

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
May 24, 2005**

State of Colorado, County of Arapahoe. At a public hearing of the Board of County Commissioners for Arapahoe County, Colorado held at 5334 S Prince St. Littleton CO 80166 there were:

Lynn Myers, Chair	Present
Bernard L. Zimmer, Chair Pro Tem	Absent & Excused
Susan Beckman, Commissioner	Present
Rodney Bockenfeld, Commissioner	Present
Frank Weddig, Commissioner	Present
Kathryn Schroeder, County Attorney	Present
Nancy A. Doty, Clerk to the Board	Absent & Excused
Jennifer Gayer, Deputy Clerk	Present

When the following proceedings, among others, were had and done, to wit:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

The motion was made by Commissioner Beckman and duly seconded by Commissioner Bockenfeld to adopt the Agenda as presented.

The motion passed 4-0, Zimmer Absent and Excused.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Weddig and duly seconded by Commissioner Bockenfeld to adopt the minutes of the May 3, 2005 and May 10, 2005 Public Hearings.

The motion passed 4-0, Zimmer Absent and Excused.

CEREMONIES

There were no ceremonies.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Weddig to approve the Consent Agenda as presented.

The motion passed 4-0, Zimmer Absent and Excused.

Commissioner Myers recognized Mark Scott, a member of the County's Open Space and Trail Advisory Board and the representatives from Copperleaf in the audience.

GENERAL BUSINESS AGENDA

Item A – Resolution No. 050309 – Public Hearing, Case No. V04-006, Vacation of (a portion of) South Quebec Way Right-of-Way

Assistant County Attorney Tom McNish explained this item was continued from the May 3, 2005 meeting, at which time jurisdiction was established.

Bill Skinner of the Planning Division presented the staff report, a copy of which has been retained for the file. He displayed an aerial photo and identified the area to be vacated. He said the area to be vacated was originally a part of the original South Parker Road and would continue on north overlapping Jordan Road, joining the alignment that is now Leetsdale. He said as things developed and changed overtime, Leetsdale and Parker became the prominent right of way through there and South Quebec Way became a secondary piece. He explained it appears that the two-lane piece of asphalt is originally part of the highway of S. Quebec Way, but is now a remnant. Left over from the previous roadway. He said the applicant is represented today by Kristen Gow, from Greentree Village Apartments, which is immediately east of this section of right-of-way. He said the person bringing the case forward is the developer, Shiraz and Aliya Moosajee, who have purchased the small triangle west of the portion of right-of-way. He explained the Moosajees would like to develop that triangle, but have found the constraints on the site are very difficult unless this portion of roadway is vacated.

He said the staff was surprised to find out that Denver vacated the Denver portion of South Quebec Way in 1978, even though the paving is still in place. He said people have essentially been trespassing with their automobiles, on private property in excess of 20 years. He said that gave the Denver property owners a bit of a fright when realizing the liability issue. He said the County is left with a minimal strip of asphalt right up against the County line. He said the road is sub standard. He said short of improving that remnant paving, the logical thing to do is to remove the paving and vacate it. He speculated it was not done previously because the road lay in two jurisdictions.

He said there has been minimal objection from various professional agencies, but there was a fair amount of objection from the neighbors at one time. He said there has been a lot of communication with the neighbors. He said Sue Conaway has been to HOA meetings. He said the objections have seemed to have evaporated. He stated this vacation would not affect access to any lots. He concluded staff recommends approval but would recommend a change to the language in the staff report. He said condition number 1 and condition number 2, should read

“vacation resolution” instead of “petition for vacation.” He also said that a fourth condition of approval should be added as “easement is reserved for continued use of existing sewer, gas, water, drainage or similar pipelines.”

Shiraz Moosajee said he is the developer of 1050 S. Quebec Street, said in conjunction with Greentree Village, he has the intention of constructing a small retail development. He said that process is under the jurisdiction of the Denver Planning Board and is approved by the City and County of Denver. He said as part of that process, the common boundary between Denver and Arapahoe County had to be considered. He said that common boundary is halfway into this piece of asphalt that is currently being used as a road. He said the removal of the piece of asphalt on the Denver side would have had two effects. He said it would be necessary to remove in order to move forward with the development and it would reduce the piece of asphalt on the Arapahoe County side to only ten feet. He said after discussion with the Arapahoe County Planning and Engineering and related agencies, it was determined that the remaining ten feet would not be sufficient width for a safe and sound traffic way. He said Greentree Village has an issue with the movement of pedestrians from Greentree Village to S. Quebec Way and use that asphalt as a crossing. He said there is no pedestrian right of way. He said from the residents of Greentree Village would have preferred a concession for a different traffic. He said the conclusion was made that the best thing to do would be to remove that piece of asphalt and re-direct traffic through Mississippi. He said there was a traffic study commissioned, which reported that there is no real impact to traffic by the vacation.

The motion was made by Commissioner Bockenfeld to approve Case No., V04-006, Vacation of (a portion of) South Quebec Way Right-of-Way subject to the following conditions:

1. Prior to recordation of the vacation resolution, all minor modifications shall be made as required by the Arapahoe County Planning Division.
2. Prior to recordation of the vacation resolution, all minor modifications shall be made as required by the Arapahoe County Engineering Division.
3. The applicant will submit construction drawings for the removal of paving and curb closure installation to be approved by the Arapahoe County Engineering Division.
4. Vacation is subject to the condition that an easement is reserved for continued use of sewer, gas, water drainage or similar pipelines and

Seconded by Commissioner Beckman.

Commissioner Myers said this is in her district. She said she realizes it is hard for the residents to give up the asphalt, which has been a convenience. She said it is important to note that when the Fire Department supports this very strongly, their lead should be followed.

The motion passed 4-0, Zimmer Absent and Excused.

COMMISISONER COMMENTS

Commissioner Beckman said she has had the privilege of being the liaison for the Human Services Department this year. She said the County has the best employees, but those who work in Human Services do a special kind of a job and are really very professional, compassionate and committed to providing a service to some of the most vulnerable people. She said several have been recognized in the last few weeks. She said last week at a dinner for early childhood development, a non-profit organization, Bonnie DeHart, Childcare Investigation Supervisor, was awarded the distinguished service award. She said at the dinner for the SunGate Awards, which deals with abused and sexually abused children, Cindy Carrie, the Sexual Abuse Recovery Team Supervisor, was recognized for the Excellence in Service Award. She said the County also had two Human Service employees recognized for their

excellence in practice at the annual child welfare conference in Vail – Michelle Dossey and Jacqueline Ruybal – Case Aid Lead Workers.

There being no other business before the Board, the Chair adjourned the hearing at 9:54 AM.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

**NANCY A. DOTY, CLERK TO THE BOARD
BY JENNIFER GAYER, DEPUTY**