



# Vacation of Right-Of-Way Report

## Case #V25-0003

*Planning Commission Date: February 3, 2026*

*City Council Date: March 2, 2026*

### **GENERAL INFORMATION**

<b>PROJECT NAME</b>	Peoria Street Vacation
<b>LOCATION</b>	Generally located east of Highway 2 between E. 104 <sup>th</sup> Avenue and the Xcel Power lines
<b>SITE SIZE</b>	0.766 Acres
<b>CURRENT ZONING</b>	PUD (Planned Unit Development District) – Burlington Northern/Catellus (Turnberry) PUD
<b>APPLICANT</b>	Revesco Properties
<b>CASE PLANNER</b>	Nic Berry

### **REQUEST**

This vacation request, if approved, would eliminate undeveloped right-of-way which is no longer needed. Revesco Properties is requesting to vacate inactive Right-Of-Way, Peoria Street, which is approximately 583.91 feet in length extending south from East 104th Avenue towards the Xcel power lines. The subject right-of-way is generally located east of Highway 2 and west of Peoria Parkway.

### **BACKGROUND AND CASE HISTORY**

The current Peoria Street alignment existed when the property was annexed into the City. When the original Turnberry PUD Zone Document was approved in 1997, the re-alignment of Peoria Street was envisioned. A portion of Peoria Street was vacated (V-89-21) prior to the development of the homes directly south of the powerlines. The portion requesting to be vacated was not a part of that original request and is therefore in need of vacating. The current location of Peoria Street is too close to the Highway 2 and East 104<sup>th</sup> intersection and will therefore not be allowed to be developed by City intersection spacing standards.

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 (S25-0025), which details the ownership of the land once the Right-Of-Way is vacated. A portion of current 60-foot-wide Right-Of-Way will be covered by a South Adams County Water and Sanitation (SACWSD) easement. The remaining land will be split into Tract B

and Tract C of Turnberry Filing 2 Amendment 2. The future development details are unknown at this time. Prior to development these tracts will have to be turned into lots.

## **PROJECT ANALYSIS**

### **Site Overview**

The requested Right-Of-Way vacation is for unimproved land. The portion remaining of Peoria Street is approximately 0.766 acres in size (583.91 feet in length). At the end of this report, there is a “vacation exhibit” image showing the Right-Of-Way to be vacated and the new SACWSD easement established by Turnberry Filing 2 Amendment 2, (S25-0025).

### **Road Network Impacts**

The Right-Of-Way requested for vacation, is not a part of the future roadway plans in the Transportation Master Plan. Peoria Parkway, further to the east, will be the north/south roadway for this area. Peoria Street is not needed for future connections to any other property, nor could it be developed because of the proximity to the Highway 2 and East 104<sup>th</sup> Avenue intersection.

### **Overall Analysis**

The proposed vacation has been reviewed by the Development Review Team, including Planning, Development Review Engineering, Parks, GIS, Economic and Community Vitality, 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.

## **VACATION OF RIGHT-OF-WAY APPROVAL CRITERIA**

A decision for this case must be based on the following criteria from Sec. 21-3233 of the 2009 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 development on the south side of East 104<sup>th</sup> Avenue. Additionally, the newly adopted Transportation Plan does not include this section of Peoria Street as a part of the future roadway network.

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

Peoria Street is not currently used by the public as a road. Additionally, Peoria Street south of the Xcel power lines has already been vacated. Making this section of Peoria Street obsolete.

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

This vacation request will not have any impact to access of surrounding properties since Peoria Street does not connect to any other property. Access to the newly created tracts within the property connect to an access easement.

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

The roadway that is a part of this vacation request is not used to access any other property. Access to this property, and the tracts within, will come from an access easement further east on East 104<sup>th</sup> Avenue.

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

A new SACWSD easement has been established which will help maintain the location of a water mainline. This water mainline is currently used by other properties and can be used by this property when it develops. There is no reason to believe that the quality of other 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 (S25-0025) has been submitted and is under review by the City. Once approved and recorded the land currently apart of the right-of-way will be divided into usable/developable land.

## **CONSIDERATIONS FOR DISCUSSION**

1. Vacation of this right-of-way will allow for future development at the corner of East 104<sup>th</sup> Avenue and Highway 2.
2. Peoria Street is not developable per City Standards for intersection spacing.
3. Peoria Street is not needed for connections to other properties.
4. A portion of Peoria Street has already been vacated.

## **STAFF RECOMMENDATION**

### **Approval**

Staff is recommending approval of this vacation. All approval criteria are met. Additionally, a north/south roadway, Peoria Parkway, has already been constructed for this area of the City. As a result, Peoria Street has not been used for access for a number of years.

## **POTENTIAL MOTIONS**

1. Approval
  - I move that the Planning Commission enter a finding that the requested **Vacation of Right-Of-way** contained in case **V25-0003** meets the criteria of the Land Development Code and based upon such finding, recommend approval of the **Vacation of Right-Of-Way**.
2. Approval with conditions

- I move that the Planning Commission enter a finding that the requested **Vacation of Right-Of-Way** contained in case **V25-0003** meets the criteria of the Land Development Code and based upon such finding, recommend approval or the **Vacation of Right-Of-Way** with the following conditions:  
\*Insert Condition\*

3. Denial

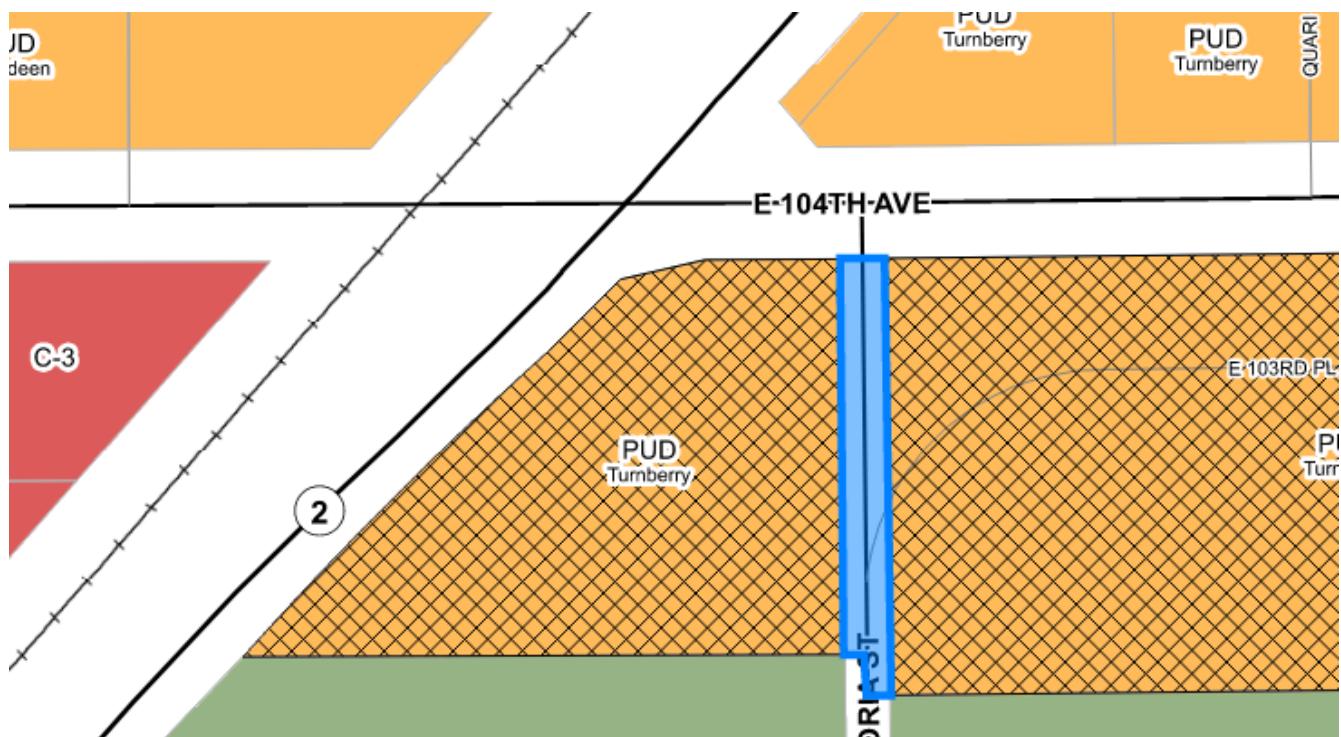
- I move that the Planning Commission enter a finding that the requested **Vacation of Right-Of-Way** contained in case **V25-0003** fails to meet the criteria of the Land Development Code and based upon such finding, recommend denial of the **Vacation of Right-Of-Way**.

4. Continuance

- I move that the Planning Commission continue the public hearing of the requested **Vacation of Right-Of-Way** contained in case **V25-0003** to:
  1. The next regularly scheduled Planning Commission meeting; or
  2. A date certain.

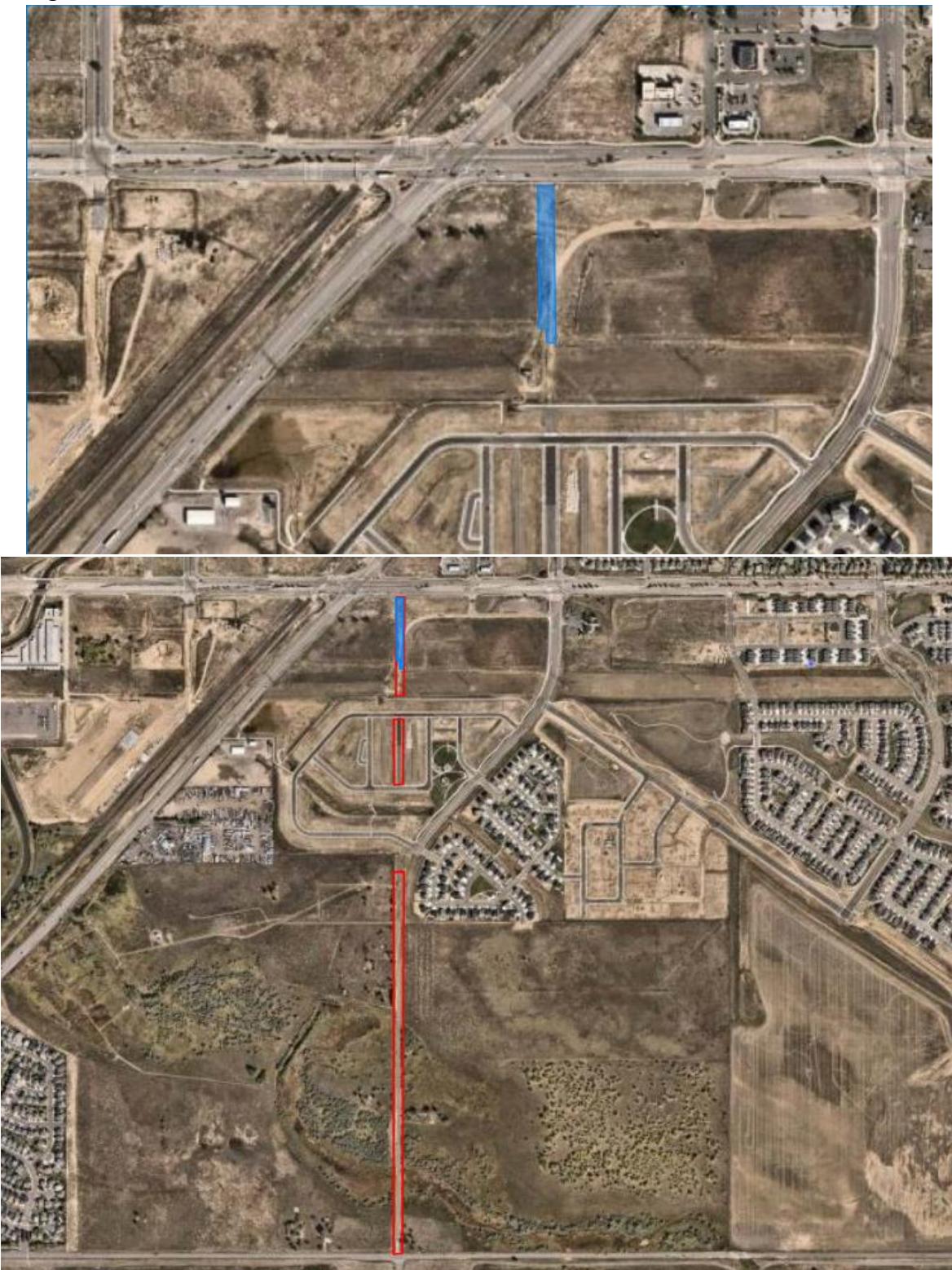
## Zoning Map

The blue shape shows the portion of Peoria Street to be vacated.



## Aerial Map

The blue shape shows the area of the portion of Peoria Street to be vacated. The red outline is current alignment of Peoria Street.



## **Vacation Exhibit**

Below is the existing conditions on the site (top image) with the future conditions with Peoria Street vacated current is (bottom image).

