



WESTMINSTER

COLORADO

CITY COUNCIL MEETING

AUGUST 28, 2023 at 7:00 PM

- C. 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



Agenda Memorandum

Agenda Item – 10.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

BY AUTHORITY

ORDINANCE NO. **4212**

COUNCILLOR'S BILL NO. **40**

SERIES OF 2023

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A PORTION OF THE SHAW BOULEVARD RIGHT-OF-WAY
WITHIN WESTMINSTER 2ND FILING SUBDIVISION

WHEREAS, an Official Development Plan for Uplands Filing No.1 (the “Subdivision”) was accepted by City Council on December 22nd, 2021, which anticipates a new street network configuration that would eliminate the need for the diagonal portion of Shaw Blvd. between Lowell Blvd. and 84th Ave. (the “ROW Parcel”), all as identified in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, due to the accepted ODP, the City no longer requires the ROW Parcel; and

WHEREAS, an alternate right-of-way configuration to serve the Subdivision will be dedicated via Plat once the ROW Parcel is vacated; and

WHEREAS, the City Council finds that all requirements for roadway vacation contained in the Westminster Municipal Code and applicable state statutes have been met.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The ROW Parcel, as described in Exhibit A, is hereby vacated.

Section 2. In accordance with State law and the Westminster Municipal Code, the vacated ROW Parcel is hereby transferred to the owner of Lot 41.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 28th day of August, 2023.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED
PUBLISHED this 11th day of September, 2023.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

**EXHIBIT A
LEGAL DESCRIPTION**

THAT CERTAIN PORTION OF SHAW BOULEVARD AND W. 84TH AVENUE LYING WITHIN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 29;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, NORTH 00°42'29" WEST, A DISTANCE OF 593.25 FEET;

THENCE DEPARTING SAID WEST LINE, NORTH 89°17'31" EAST, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF LOWELL BOULEVARD (60.00 FEET WIDE) AND THE SOUTHWEST RIGHT-OF-WAY OF SAID SHAW BOULEVARD (80.00 FEET WIDE), SAID EAST RIGHT-OF-WAY BEING A LINE PARALLEL WITH AND DISTANT 30.00 FEET EAST OF SAID WEST LINE, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID EAST RIGHT-OF-WAY, NORTH 00°42'29" WEST, A DISTANCE OF 96.53 FEET TO THE INTERSECTION WITH THE NORTHEAST RIGHT-OF-WAY OF SAID SHAW BOULEVARD;

THENCE ALONG SAID NORTHEAST RIGHT-OF-WAY, SOUTH 56°40'41" EAST, A DISTANCE OF 1162.82 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF WEST 84TH AVENUE (100.00 FEET WIDE), SAID NORTH RIGHT-OF-WAY BEING A LINE PARALLEL WITH AND DISTANT 50.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER;

THENCE ALONG SAID NORTH RIGHT-OF-WAY, NORTH 89°55'28" EAST, A DISTANCE OF 1,176.03 FEET;

THENCE DEPARTING SAID NORTH RIGHT-OF-WAY, SOUTH 87°07'32" WEST, A DISTANCE OF 225.27 FEET TO A LINE PARALLEL WITH AND DISTANT 39.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER;

THENCE ALONG SAID LAST DESCRIBED PARALLEL LINE, SOUTH 89°55'28" WEST, A DISTANCE OF 1,887.76 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 10.00 FEET, THE NORTHERLY TERMINUS OF SAID CURVE BEING TANGENT WITH A LINE PARALLEL WITH AND DISTANT 47.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°22'03", AN ARC LENGTH OF 15.60 FEET TO SAID POINT OF TANGENCY;

THENCE ALONG SAID LAST DESCRIBED PARALLEL LINE, NORTH 00°42'29" WEST, A DISTANCE OF 1.11 FEET TO SAID NORTH RIGHT-OF-WAY OF WEST 84TH AVENUE;

THENCE ALONG SAID NORTH RIGHT-OF-WAY, NORTH 89°55'28" EAST, A DISTANCE OF 801.41 FEET TO THE INTERSECTION WITH SAID SOUTHWEST RIGHT-OF-WAY OF SHAW BOULEVARD;

THENCE ALONG SAID SOUTHWEST RIGHT-OF-WAY, NORTH 56°40'41" WEST, A DISTANCE OF 987.47 FEET TO THE **POINT OF BEGINNING**.

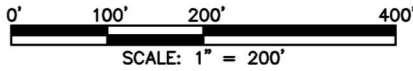
CONTAINING AN AREA OF 108,101 SQUARE FEET OR 2.482 ACRES, MORE OR LESS

ILLUSTRATION ATTACHED AND MADE A PART HEREOF.

DANIEL E. DAVIS, PLS 38256
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122



ILLUSTRATION TO EXHIBIT A



NW 1/4 SEC. 29,
T.2S., R.68W., SIXTH P.M.

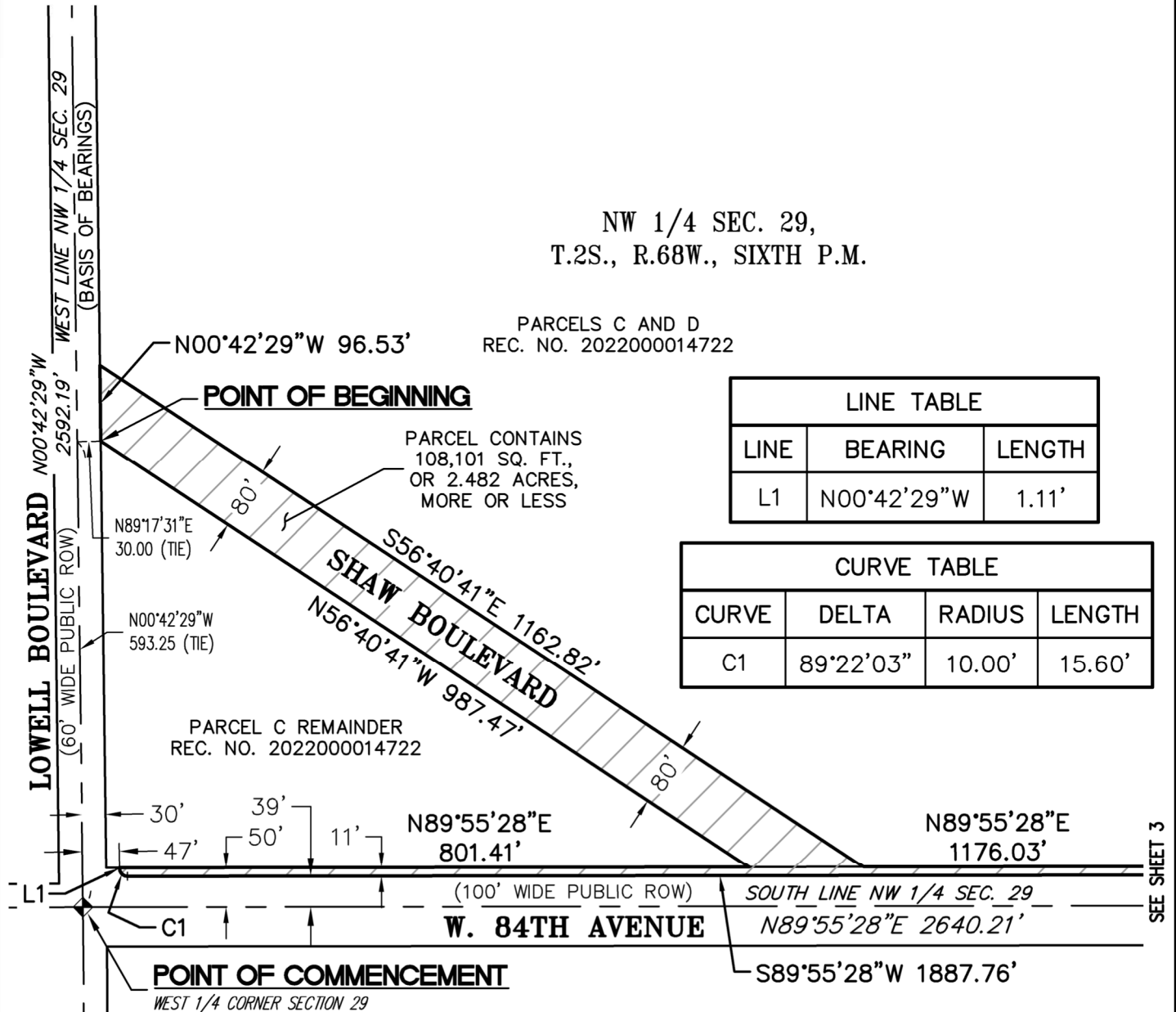
PARCELS C AND D
REC. NO. 2022000014722

LINE TABLE

LINE	BEARING	LENGTH
L1	N00°42'29"W	1.11'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	89°22'03"	10.00'	15.60'



NOTE: THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: Q:\178722-01-Uplands\DWG\EXHIBITS
DWG NAME: SHAW BLVD VAC EX.DWG
DWG: RDS CHK: DED
DATE: 01/27/2023
SCALE: 1" = 200'



AZTEC
CONSULTANTS, INC.

300 East Mineral Ave,
Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898
Fax: (303)713-1897
www.aztecconsultants.com

RIGHT-OF-WAY VACATION
CITY OF WESTMINSTER
ADAMS COUNTY, COLORADO

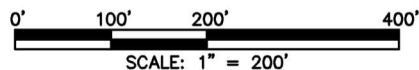
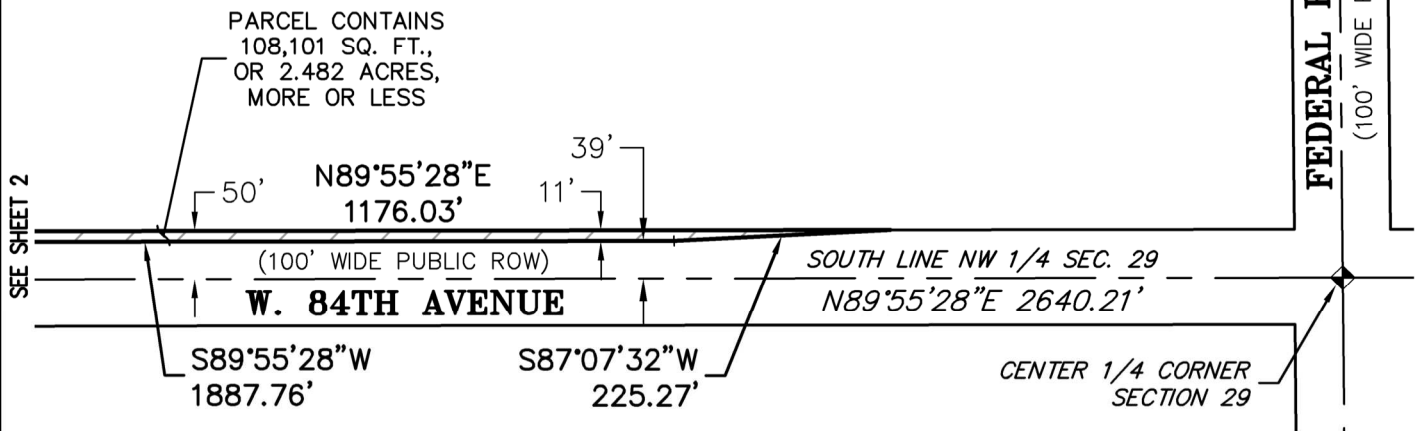
JOB NUMBER 178722-01

2 OF 3 SHEETS

ILLUSTRATION TO EXHIBIT A

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JOB NUMBER 178722-01

3 OF 3 SHEETS

**EXHIBIT A
LEGAL DESCRIPTION**

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COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 29;

THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, SOUTH 88°58'07" EAST, A DISTANCE OF 659.74 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 01°01'53" EAST, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID W. 88TH AVENUE (VARIABLE WIDTH) AND THE **POINT OF BEGINNING**, SAID SOUTH RIGHT-OF-WAY BEING A LINE PARALLEL WITH AND DISTANT 30.00 FEET SOUTH OF SAID NORTH LINE OF THE NORTHWEST QUARTER;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY, SOUTH 88°58'07" WEST, A DISTANCE OF 629.26 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 8.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85°38'05", AN ARC LENGTH OF 11.96 FEET;

THENCE TANGENT TO SAID CURVE, NORTH 89°38'30" EAST, A DISTANCE OF 621.24 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 2,312 SQUARE FEET OR 0.053 ACRES, MORE OR LESS

ILLUSTRATION ATTACHED AND MADE A PART HEREOF.

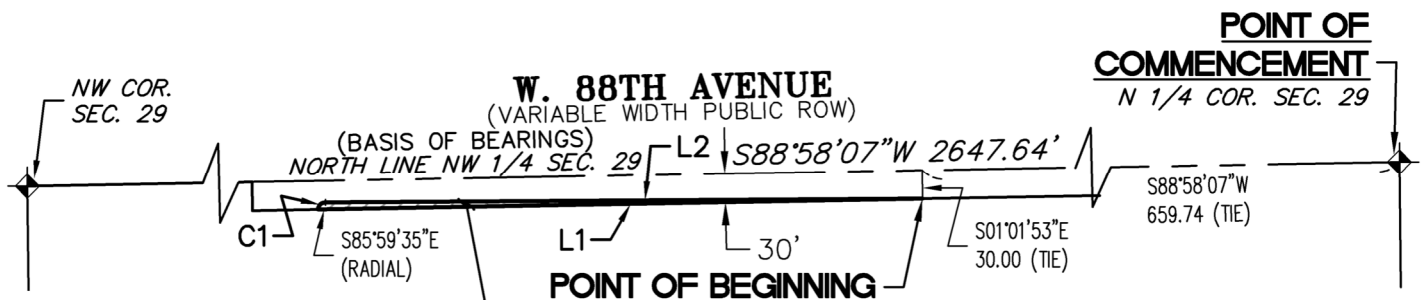


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ILLUSTRATION TO EXHIBIT A

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°58'07"W	629.26'
L2	N89°38'30"E	621.24'

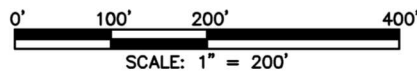
CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	85°38'05"	8.00'	11.96'



PARCEL CONTAINS
2,312 SQ. FT.
OR 0.053 ACRES
MORE OR LESS

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T.2S., R.68W., SIXTH P.M.

PARCELS C AND D
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2 OF 2 SHEETS