

**From:** Wufoo  
**To:** [Mary Ruther](#)  
**Subject:** City Council Agenda Item Request for Consideration [#28]  
**Date:** Wednesday, May 09, 2018 5:42:51 AM

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#### Summary

##### A Resolution

"Due to the likelihood of failure of a proposal to impose what has been described as a necessity for eminent domain condemnation on properties along the north side of the Regional Transportation District West Line for the proposed D10 Bike Path along the north side of the W-Line, Council hereby declares a pause on planning and other staff work on the project known as the D-10 Bike Path well as a moratorium on expending further funds on the project.

Council further instructs staff to re-evaluate alternative routes, including a Kipling-to-Oak Street alignment of the path along the south side of the West 13th Avenue. Such re-evaluation shall take into account the opportunity to avoid any "takings" by routing a small portion of the path onto the current W. 13th Avenue bicycle lane to skirt three properties that are too close to the W-Line easement to accommodate the proposed path.

Staff also shall examine the opportunity to transfer a Denver Regional Council of Governments grant to fund the West 13th Avenue route as well as probable cost savings due to better access for construction of the route along the more accessible West 13th Avenue route as well as improved access for maintenance and less 'shading' of the snow and ice that would accumulate on the path. In addition, spiraling cost estimates and lack of agreement regarding restoring the historic irrigation water delivery of irrigation ditch water flow should be addressed and the results presented to Council.

In providing estimates of probable cost estimates, the savings from the absence of property acquisitions and the probable avoidance the huge expense of restoring irrigation ditch flow and the expected legal and engineering associated with the irrigation challenges also should be calculated and presented to Council.

Staff also shall, as part of the re-evaluation, research public safety advantages of the more accessible West 13 Avenue route.

History/Background	Comments from Council members before the February 12 City Council vote on imposing eminent domain condemnation for a sidewalk along Sheridan Boulevard indicates a majority of City Council is reluctant to approve use of eminent domain. In view of that prevailing position, we propose this Request for Council Action Charley Able and Ramey Johnson
Identify Financial Implications	See above
Preferred Timeframe	ASAP
Proposed Actions/Recommendations	Study session

(Study Session or Regular Meeting)