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4.5 RIGHT-OF-WAY

INTRODUCTION

This section discusses right-of-way requirements and displacements of residences and/or businesses that would potentially occur with each of the build alternatives. These right-of-way requirements and displacements are preliminary and are subject to revision during development of the Recommended Alternative, final design, and right-of-way acquisition. Public concerns expressed through the public involvement process regarding right-of-way include the extent of proposed acquisitions and displacements. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 would be used to address these concerns if federal or state funds were acquired to construct any of the build alternatives.

Existing right-of-way information for the study area was collected from the Jefferson County Assessor's records and CDOT. Existing, publicly owned right-of-way width for roadways within the study area is described below.

4.5.1 AFFECTED ENVIRONMENT

The study area extends from the vicinity of the Northwest Parkway and US 36 in Broomfield County to the north, to the vicinity of US 6 and C-470 in Jefferson County to the south. The study area also extends from west of SH 93 to east of Wadsworth Boulevard.

All of the build alternatives begin at the terminus of the Northwest Parkway near US 36 on the north and end at US 6/C-470 on the south. One of the build alternatives contains an additional alignment on Indiana Street/McIntyre Street from north of SH 72 to south of SH 58.

Major regional and neighborhood retail areas are common at the intersections of major streets. Pockets of rural enclaves with agricultural and equestrian uses are present. Large-lot (one-acre) estate development is common in newer developments. All land use patterns are influenced by transportation systems, topography, open space, and current patterns of development (see **Section 4.1**).

The existing public right-of-way for roadways in the study area was established and reviewed (see **Table 4.5-1**). Such right-of-way is owned by CDOT, Boulder and Jefferson Counties, Northwest Parkway Public Highway Authority, and the Cities of Arvada, Broomfield, Golden, Louisville, and Westminster.



Table 4.5-1 Publicly Owned Right-of-Way

| Existing Roadway | Impacted Area | Average Width of Publicly Owned Right-of-Way | Adjacent Land Use |
|------------------------------------|------------------------------------|--|--|
| Interlocken Loop | Northwest Parkway to SH 128 | 200 feet | Mixed-use commercial, retail, office, hotel, and multifamily residential. The predominant developments in the area are the Flatiron Crossing shopping mall and the Omni/Interlocken Hotel and Conference Resort. |
| SH 128 | Interlocken Loop to Indiana Street | 100 feet | Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport), the Omni/Interlocken Hotel and Conference Resort, the Rock Creek residential development, and offices. |
| Indiana Street | SH 128 to SH 72 | 60 feet | Rocky Flats National Wildlife Refuge, residential, large blocks of undeveloped land, and open space parcels. |
| SH 72 | Indiana Street to SH 93 | 50 feet | Undeveloped land on the north side of SH 72 with a mixture of industrial uses and the Denver and Rio Grande Western Railroad right-of-way on the south side of SH 72. |
| SH 93 | SH 72 to SH 58 | 200 feet | Undeveloped land and open space parcels on the north near SH 72, changing to residential subdivisions, mixed use commercial, retail and shopping centers in the south near SH 58. |
| US 6 | SH 58 to US 6/US 40 | 250 feet | Single- and multifamily residential, mobile home parks, Fossil Trace Golf Club, Jefferson County Government Center, and Colorado School of Mines. |
| SH 58 | US 6 to I-70 | 250 feet | Coors brewery, industrial and railroad right-of-way on the south of SH 58, and single family and industrial on the north of SH 58. |
| Indiana Street/ McIntyre Street | SH 72 to SH 58 | 60 feet | Churches, horse stables, greenhouse, shopping centers, large-lot residential, new residential subdivisions, and small office buildings. |

Source: Developed from Jefferson County Assessor's records and Colorado Department of Transportation right-of-way plans 2005.



4.5.2 ENVIRONMENTAL CONSEQUENCES

The implementation of any of the build alternatives would require acquisition of property for additional right-of-way and the displacement of some occupants. This section summarizes the impacts associated with the No Action Alternative and each of the build alternatives. Impacts are summarized in two categories:

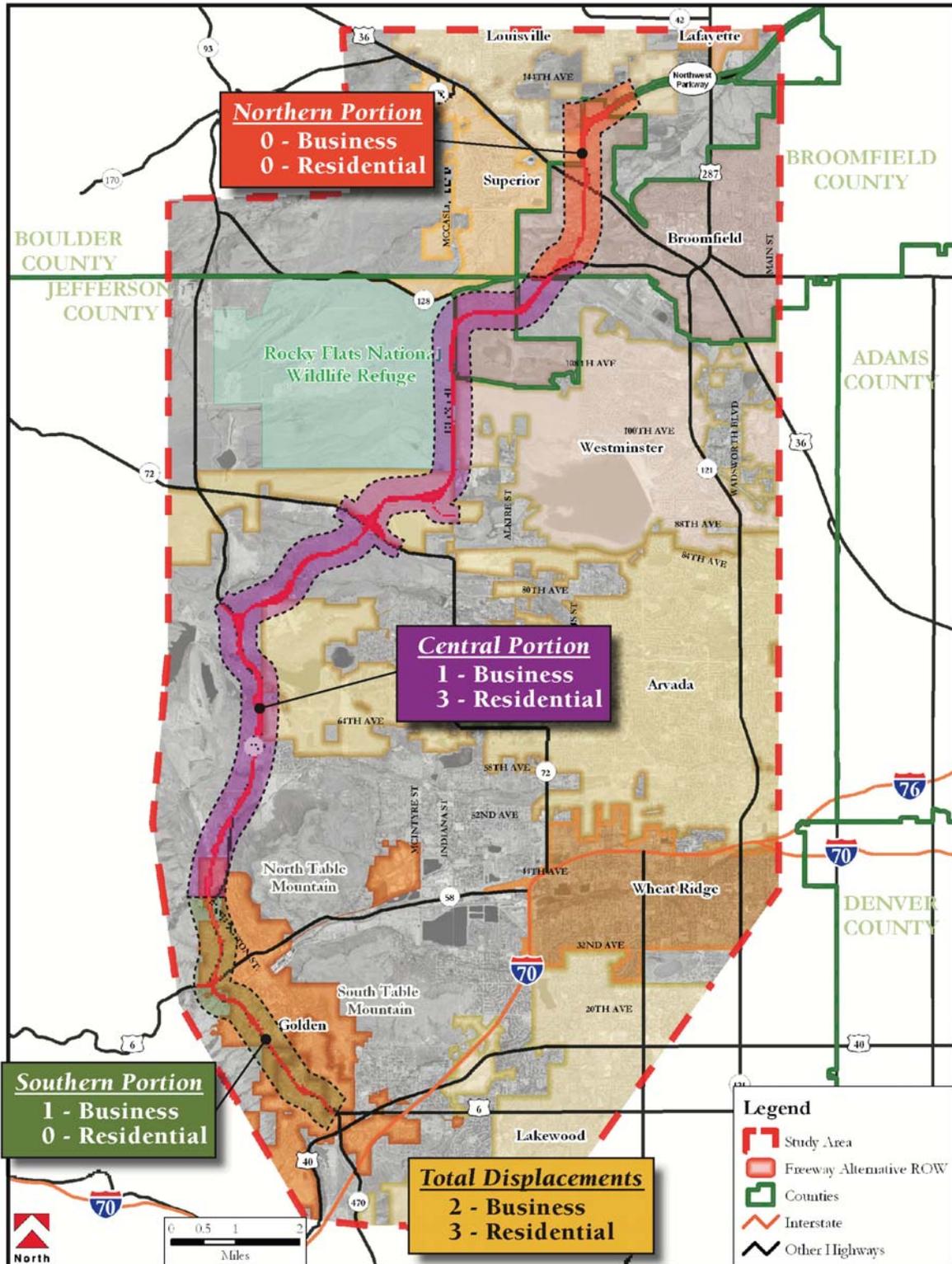
- **Right-of-Way Requirements** — The physical land required for each build alternative.
- **Property Impacts and Displacements** — Impacted properties are those where a build alternative results in a partial or total acquisition of a property or modifies access to the property. Access modifications include changing the location of an existing access from one street to another. Displacements occur where the impacts to the property are substantial.

Each build alternative will have two types of displacements, business displacements and residential displacements. The number of displacements varies from alternative to alternative. These displacements have been identified and mapped for all of the build alternatives so that common areas could be compared. Figures with the categorized displacements and their corresponding locations along the alignment are provided for the Freeway Alternative, Tollway Alternative, Regional Arterial Alternative, and Combined Alternative (Recommended Alternative) (see **Figure 4.5-1**, **Figure 4.5-2**, **Figure 4.5-3**, and **Figure 4.5-4**).

All agricultural, residential, industrial, and commercial land uses and ownership information are reported using 2005 data and do not consider future development or ownership changes that might occur prior to right-of-way acquisition for the proposed action.



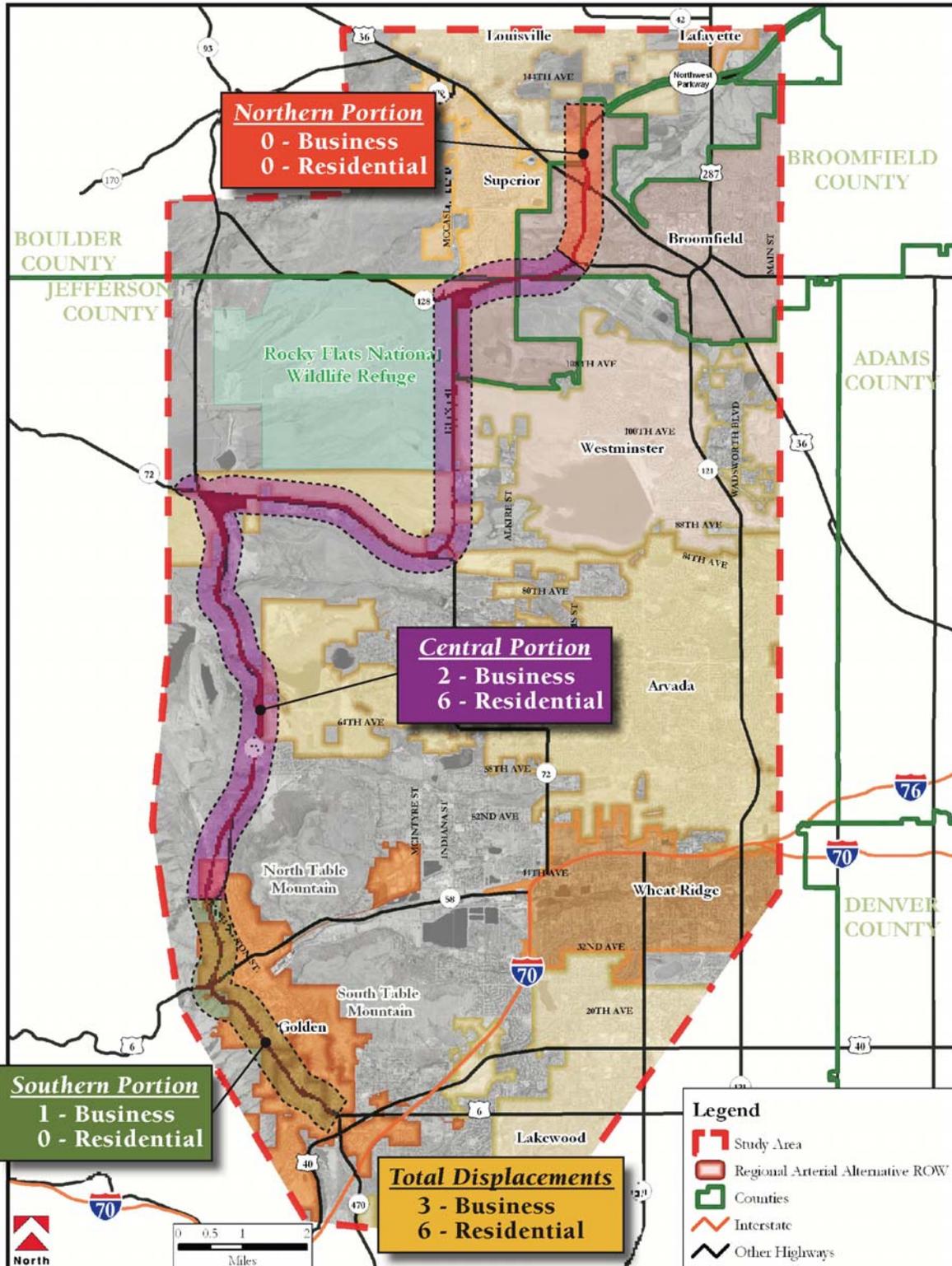
Figure 4.5-1 Business and Residential Displacements for Freeway Alternative



Source: Compiled by FHU, 2006.



Figure 4.5-3 Business and Residential Displacements for Regional Arterial Alternative



Source: Compiled by FHU, 2006.



4.5.2.1 RIGHT-OF-WAY REQUIREMENTS

NO ACTION ALTERNATIVE

The No Action Alternative would require no additional right-of-way.

BUILD ALTERNATIVES

The amount of right-of-way to be acquired for each of the build alternatives has been approximated (see **Table 4.5-2**). The Combined Alternative (Recommended Alternative) would require the greatest amount of right-of-way acquisition, approximately 32 acres more than the Tollway Alternative, 93 acres more than the Freeway Alternative and 206 acres more than the Regional Arterial Alternative. This difference is attributed to the inclusion of a principal arterial roadway portion along Indiana Street/McIntyre Street. Of the other three alternatives, the Tollway Alternative would require the greatest amount of right-of-way.

Table 4.5-2 Additional Right-of-Way Requirements

| Alternative | Total Parcel Acquisitions | Partial Parcel Acquisitions | Total Parcel Number | Acquired Acres ¹ |
|------------------------------------|---------------------------|-----------------------------|---------------------|-----------------------------|
| Freeway | 30 | 143 | 173 | 807 |
| Tollway | 35 | 140 | 175 | 868 |
| Regional Arterial | 33 | 163 | 196 | 694 |
| Combined (Recommended Alternative) | 66 | 255 | 821 | 900 |

Notes: ¹The Freeway Alternative, Tollway Alternative, and Combined Alternative (Recommended Alternative) would each impact approximately 81 acres and the Regional Arterial Alternative would impact 98 acres within the Rocky Flats National Wildlife Refuge.

Pursuant to the “Rocky Flats National Wildlife Refuge Act of 2001,” the United States of America on submission of an application shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvement along Indiana Street to any county, city, or other political subdivision of the State of Colorado.

Sources: *Developed from Jefferson County GIS and engineering data, 2005.*

4.5.2.2 DISPLACEMENTS

NO ACTION ALTERNATIVE

The No Action Alternative would require no displacements.

BUILD ALTERNATIVES

The extent of displacements of property owners and tenants vary from alternative to alternative (see **Table 4.5-3**). Of the four build alternatives, the Combined Alternative (Recommended Alternative) would require a greater number of business and residential displacements than the Freeway Alternative, Tollway Alternative, and Regional Arterial Alternative because of the inclusion of a principal arterial along Indiana Street/McIntyre Street. Of the other three alternatives, the Regional Arterial Alternative would require the most residential displacements and the Tollway Alternative would require the most business displacements



The real estate market in the study area was analyzed to determine whether a sufficient inventory of available properties exists for the displaced persons and entities to relocate into. Market data for replacement properties was collected from a variety of sources including commercial real estate firms, residential multi-listing services, and city and county websites. The survey and subsequent analysis indicates a sufficient number of comparable replacement houses and business sites are available at this time to accommodate relocatees. In addition, residential building permits remain steady and emphasis on affordable housing remains high

Table 4.5-3 Displacements

| Alternative | Residential Displacements | Business Displacements | | | |
|------------------------------------|---------------------------|------------------------|---|---|-------|
| | | S | M | L | Total |
| Freeway | 3 | 0 | 1 | 1 | 2 |
| Tollway | 3 | 4 | 2 | 1 | 7 |
| Regional Arterial | 6 | 0 | 1 | 2 | 3 |
| Combined (Recommended Alternative) | 29 | 0 | 8 | 1 | 9 |

Note: Business sizes:

S=Small (less than 5 employees)

M=Medium (5 to 50 employees)

L=Large (greater than 50 employees)

Sources: *Developed from Jefferson County GIS and engineering data, 2006.*

Northwest Corridor engineering design footprint for Freeway Alternative, Tollway Alternative, Regional Arterial Alternative, and Combined Alternative (Recommended Alternative), 2005.

4.5.3 SUGGESTED MITIGATION

4.5.3.1 ACQUISITION

This project could potentially be constructed using federal or state funds. For any person(s) whose real property interests may be impacted by any project utilizing federal or state funding, the acquisition of those property interests will comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. Additionally, the Fifth Amendment of the United States Constitution provides that private property may not be taken for a public use without payment of “just compensation”.

4.5.3.2 RELOCATION

In certain situations, it may also 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 or businesses from the subject property to a to a replacement site. For projects utilizing federal or state funding, the Uniform Act provides for numerous benefits to these individuals to assist them both financially and with advisory services related to relocating their residence or business operation.



4.5.4 SUMMARY

Property acquisition is a consideration for all of the build alternatives. The Combined Alternative (Recommended Alternative) would require more right-of-way than the other build alternatives. The Combined Alternative (Recommended Alternative) would convert 900 acres to transportation use, while the Freeway Alternative, Tollway Alternative, and Regional Arterial Alternative would convert 807, 868, and 694 acres, respectively.

The Combined Alternative (Recommended Alternative) would require a greater number of residential displacements than the other build alternatives. The Combined Alternative (Recommended Alternative) would require 29 residential displacements, while the Freeway Alternative and Tollway Alternative would each require three displacements, and the Regional Arterial Alternative would require six displacements.

For businesses, the Combined Alternative (Recommended Alternative) would require at least two more displacements than any of the other build alternatives. The Combined Alternative (Recommended Alternative) would require nine business displacements while the Freeway Alternative, Tollway Alternative, and Regional Arterial Alternatives would require two, seven, and three business displacements, respectively.

Due to the abundance of comparable replacement houses and business sites within the study area, it is likely that relocatees would not be required to relocate outside of the region regardless of the alternative chosen.



REFERENCES

Colorado Department of Transportation right-of-way plans for the state highways within the study area (SH 6, SH 72, and SH 93).

Jefferson County Assessor's records and GIS and engineering data. 2005.

Realtors Multiple Listing Service. January 2006



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