



Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3003
www.denvergov.org/pwpermits

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner
Director, Public Works Right of Way Services

ROW #: 2018-VACA-0000015

DATE: April 22, 2019

SUBJECT: Request for an Ordinance to vacate two (2) portions of ROW on the north and south side of the alley, respectively, bounded by W 28th Ave., N Decatur St., N Speer Blvd., and N Clay St., without reservations.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Steve Ferris, dated November 20, 20108, on behalf of Shawn Bookout, David Berton, and Jeff Cohn for requesting the above requested vacation.

This matter has been inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; Public Works – DES - Construction Engineering, DES Engineering – Transportation & Wastewater, Survey, Public Works – Policy and Planning; Public Works – Street Maintenance; CenturyLink; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have indicated their agreement.

As a result of these investigations, hereby approved and the described area is hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

As a result of these investigations, it has been determined that there is no objection to vacating the said area(s).

Therefore, you are requested to initiate Council action to vacate the following area:

INSERT PARCEL DESCRIPTION ROW 2018-VACA-0000015-001 HERE
INSERT PARCEL DESCRIPTION ROW 2018-VACA-0000015-002 HERE

MB: VLW

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Bradley Beck
Department of Law – Deanne Durfee
Department of Law – Maureen McGuire
Department of Law – Martin Plate
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Jason Gallardo
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo
at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: April 22, 2019 _____

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
- Dedication/Vacation Appropriation/Supplemental DRMC Change
- Other:

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Request for an Ordinance to vacate two (2) portions of ROW on the north and south side of the alley, respectively, bounded by W 28th Ave., N Decatur St., N Speer Blvd., and N Clay St., without reservations.

3. Requesting Agency: PW ROWS Engineering Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brittany Pirtle	Name: Jason Gallardo
Email: Brittany.pirtle@denvergov.org	Email: Jason.Gallardo@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for an Ordinance to vacate two (2) portions of ROW on the north and south side of the alley, respectively, bounded by W 28th Ave., N Decatur St., N Speer Blvd., and N Clay St., without reservations.

6. City Attorney assigned to this request (if applicable):

Martin Plate

7. City Council District:

Dist # 1 - Spinoza

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2018-VACA-0000015 28th Ave Lofts Alley Vacation at W. 28th Ave and Decatur St

Requestor's name: Steve Ferris

Description of Proposed Project: They are vacating 2 portions of the public Right of Way for the purpose of making a continuous alley from Clay St to Decatur St. In doing the vacations, they are also submitting dedications, so the full alley can become public Right of Way.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: See description above.

Width of area in feet: varies from 5' to 15'

Number of buildings abut said area: 3

The 20-day period for protests has expired, the vacating notice was posted on: March 19, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: March 19, 2019

Protests sustained by the manager of Public Works: Have been filed, and were resolved with the adjacent owners

Will land be dedicated to the City if the vacation goes through: Yes

Will an easement be placed over a vacated area, and if so explain: No

Will an easement relinquishment be submitted at a later date: No

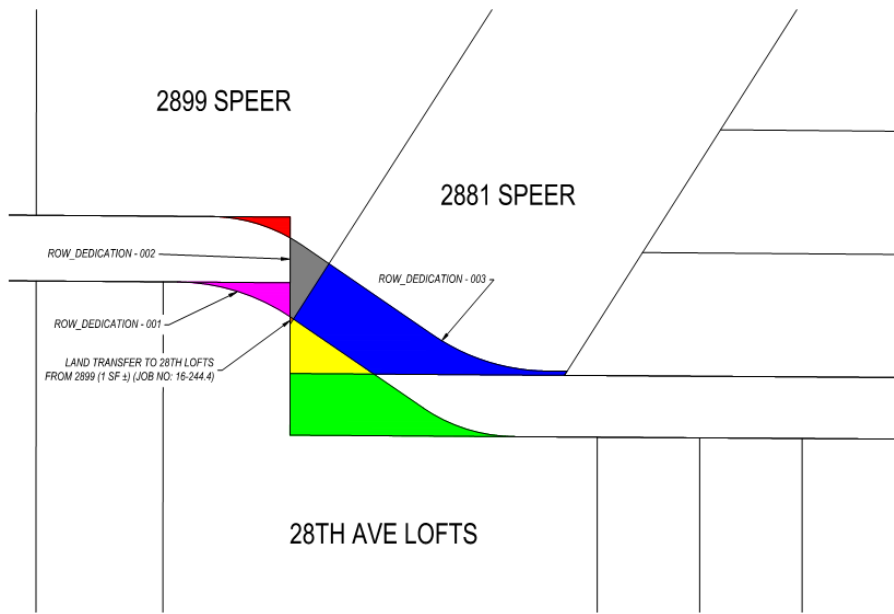
Background: These alleys are 2 dead end alleys. The public currently drives over the public alley's and then over private property. This vacation and the dedication to come, will turn this alley into a continuous Public Right of Way alley for the public to use.

Public Notification: 1 protest was sustained with questions, but has been resolved with the protestor.

Location Map:



EXHIBIT C ALLEY DEDICATION, VACATION, AND LAND TRANSFER



STEP 1:

- LAND DEDICATED BY 28TH LOFTS AS ALLEY (73 SF ±) (JOB NO: 16-244.1)
- LAND DEDICATED BY 2899 SPEER AS ALLEY (100 SF ±) (JOB NO: 16-244.2)
- LAND DEDICATED BY 2881 SPEER AS ALLEY (615 SF ±) (JOB NO: 16-244.3)

STEP 2:

- LAND TRANSFER TO 28TH LOFTS FROM 2899 (1 SF ±) (JOB NO: 16-244.4)
- LAND TRANSFER TO 28TH LOFTS FROM 2881 (141 SF ±) (JOB NO: 16-244.5)

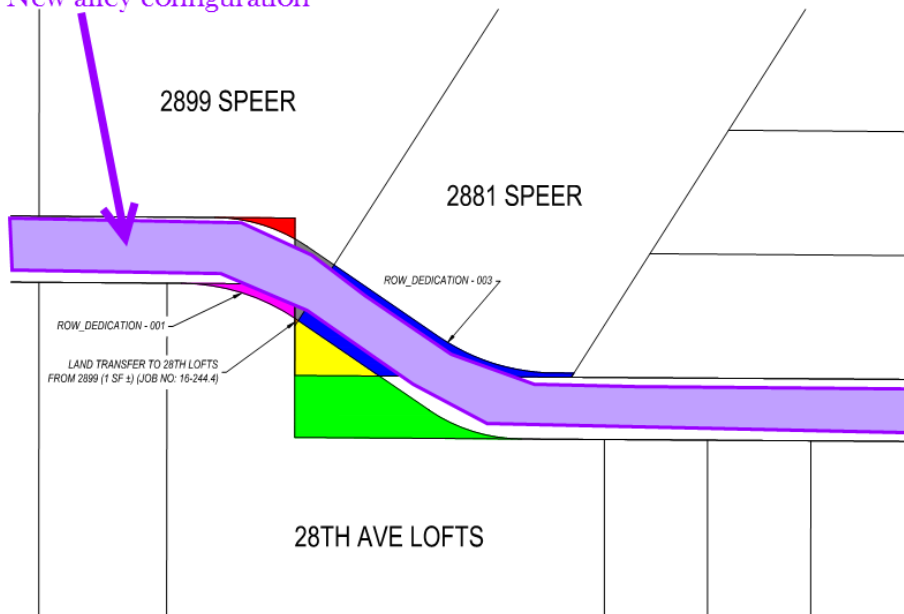
STEP 3:

- LAND VACATED TO 28TH LOFTS FROM CITY (487 SF ±)
- LAND VACATED TO 2899 SPEER FROM CITY (32 SF ±)

DATE: 08/29/2018

EXHIBIT C ALLEY DEDICATION, VACATION, AND LAND TRANSFER

New alley configuration



STEP 1:

- LAND DEDICATED BY 28TH LOFTS AS ALLEY (73 SF ±) (JOB NO: 16-244.1)
- LAND DEDICATED BY 2899 SPEER AS ALLEY (100 SF ±) (JOB NO: 16-244.2)
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STEP 3:

- LAND VACATED TO 28TH LOFTS FROM CITY (487 SF ±)
- LAND VACATED TO 2899 SPEER FROM CITY (32 SF ±)

DATE: 08/29/2018

EXHIBIT A

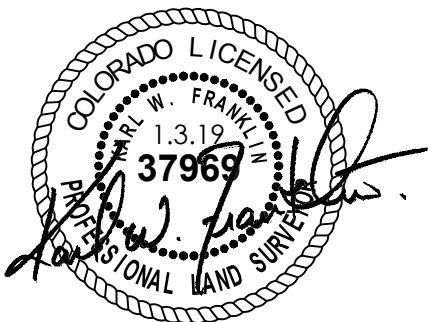
LAND DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING PART OF ALLEY RIGHT-OF-WAY, BLOCK 17, HAGER'S ADDITION TO HIGHLANDS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND 3" ALUMINUM CAP (L.S. 23899) AT THE INTERSECTION OF WEST 28TH AVENUE AND CLAY STREET;
 THENCE N43°04'45"W, A DISTANCE OF 213.03 FEET TO THE POINT OF BEGINNING;
 THENCE N89°37'52"W, A DISTANCE OF 54.84 FEET;
 THENCE N00°02'57"E, A DISTANCE OF 15.00 FEET;
 THENCE S89°37'52"E, A DISTANCE OF 20.46 FEET;
 THENCE S55°38'08"E, A DISTANCE OF 14.60 FEET;
 THENCE ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT, A DISTANCE OF 23.73 FEET, SAID ARC HAVING A CHORD BEARING OF S72°38'00"E, A CHORD LENGTH OF 23.39 FEET, A RADIUS OF 40.00 FEET, AND A CENTRAL ANGLE OF 33°59'45" TO A POINT OF TANGENCY;
 ALSO BEING THE POINT OF BEGINNING.

CONTAINING 487 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS IS BETWEEN THE FOUND 3" ALUMINUM CAP 4.5 FOOT OFFSET (L.S. 23899) AT THE INTERSECTION OF WEST 28TH AVENUE AND DECATUR STREET AND THE FOUND 3" ALUMINUM CAP (L.S. 23899) AT THE INTERSECTION OF WEST 28TH AVENUE AND CLAY STREET, HAVING AN ASSUMED BEARING OF N89°51'26"W.



PREPARED BY:
ALTITUDE LAND CONSULTANTS, INC
 KARL W. FRANKLIN, PE-PLS-EXW
 COLORADO PLS 37969

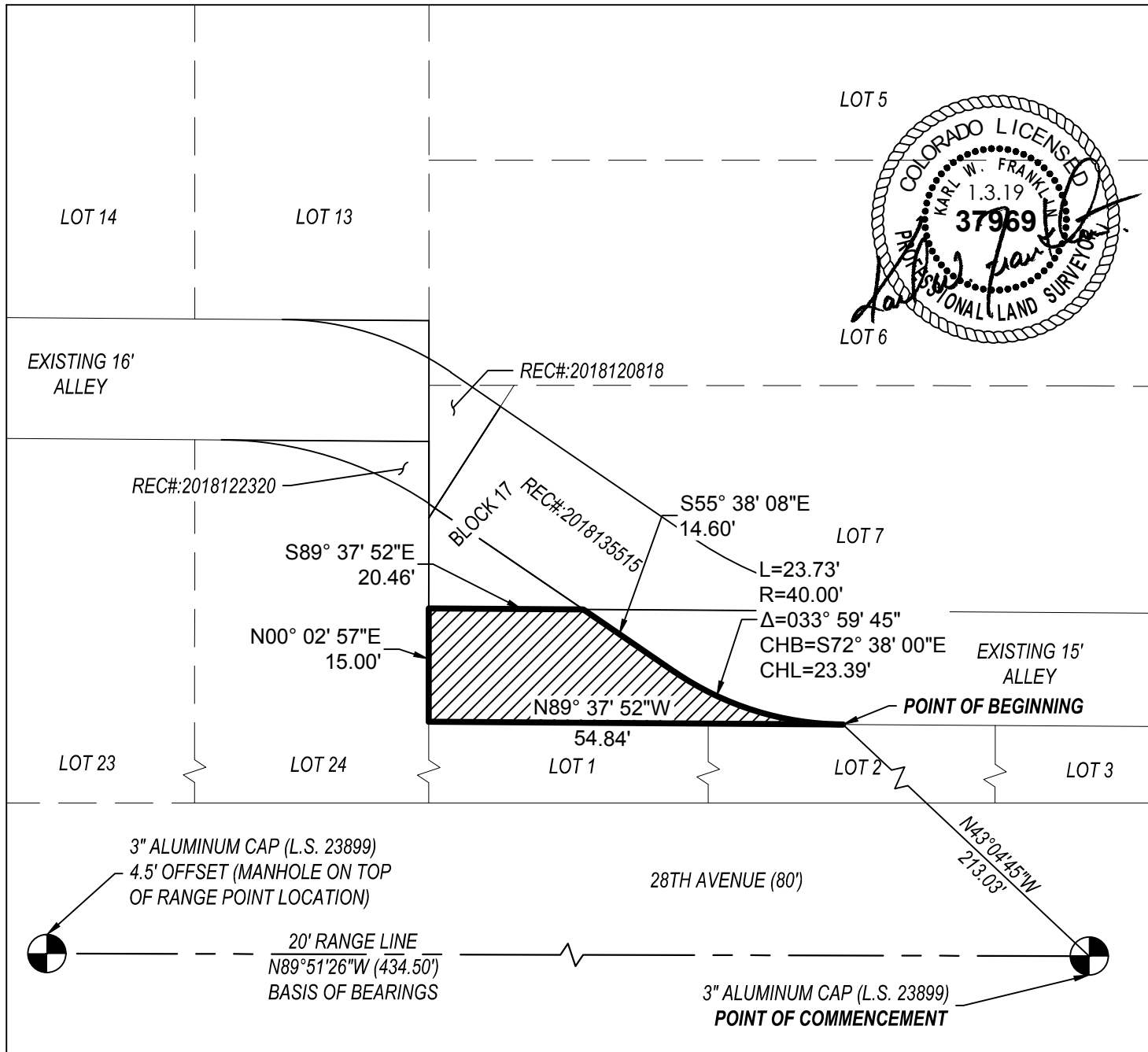
SHEET 1 OF 2

DATE: 01.03.2019

JOB NO: 16-244.6

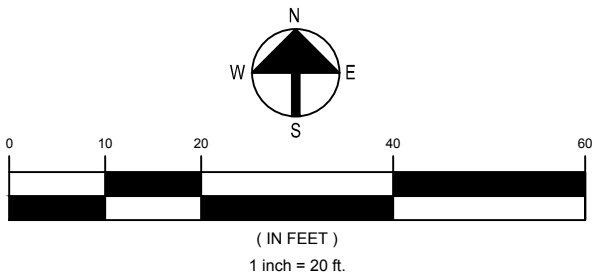
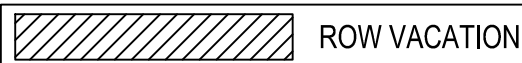


EXHIBIT A



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

LEGEND:



SHEET 2 OF 2

DATE: 01.03.2019
JOB NO: 16-244.6

EXHIBIT A

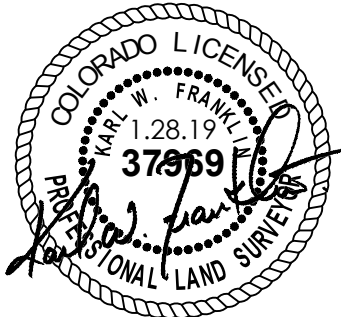
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COMMENCING AT THE FOUND 3" ALUMINUM CAP (L.S. 23899) AT THE INTERSECTION OF WEST 28TH AVENUE AND CLAY STREET;
THENCE N44°28'33"W, A DISTANCE OF 286.13 FEET TO THE POINT OF BEGINNING;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 20.32 FEET, SAID ARC HAVING A CHORD BEARING OF N75°01'40"W, A CHORD LENGTH OF 20.10 FEET, A RADIUS OF 40.00 FEET, AND A CENTRAL ANGLE OF 29°06'33" TO A POINT OF NON-TANGENCY;
THENCE S89°34'56"E, A DISTANCE OF 19.43 FEET;
THENCE S00°02'57"W, A DISTANCE OF 5.05 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 32 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS IS BETWEEN THE FOUND 3" ALUMINUM CAP 4.5 FOOT OFFSET (L.S. 23899) AT THE INTERSECTION OF WEST 28TH AVENUE AND DECATUR STREET AND THE FOUND 3" ALUMINUM CAP (L.S. 23899) AT THE INTERSECTION OF WEST 28TH AVENUE AND CLAY STREET, HAVING AN ASSUMED BEARING OF N89°51'26"W.



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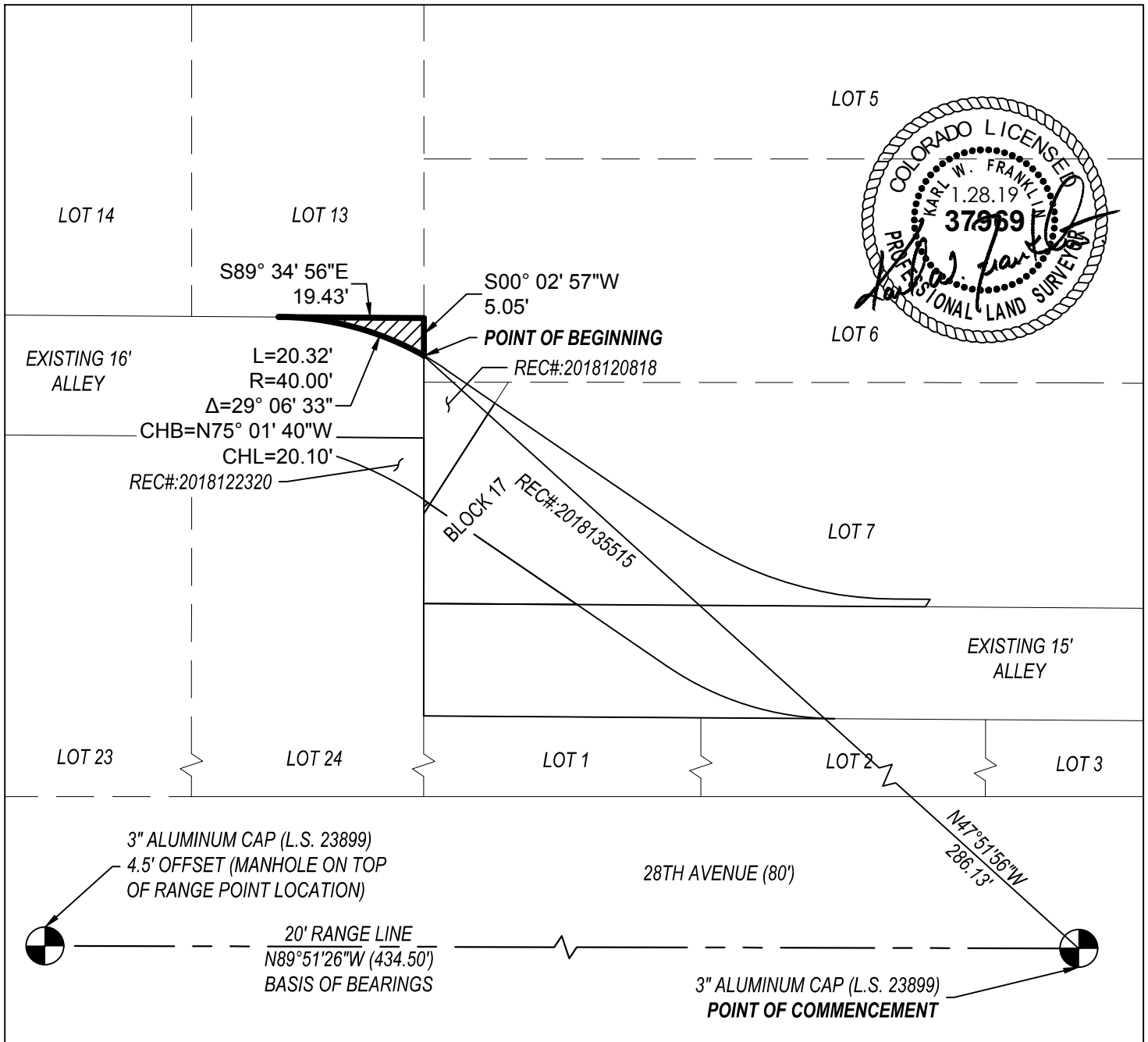
SHEET 1 OF 2

DATE: 01.28.2019
JOB NO: 16-244.7



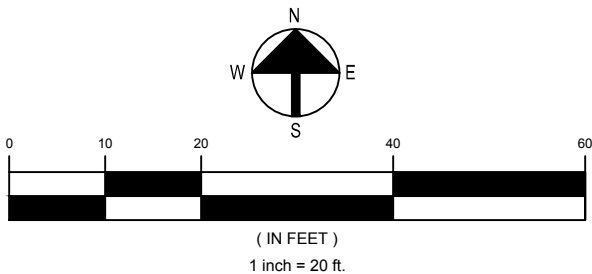
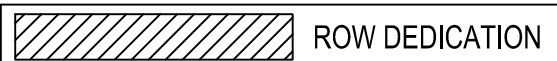
EXHIBIT A

2018-VACA-0000015-002



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

LEGEND:



SHEET 2 OF 2

DATE: 01.28.2019
JOB NO: 16-244.7

ALTITUDE
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