



# Commerce City

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## Council Communication File Number: V-93-24

**Agenda Date:** 8/5/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council

**File Type:** Ordinance

AN ORDINANCE VACATING RIGHT-OF-WAY COMPRISED OF A PORTION OF HIMALAYA STREET, APPROXIMATELY 3,286 FEET IN LENGTH, EXTENDING SOUTH OF EAST 88TH AVENUE IN COMMERCE CITY, COLORADO.

### Summary & Background

There are three related applications being reviewed concurrently with this Vacation:

- Land Use Plan Amendment (LUP-058-24)
- Annexation (AN-263-24)
- Zoning (Z-705-99-00-09-24)

The requested vacation of right-of-way is for approximately 3,286 feet extending south of East 88th Avenue. The right-of-way to be vacated is situated between the existing landfill within Commerce City and the property to be annexed which is currently within Adams County. As such, the vacation cannot be approved until the corresponding annexation request is approved.

According to the City's Roadway Classification Plan, Himalaya Street is considered a local roadway. Himalaya Street is an unimproved dirt road that is only used for access to the two private properties to the east. It does not connect to any other roads south of East 88th Avenue as it comes to a dead end at Second Creek. It does not provide access to the existing landfill.

The vacant parcel south of the property to be annexed is owned by the City and County of Denver but is within Adams County jurisdiction. Denver sent a letter to the City stating that they are supportive of the request, contingent upon Denver and Republic Services reaching a final agreement regarding an alternative access to their parcel. If Republic Services and Denver cannot come to an agreement by the time this vacation is approved, an access easement will need to be placed on the property in order to provide legal access to the southern Denver property.

### Vacation of Right-of-Way approval criteria - Land Development Code Section 21-3233(3)

A vacation application may be approved if:

- (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 Responsible (Department Head):** Jeff Brasel, Deputy Director Community Development

**Staff Presenting:** Dalton Guerra, Senior Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Planning Commission Recommendation:** On June 4, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (4 to 0) to forward the land use plan amendment request to City Council with a recommendation for approval, subject to one condition:

1. An access agreement is executed between the City and County of Denver and the applicant to permit access to Parcel #172300000258.

**Actions:**

Approve the application, with conditions, in accordance with the PC recommendation;  
Approve the application; or  
Deny the application