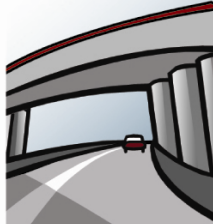


US 6/Wadsworth



Environmental
Assessment

Right of Way Report

CDOT Project STU #0062-019 (15215)
CH2M HILL Project No. 358660

December 2008

CH2MHILL





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Acronyms and Abbreviations

CDOT	Colorado Department of Transportation
CFR	Code of Federal Regulations
DRCOG	Denver Regional Council of Governments
EA	Environmental Assessment
EIS	Environmental Impact Statement
FHWA	Federal Highway Administration
NEPA	National Environmental Policy Act
RTD	Regional Transportation District
SPUI	Single-Point Urban Interchange
T-REX	Transportation Expansion Project



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1.0 Introduction

The purpose of the US 6 and Wadsworth Boulevard project is to improve traffic flow and safety, accommodate high traffic volumes, and increase multi-modal travel options and connections at the US 6 and Wadsworth Boulevard interchange and along Wadsworth Boulevard between 4th Avenue and 14th Avenue. The project area includes US 6 (also designated as 6th Avenue) and Wadsworth Boulevard (also designated as State Highway 121). The east-west limits along US 6 are from the eastern interchange ramps with Wadsworth Boulevard west to Garrison Street. On Wadsworth Boulevard, the project limits are 4th Avenue to 14th Avenue.

The existing design and configuration of the interchange and roadway within the project limits have not kept pace with traffic and multi-modal travel demands. Improvements are needed to improve safety for motorists, pedestrians, and bicyclists; correct design deficiencies that contribute to safety concerns and operational inefficiencies; increase infrastructure capacity to meet current and future traffic volumes; and support multi-modal connections.

To address these needs, CDOT proposes to reconstruct the existing cloverleaf interchange and replace it with a tight diamond interchange with a loop ramp in the northwest quadrant. The loop provides the greatest capacity for the highest volume traffic movement: westbound to southbound in the evening rush hour. The new interchange would lengthen acceleration and deceleration lanes, improve intersection spacing, and remove weaving conflicts. To mitigate high traffic noise that exceeds FHWA's noise abatement criteria, existing noise walls on the east side of Wadsworth near the interchange would be reconstructed where needed, and new noise walls would be constructed between US 6 and the US 6 frontage road west of Wadsworth to commercial developments at Garrison Street. The existing US 6 bridge over Wadsworth would be replaced, and its profile would be raised to accommodate a longer span across Wadsworth.

CDOT also proposes to widen Wadsworth Boulevard between 4th and 14th Avenues to provide an additional travel lane in each direction and detached sidewalks along both sides of the road; the additional travel lanes and sidewalks would complement improvements north and south of the project area. In addition, access along Wadsworth would be controlled with a raised median.

The frontage roads on the north side of US 6 within the project area would be reconfigured to address neighborhood access and traffic management. Accesses would be shifted, and portions of the existing one-way roads would be changed to two-way operations to improve



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access and reduce neighborhood cut-through traffic. Changes in frontage road operations were developed in consultation with residents of the adjacent neighborhoods.

To implement these proposed changes, CDOT will need to acquire additional right-of-way (ROW) within the project area. In determining the ROW requirements, CDOT has balanced a goal to minimize private property acquisitions with a desire to conservatively estimate ROW requirements for the purposes of the Environmental Assessment (EA) so that the EA identifies the maximum area that would likely be affected.

This memorandum summarizes the ROW requirements for the US 6 and Wadsworth project, compiles the ROW documentation produced during the design phase of the EA, supports the final ROW impact determination used in the study, and documents how the ROW cost estimate was developed. The appendices to this memorandum include technical memoranda prepared during the ROW assessment process (Appendix A), meeting minutes from ROW meetings (Appendix B), and preliminary ROW cost estimates used during the alternatives screening and selection process, including an estimate for the Recommended Alternative (Appendix C), detailed information packets for each of the affected parcels in the project area (Appendix D). Section 1.6, below, describes the contents of the appendices in more detail.



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2.0 Existing ROW

Existing ROW widths in the study area vary from approximately 80 to 95 feet, as shown in Exhibit 1. The average width of the US 6 ROW at the Wadsworth Boulevard interchange is 780 feet. The widths, which were collected from CDOT ROW plans, include the paved surface and CDOT-owned land beyond the pavement of US 6 and Wadsworth Boulevard.

EXHIBIT 1

Wadsworth Boulevard Existing ROW Width (north to south)

Segment	Average Width
Colfax Avenue to 10th Avenue	80 feet
10th Avenue south quadrants	90 feet
Below 10th Avenue to north quadrants of 8th Avenue	80 feet
8th Avenue Southern Quadrants to 7th Avenue	95 feet
5th Avenue to 2nd Avenue	85 feet

Source: CDOT ROW Plans

Further efforts were made to identify privately-owned property and CDOT right of way. Jefferson County provided a GIS layer of parcel boundaries, which was overlaid onto an aerial photograph. However, the GIS parcel layer did not align accurately with the aerial, requiring land surveyors to review the legal descriptions of the parcels in order to correctly assess property boundaries, and an updated layer was created from that survey.



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3.0 ROW Acquisition

3.1 Summary of ROW Requirements

To implement the proposed action, CDOT will need to acquire approximately 31 acres of ROW from 114 properties, affecting 96 property owners. Some owners have multiple properties within the project area, which is the reason that the number of acquired parcels is greater than the number of affected owners. The majority of properties affected are privately owned residences and businesses. Some vacant and public lands also are affected. Most properties affected involve partial acquisitions that would not change the land use or zoning of the property. Of the 114 properties affected, 37 have been identified as total acquisitions. Total and partial acquisitions would result in the displacement and relocation of 14 residences and 28 businesses; the number of acquisitions and relocations are not identical because in some cases, multiple businesses operate on a single property and require relocation. Exhibit 2 summarizes the acquisitions and relocations that would occur from construction of the proposed action.

EXHIBIT 2
Estimated Property Acquisitions by Land use Category

Type	Land Use Category		
	Residential	Commercial	Public
Total Acquisitions	17 (6.7 acres)	18 (7.4 acres)	2 (0.6 acre)
Partial Acquisitions	28 (2.2 acres)	47 (10.6 acres)	2 (0.7 acre)
Permanent Easements	2.1 acres	0.6 acres	0.2 acres
Ownerships (# all types)	39	54	3
Displacements	14	28	None

Source: CH2M HILL.



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3.2 Cost Estimates for ROW

Parcels needed for the proposed action have been identified as either a total or partial acquisition. Properties are typically identified as total acquisitions when the proposed construction limits would directly impact the principal building on the property, such as a home or business. Properties are also identified as total acquisitions if the existing use or operations would be altered so greatly that the property would become economically or logistically unviable, such as through the removal of access or parking. Properties are typically identified as partial acquisitions when only a portion of a property would be affected by proposed construction but the remaining portion of the parcel could still function in the same capacity as before the acquisition.

Business or residential displacements are identified when a business or residence is located on a property that would be totally acquired, or when a building housing a business or residence would be directly impacted by the proposed action.

A cost estimate for acquisition and relocation was prepared for each of the impacted properties and is provided in Appendix C.

3.3 ROW Acquisition Process

3.3.1 Early Communications with Property Owners

CDOT is committed to maintaining open communication with property owners and stakeholders affected by the proposed project. The project team has held four public meetings about the study, conducted surveys of business owners, and attended more than 20 meetings with neighborhood and business groups since summer of 2007. Team members have contacted all owners of potentially affected properties and businesses and have met with many of these owners to explain the proposed action and understand its effect on owners' properties.

Property owners were first notified of the study in July 2007, when CDOT mailed an invitation to the August 2007 scoping meeting to the project mailing list. The mailing list initially included all property owners within two blocks of Wadsworth Boulevard. In 2008, as design of interchange alternatives progressed, the project team found that the proposed action would extend farther east and west than originally thought, and the mailing list was expanded to include property owners along US 6 farther east and west of the interchange.

In June 2008, CDOT mailed a letter and project atlas to all owners of potentially affected properties, inviting them to meet with CDOT in person or by phone to discuss potential impacts to their properties. CDOT mailed letters to approximately 100 property owners, and talked with more than 40 of these owners in subsequent meetings or conversations. Of those



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owners who did not contact CDOT as a result of the June 2008 mailing, approximately 20 had attended a previous public meeting and were thus already aware of the project.

Conversations with property owners focused on direct property impacts, changes to property access, impacts that would cause the property to no longer conform to the zoning code, and estimated timing of property acquisition. The project team recognizes that uncertainty regarding the timing of right-of-way acquisition and construction of a proposed project is difficult for owners of potentially affected properties or businesses. CDOT continues to respond to owners and stakeholders who contact the project team with questions or comments, with the intent of maintaining open lines of communication and providing as much information as is known at the time.

3.3.2 Right of Way Acquisition

Final right of way impacts will be determined during final design and the right of way negotiation process. The acquisition of any property interests will comply with state and federal requirements, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. When determining whether to totally or partially acquire a property, the law requires that CDOT offer to purchase any remainder parcel if the remainder would have little value or utility to the owner. Property owners may, at their discretion, choose to maintain ownership of an uneconomic remnant parcel; CDOT does not require property owners to sell remnant parcels if the property owner does not wish to do so. When CDOT does acquire an entire parcel but only uses a portion of that parcel for transportation improvements, CDOT disposes of the remainder property according to policy set forth in the CDOT Right of Way Manual.

In certain situations, it may be necessary to acquire improvements that are located within a proposed acquisition parcel. In those instances, where the improvements are occupied, it becomes necessary to “relocate” those individuals from the acquired property (residence or business) to a replacement site. The Fifth Amendment of the U.S. Constitution provides that private property may not be acquired for a public use without payment of “just compensation.”

All impacted owners will be provided notification of CDOT’s intent to acquire an interest in their property, including a written offer letter of just compensation specifically describing those property interests. Any person scheduled to be displaced shall be furnished with a general written description of CDOT’s relocation program that provides information related to eligibility requirements, advisory services and assistance, payments, and the appeal process. CDOT will also provide notification that the displaced person(s) will not be required to move without at least 90 days advance written notice. For residential relocatees, this notice cannot be provided until a written offer to acquire the subject property has been presented, and at least one comparable replacement dwelling has been made available.



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3.4 Other Property Impacts

Changes in property access, and changes that create properties that no longer conform to the zoning code, can affect the operations of a property and are therefore matters of concern to property owners. Access changes and zoning non-conformance require processes and approvals separate from the ROW acquisition process. Access changes are governed by CDOT access policy and must be planned and approved by the CDOT access manager and agreed to by Lakewood. Zoning non-conformance is a local planning matter and must be approved by Lakewood.

In some cases changes to access or zoning non-conformance, such as the removal of access or parking, can result in a property that no longer functions appropriately for its intended use, and the property must then be totally acquired. Therefore, access and zoning non-conformance, while not ROW issues per se, affect ROW acquisition decisions. Proposed changes to access are discussed for each parcel in Appendix A, and minutes of meetings with Lakewood to discuss non-conforming properties are in Appendix B. The *US 6 and Wadsworth Traffic Study Report* (CH2M HILL, 2009) includes additional details about access, including an access management plan.



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4.0 Summary of Appendix Information

Four appendices containing data supporting ROW decisions are included in this report.

Appendix A contains two ROW technical memorandums. The CH2M HILL Technical Memo documents the ROW impact determination process used during the Level 2 evaluation of alternatives. The HC Peck Technical Memo provides background information on ROW impacts resulting from the proposed action.

Appendix B includes meeting minutes of three meetings affecting ROW decisions. Two meetings focused on estimated ROW acquisition requirements and were attended by Lakewood, CDOT, CH2M HILL, and HC Peck. At these meetings, CH2M HILL reviewed the estimated ROW impacts and validated the approach to determining impacts with Lakewood and CDOT ROW staff. The third set of meeting minutes pertain to discussions with Lakewood about each of the non-conforming properties that could result from the proposed action. At this meeting, CH2M HILL identified the properties for which a non-conformance could occur, and Lakewood provided input to whether the non-conformance would be allowed.

Appendix C contains ROW cost estimate information for the proposed action, and early ROW cost estimates developed for each of the alternatives evaluated during the Level 1 Conceptual Alternative phase and the Level 2 Screened Alternative phase. The early ROW costs were estimated by the design team after coordination with CDOT-R6 ROW, Lakewood, RTD, and HC Peck to determine an approach and reasonable planning level unit costs. The ROW costs developed for the proposed action are based on HC Peck's ROW impact analysis, which occurred after design refinements to the proposed action.

Appendix D is divided into information packets for each of the 114 impacted parcels. Each packet includes a short technical memo discussing the property, a plot of the entire property showing the proposed roadway improvements, a print out of the county assessor information from the Jefferson County web site, and property descriptions. The property descriptions are in a variety of forms such as metes and bounds descriptions, original deeds, or plats. This information was supplied by HC Peck. In addition, miscellaneous information collected for some parcels, such as street view photographs, is included.



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