



Agenda Memorandum

Agenda Item – {{section.number}}.C.

City Council Meeting
August 28, 2023



Strategic Priority 3: Shared Sense of Community

Foster equitable opportunities that help residents feel at home and connected in their community and empowered to live their best lives.

Subject: First Reading of Councillor's Bill No. 40 Re: Vacating a Portion of the Shaw Boulevard Right-Of-Way Within the Westminster Second Filing Subdivision

Prepared By: Nathan Enck, Senior Engineer

Recommended City Council Action:

Pass Councillor's Bill No. 40 on first reading, Vacating a Portion of the Shaw Boulevard Right-of-Way within the Westminster Second Filing Subdivision.

Summary Statement:

- City Council is requested to vacate a portion of the Shaw Boulevard Right-of-Way (ROW) within the Westminster Second Filing Subdivision, as shown in Attachment 1: Illustrative Map.
- The vacated land will be used in conjunction with the Master Official Development Plan (MODP) accepted by City Council on December 22, 2021.
- As part of the MODP, the developer is responsible for providing the necessary public infrastructure for future developments.
- The Westminster Second Filing Subdivision (ROW Parcel) currently allows vehicular traffic to by-pass the signalized intersection of Lowell Boulevard and West 84th Avenue.
- Staff finds that no present or future public access needs to exist within the requested vacation area.
- Staff finds that the vacation request will not leave any land adjoining the roadway without an established public road ROW or a public access easement.
- The proposed ROW vacations meet the criteria as set forth in Section 16-6-9(A) of the Westminster Municipal Code (W.M.C.).

Fiscal Impact:

\$0 in expenditures.

Source of Funds:

Not applicable.

Policy Issue(s):

Should City Council approve the vacation of a portion of the Shaw Boulevard ROW within the Westminster Second Filing subdivision?

Alternative(s):

City Council could choose to deny the request and have the City maintain the ROW Parcel. This alternative is not recommended by Staff as the roadway network, required per the MODP, will better support the future community in lieu of the portion of Shaw Boulevard proposed to be vacated.

Background Information:

A MODP was accepted by City Council on December 22, 2021, which anticipated a new street network configuration, eliminating the need for the diagonal portion of Shaw Boulevard between Lowell Boulevard and West 84th Avenue (the ROW Parcel).

The Westminster Second Filing Subdivision naming will be changed to the Uplands Filing One Subdivision with the revised plat, currently under review. The ROW Parcel proposed to be vacated is within the MODP associated with the Uplands Filing One Subdivision, generally located between Federal Boulevard to the east, Lowell Boulevard to the west, West 88th Avenue to the north, and West 84th Avenue to the south, as shown in Attachment 1: Illustrative Map. As part of the MODP, the developer is responsible for providing the necessary public infrastructure for future developments within the overall Planning Area as defined within the MODP. Future site-specific Official Development Plans (ODPs) will provide the necessary public infrastructure for the individual blocks.

The ROW Parcel currently allows vehicular traffic to by-pass the signalized intersection of Lowell Boulevard and West 84th Avenue. This leads to negative feedback from residences along Shaw Boulevard to the west side of Lowell Boulevard concerning speeding and cut-through traffic. In addition, there are currently no public utilities within the ROW Parcel that would require future access to the ROW Parcel, and the proposed ROW vacation meets the criteria as set forth in Section 16-6-9(A), W.M.C. For this reason, Staff recommends vacating the portion of Shaw Boulevard identified in the Councillor's Bill.

During the review of the MODP and the site-specific ODPs, City departments and outside agencies were given an opportunity to provide comment on the proposed vacation of the ROW Parcel and expressed no concerns about the vacation the ROW Parcel.

The developer associated with the MODP currently owns the property on either side of the ROW Parcel.

For a history of the subdivision, the following portions of ROW were vacated by Reception Number 422694 on June 9, 1954:

- West 84th Avenue
- West 85th Avenue
- West 86th Avenue
- West 87th Avenue
- Irving Street
- Julian Street
- Knox Court
- King Street

In addition, the alleys were vacated by Reception Number 20050307000226270 recorded on March 3, 2005. The ROW Parcel has no record of being dedicated as ROW; however, it is currently signed as a City street and was called out as an observed 80-foot ROW with the alley ROW vacation. Additionally, the City has been providing maintenance for over 20 years.

The vacation of the ROW Parcel supports the City's Strategic Plan goals including ensuring that Westminster fosters equitable opportunities that help residents feel at home and connected in their community and empowered to live their best lives.

Respectfully Submitted,

Mark A Freitag

Mark A. Freitag
City Manager

Attachments:

Attachment 1: Illustrative Map

Councillor's Bill No. 40 Re: Vacating A Portion Of The Shaw Boulevard Right-Of-Way Within Westminster 2nd Filing Subdivision

Exhibit A: Legal Description