



Public Works Department

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PETITION TO VACATE COUNTY ROAD RIGHTS-OF-WAY

Weld County Public Works hereby petitions the Weld County Board of County Commissioners to vacate certain county road rights-of-way described herein.

PURPOSE

Weld County Public Works has been coordinating with the Colorado Department of Transportation (CDOT), and Union Pacific Railroad (UP), related to the negotiated closure of eleven county road crossings of UP's railroad, of which this application specifically applies to five railroad crossings located east of U.S. 85, except for WCR 104, which is west of U.S. 85. CDOT, on behalf of Weld County, has submitted five petitions to the Public Utilities Commission (PUC) requesting authority for the railroad to close each public crossing. On May 2, 2018, the Weld County Board of County Commissioners unanimously approved submitting the five applications to the PUC. While the process for closing a railroad crossing is done through the PUC, the process for Weld County to close a road is done in accordance with the requirements of C.R.S. Section 43-2-303(2)(b). Therefore, the purpose of this request is to vacate portions of Weld County Roads 2.5, 29, 46, 72, and 104 as part of this application with the advice and assistance from the County Attorney's Office.

BACKGROUND

The history of the US 85 Corridor is lengthy, and involves Union Pacific Railroad Company (UPRR), Weld County and CDOT. In 1923, UPRR entered into a 50-year lease with Weld County for the Highway 85 right-of-way. In 1931, UPRR and Weld County entered into a new year-to-year lease of Highway 85 and terminated the prior 50-year lease. In 1957, UPRR and CDOT entered into a 50-year lease of the Highway 85 right-of-way allowing CDOT to have highway facilities within the right-of-way. That lease terminated December 31, 2006. Since the termination, and for the past twelve years, both CDOT and UPRR have been negotiating the resolution of the matter which culminated in a Purchase and Sale Agreement. UPRR, Weld County and CDOT have worked together strategically, to enable the closure of crossings that would allow trains to park or pass within railroad sidings that presently have at-grade highway-rail crossings, thus improving rail operations, and removing random crossing occupation by trains within the county to provide better vehicular circulation and more reliable access routes for emergency services.

CDOT entered into the Purchase and Sale Agreement with UPRR in order for CDOT to obtain full fee ownership for those portions of the highway located within railroad right-of-way, while still providing UPRR rail capacity as a result of the purchase to ensure the functional integrity of both the CDOT and UPRR transportation systems and to improve the safety of the corridor by reducing potential vehicle/train conflicts. To mitigate capacity impairment from the land sale, the Purchase and Sale Agreement includes the closure of several roads intersecting the railroad and US 85, most of which are under the jurisdiction of Weld County. CDOT does not have authority to close county roads and has therefore coordinated with

Weld County to satisfy this portion of the agreement. To this end, Weld County and CDOT hosted public meetings regarding the closures in Fort Lupton and Eaton on January 22 and 23, 2018, respectively.

The Purchase and Sale Agreement identified the closure of twelve county roads. Weld County has been working with CDOT and UPRR on the locations for these road closures that will work best for meeting the goals of all the agencies involved. The agencies' goals are as follows:

- **CDOT Goal:** Obtain full fee ownership from UPRR for the US 85 ROW.
- **UPRR Goal:** Mitigate capacity impairments and close the Purchase and Sale Agreement.
- **Weld County Goal:** Ensure the long-term stability of the US 85 corridor through partnering with CDOT and UPRR that improves the safety of the highway/rail corridor, improves the operational efficiencies to enhance economic development opportunities, and reduces conflicts for communities, while also ensuring reliable emergency response time.

This vacation application only reflects five of those eleven locations. The other closures will be brought before the Commissioners on a case by case basis.

RIGHTS-OF-WAY REQUESTED TO BE VACATED

1) County Road 2.5

Weld County Public Works petitions to vacate all of that county road right-of-way (ROW) of County Road 2.5 described and depicted in Exhibit A, attached hereto ("CR 2.5 ROW"). The CR 2.5 ROW is approximately 412 feet in length and 60 feet in width and is located approximately 1,200 feet east of U.S. 85. The CR 2.5 ROW is located entirely or primarily within the railroad right-of-way owned by the Union Pacific Railroad. This area is located east of the City of Brighton within the Brighton 27J School District, Platte Valley Ambulance Service, and the Greater Brighton Fire District.

2) County Road 29

Weld County Public Works petitions to vacate all of that county road right-of-way (ROW) of County Road 29 described and depicted in Exhibit B, attached hereto ("CR 29 ROW"). The CR 29 ROW is approximately 785 feet in length and 60 feet in width and is located east of and adjacent to U.S. 85. The CR 29 ROW is located entirely or primarily within the railroad right-of-way owned by the Union Pacific Railroad. This area is located just south of the Town of Gilcrest within the Valley RE1 School District, Banner Health Ambulance Services, and the Platteville-Gilcrest Fire Protection District.

3) County Road 46 and 35

Weld County Public Works petitions to vacate all of that county road right-of-way (ROW) of County Roads 46 and 35 described and depicted in Exhibit C, attached hereto ("CR 46/35 ROW"). The CR 46/35 ROW is approximately 850 feet in length and 60 feet in width and is located east of and adjacent to U.S. 85. The CR 46/35 ROW is located entirely or primarily within the railroad right-of-way owned by the Union Pacific Railroad. This area is located north of Peckham and southeast of the Town of LaSalle within the Valley RE1 School District, Banner Health Ambulance Services, and the LaSalle Fire Protection District.

4) County Road 72

Weld County Public Works petitions to vacate all of that county road right-of-way (ROW) of County Road 72 described and depicted in Exhibit D, attached hereto ("CR 72 ROW"). The CR 72 ROW is approximately 406 feet in length and 60 feet in width and is located east of and adjacent to U.S. 85. The CR 72 ROW is located entirely or primarily within the railroad right-of-way owned by the Union Pacific Railroad. This area is located south of the Town of Eaton within the Eaton RE2 School District, Banner Health Ambulance Services, and the Eaton Fire Protection District.

5) County Road 104

Weld County Public Works petitions to vacate all of that county road right-of-way (ROW) of County Road 104 described and depicted in Exhibit E, attached hereto ("CR 104 ROW"). The CR 104 ROW is approximately 419 feet in length and 60 feet in width and is located west of and adjacent to U.S. 85. The CR 104 ROW is located entirely or primarily within the railroad right-of-way owned by the Union Pacific Railroad. This area is located northwest of the Town of Nunn within the Ault-Highland RE9 School District, Banner Health Ambulance Services, and the Nunn Fire Protection District.

UTILITIES; MUNICIPALITIES

No portion of any of the County Road Rights-of-Ways described herein are located within the limits of any incorporated town or city, or on the boundary of any other county. Any utilities or other structures currently located within these rights-of-way are not intended to be affected by these vacations, as contemplated by C.R.S. §43-2-303(3).

NOTICE TO INTERESTED PERSONS

Governmental Entities:

- Colorado Department of Transportation
- Union Pacific Railroad
- City of Brighton
- Town of Gilcrest
- Town of Platteville
- City of Evans
- Town of LaSalle
- Town of Eaton
- Town of Nunn
- Brighton 27J School District
- Valley RE1 School District
- Eaton RE2 School District
- Ault-Highland RE9 School District
- Greater Brighton Fire District
- Platteville-Gilcrest Fire Protection District
- LaSalle Fire Protection District
- Eaton Fire Protection District
- Nunn Fire Protection District

- Banner Health Ambulance Services
- Platte Valley Ambulance Services
- Weld County Sheriff's Department

Persons who registered public comments with the Public Utilities Commission

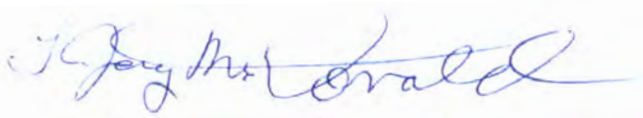
- Delora K. Lane, RMS Storage LLC, 12840 CR 2.5, Brighton
- Monaghan Farms Inc., c/o Michael R. McCormick, 5445 DTC Parkway, Greenwood Village, 80111
- Albert Craig Fried, Big Bend Boat and RV Storage, 17215 CR 46, LaSalle
- Michelle Fried, Big Bend Boat and RV Storage, 17215 CR 46, LaSalle
- Jeff Winter, Winter See & Ag Services LLC, 17215 CR 46, LaSalle
- Jennifer Winter, Big Bend Boat and RV Storage, 17215 CR 46, LaSalle
- Barry Compton, 4202 W 30th St., Greeley, 80634
- William Schaefer, 17483 CR 44, LaSalle, 80645
- Delbert Wertz, 17491 CR 46, LaSalle
- Mike Gassel, Mike's Vending Service, 4110 Saltgrass Ln, Evans
- Naton Putallaz, 1298 S Dusk Dr., Milliken
- Wayne Shepperd, 1401 Patterson Place, Fort Collins
- Rosalie Wertz, 17491 CR 46, LaSalle, 80645
- Todd Langel, Pioneer Hi-Bred Int'l, 7250 NW 62 Avenue, Johnston, IA, 50131
- Audrey Salberg, 21095 CR 72, Eaton, 80615
- Krea Sledge, 52191 CR 27, Carr, 80612
- Aaron Hocking, 12986 CR 108, Carr, 80612
- Sandra Walker, 52413 CR 27, Carr, 80612
- Ashley Francis, P.O. Box 291, Nunn 80648
- Joelle Brent, 12531 CR 104, Nunn, 80648

Surrounding Property Owners within 500 feet of the proposed ROW vacations:

- See Attached Exhibit F

Weld County Public Works supports this application requesting the Commissioners to vacated portions of these Weld County rights-of-way. I am available to answer any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "L. Jay McDonald". The signature is written in a cursive style and is positioned above the typed name and title.

L. Jay McDonald
Public Works Director

EXHIBIT-A

PROPERTY DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE EAST ONE-HALF OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF WELD COUNTY ROAD 2.5 AS LOCATED IN THE EAST ONE-HALF OF SAID SECTION 31 LYING WITHIN THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD FROM THE EASTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD TO THE EASTERLY RIGHT-OF-WAY LINE OF NORTH MAIN STREET IN BRIGHTON, AS DESCRIBED IN QUIT-CLAM DEED RECORDED IN THE WELD COUNTY CLERK AND RECORDERS OFFICE UNDER RECEPTION NO. 61857, NOVEMBER 21, 1896, AND BEING 350.00 FEET IN LENGTH MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY DANIEL R. HOLMES, SURVEYOR IN AND FOR WELD COUNTY, COLORADO.

RIGHT OF WAY
VACATION

WCR 2.5 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 2.5 VACATION

PROJECT NO: BIL-67

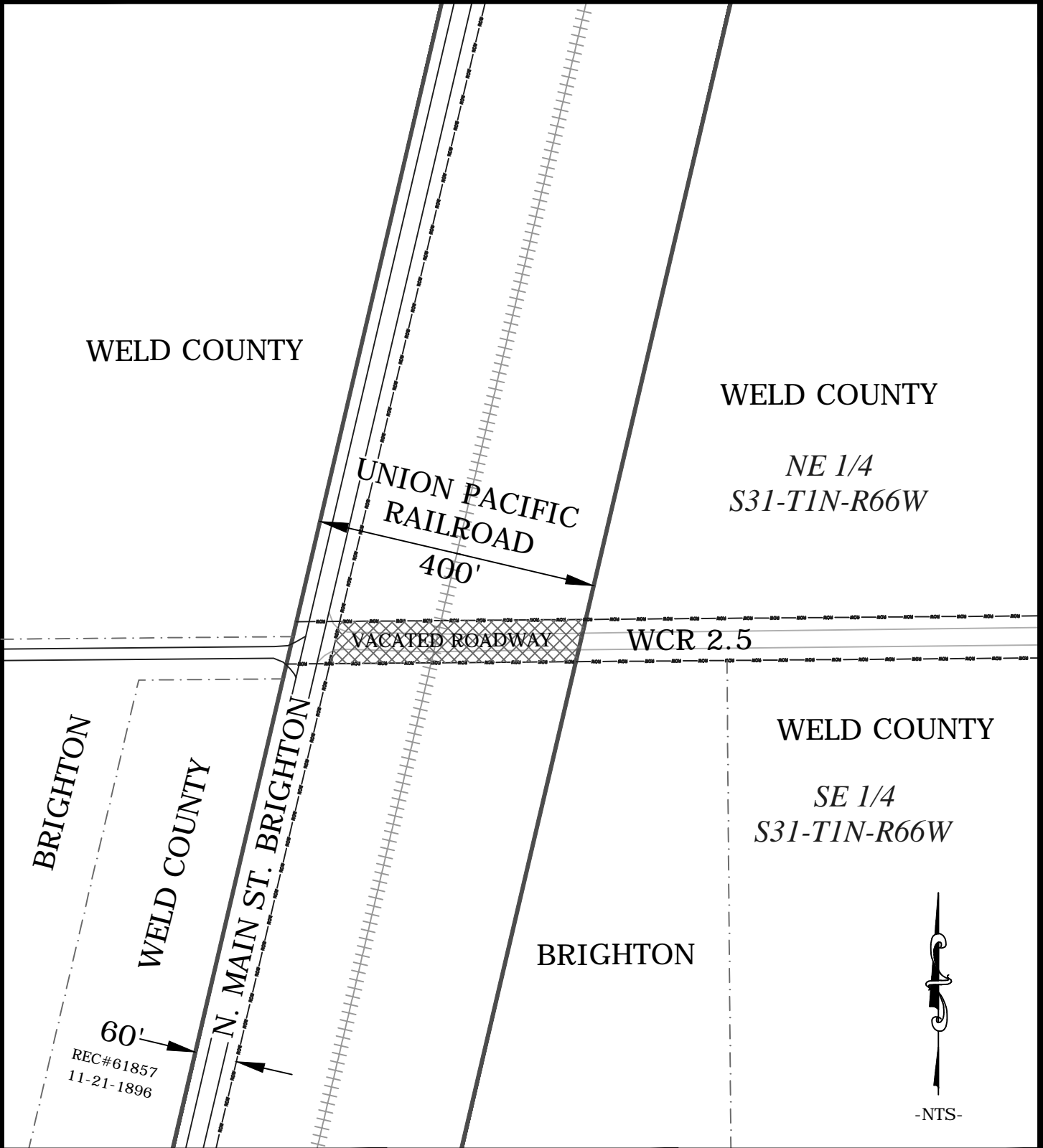
SCALE:

DATE: 8-14-18

DRAWN BY: DRH

SHEET: 1 of 2

EXHIBIT-A



RIGHT OF WAY
VACATION

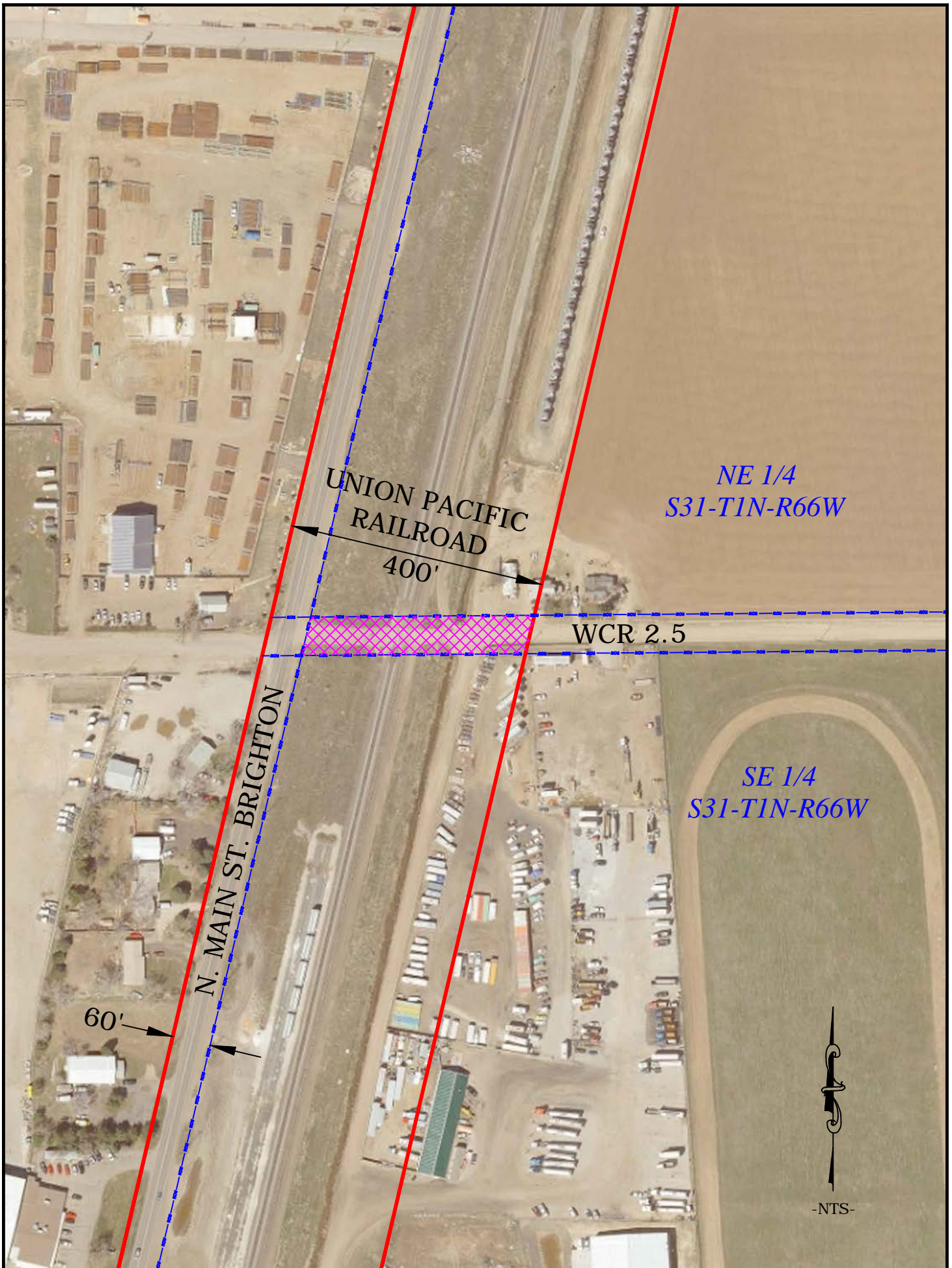
WCR 2.5 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 2.5 VACATION

PROJECT NO: BIL-67	SCALE:	
DATE: 8-14-18	DRAWN BY: DRH	SHEET: 2 of 2



UNION PACIFIC
RAILROAD

400'

NE 1/4
S31-T1N-R66W

WCR 2.5

N. MAIN ST. BRIGHTON

60'

SE 1/4
S31-T1N-R66W



-NTS-

EXHIBIT-A

PROPERTY DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE EAST ONE-HALF OF SECTION 32, AND THE WEST ONE-HALF OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF WELD COUNTY ROAD 29 LYING WITHIN THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD FROM THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD TO A LINE PARALLEL WITH AND 150.00 FEET SOUTHEASTERLY FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, AS LOCATED IN THE EAST ONE-HALF OF SAID SECTION 32, AND THE WEST ONE-HALF OF SAID SECTION 33, AND BEING 548.00 FEET IN LENGTH MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY DANIEL R. HOLMES, SURVEYOR IN AND FOR WELD COUNTY, COLORADO.

RIGHT OF WAY
VACATION

WCR 29 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 29 VACATION

PROJECT NO: BIL-67

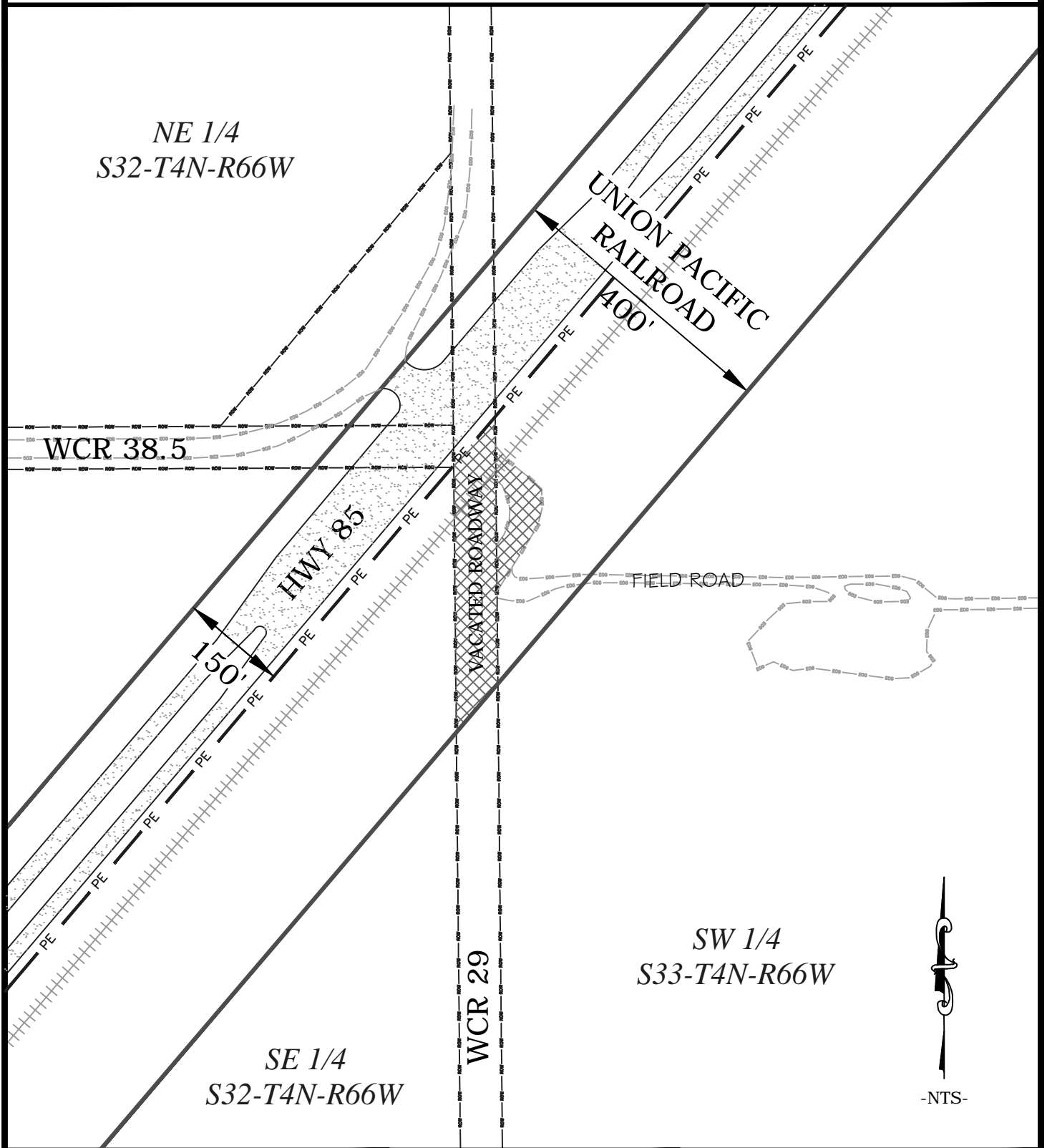
SCALE:

DATE: 8-15-18

DRAWN BY: DRH

SHEET: 1 of 2

EXHIBIT-A



RIGHT OF WAY
VACATION

WCR 29 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 29 VACATION

PROJECT NO: BIL-67

SCALE:

DATE: 8-15-18

DRAWN BY: DRH

SHEET: 2 of 2

NE 1/4
S32-T4N-R66W

WCR 38.5

UNION PACIFIC
RAILROAD
400'

HWY 85

150'

FIELD ROAD

SW 1/4
S33-T4N-R66W

SE 1/4
S32-T4N-R66W

WCR 29



-NTS-

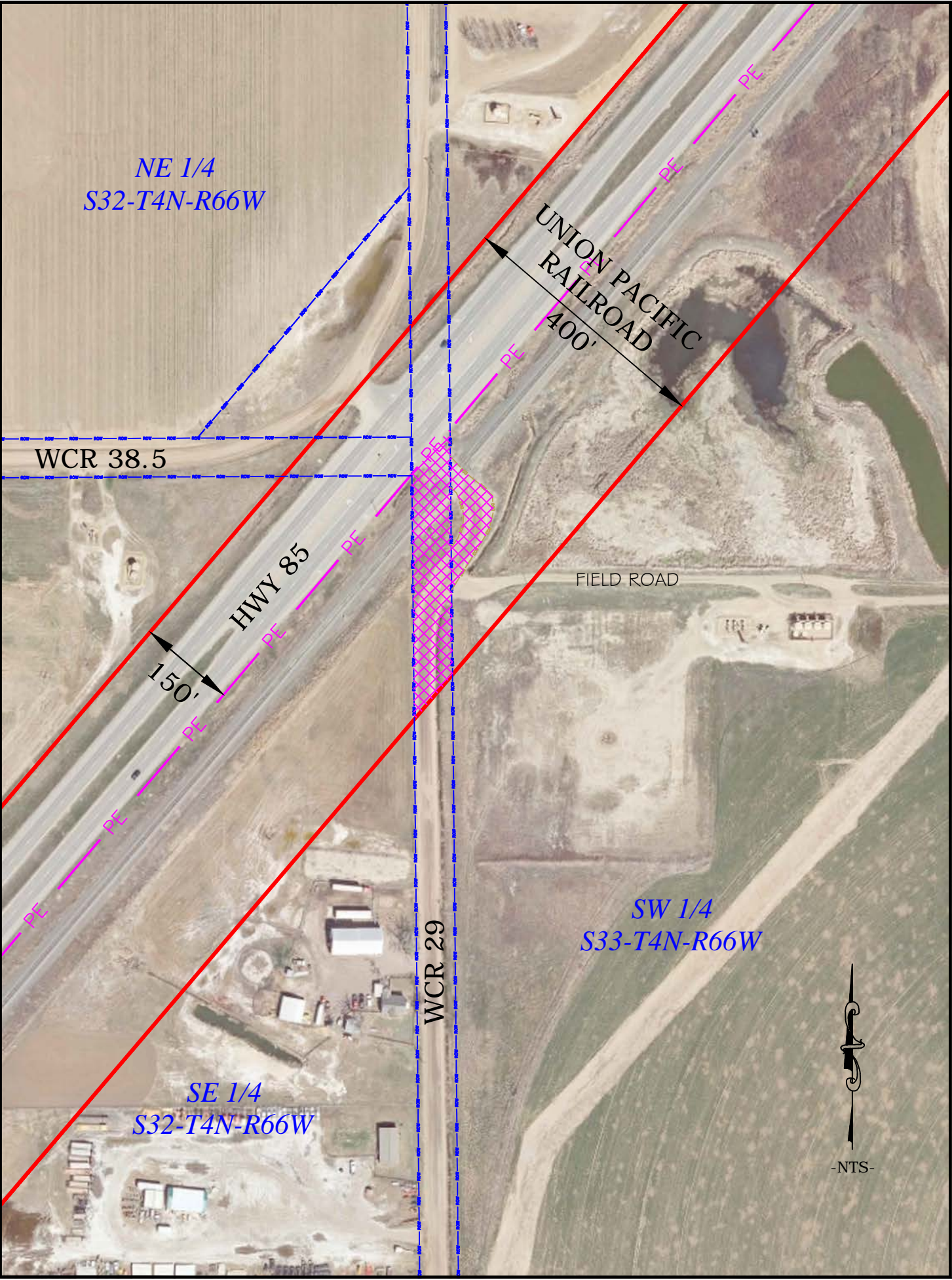


EXHIBIT-A

PROPERTY DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 14, NORTHWEST ONE-QUARTER OF SECTION 13, AND THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF WELD COUNTY ROAD 35 AND 46 LYING WITHIN THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD, FROM THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD TO A LINE PARALLEL WITH AND 150.00 FEET SOUTHEASTERLY FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, AS LOCATED IN SAID NORTHEAST ONE-QUARTER OF SECTION 14, SAID NORTHWEST ONE-QUARTER OF SECTION 13, AND SAID SOUTHWEST ONE-QUARTER OF SECTION 12, AND BEING 1500.00 FEET IN LENGTH MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY DANIEL R. HOLMES, SURVEYOR IN AND FOR WELD COUNTY, COLORADO.

RIGHT OF WAY
VACATION

WCR 35 & 46 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 35 & 46 VACATION

PROJECT NO: BIL-67

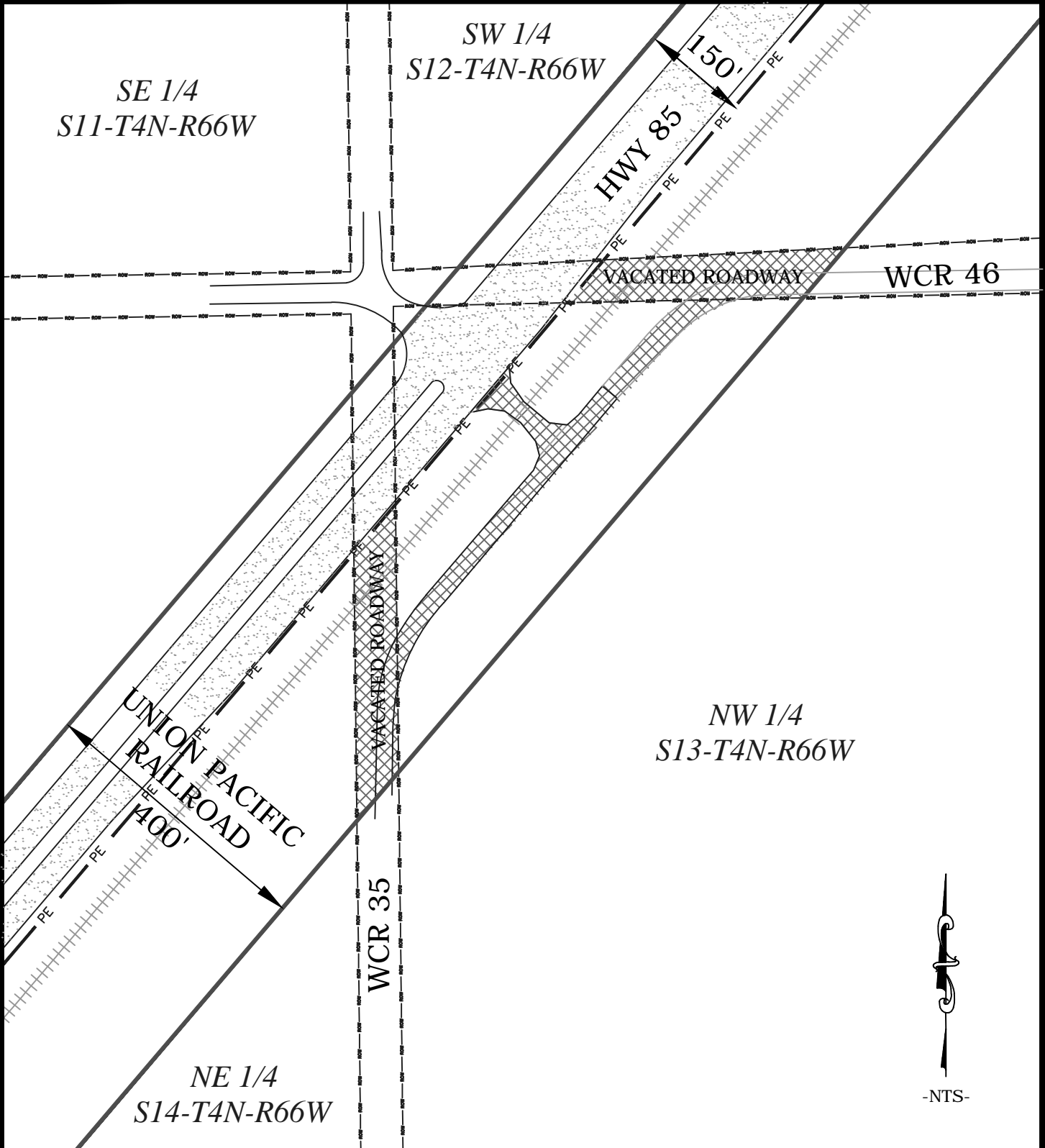
SCALE:

DATE: 8-15-18

DRAWN BY: DRH

SHEET: 1 of 2

EXHIBIT-A



-NTS-

RIGHT OF WAY
VACATION

WCR 35 & 46 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 35 & 46 VACATION

PROJECT NO: BIL-67	SCALE:
DATE: 8-15-18	DRAWN BY: DRH
SHEET: 2 of 2	

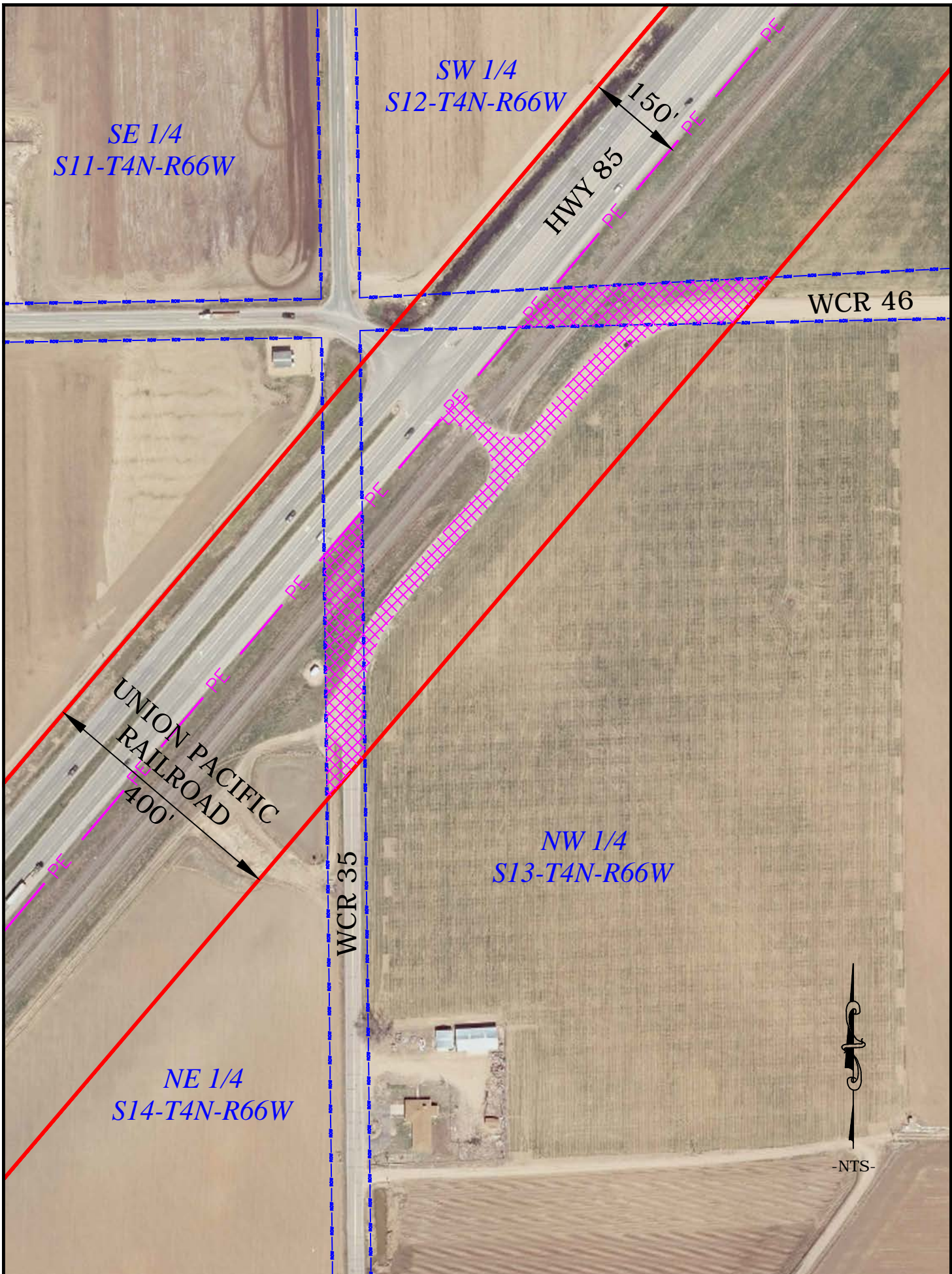


EXHIBIT-A

PROPERTY DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 7, AND THE SOUTHEAST ONE-QUARTER OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF WELD COUNTY ROAD 72 LYING WITHIN THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD, FROM THE EASTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD TO A LINE PARALLEL WITH AND 150.00 FEET EASTERLY FROM THE WESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, AS LOCATED IN SAID NORTHEAST ONE-QUARTER OF SAID SECTION 7, AND SAID SOUTHEAST ONE-QUARTER OF SAID SECTION 6, AND BEING 254.00 FEET IN LENGTH MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY DANIEL R. HOLMES, SURVEYOR IN AND FOR WELD COUNTY, COLORADO.

RIGHT OF WAY
VACATION

WCR 72 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 72 VACATION

PROJECT NO: BIL-67

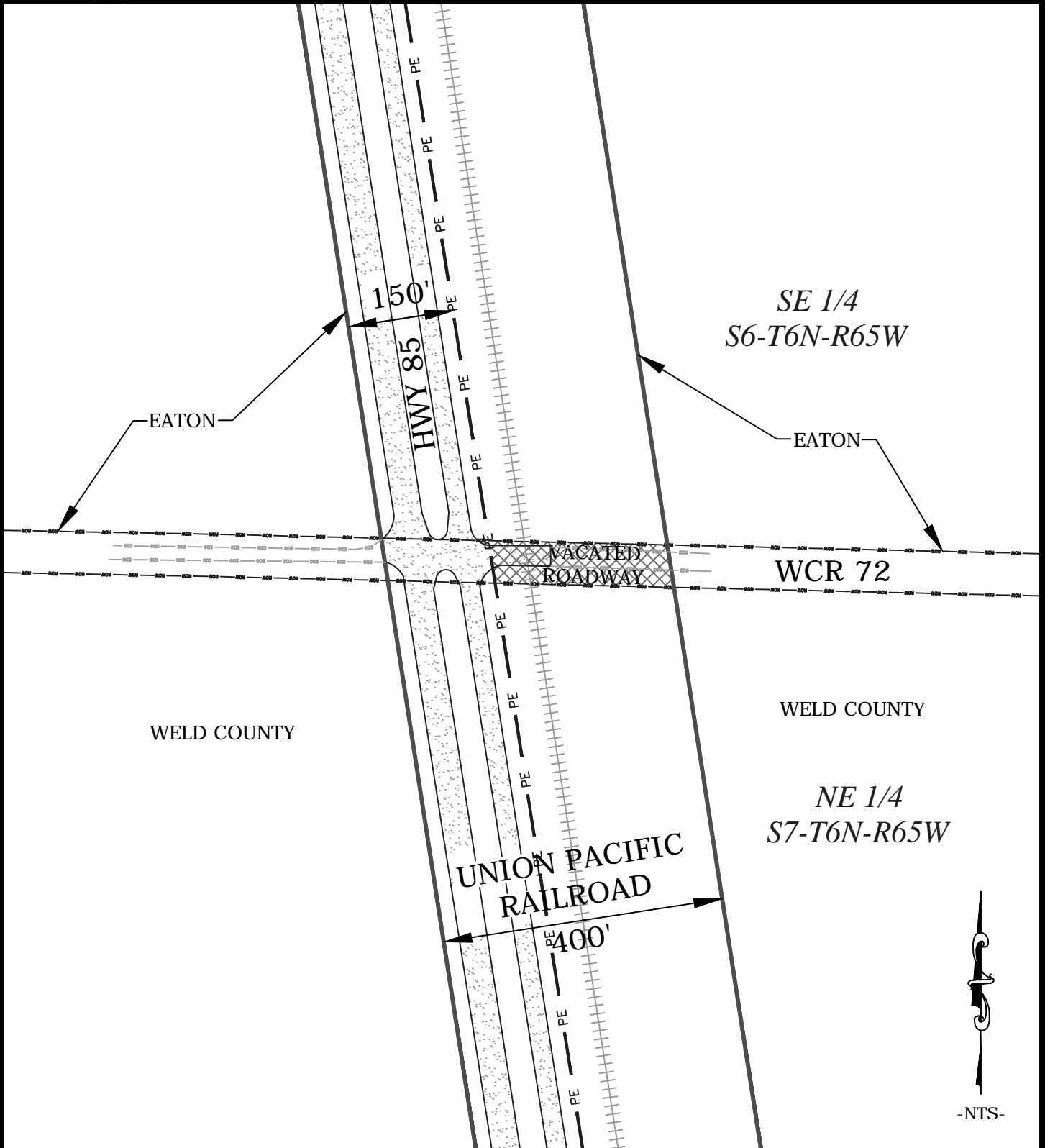
SCALE:

DATE: 8-15-18

DRAWN BY: DRH

SHEET: 1 of 2

EXHIBIT-A



RIGHT OF WAY
VACATION

WCR 72 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 72 VACATION

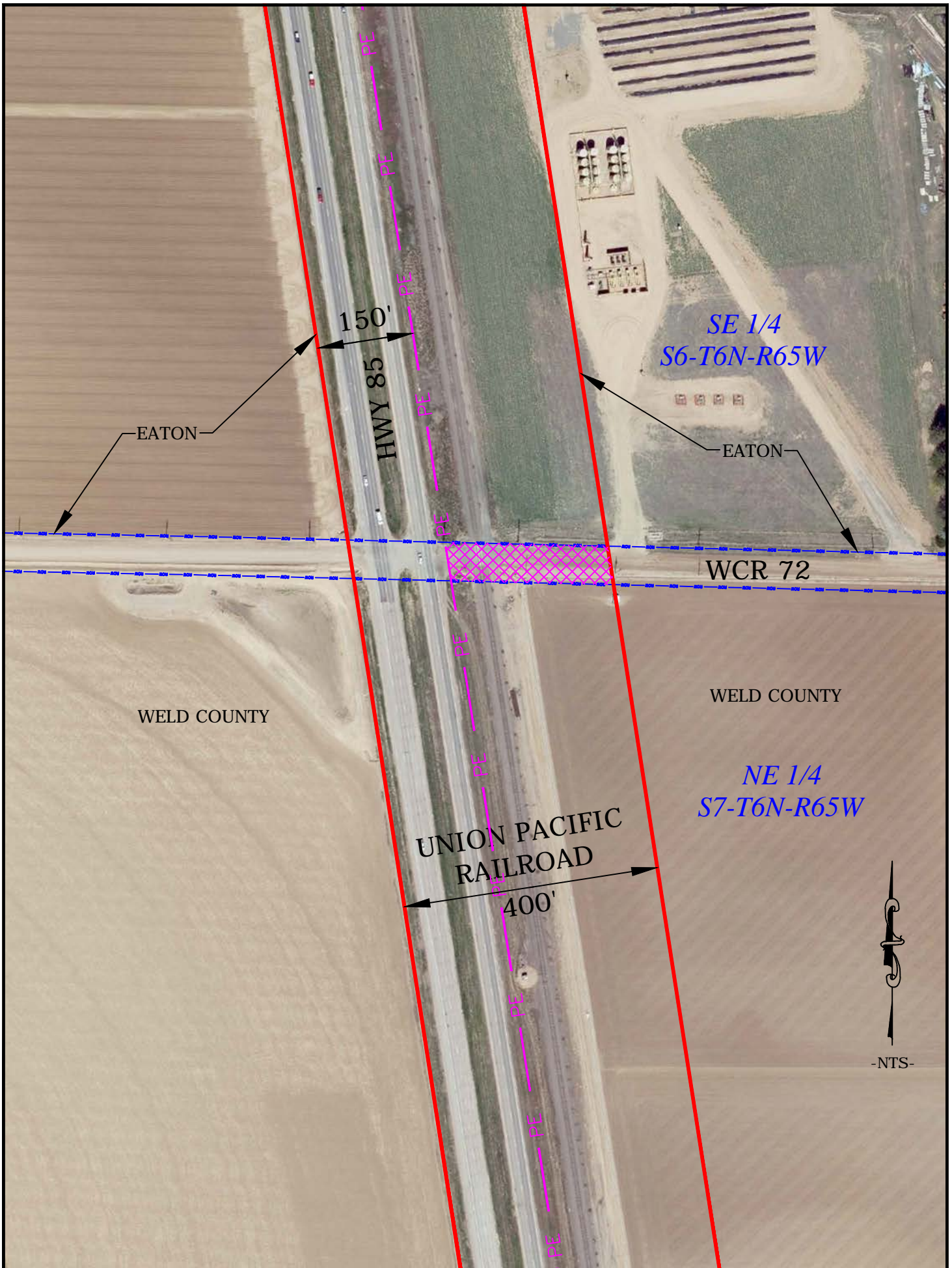
PROJECT NO: BIL-67

SCALE:

DATE: 8-15-18

DRAWN BY: DRH

SHEET: 2 of 2



EATON

150'

HWY 85

SE 1/4
S6-T6N-R65W

EATON

WCR 72

WELD COUNTY

WELD COUNTY

NE 1/4
S7-T6N-R65W

UNION PACIFIC
RAILROAD

400'



-NTS-

EXHIBIT-A

PROPERTY DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 20, AND THE SOUTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF WELD COUNTY ROAD 104 LYING WITHIN THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD AS LOCATED IN SAID NORTHEAST ONE-QUARTER OF SECTION 20, AND SAID SOUTHEAST ONE-QUARTER OF SECTION 17, AND BEING 419.00 FEET IN LENGTH MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY DANIEL R. HOLMES, SURVEYOR IN AND FOR WELD COUNTY, COLORADO.

RIGHT OF WAY
VACATION

WCR 104 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 104 VACATION

PROJECT NO: BIL-67

SCALE:

DATE: 8-14-18

DRAWN BY: DRH

SHEET: 1 of 2

EXHIBIT-A

*SE 1/4
S17-T9N-R66W*

WCR 104

VACATED ROADWAY

HWY 85

*NE 1/4
S20-T9N-R66W*

**UNION PACIFIC
RAILROAD**

400'



-NTS-

RIGHT OF WAY
VACATION

WCR 104 AT HWY 85
WELD COUNTY, COLORADO



WELD COUNTY DEPARTMENT
OF PUBLIC WORKS

WCR 104 VACATION

PROJECT NO: BIL-67

SCALE:

DATE: 8-14-18

DRAWN BY: DRH

SHEET: 2 of 2

*SE 1/4
S17-T9N-R66W*

HWY 85

WCR 104

*NE 1/4
S20-T9N-R66W*

UNION PACIFIC
RAILROAD
400'



-NTS-

