending south of East 88<sup>th</sup> Avenue between the existing landfill and property to be annexed
- ROW Length: 3,286 feet
- Request: Vacation of Himalaya Street Right-of-Way



# Aerial



# Zoning



# Site Photos

Facing south from 88<sup>th</sup> Avenue



# Planning Commission

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- Heard by Planning Commission on June 4<sup>th</sup>
- There was public comment in support of the request
- Planning Commission voted 4-0 to recommend approval, subject to one condition to City Council
- Condition: That an access agreement has been executed between the City and County of Denver and the applicant, thereby permitting access to Parcel #172300000258.

# Considerations

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- Himalaya Street is an unimproved local road
- The Denver property to the south is only accessed via Himalaya Street
  - A private access agreement is required
- The property to be annexed will have access directly from East 88th Avenue





# Vacation of Right-of-Way Approval Criteria

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Sec. 21-3233(3):

- (i) The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;
- (ii) The land to be vacated is no longer necessary for the public use and convenience;
- (iii) The vacation will not create any landlocked properties;
- (iv) The vacation will not render access to any parcel unreasonable or economically prohibitive;
- (v) The vacation will not reduce the quality of public services to any parcel of land and;
- (vi) A separate plat to replat the vacated area into a larger, usable piece of land has been submitted



Staff is available to answer any questions.



## Vacation of Right-of-Way Approval Criteria (i)

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- **Criteria (i): The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;**
- The proposed vacation of right-of-way is consistent with the Comprehensive Plan.



## Vacation of Right-of-Way Approval Criteria (ii)

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- **Criteria (ii): The land to be vacated is no longer necessary for the public use and convenience;**
- The land to be vacated is only used for access to two private parcels and does not connect to any other road network. The southernmost portion of Himalaya Street dead-ends at Second Creek.



## Vacation of Right-of-Way Approval Criteria (iii)

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- **Criteria (iii): The vacation will not create any landlocked properties;**
- The vacation will not create a landlocked property so long as alternative access is provided to the Denver property to the south or an access easement is provided by Republic Services on the property to be annexed.

## Vacation of Right-of-Way Approval Criteria (iv)

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- **Criteria (iv): The vacation will not render access to any parcel unreasonable or economically prohibitive;**
- The vacation will not render access to any parcel unreasonable so long as alternative access is provided to the Denver property to the south or an access easement is provided by Republic Services on the property to be annexed.

## Vacation of Right-of-Way Approval Criteria (v)

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- **Criteria (v): The vacation will not reduce the quality of public services to any parcel of land and;**
- The quality of public services is not expected to be impacted by this vacation as both properties in Commerce City will have direct access from East 88th Avenue. The Denver property to the south is currently vacant and will have a form of legal access.

## Vacation of Right-of-Way Approval Criteria (vi)

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- **Criteria (vi): A separate plat to replat the vacated area into a larger, usable piece of land has been submitted**
- There is a corresponding Final Plat (S-840-24) currently under review to include the vacated right-of-way with larger, usable parcels.