

4.4 RIGHT-OF-WAY AND RELOCATIONS

Summary

This section addresses the estimated need for property acquisition and displacement that could result from implementation of the build packages. Results of this analysis indicate that the number of residential and business displacements would be less than half under the Combined Alternative Package (Preferred Alternative) than under Package 2 and Package 4. Package 2 would require acquisition of the most acreage of land because of the wider highway and the drop-ramps at Westminster Boulevard and Midway Boulevard. The Combined Alternative Package (Preferred Alternative) would require the least amount of acreage due to fewer additional travel lanes and no median bus rapid transit (BRT) stations. Table 4.4-1, Property Acquisitions by Land Use Type, compares acres of acquisitions resulting from all three build packages. Table 4.4-2, Number of Ownerships Acquired by Land Use Type, identifies the number of ownerships that would be acquired, either in part or in full, under each land use category. The number of ownerships acquired provides a general understanding of the number of potential property owners that the Colorado Department of Transportation (CDOT) would contact for total and partial property acquisitions.

Table 4.4-1: Property Acquisitions by Land Use Type

Package		Acquired Acres ¹ (All Land Use Types)	Acquired Acres of Residential Parcels	Acquired Acres of Business Parcels	Acquired Acres of Publicly Owned Parcels	Acquired Acres of Other Parcels ²
2	Option A	614	63	218	90	243
	Option B	637	63	218	113	243
4	Option A	555	60	175	88	232
	Option B	576	60	175	109	232
Combined Alternative Package (Preferred Alternative)		232	26	82	38	87

Source: US 36 Mobility Partnership, 2009.

Notes:

¹Acres reflects both full and partial acquisitions.

²Other parcels represent vacant land, agricultural land, and exempt properties that are not classified as government.

Table 4.4-2: Number of Ownerships Acquired by Land Use Type

Package	Total Number of Ownerships ^{1,2} Acquired (All Land Use Types ³)	Number of Residential Ownerships Acquired	Number of Business Ownerships Acquired	Number of Public Ownerships Acquired	Number of Other Ownerships ⁴ Acquired
2	420	243	101	16	60
4	396	229	93	16	58
Combined Alternative Package (Preferred Alternative)	312	199	69	12	32

Source: US 36 Mobility Partnership, 2009.

Notes:

¹ Ownerships include all property owners who would have one or more parcels of land fully or partially acquired. Acquisitions are not classified as full or partial acquisitions because some ownerships would have one or more parcels fully acquired and one or more other parcels partially acquired.

² There would be no difference in number of ownerships acquired between Options A and B at the Boulder terminus in Package 2 and Package 4; these options have therefore not been displayed in this table.

³ Some entities own properties of more than one land use type, and these entities are represented as different ownerships in the table, in order to appropriately show the number of owners by land use type.

⁴ Other parcels represent vacant land, agricultural land, and exempt properties that are not classified as government.

Affected Environment

Property acquisition is a direct result of the need to obtain property for public right-of-way (ROW). Because United States Highway 36 (US 36) originated as a private toll road over 50 years ago, the width of the ROW secured at that time was minimal. Since the initial completion of the highway, private and public uses have developed immediately adjacent to the highway. Some of these private and public uses would need to be acquired to provide for the proposed capital improvements. As shown in Table 4.4-3, US 36 Corridor — Existing and Proposed Right-of-Way, CDOT ROW within the US 36 corridor ranges from 200 to 300 feet in width until the Boulder Segment, where the ROW increases to 400 feet in some areas. Private and public uses have developed adjacent to the ROW in most areas along the 18-mile US 36 corridor. The proximity of residential uses is most concentrated in the Adams Segment, where single-family dwelling units parallel US 36 for the entire length of the segment. Most of these dwellings were constructed 40 years ago when US 36 was a four-lane highway (two lanes in each direction). In addition, many of the residential dwelling units in the Adams Segment are occupied by minority and low-income persons. For additional detail refer to Section 4.6, Environmental Justice.

Table 4.4-3: US 36 Corridor — Existing and Proposed Right-of-Way

Segment	Average Right-of-Way Width (feet)	Average Existing Pavement Width (Package 1) (feet)	Proposed Pavement Width by Package (feet)		
			Package 2	Package 4	Combined Alternative Package (Preferred Alternative)
Denver	N/A	N/A	N/A	N/A	N/A
Adams	200	90-150	208-247	180-232	156-187
Westminster	200-300	90-100	184-260	180-268	132-156
Broomfield	200-300	90-100	184-335	156-244	132-156
Superior/Louisville	200-300	90-100	132-335	156-244	132-168
Boulder	200-400	90-100	124-132	124-156	104-168

Source: US 36 Mobility Partnership, 2009.

Note:

N/A = not applicable

The Westminster Segment is characterized by older, single-family residential development in the southern portions, with commercial development increasing farther north. The Broomfield Segment is dominated by non-residential uses and therefore, there are minimal conflicts with residential uses. Commercial land uses continue into the Superior/Louisville Segment, where the area is characterized by large commercial and light industrial uses. The Boulder Segment is rural and comparatively undeveloped due to the presence of Boulder open space, which parallels US 36 throughout this segment. More detailed land use information is provided in Section 4.2, Land Use.

Impact Evaluation

Methodology

Conceptual engineering drawings have been prepared to define limits of construction for each of the build packages. The limits of construction were estimated to extend 15 feet beyond the location where the roadway improvements would tie back into existing grade. The engineering drawings locate proposed alignments, interchanges, retaining walls, transit stations, the bikeway, and support facilities. ROW data were obtained from CDOT and supplemented by parcel data provided by each of the affected jurisdictions in the project area.

The analysis calculated the most conservative impact estimates for each package based on conceptual design. Using geographic information system mapping, the limits of construction for each package were overlaid onto the ownership data to determine the number of ownerships impacted. Both total and partial acquisitions were assessed. The ROW map illustrating the limits of construction in comparison to property data is located in Appendix A, Corridor Reference Maps.

Package 1: No Action

Direct Impacts

All Segments

Package 1 presumes that other funded transportation projects would proceed, including the extension of West 120th Avenue over US 36; FasTracks improvements to park-n-Rides along US 36; and the Northwest Rail Corridor Project. There would be property acquisition related to these improvements. These acquisitions are not included in this section as they are being analyzed by separate projects.

Package 2: Managed Lanes/Bus Rapid Transit

Direct Impacts

Package 2 would require approximately 201 residential displacements and 138 business displacements. The exact number of displacements would be determined during final design.

Table 4.4-4, Residential and Business Displacements, shows that the number of residential and business displacements would be similar for Packages 2 and 4 and considerably fewer for the Combined Alternative Package (Preferred Alternative).

Table 4.4-4: Residential and Business Displacements

Package ¹	Residential Displacements		Business Displacements		
	Dwelling Units	Acres ²	Businesses	Acres ²	Building Square Feet
2	201	63	138	218	693,786
4	202	60	135	175	638,976
Combined Alternative Package (Preferred Alternative)	65	26	24	82	256,544

Source: US 36 Mobility Partnership, 2009.

Notes:

¹ There would be no difference in residential and business impacts between Options A and B at the Boulder terminus in Package 2 and Package 4; the options have therefore not been displayed in this table.

² Acres reflect both total and partial acquisitions.

Denver Segment

There would be no property acquisition in the Denver Segment because there would be no physical improvements in this segment of the project area.

Adams Segment

The majority of residential property acquisitions and displacements under Package 2 would occur in the Adams Segment.

The majority of residential property acquisitions and displacements under Package 2 would occur in the Adams Segment. Of the 201 residential displacements in the corridor, 171 would occur in the Adams Segment. Fifty-six business displacements would be required, with a total building square footage acquisition of 374,998. The majority of the business displacements in the Adams Segment would occur adjacent to the reconstructed Sheridan Boulevard interchange and Westminster Center Station. Table 4.4-5, Residential and Business Displacements by Segment, compares residential and business property acquisitions, by segment, for all three of the build packages.

Table 4.4-5: Residential and Business Displacements by Segment

Package	Segment	Number of Residential Dwelling Units Displaced	Business Displacements	
			Number of Businesses Displaced	Building Square Footage Displaced
2	Denver	0	0	0
	Adams	171	56	374,998
	Westminster	21	28	108,232
	Broomfield	8	21	144,900
	Superior/Louisville	0	0	0
	Boulder ¹	1	33	65,656
	Total	201	138	693,786
4	Denver	0	0	0
	Adams	172	56	374,998
	Westminster	21	28	108,232
	Broomfield	8	18	90,090
	Superior/Louisville	0	0	0
	Boulder ¹	1	33	65,656
	Total	202	135	638,976
Combined Alternative Package (Preferred Alternative)	Denver	0	0	0
	Adams	41	9	147,684
	Westminster	22	10	100,520
	Broomfield	0	5	340
	Superior/Louisville	0	0	0
	Boulder	2	0	0
	Total	65	24	256,544

Source: US 36 Mobility Partnership, 2009.

Note:

¹ There would be no difference in residential and business impacts between Options A and B in the Boulder Segment; the options have therefore not been displayed in this table.

Westminster Segment

The number of residential displacements in the Westminster Segment has changed since the Draft Environmental Impact Statement was published. Impacts to several townhome buildings north of 92nd Avenue have been identified; these impacts would result in the displacement of 19 additional residences in this segment. Business displacements in this segment are estimated at 28, totaling 108,232 square feet of building area. The majority of these business displacements would occur adjacent to the reconstructed Sheridan Boulevard interchange.

Broomfield Segment

Eight residential displacements would be required in the Broomfield Segment. Twenty-one business displacements, requiring acquisition of 144,900 square feet of building area, would be required for Package 2. The exact number of business displacements would be determined during final design.

Superior/Louisville Segment

Due to a less constrained ROW in this segment, no residential or business displacements would be required.

Boulder Segment

Options A and B for the west project terminus would have the same residential and business impacts and are therefore not discussed separately in this section. Package 2 would require one residential displacement and 33 business displacements. Acquisition of business properties would include a total of 65,656 square feet of building area.

Neither of the bikeway alternatives, along US 36 or along Cherryvale Road and South Boulder Road, would result in any residential or business displacements. The bikeway alternative along South Boulder Road/Cherryvale Road would require either an easement with Boulder County and the City of Boulder or a transfer of property, or an agreement would be developed between Boulder County and CDOT to construct the bikeway on County property.

Indirect Impacts

All Segments

The residential dwelling displacements related to Package 2 and Package 4 could result in a decrease in the population of the impacted communities if comparable replacement housing is not available in the neighborhood. This decrease could affect the community fabric and community institutions, including schools, churches, and other community-related facilities through the loss of active community members who support these institutions. A relocation plan would be developed with the intent to relocate displaced households within the same area so that effects would be avoided or minimized.

The loss of commercial property could result in a decrease in the sales tax base (refer to Section 4.3, Economic Considerations). In addition, loss of community businesses that provide essential community services may not be replaced by similar businesses, and residents may be required to establish new patterns of commerce.

Package 4: General-Purpose Lanes, High-Occupancy Vehicle, and Bus Rapid Transit

Direct Impacts

All Segments

Residential and business impacts caused by Package 4 would be similar to those discussed under Package 2. The primary difference between the two packages is the number of business displacements that would occur in the Broomfield Segment. Under Package 2, the drop-ramps at Midway Boulevard would result in three additional business displacements that would not occur under Package 4. Table 4.4-5, Residential and Business Displacements by Segment, compares residential and business property acquisitions, by segment, for all of the build packages.

Indirect Impacts

All Segments

Indirect impacts under Package 4 would be similar to those discussed under Package 2.

Combined Alternative Package (Preferred Alternative): Managed Lanes, Auxiliary Lanes, and Bus Rapid Transit

Direct Impacts

The Combined Alternative Package (Preferred Alternative) would require the acquisition of 65 residences and 24 businesses. This package would acquire considerably fewer properties than Package 2 and Package 4 due to the addition of fewer new lanes and no median BRT stations. The majority of property acquisitions would occur at interchanges.

Denver Segment

There would be no property acquisition in the Denver Segment because there would be no physical improvements in this segment of the project area.

Adams Segment

The majority of residential displacements would occur in the Adams Segment. This is because the existing ROW widths are constrained by the properties that have developed directly adjacent to the highway. Design modifications were made in all feasible locations to minimize the relocation of residences. Forty-one single-family residences would be relocated; no multi-family dwelling units would be impacted. Nine businesses would be relocated under this package.

Westminster Segment

Twenty-two residential displacements would occur in the Westminster Segment as a result of impacts to several townhome buildings north of 92nd Avenue. Ten businesses would be displaced adjacent to the reconstructed Sheridan Boulevard interchange and Westminster Center Station.

Broomfield Segment

No residences and five businesses would require relocation in the Broomfield Segment. Most of the businesses that would be acquired in this segment are located at the interchange of 120th Avenue and Wadsworth Boulevard.

Superior/Louisville Segment

Due to a less constrained ROW in this segment, no residences or businesses would be relocated.

Boulder Segment

Only two residences would be acquired in this segment of the corridor. The majority of properties in this segment of the corridor are undeveloped parcels of open space.

Indirect Impacts

All Segments

The Combined Alternative Package (Preferred Alternative) would have fewer indirect impacts resulting from ROW acquisition than Package 2 and Package 4. Substantially fewer residents would be relocated, and the resulting indirect impacts to community fabric and institutions would be less. The loss of commercial property could result in a decrease in the sales tax base. However, commercial property acquisitions and business displacements would be substantially lower than in Package 2 and Package 4, and the indirect impacts to the sales tax base would be less as well. A relocation plan would be developed with the intent to relocate displaced households within the same area so that effects would be avoided or minimized.

Mitigation

During the development of the packages, all of the build packages were modified to avoid and minimize property acquisition wherever possible. These modifications included:

- Adding retaining walls at Federal Boulevard, Pecos Street, Broadway, McCaslin Boulevard, and along much of the Boulder Segment to avoid acquisition of open space.
- Reconfiguring the Table Mesa Drive interchange at US 36 in the Boulder Segment.
- Relocating several stormwater ponds along US 36 in the Boulder and Broomfield segments.
- Realigning the bikeway in several locations in the Broomfield, Westminster, Superior/Louisville, and Boulder segments.

All of the build packages were modified to avoid and minimize property acquisition wherever possible.

Details on design elements of Package 2 and Package 4 and the bikeway alignment are included in the technical report, *Bikepath Detailed Description* (URS 2007), and in the *US 36 Alignment Design Details Technical Report* (CH2M Hill 2007). Additional avoidance and minimization measures will be implemented during final design. Table 4.4-6, Mitigation Measures — Right-of-Way and Relocations, presents the proposed mitigation for property acquisition and relocation.

Table 4.4-6: Mitigation Measures — Right-of-Way and Relocations

Impact	Impact Type	Mitigation Measures
Acquisition of private and public property, and in some circumstances, displacement of occupants	Construction	<p>Acquisition — For any person(s) whose real property interests may be impacted by this project, the acquisition of those property interests will comply fully with the 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.</p> <p>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." 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 ROW Specialist will be assigned to each property owner to assist them with this process.</p> <p>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 from the subject property (residential or business) to a replacement site. 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. Although the benefits available under the Uniform Act are far too numerous and complex to discuss in detail in this document, they are available to both owner occupants and tenants of either residential or business properties.</p> <p>In some situations, only personal property must be moved from the real property, and this is also covered under the relocation program. As soon as feasible, any person scheduled to be displaced shall be furnished with a general written description of the displacing agency's relocation program which provides, at a minimum, detailed information related to eligibility requirements, advisory services and assistance, payments, and the appeal process. It shall 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.</p> <p>Relocation benefits will be provided to all eligible persons regardless of race, color, religion, sex, or national origin. Benefits under the Uniform Act, to which each eligible owner or tenant may be entitled, will be determined on an individual basis and explained to them in detail by an assigned ROW Specialist.</p>
NOAA Geodetic Control Monuments	Construction	CDOT will provide the required 90-day notice for Geodetic Control Monuments impacted by this project.

Source: US 36 Mobility Partnership, 2009.

Notes:

- CDOT = Colorado Department of Transportation
- NOAA = National Oceanic and Atmospheric Administration
- ROW = right-of-way
- Uniform Act = Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended