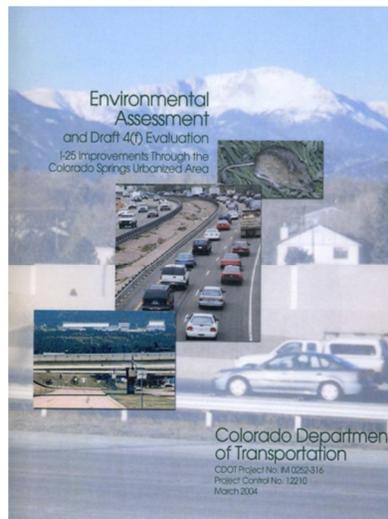




RE-EVALUATION, Mileposts 149 to 161

Interstate 25 Improvements through the Colorado Springs Area Environmental Assessment



RIGHT-OF-WAY TECHNICAL MEMO

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CDOT Region 2

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Introduction

The Colorado Department of Transportation (CDOT) has prepared this technical memorandum to update the right-of-way (ROW) findings described in the original 2004 I-25 Environmental Assessment (EA) with regard to the portion of the Proposed Action between Woodmen Road (Exit 149) in Colorado Springs and State Highway 105 in Monument (Exit 161). The purpose of the EA's Proposed Action is to relieve existing traffic congestion and address projected future congestion on I-25 within the Colorado Springs Urbanized Area.

The I-25 EA originally evaluated impacts for the widening of I-25 between South Academy Boulevard (Exit 135) and SH 105, together with reconstruction of various I-25 interchanges within this corridor. Page 2-10 of the EA stated that, "Consistent with projected traffic demand in the I-25 corridor, the conceptual phasing for the Proposed Action calls for:

- (1) initially six-laning through central Colorado Springs, then
- (2) six-laning in northern El Paso County, and finally
- (3) adding HOV [High-Occupancy Vehicle] lanes through central Colorado Springs and widening to six lanes south to South Academy Boulevard."

The first of these conceptual phases was undertaken in central Colorado Springs, completed in 2007. The so-called COSMIX project resulted in 12 miles of six-lane freeway, between South Circle Drive (Exit 138) and North Academy Boulevard (Exit 150). It included major reconstruction at several interchanges, notably not including the Cimarron interchange (Exit 141) or the Fillmore Street interchange (Exit 145). Additional funding will be needed to complete Phase 1.

For the year 2012, CDOT has received funding to begin the second phase, meaning to widen I-25 to six lanes in northern El Paso County, within the area shown in Figure 1. The EA calls for eventually widening I-25 all the way to SH105. Total funding for this project is yet to be determined. Currently enough is available to widen I-25 from Woodmen Rd to Interquest (Exit 153). Nevertheless, to be prepared for possible additional funding being available to complete the widening to SH 105 with this project or available in the near future, CDOT's current EA re-evaluation effort is covering all Phase 2

FIGURE 1. I-25 EA Re-evaluation Project Vicinity



improvements. Therefore, the study area for this re-evaluation extends northward all the way to Monument.

The I-25 EA included a new connection with Powers Boulevard (now State Highway 21), following SH 21 eastward to just past the Powers Boulevard/Voyager Boulevard interchange. The design and analysis of this connection in the I-25 EA superseded what was proposed earlier in the North Powers Boulevard EA that was approved in 1999. The current EA re-evaluation also includes this portion of Powers Boulevard from I-25 to just east of Voyager Parkway.

Summary of the 2004 EA Right-of-Way Resources, Impact, and Mitigation

The 2004 EA indicated that implementing the 26-mile I-25 Proposed Action would require acquisition of 46 acres of additional right-of-way (ROW) from private property owners and 53.6 acres of additional U.S. Air Force Academy (USAFA) easement. All of the additional USAFA easement and a portion of the corridor-wide ROW needs are located within the re-evaluation area from Woodmen Road north to SH105. As of 2012, some of the ROW has been acquired (at Baptist Road), but the USAFA easement has not yet been modified.

The EA stated that existing I-25 ROW was adequate for the proposed mainline widening, but not for areas involving new or reconstructed interchange ramps (e.g., Baptist Road, Northgate Boulevard, and connections to the planned North Powers Boulevard) and the proposed new Ackerman Overlook.

Baptist Road Interchange ROW

The EA reported that 12.72 acres of ROW acquisition would be necessary for reconstruction of the Baptist Road interchange, including 11.13 acres of commercially zoned land and 1.58 acres that was zoned residential. This ROW was acquired and the project was completed at the end of 2008 with funding from the Baptist Road Rural Transportation Authority. This project required partial acquisitions from six residential lots, two vacant lots, and two commercial properties, but did not require relocation of any households or businesses.

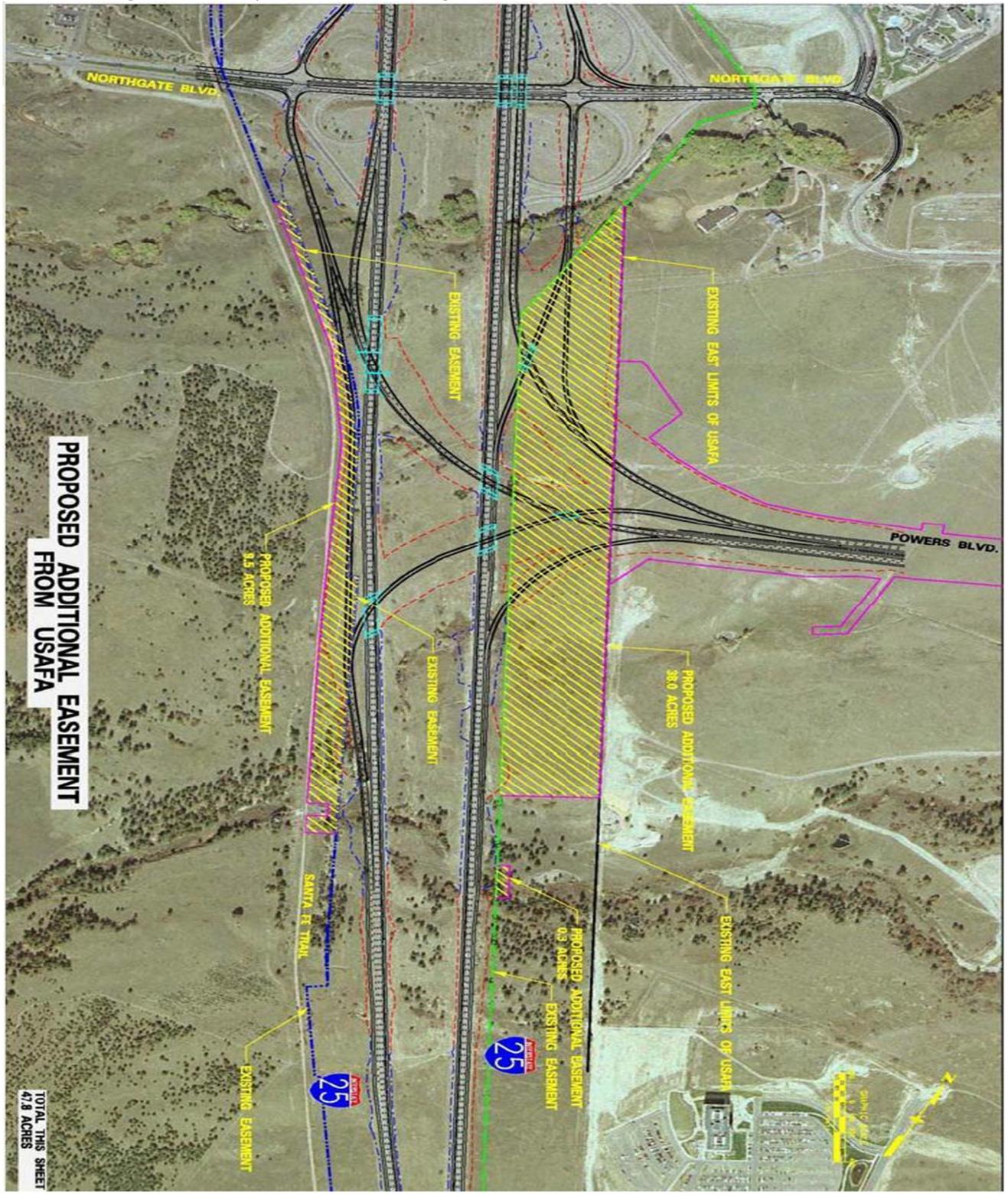
North Gate Interchange ROW

The 2004 EA identified the need for an additional 0.53 acres of right-of-way from the Western Museum of Mining and Industry (a private museum) and a residential subdivision would be required for the North Gate/Powers interchange reconstruction. No residential or business acquisitions would be needed for the North Gate/Powers interchange reconstruction.

North Gate/ North Powers Easement Modification

In 2002, a design charette with the USAFA, FHWA, and CDOT was conducted and an interchange concept design selected that would minimize the visual impacts from the reconstructed North Gate interchange. This interchange would require an estimated 48.4 acres of additional easement from USAFA, taken mostly from the eastern side of I-25. Most of this needed easement modification is shown in Figure 2a and 2b, which were presented in Appendix 6 of the 2004 EA (Historic Resources Survey Report, Vol. II, Effects and Mitigation, pages 19 and 21).

FIGURE 2a. Additional USAFA Easement Needed for I-25/North Gate/Powers Boulevard Interchange
(Note: See Figure 2b for impacts north of Northgate Blvd.)

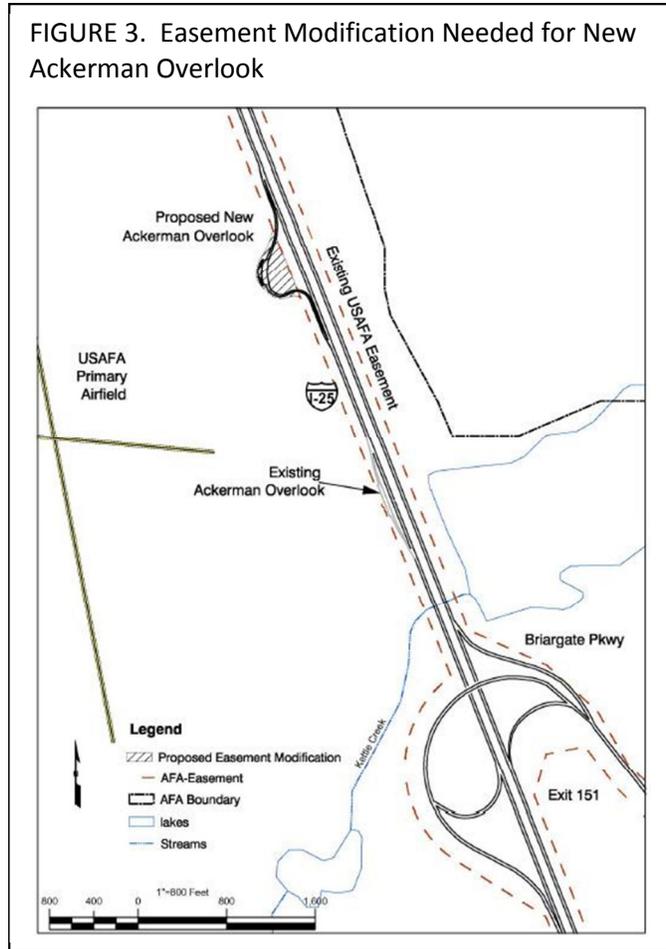


North Powers Boulevard, I-25 to Voyager Parkway ROW

The 2004 EA included redesign of North Powers Boulevard from I-25 to Voyager Parkway to accommodate the revised, context-sensitive North Powers ramps determined in a 2002 design charette with USAFA. A figure entitled "Right of Way & Relocation Impact Areas" in the I-25 EA Appendix 2, Right-of-Way Impacts Technical Memorandum, roughly depicted the ROW needed for this roadway segment, but did not attribute the private property outside of the USAFA easement as I-25 ROW impacts because this land was already included in the 1999 North Powers Boulevard EA total ROW impact of 340 acres.

New Ackerman Overlook Easement Modification

The proposed new overlook to replace the existing Ackerman Overlook (on the west side of I-25, north of Briargate Parkway) would require an estimated 5.2 acres of USAFA easement. Figure 3 depicts the general location and configuration of the proposed new overlook. This figure is derived from page 3-142 of the EA.



Changes to the Project that Would Affect the Resource Differently

CDOT has not proposed to change the project in any way that would affect ROW differently from what was described in the EA. Since the EA was approved in 2004, the needed ROW for the Baptist Road interchange was acquired and that interchange reconstruction was completed.

Currently, the proposed I-25 improvements remain at the Conceptual Design stage. CDOT is likely to select a design-build contractor to construct the project. The design-build process typically offers opportunities to further reduce anticipated impacts, but such opportunities are more limited for ROW because ROW clearance is a lengthy process that occurs early in the process of project implementation. Nevertheless, CDOT will continue to consider opportunities to reduce the amount of ROW and USAFA easement to the extent practicable.

Changes in Resources, Analysis Data, Analysis Methods or Applicable Regulations

In an interagency coordination meeting in December 2010, USAFA staff informed CDOT that the Department of Defense now requires fair market value compensation for any additional easement granted. Thus USAFA will not be able to provide the needed additional easement for free. This will increase the overall right-of-way cost for the I-25 Proposed Action. CDOT and USAFA are currently negotiating the necessary transactions.

As noted above, ROW needed for North Powers Boulevard from the USAFA easement boundary to Voyager Parkway was originally included in the overall ROW acreage reported in the North Powers EA. Since the 2004 I-25 EA was approved, the land area involved has undergone ownership changes and there have been ongoing discussions with property owners, resulting in slight modifications to the amount of ROW needed. Under the latest agreements, it appears that CDOT will be purchasing approximately 11.1 acres from the property owner. An additional 37.8 acres will be donated, yielding a total of 48.9 acres of right-of-way being acquired. Figure 4, on the following page, depicts the ROW parcels, both donated and purchased, needed to accommodate this segment of North Powers Boulevard. In addition to permanent ROW being acquired, the Figure depicts two parcels of temporary easement (labeled TE) for contractor activity during project construction.

It is likely that the I-25 to Voyager connection of North Powers Boulevard will be privately funded, after the right-of-way is cleared and some initial grading is completed by CDOT. For the purposes of this re-evaluation, CDOT has determined that these ROW impacts should be attributed to the I-25 Proposed Action.

The 48.9 ROW acres discussed above consist of vacant, undeveloped land. No businesses or residences are affected. None of this grassland is considered habitat for the Preble's Meadow Jumping Mouse under the Designated Critical Habitat notice that was issued by the U.S. Fish and Wildlife Service in December 2010. All impacts associated with including this land as part of the Proposed Action have been adequately addressed in the 2004 I-25 EA and/or the 1999 EA for North Powers Boulevard.

Changes in Proposed Mitigation

No change to the mitigation proposed in the 2004 EA is anticipated. As per the 2004 EA, all property acquisitions will occur in compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended. CDOT will coordinate with the USAFA to complete the needed easement modifications, negotiating financial compensation as necessary.

Conclusion

The amount and location of right-of-way needed for the I-25 Proposed Action has not changed, but some acreage previously attributed to North Powers Boulevard will instead be counted as an impact of the I-25 Proposed Action. This has become feasible to do now that more refined impact data have been developed in consultation with affected property owners. Project ROW costs will now include compensation for USAFA easement modifications. With these minor revisions to the 2004 EA description of ROW impacts, CDOT concludes that the findings of the EA and FONSI for the I-25 Proposed Action remain valid.

TABLE 1. Right-of-Way Impacts Summary for the EA Re-evaluation Area

	As Reported in the 2004 EA	EA Re-Evaluation/Current Needs
Needed ROW	13.25 acres ROW plus 56.3 acres of USAFA easement	49.43 acres (now includes North Powers connection east of I-25, but not Baptist Rd interchange); plus 56.3 USAFA.
ROW Ownership	Private, USAFA	Unchanged.
How will ROW be Acquired	USAFA easement to be donated; private property to be purchased for fair market value (FMV).	USAFA easement and some private property to be purchased at FMV. Some North Powers ROW to be donated.

FIGURE 2. Summary of Previously and Currently Identified ROW Impacts and Mitigation

EA 2004 – No-Action Alternative	EA 2004 – Impacts of Proposed Action	EA 2004 - Mitigation	2012 – What Has Changed	Re-evaluation 2012 – No Action	Re-evaluation 2012 – Impacts of Proposed Action	Re-evaluation 2012 – Mitigation
<p>No right-of-way would be required and no business or residential properties would be acquired.</p>	<p>The entire 26-mile Proposed Action (including portions that have now been constructed) would require the purchase of approximately 46 acres of land for right-of-way. Five houses and 11 commercial properties would be acquired, requiring relocation of five households and 16 businesses. Also, partial acquisitions from approximately 40 properties would be needed.</p> <p>The existing 658-acre USAFA easement needs to be expanded to include 48.4 more acres for North Gate/ Powers, and 5.2 acres for the new Ackerman Overlook. The total of these two impacts is 53.6 acres.</p>	<p>All property acquisitions will occur in compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended. Business relocations will be planned with as much lead time as possible to keep business downtime to a minimum.</p> <p>Through a design charette process and ongoing coordination with USAFA, the need for use of USAFA land has been minimized.</p> <p>Close coordination with USAFA will continue throughout project design and construction</p>	<p>ROW needed for the Baptist Road interchange was acquired and that project was completed around the end of 2008.</p> <p>USAFA now requires fair market value compensation for any additional easement.</p> <p>A portion of the private property needed for the North Gate/ North Powers interchange ROW will be donated for roadway purposes per annexation agreements. Beyond the property that will be donated, an additional 11.1 acres of private property is needed to accommodate the Proposed Action. CDOT is currently in the process of acquiring this property.</p>	<p>No right-of-way would be required and no business or residential properties would be acquired.</p>	<p>Consistent with the 2004 EA, North Gate/ Powers Interchange construction will require 0.53 acre of ROW from a planned residential subdivision and a privately owned mining museum. No residential or business acquisitions are required.</p> <p>USAFA easement needs are unchanged from the 2004 EA. The easement through the USAFA will need to be modified to include 48.4 additional acres for the North Gate/Powers Boulevard interchange and 5.2 acres for the relocation of the Ackerman Overlook.</p> <p>48.9 acres of ROW needed for connecting Powers Blvd from I-25 to Voyager Pkwy were previously identified as impacts in the North Powers EA (1999) and now are being included as I-25 impacts for purposes of this re-evaluation.</p>	<p>As per the 2004 EA, all property acquisitions will occur in compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended.</p> <p>CDOT will coordinate with the USAFA to complete the needed easement modifications. CDOT and USAFA will negotiate the fair market value now required as compensation for this easement.</p>