

**RIGHT-OF-WAY AND RELOCATIONS TECHNICAL REPORT**

**FOR THE**

**6TH AVENUE PARKWAY EXTENSION**

**ENVIRONMENTAL ASSESSMENT**

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## LIST OF ACRONYMS

|                   |  |
|-------------------|--|
| AFB.....          | Air Force Base   |
| CDOT .....        | Colorado Department of Transportation  |
| EA.....           | Environmental Assessment   |
| E-470 .....       | E-470 Tollway  |
| FHWA .....        | Federal Highway Administration   |
| ID.....           | Identifier   |
| NEPA.....         | National Environmental Policy Act  |
| ROW.....          | Right-of-way   |
| SH 30 .....       | State Highway 30   |
| Uniform Act ..... | Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended |

## 1. INTRODUCTION

This technical report has been prepared in support of the 6<sup>th</sup> Avenue Parkway Extension Environmental Assessment (EA) extending 6<sup>th</sup> Avenue from State Highway 30 (SH 30) to the E-470 Tollway (E-470). This technical report evaluates the effects of the Proposed Action and the No Action Alternative with respect to right-of-way (ROW) and relocations.

### 1.1 Proposed Action

The Proposed Action would extend the 6<sup>th</sup> Avenue Parkway for approximately 2 miles along a new alignment, connecting existing 6<sup>th</sup> Avenue/SH 30 to the west with the existing 6<sup>th</sup> Avenue Parkway at E-470 to the east. This would close a gap in the existing major arterial street system, reducing out of direction travel and improving the efficiency and reliability of the transportation system. The Proposed Action would be a six-lane arterial roadway with a raised median and sidewalks.

Six initial alternatives were developed and screened through three screening levels to identify the Proposed Action. The alternatives screening is summarized in **Appendix A1 Alternatives Technical Report** of the EA. Details of the Proposed Action are presented in **Appendix A2 Conceptual Design Plans** of the EA.

The Proposed Action is shown on **Figure 1**. Major elements of the Proposed Action are identified by number from west to east on **Figure 1**, and include the following:

**Element 1. Tie into existing 6<sup>th</sup> Avenue/SH 30:** 6<sup>th</sup> Avenue/SH 30 is an existing two-lane arterial. At the western end of the Proposed Action, a signalized “thru-tee” type intersection would be constructed connecting the Proposed Action roadway to existing 6<sup>th</sup> Avenue/SH 30. This new signalized intersection would include bypass lanes for the eastbound SH 30 through movement or a thru-tee signalized intersection with bypass lanes for both the eastbound SH 30 through movement. The tie-in would be an urban curb and gutter section with three 12-foot travel lanes in each direction to connect to future 6-lane section to the west. A 10-foot sidewalk would be located on both the north and south sides of the roadway.

**Element 2. Triple Creek Trail realignment and connections:** A portion of the existing Triple Creek Trail would be realigned and would pass beneath the Proposed Action roadway which would be on a bridge at this location (see Element 3 in **Figure 1**). The Triple Creek Trail would be connected to 6<sup>th</sup> Avenue via a spur trail to the sidewalk constructed along the south side of the new roadway. The Triple Creek Trail is a 10-foot wide soft surface trail that serves equestrians, bicyclists and pedestrians. The realigned portion would match the existing width and surface. A 10-foot sidewalk on both sides of the bridge (Element 3) would provide connections to the trail. The southern terminus of the trail is currently at the Coal Creek Arena, and further extension to the south is planned by the City of Aurora.

**Element 3. Roadway bridge over Sand Creek:** Immediately east of the new intersection with existing 6<sup>th</sup> Avenue/SH 30 (Element 1 in **Figure 1**), the roadway would be elevated onto a six-lane bridge crossing over Sand Creek and its associated floodplain/floodway, and over the Triple Creek Trail. The bridge length and profile would be set to minimize impacts to Sand Creek, while still providing a minimum 10-foot vertical clearance over the Triple Creek Trail. The bridge would have a median and sidewalks. The bridge would be approximately 680 feet in length with 5 variable length spans supported on four piers. The bridge would be

designed to be compatible with the surrounding environment and to allow wildlife connectivity along Sand Creek and the Triple Creek Trail.

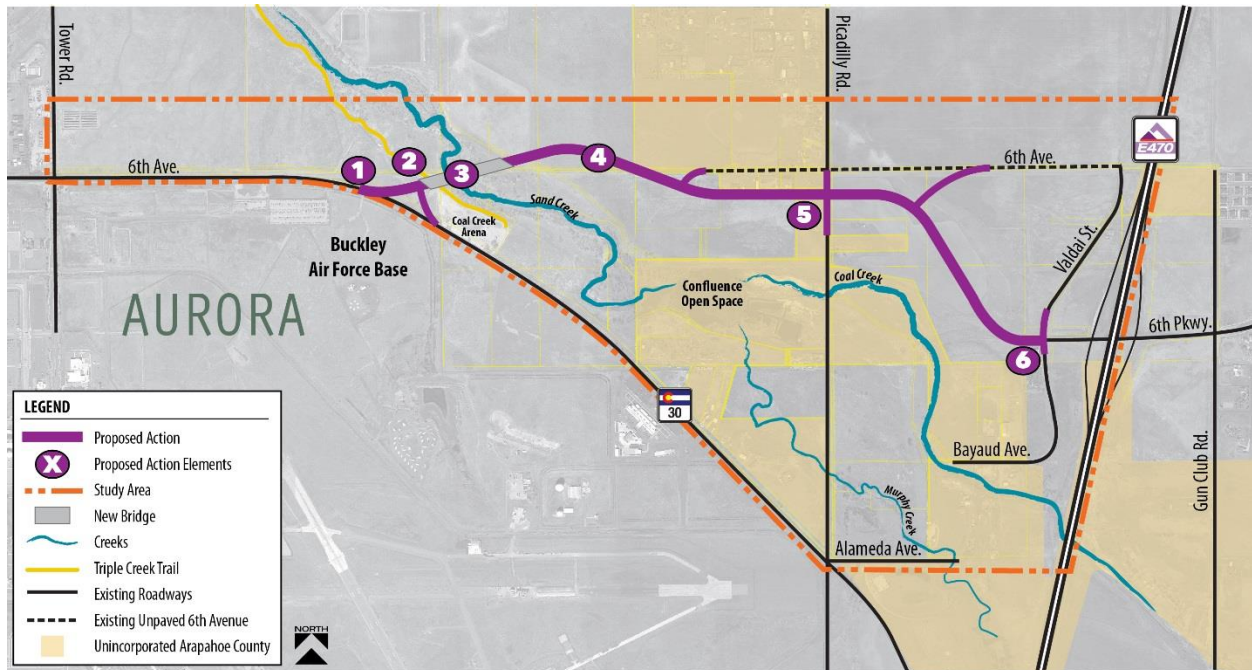
**Element 4. 6<sup>th</sup> Avenue Parkway arterial roadway:** The 6<sup>th</sup> Avenue Parkway extension would consist of a 144-foot wide, six-lane arterial roadway (three lanes in each direction) with a raised vegetated median. There would be curb and gutter and 10-foot wide sidewalks on the north and south sides of the roadway. The Proposed Action would provide two new access connections from the Proposed Action to two existing portions of 6<sup>th</sup> Avenue. One of these connections would provide access to the existing residences along unpaved 6<sup>th</sup> Avenue, west of Picadilly Road. The second connection would extend northeast from the Proposed Action to unpaved 6<sup>th</sup> Avenue to areas planned for development east of Picadilly Road.

**Element 5. Intersection with Picadilly Road:** The Proposed Action roadway would cross Picadilly Road, which is an existing north-south road. A signalized intersection would be constructed at this location. Picadilly Road is currently two lanes, but the City of Aurora anticipates that expansion to six lanes would occur in the future as a different project. Therefore, the intersection would be configured such that future expansion of Picadilly Road to six lanes can be accommodated and is not precluded.

**Element 6. Tie into existing 6<sup>th</sup> Avenue Parkway at E-470:** On its eastern end, the Proposed Action roadway would tie into the existing E-470 interchange, which currently truncates at this location, forming a connection with the existing 6<sup>th</sup> Parkway to the east of the interchange. The intersection tie-in at Valdai Street and 6<sup>th</sup> Avenue Parkway would be signalized. This connection would allow access from the west via the Proposed Action to the E-470 interchange and to the existing 6<sup>th</sup> Avenue Parkway extending to the east of E-470.

In addition to these transportation elements, the Proposed Action would include permanent roadway stormwater drainage with water quality features for roadway runoff and accommodate offsite stormwater flows. Details of drainage and water quality features are presented in **Appendix A6 Floodplains and Drainage Assessment Technical Report** of the EA.

Figure 1 Proposed Action and Study Area



Note: Numbers in graphic correspond with text above.

### 1.2 No Action Alternative

If the Proposed Action is not selected for implementation, there would be no improvements made to 6<sup>th</sup> Avenue beyond the existing and committed transportation system. The No Action Alternative was carried forward as a baseline comparison for environmental analysis purposes.

## 2. RIGHT-OF-WAY AND RELOCATION ASSESSMENT

This technical report documents analysis of potential property impacts that may be necessary to accommodate ROW for the Proposed Action. The City of Aurora follows the description of right of way as described in Colorado Department of Transportation's (CDOT) *Right of Way Manual* (2014) as real property and rights therein used for construction, operation, or maintenance of a transportation or related facility under Title 23, United States Code. The City of Aurora is working with CDOT and Federal Highway Administration (FHWA) to obtain NEPA approvals for this project.

According to CDOT (2014b), evaluation of potential relocations and acquisitions occurs for several reasons:

- Relocation and acquisition of any residence, business, non-profit associations, or farm operations is an involved undertaking that needs to be carefully considered before any individual or group is impacted.
- To comply with CDOT's environmental stewardship policy, which ensures that statewide transportation systems are constructed and maintained in an environmentally responsible, sustainable, and compliant manner.
- To comply with several legal mandates that pertain to ROW acquisitions CDOT must comply with federal relocation regulations when implementing transportation projects in Colorado. These policies provide for uniform and equitable treatment of persons displaced from their homes, businesses, farms, or other properties, by federal and federally funded programs or projects, and establishes uniform and equitable land acquisition policies.



### 3. AFFECTED ENVIRONMENT

This section identifies related plans and policies, existing conditions related to ROW, and known future conditions.

#### 3.1 *Related Policies*

For this project, CDOT and the City of Aurora and Arapahoe County must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). These federal relocation and land acquisition regulations, which are described further in **Section 4.3.2**, relate to federal and federally funded programs or projects. The regulations provide for uniform and equitable treatment of persons displaced from their homes, businesses, farms, or other properties and established uniform and equitable land acquisition policies.

#### 3.2 *Description of Existing Conditions*

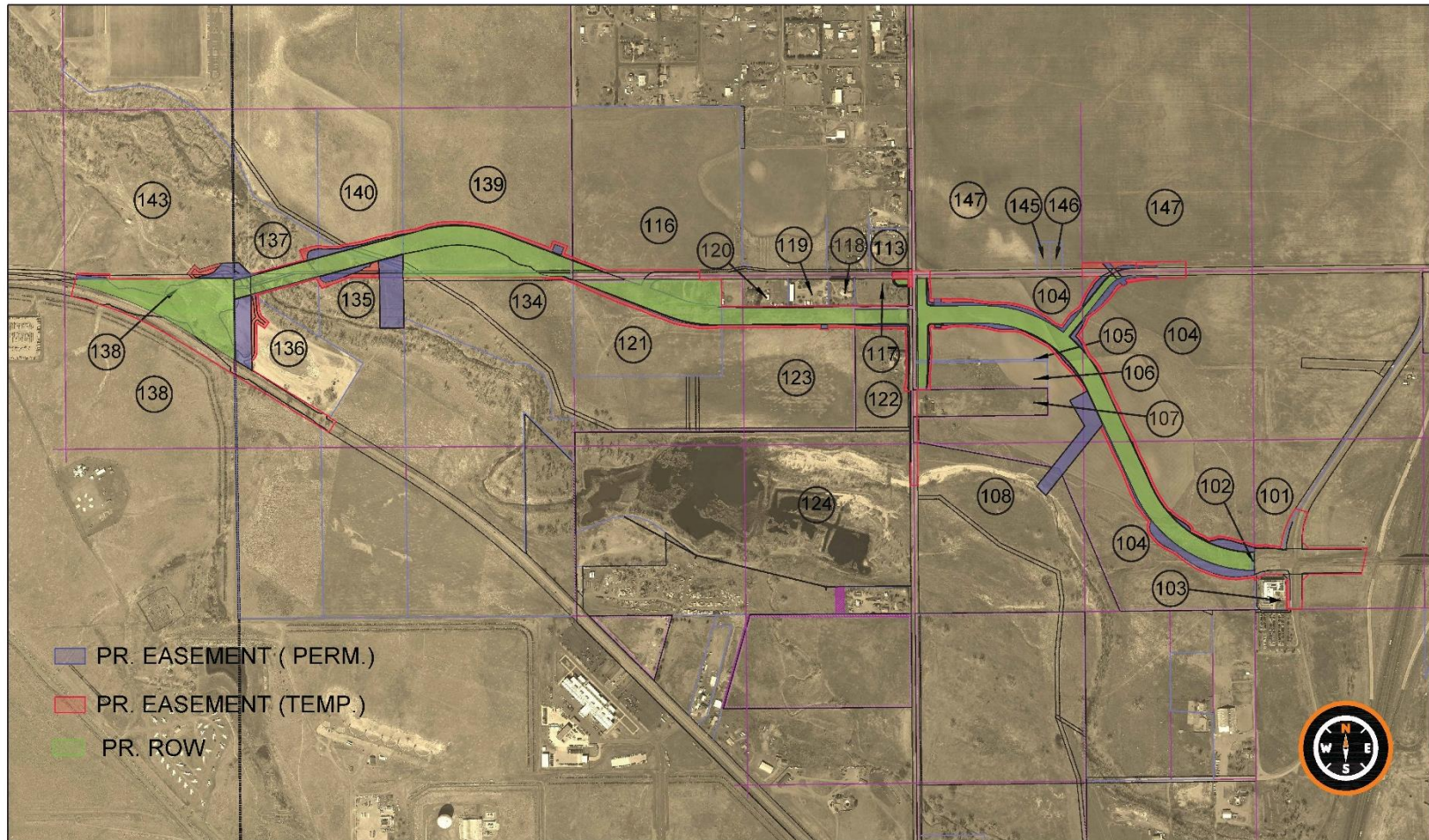
This project is in the City of Aurora and within a portion of unincorporated Arapahoe County, Colorado. Current ownership of land in the Study Area encompasses both private and public entities. Residences, businesses, churches, farm operations, parks, recreation, and open space, and undeveloped lands all exist within the Study Area. As shown in **Figure 2**, existing transportation ROW includes 6<sup>th</sup> Avenue/SH 30, East 6<sup>th</sup> Avenue, North Picadilly Road, East Alameda Avenue, Valdai Street, and East 6<sup>th</sup> Parkway.

#### 3.3 *Known Future Conditions*

The City of Aurora is currently negotiating with Buckley Air Force Base (AFB) over transfer of a parcel of land within the study area. This parcel of land (Parcel 138) has been owned by Buckley AFB since establishment of the AFB in 1943. From review of aerial photographs, the parcel has been segmented from Buckley AFB proper as early as 1953. Prior to initiation of this EA, the City of Aurora began discussions with Buckley AFB on purchasing the property. With the presence of the Proposed Action, these discussions have been prioritized with an agreement for the use or transfer of the land to be secured during the EA process.

## Figure 2 Proposed Action ROW Impacts

The following ROW impacts are based on the conceptual design as shown in **Appendix A2 Conceptual Design Plans**.



## 4. IMPACT EVALUATION

This section describes potential consequences of the No Action Alternative and Proposed Action related to potential ROW acquisitions and relocations. **Appendix A** includes a summary of impacts, and **Appendix B** includes a summary of mitigation commitments.

### 4.1 *Methodology for Impact Evaluation*

For evaluation purposes, the proposed permanent roadway footprint and anticipated construction limits were overlaid with parcel boundaries using engineering software to identify potential ROW impacts. For parcels within the study area, a map identification system was created early in the project for individual parcels and has been carried forward into analysis for consistency with discussions held during the project. These numbers are referenced when speaking of particular parcel in this technical report and are shown on **Figure 2**.

The extent of impacts on a parcel can be helpful for identifying whether a full acquisition or partial acquisition may be necessary. A full acquisition would occur if the Proposed Action were to remove all reasonable access, a business or residence, or enough of the parcel that any remnant would not have viable use or value to the property owner. A partial acquisition would occur if the project affects only a portion of the property and the remnant maintains viable use or value to the property owner. If a business or residence would be displaced to accommodate the Proposed Action, that impact would be considered a relocation, in which the affected resident or business owner would receive assistance to move in accordance with the Uniform Act.

Potential acquisitions and relocations identified using this evaluation method represent a conservative estimate and are based on conceptual design plans. As described in **Section 4.3.2**, acquisitions and relocations would be conducted in accordance with the Uniform Act. The purpose of the Uniform Act is to provide consistent and equitable treatment of all persons displaced from their homes or businesses or that have real property impacted by the project. Relocation resources are available to all residents and business relocatees without discrimination.

### 4.2 *No Action Alternative*

The No Action Alternative is described in detail in **Appendix A1 Alternatives Technical Report**. The No Action Alternative does not result in direct or indirect impacts involving ROW or relocations because no 6<sup>th</sup> Avenue Parkway Extension features would be constructed. Under the No Action Alternative, no land acquisitions would occur and no residences or businesses would be displaced.

## 4.3 Proposed Action

### 4.3.1 Impacts

The Proposed Action is described in detail in **Appendix A1 Alternatives Technical Report**. To construct the Proposed Action, property acquisition would be necessary to obtain public ROW for the Proposed Action in accordance with the Uniform Act. No residential or business relocations would be necessary to accommodate the Proposed Action.

The conceptual design indicated that this project would affect 19 parcels of land total to accommodate permanent ROW and/or permanent and temporary easement needs. **Table 1** summarizes anticipated ROW impacts. **Figure 2** highlights the Proposed Action ROW impacts.

- **Permanent ROW** impacts would involve acquiring between less than 0.1 acre to 13.7 acres of land. In total, 47.5 acres of permanent ROW acquisition is expected from 15 parcels. As described in **Section 3.3**, the federally owned property by Buckley AFB would be required for the Proposed Action. For those parcels of land owned by the City of Aurora, the transfer of responsibility would occur internally.
- **Permanent easements** to accommodate slope and drainage requirements of the Proposed Action would range in size from less than 0.1 acre to 6.6 acres. About 15.6 acres of permanent easements from 15 parcels would be necessary. Permanent easements are rights granted by a property owner that entitle the easement holder specific use of the property. For those parcels of land owned by the City of Aurora, the transfer of responsibility would occur internally.
- **Temporary easements** necessary for construction of the Proposed Action would range in size from less than 0.1 acre to 0.7 acre. About 2.8 acres of temporary easements from 8 parcels would be necessary. A temporary easement is a right granted for a specific period of time so the contractor can complete construction. Before relinquishing the temporary easement, the property is to be returned as close as possible to its pre-construction condition. Once the easements expire, the rights granted return to the property owner. For those parcels of land owned by the City of Aurora, the transfer of responsibility would occur internally.

No affected private properties in the Study Area are expected to undergo full acquisition to accommodate the Proposed Action. Only partial property acquisition would be necessary for private parcels. In addition, no impacts are anticipated to parking areas or outbuildings (such as sheds, garages, or barns).

**Table 1 Anticipated ROW Impacts**

| Parcel Number/<br>Map ID | Owner                               | Property<br>Type           | Permanent<br>ROW<br>(Acreage) | Permanent<br>Easements<br>(Acreage) | Temporary<br>Easements<br>(Acreage) |
|--------------------------|-------------------------------------|----------------------------|-------------------------------|-------------------------------------|-------------------------------------|
| 101                      | Aurora One                          | Private                    | 0.0                           | 0.03                                | 0.0                                 |
| 102 <sup>1</sup>         | E-470                               | Public<br>Authority        | 0.05                          | 0.0                                 | 0.0                                 |
| 104                      | Aurora One                          | Private                    | 13.7                          | 6.6                                 | 0.7                                 |
| 105                      | Aurora One                          | Private                    | 0.03                          | 0.01                                | 0.0                                 |
| 106                      | Aurora One                          | Private                    | 0.4                           | 0.03                                | 0.0                                 |
| 108 <sup>2</sup>         | City of Aurora                      | City – Open<br>Space       | 0.0                           | 0.5                                 | 0.0                                 |
| 116 <sup>2</sup>         | Allen                               | Private                    | 0.3                           | 0.2                                 | 0.0                                 |
| 117                      | Black                               | Private                    | 0.12                          | 0.0                                 | 0.04                                |
| 121                      | Buckboard                           | Private                    | 5.6                           | 0.5                                 | 0.3                                 |
| 122 <sup>2</sup>         | Colorado<br>Christian<br>Fellowship | Residential                | 1.1                           | 0.3                                 | 0.1                                 |
| 123                      | Colorado<br>Christian<br>Fellowship | Private                    | 3.7                           | 0.3                                 | 0.2                                 |
| 135                      | Aurora Capital<br>Leasing           | City – Open<br>Space       | 1.1                           | 2.9                                 | 0.0                                 |
| 136                      | City of Aurora                      | City – Coal<br>Creek Arena | 0.0                           | 0.0                                 | 0.7                                 |
| 137                      | Aurora Capital<br>Leasing           | City – Open<br>Space       | 2.3                           | 2.0                                 | 0.0                                 |
| 138 <sup>1</sup>         | Federal<br>Government               | Federal                    | 8.3                           | 0.0                                 | 0.0                                 |
| 139                      | Sell                                | Private                    | 9.6                           | 0.5                                 | 0.0                                 |
| 140                      | City of Aurora                      | City – Open<br>Space       | 1.2                           | 0.4                                 | 0.0                                 |
| 143                      | City of Aurora                      | City – Open<br>Space       | 0.0                           | 0.6                                 | 0.5                                 |
| 147                      | Lend Lease<br>Horizon               | Private                    | 0.02                          | 0.7                                 | 0.2                                 |
| <b>Totals</b>            |                                     |                            | <b>47.5</b>                   | <b>15.6</b>                         | <b>2.8</b>                          |

Notes:

<sup>1</sup> full parcel acquisition

<sup>2</sup> located within unincorporated Arapahoe County

**Appendix A** provides a compiled table of the impacts for insertion into the EA.

#### 4.3.2 Avoidance, Minimization, and Mitigation

Relocation and ROW acquisition impacts have been avoided to the extent feasible. The City of Aurora adjusted the Proposed Action alignment specifically to avoid as many privately owned parcels as possible, directing impacts to parcels owned by the City of Aurora or Arapahoe County. The alignment was also planned to avoid relocating a residence. In addition, full parcel impacts have been minimized so that only partial parcel acquisitions would be necessary. Property owners who would be affected by property acquisition will receive just compensation in accordance with the Uniform Act.

As part of the Proposed Action, access to each property will be maintained or provided to ensure connectivity between the transportation network and individual parcels. The City of Aurora will work in conjunction with Arapahoe County to be able to acquire ROW from those parcels located within unincorporated Arapahoe County.

According to CDOT (2014b) the following acquisition statement applies for the Proposed Action:

For any person(s) whose real property interests may be impacted by the Proposed Action, the acquisition of those property interests will comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). The Uniform Act is a federally mandated program that applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted programs or projects. It was created to provide for and ensure the fair and equitable treatment of all such persons. To further ensure that the provisions contained within this act are applied “uniformly,” CDOT requires Uniform Act compliance on any project for which it has oversight responsibility regardless of the funding source. Additionally, the Fifth Amendment of the US Constitution provides that private property may not be taken for a public use without payment of “just compensation.” All impacted owners will be provided notification of the acquiring agency’s intent to acquire an interest in their property including a written offer letter of just compensation specifically describing those property interests. A right-of-way specialist will be assigned to each property owner to assist them with this process (CDOT, 2014a).

**Appendix B** provides a compiled table of the mitigation for insertion into the EA.

## 5. REFERENCES

City of Aurora. 1997. Revised Preliminary Alignment Study: East 6th Avenue, From State Highway 30 to 3000' East of Gun Club Road. March.

CDOT. 2014a. Right of Way Manual. January. Retrieved June 2015 from <https://www.codot.gov/business/manuals/right-of-way>.

CDOT, 2014b. National Environmental Policy Act Manual. October. Retrieved June 2015 from <https://www.codot.gov/programs/environmental/nepa-program/nepa-manual/chapter-1-introduction/view>.

## Appendix A Resource Impact Table



| Resource                            | Context   | No Action Alternative  | Proposed Action Alternative  |
|-------------------------------------|---|--|--|
| <p>Right-of-Way and Relocations</p> | <p>This project is in the City of Aurora and within Arapahoe County, Colorado. Current ownership of land in the project Study Area encompasses both private and public entities. Residences, businesses, churches, farm operations, parklands, undeveloped lands, and existing transportation alignments.</p> | <p>Would result in no parcel or property impacts or relocations.</p> | <p>There are no relocations or displacements. The following additional right-of-way would be needed:</p> <ul style="list-style-type: none"> <li>■ 47.5 acres from 15 properties for permanent ROW</li> <li>■ 15.6 acres from 15 properties for permanent easements</li> <li>■ 2.8 acres from 8 properties for temporary easements</li> </ul> <p>No full acquisitions of private parcels would occur.</p> <p>Would not affect parking areas or outbuildings (such as sheds, garages, or barns).</p> |

## Appendix B Resource Mitigation Table

| Mitigation Category | Proposed Action Impact                       | Mitigation Commitments for the 6 <sup>th</sup> Avenue Extension Project   | Responsible Branch | Timing/Phase that Mitigation will be Implemented |
|---------------------|--|---|--------------------|--|
| Right-of-Way        | Property needed for right-of-way acquisition | Property acquisition for right-of-way will conform to requirements set forth in the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (Public Law 91-646 as amended). | City of Aurora     | Design Right-of-Way                              |
| Right-of-Way        | Permanent and temporary easements            | Easements will be obtained through agreement between CDOT, the City of Aurora, and other affected property owners. Stipulations included in the easements will be followed.                           | City of Aurora     | Design Right-of-Way                              |
| Right-of-Way        | Access                                       | Will maintain or provide access to ensure connectivity between the transportation network and individual parcels.   | City of Aurora     | Design Right-of-Way                              |