



Vacation of Right-of-Way Report

Case #V24-0001

Planning Commission Date: July 2, 2024

City Council Date: August 19, 2024

GENERAL INFORMATION

PROJECT NAME	Vacation of Seventh Avenue
LOCATION	Generally located north of East 84 th Avenue between Rosemary Street and Ulster Street
SITE SIZE	0.4046 Acres
CURRENT ZONING	PUD (Planned Unit Development District) - Intsel Properties PUD
APPLICANT	Jim Fitzmorris (JR Engineering)
OWNER(S)	Mid-Rail Real Estate, LLC
CASE PLANNER	Matt Kowalski

REQUEST

Jim Fitzmorris with JR Engineering on behalf of Mid-Rail Real Estate, LLC is requesting to vacate Seventh Avenue inactive right-of-way in Irondale, which was dedicated to the City as public right-of-way in 1899 but has never been utilized as such.

BACKGROUND AND CASE HISTORY

The area proposed to be vacated, historically known as Seventh Avenue, was dedicated to the City as right-of-way on the original Irondale plat recorded in 1899. A blanket vacation for the original Irondale plat was processed in 1936, but failed to vacate the thirty foot wide Seventh Avenue right-of-way. This is currently considered inactive right-of-way and there is no evidence that the dedicated right-of-way was ever utilized by the City. There are no plans to utilize this area as right-of-way at any time in the future, nor would there be anywhere for it to go due to development that has occurred over the past 125 years since the original Irondale plat was recorded.

ADDITIONAL INFORMATION

There is a consolidation plat (S-698-18-24) currently under review for this site to replat the vacated land into usable land.

COMPREHENSIVE PLAN CONSISTENCY

The proposed vacation of right-of-way is supported by Land Use and Growth Goal LU 2.1 of promoting infill development. By vacating unused right-of-way and platting it to usable land, the surrounding parcels will become more desirable for development in the middle of the Irondale neighborhood.

PROJECT ANALYSIS

Site Overview

The requested vacation of right-of-way is for an approximately 0.4046 acre area in Irondale known as Seventh Avenue. The right-of-way proposed to be vacated is approximately 587 feet in length and 30 feet in width. The site is generally located north of East 84th Avenue between Rosemary Street and Ulster Street on a parcel of land belonging to Mid-Rail Real Estate, LLC.

At the end of this report, there is a “vacation plat” image showing the boundaries of the inactive right-of-way proposed to be vacated.

Road Network Impacts

Seventh Avenue does not exist in the City’s Transportation Master Plan. As there is no evidence that Seventh Avenue has ever been utilized as public right-of-way, and is not planned to be used as such in the future, there will be no road network impacts as a result of this vacation of right-of-way.

Overall Analysis

The proposed vacation of right-of-way 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.

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 Land Development Code:

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 both the Comprehensive Plan and the Irondale Plan. The Irondale Plan does not recognize this piece of land for any sort of public connectivity.

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

The land to be vacated is not necessary for public use. It has never been utilized by the City as public right-of-way and is not planned to be used as such in the future.

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. Any impacted properties will continue to have frontage along East 84th Avenue.

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, as all parcels will continue to have direct access to East 84th Avenue. Additionally, Seventh Avenue has never actually been utilized for access to any parcels.

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 right-of-way.

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

A separate plat (S-698-18-24) is currently under review to include the vacated right-of-way with larger/more usable parcels.

CONSIDERATIONS FOR DISCUSSION

1. The requested vacation of right-of-way is consistent with the Comprehensive Plan and the Irondale Plan.
2. The land proposed for vacation of right-of-way has never been utilized as public right-of-way and the City has no intentions of doing so.

POTENTIAL MOTIONS

1. Approval
 - a. Planning Commission
 - I move that the Planning Commission enter a finding that the requested **Vacation of Right-of-Way** contained in case **V24-0001** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the **Vacation of Right-of-Way**.
 - b. City Council
 - I move that the City Council enter a finding that the requested **Vacation of Right-of-Way** contained in case **V24-0001** meets the criteria of the Land Development Code and based upon such finding, approve the **Vacation of Right-of-Way**.
2. Approval with conditions
 - a. Planning Commission
 - I move that the Planning Commission enter a finding that the requested **Vacation of Right-of-Way** contained in case **V24-0001** meets the criteria of

the Land Development Code and based upon such finding, recommend that the City Council approve the **Vacation of Right-of-Way** with the following conditions:

b. City Council

- I move that the City Council enter a finding that the requested **Vacation of Right-of-Way** contained in case **V24-0001** meets the criteria of the Land Development Code and based upon such finding, approve the **Vacation of Right-of-Way** with the following conditions:

3. Denial

a. Planning Commission

- I move that the Planning Commission enter a finding that the requested **Vacation of Right-of-Way** contained in case **V24-0001** fails to meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the **Vacation of Right-of-Way**.

b. City Council

- I move that the City Council enter a finding that the requested **Vacation of Right-of-Way** contained in case **V24-0001** fails to meet the criteria of the Land Development Code and based upon such finding, deny the **Vacation of Right-of-Way**.

4. Continuance

a. Planning Commission

- I move that the Planning Commission continue the public hearing of the requested **Vacation of Right-of-Way** contained in case **V24-0001** to:
 1. The next regularly scheduled Planning Commission hearing; or
 2. A date certain.

b. City Council

- I move that the City Council continue the public hearing of the requested **Vacation of Right-of-Way** contained in case **V24-0001** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

Zoning Map



Aerial Map



Vacation Plat

SEVENTH AVENUE VACATION PLAT

A PARCEL OF LAND BEING A PORTION OF SEVENTH AVENUE
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
 CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 2 OF 2

