


## REQUEST FOR VACATION ORDINANCE

**TO:** Ivone Avila-Ponce, City Attorney's Office

**FROM:** Glen Blackburn, PE  
Director, Right of Way Services 

**ROW #:** 2022-VACA-0000011

**DATE:** July 20, 2023

**SUBJECT:** Request for an Ordinance to vacate a portion of 21<sup>st</sup> Street at Wewatta Street and 21<sup>st</sup> Street, with a reservation held over a portion of the requested vacated area.

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

This office has investigated the request of Fred Shultz, dated March 16, 2022, on behalf of Light Bulb Supply Building, LLC for the subject right of way vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation; Comcast; Division of Disability Rights; Community Planning & Development: Building and Construction Services, Planning Services, and Zoning & Development Review; Historic Preservation/Landmark; City Council District 9; Denver Fire Department; Metro Water Recovery; Office of Emergency Management; City Forester; Parks & Recreation; DOTI: Construction Engineering, DES Transportation & Wastewater, ER Transportation & Wastewater, Policy & Planning, Street Maintenance, Survey, TES Sign & Stripe, CPM Wastewater; CenturyLink/Lumen; Regional Transportation District; Solid Waste; Denver Water; Xcel Energy, all of whom have indicated no objection.

As a result of these investigations, it has been determined that there is no objection to vacating said area(s) PROVIDED, HOWEVER, said vacation shall be subject to the following reservations over the specified reservation area:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, without limitation, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire Easement Area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the Easement Area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver. The property owner shall be liable for all damages to such utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not be liable for any damage to property owner's property due to use of this reserved easement.

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

**INSERT PARCEL DESCRIPTION ROW 2022-VACA-0000011-001 HERE**

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services / Engineering & Regulatory  
201 W Colfax Ave, Dept 507 | Denver, CO 80202  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-865-3003



Reservation area:

**INSERT PARCEL DESCRIPTION RESERVATION 2022-VACA-0000011-002 HERE**

GB: je

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

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## ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

at [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

Please mark one: ☒ Bill Request or ☐ Resolution Request

Date of Request: July 20, 2023

### 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 a portion of 21<sup>st</sup> Street at Wewatta Street and 21<sup>st</sup> Street, with a reservation held over a portion of the requested vacated area.

### 3. Requesting Agency: Department of Transportation & Infrastructure, Right of Way Services, Engineering & Regulatory

### 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Jessica Eusebio	Name: Jason Gallardo
Email: <a href="mailto:Jessica.Eusebio@denvergov.org">Jessica.Eusebio@denvergov.org</a>	Email: <a href="mailto:Jason.Gallardo@denvergov.org">Jason.Gallardo@denvergov.org</a>

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

Request for an Ordinance to vacate a portion of 21<sup>st</sup> Street at Wewatta Street and 21<sup>st</sup> Street, with a reservation held over a portion of the requested vacated area.

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

### 7. City Council District: Councilperson Watson, District 9

### 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?**

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2022-VACA-0000011 - 1800 21st St Parcel C Vacation

**Requestor's name:** Light Bulb Supply Building, LLC

**Description of Proposed Project:** Request for an Ordinance to vacate a portion of 21<sup>st</sup> Street at Wewatta Street and 21<sup>st</sup> Street, with a reservation held over a portion of the requested vacated area.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** The owner is planning to redevelop the area.

**Area of proposed right-of-way vacation in square feet:** Approximately 724 square feet.

**Number of buildings adjacent to proposed vacation area:** (2) Two

**Public Notice was posted at the proposed vacation area on:** June 14, 2023

**Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on:** June 14, 2023

**The 20-day period for protests expired on:** July 5, 2023

**Were protests received from the Public and, if so, explain:** None were received.

**Are all protests containing technical merit resolved to the satisfaction of DOTI:** N/A

**Will land be dedicated to the City if the vacation is approved:** No.

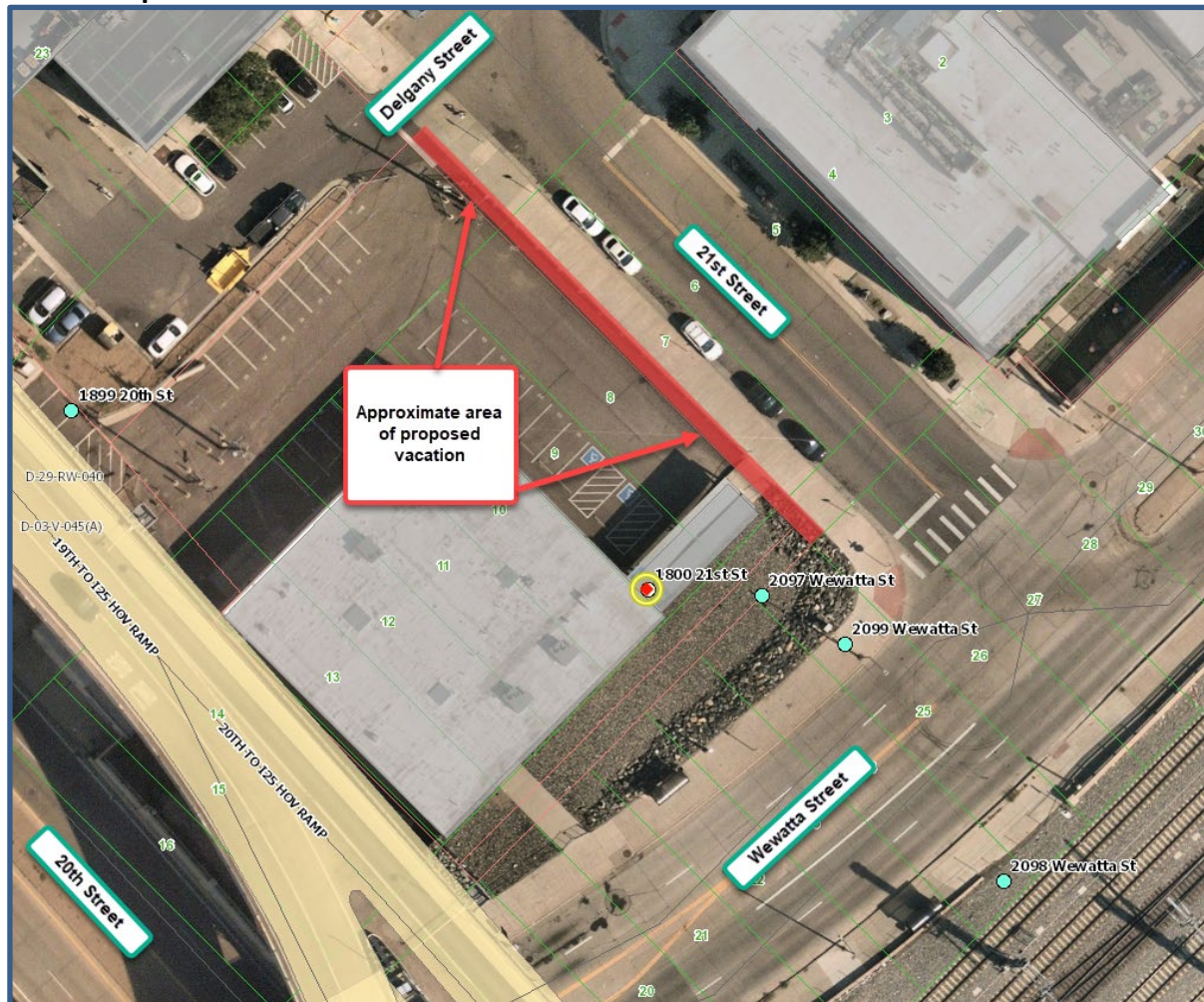
**Will an easement be placed over a vacated area and, if so, explain:** A partial easement will be reserved. There is a sanitary sewer, Xcel-owned facilities, and a waterline that the City, Xcel Energy, and Denver Water will still require access to.

**Is a request for an easement relinquishment expected at a later date and, if so, explain:** No.

**Background:** The owner is planning to redevelop the area and this request would assist in cleaning up the property lines.

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201 W Colfax Ave, Dept 507 | Denver, CO 80202  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-865-3003

## Location Map:





**EXHIBIT "A"****PARCEL C**

Part of 21st Street Right-of-Way Established by Resolution 98, Series 2007, and Part of Delgany Street Established by Plat Adjacent to and within Block 9, GASTON'S ADDITION TO THE CITY OF DENVER

SW 1/4 of Sec. 27 and SE 1/4 of Sec. 28-T3S-R68W of the 6th P.M.

Description (See sheet 2 for Map)

**DESCRIPTION OF PARCEL C (Part of 21st Street (relocated) and Part of Delgany Street)**

A Tract of land 4.00 feet in width, part of which being the southwesterly 4.00 feet of 21st Street (relocated) Right-of-Way in Block 9, GASTON'S ADDITION TO THE CITY OF DENVER, a subdivision of land in the Southwest Quarter of Section 27 and the Southeast Quarter of Section 28, Township 3 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, the plat of said subdivision recorded in Book 1 at Page 49 in the Office of the Clerk and Recorder of the City and County of Denver (also filed in Book 1 at Page 27A of Engineering Images), said 21st Street (relocated) Right-of-Way established by City and County of Denver Resolution Number 98, Series 2007, AND part of said Tract being the southwesterly 4.00 feet of the southeasterly 40.00 feet of Delgany Street Right-of-Way adjoining the northwesterly line of said 21st Street (relocated) Right-of-Way, said Delgany Street Right-of-Way established by said plat, all of said Tract more particularly described as follows:

Commencing at a 5/8 inch rebar with a yellow plastic cap marked "LS 38567" at a point on the center line of the vacated alley adjoining the Southeast lines of Lots 8 through 14, inclusive, in said Block 9, said alley vacated by Ordinance 619, Series 2006 and recorded as Reception Number 2006155052 in said Clerk and Recorder's Office, said point being the South corner of a parcel of land described in a special warranty deed recorded as Reception Number 2016061169 in said Clerk and Recorder's Office, from whence a 5/8 inch rebar with a 2 inch aluminum cap marked "LS 38567 WC 10' SW" and lying on said center line bears North 44° 55' 28" East a distance of 141.11 feet, said center line being the basis of bearings of this description and all bearings herein are relative thereto, said rebar and aluminum cap being a witness monument lying 10.00 feet southwesterly of the East corner of said parcel; thence North 44° 55' 28" East 151.11 feet on said center line to the East corner of said parcel and the POINT OF BEGINNING of said Tract herein described; Thence North 45° 04' 32" West 173.00 feet on the Southwest Right-of-Way line of said 21st Street (relocated) and on the Southwest Right-of-Way line of the Southeast half of said Delgany Street, said Right-of-Way lines being coterminous with the Northeast line of said parcel and being coterminous with the Northeast line of said Lot 8 and its northwesterly and southeasterly extensions, to a nail and tag marked "LS 38567" lying on the North corner of said parcel; Thence North 44° 55' 28" East 4.00 feet on the center line of said Delgany Street; Thence South 45° 04' 32" East 181.00 feet, parallel with and 4.00 feet northeasterly of (as measured perpendicular to) said Southwest Right-of-Way lines to the Northwest line of Wewatta Street described in a Quit-claim deed recorded as Reception Number 9300156938 in said Clerk and Recorder's Office and dedicated as Right-of-Way by Resolution Number 98, Series 2007; Thence South 44° 55' 28" West 4.00 feet on said Northwest line being coterminous with the Southeast line of the alley in said Block 9 to the East corner of said vacated alley; Thence North 45° 04' 32" West 8.00 feet on the Northeast line of said vacated alley to the POINT OF BEGINNING, said Tract containing 724 square feet or 0.017 acre.

**EXHIBIT A - PARCEL C**

Date: 5/8/2023  
 Drawn: DD  
 Checked: KJK  
 Job No.: LB22043

Sheet  
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R&R ENGINEERS-SURVEYORS, INC.  
 1635 W. 13TH AVENUE, SUITE 310  
 DENVER, COLORADO 80204  
 PH: 303-753-6730  
 WWW.RRENGINEERS.COM

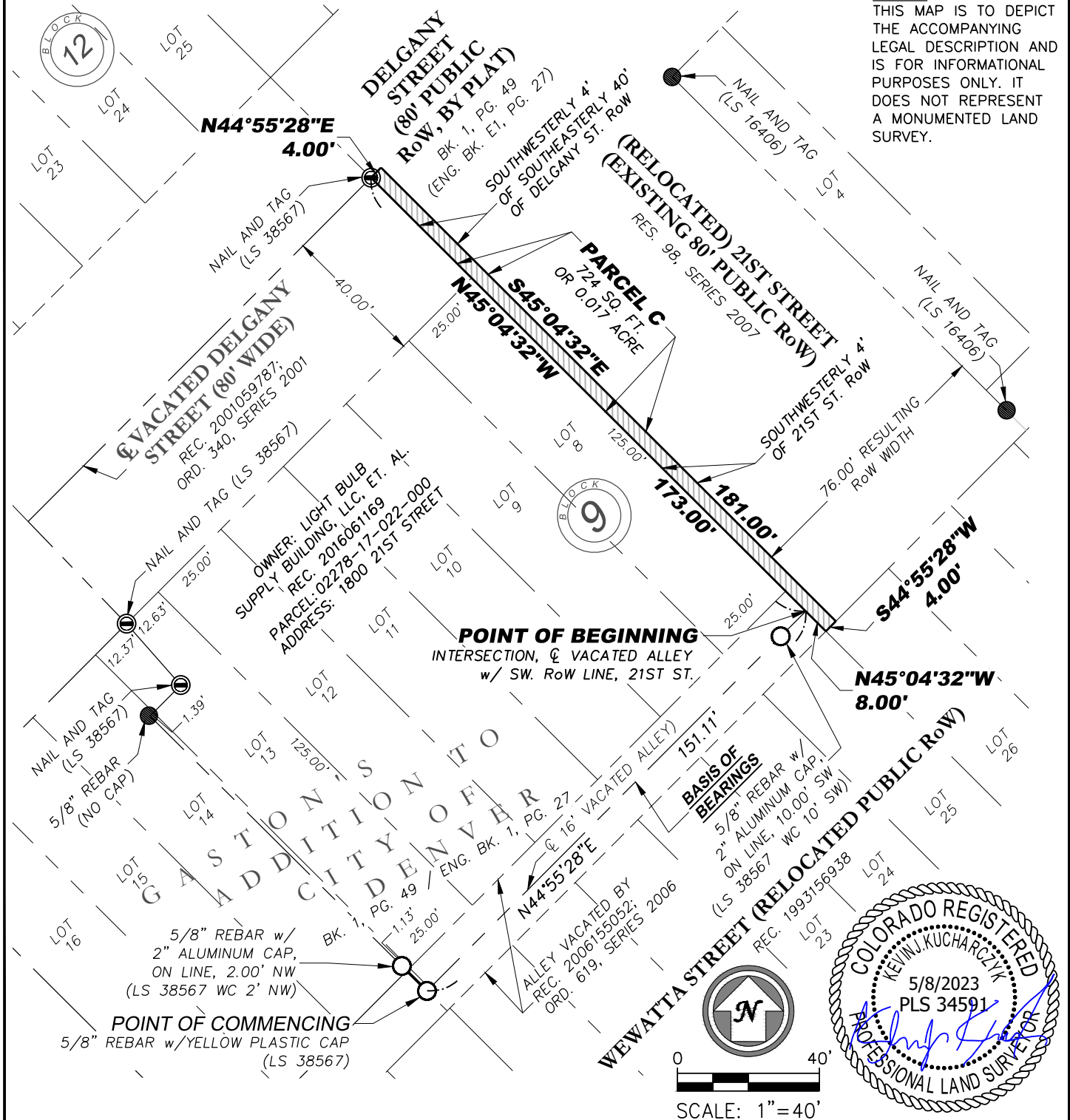
**EXHIBIT "A"****PARCEL C**

Part of 21st Street Right-of-Way Established by Resolution 98, Series 2007, and Part of Delgany Street Established by Plat  
Adjacent to and within Block 9, GASTON'S ADDITION TO THE CITY OF DENVER  
SW 1/4 of Sec. 27 and SE 1/4 of Sec. 28-T3S-R68W of the 6th P.M.

Map (See sheet 2 for Description)

**NOTE**

THIS MAP IS TO DEPICT  
THE ACCOMPANYING  
LEGAL DESCRIPTION AND  
IS FOR INFORMATIONAL  
PURPOSES ONLY. IT  
DOES NOT REPRESENT  
A MONUMENTED LAND  
SURVEY.

**EXHIBIT A - PARCEL C**

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of  
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**EXHIBIT "B"**

Part of Delgany Street

Adjacent to Block 9, GASTON'S ADDITION TO THE CITY OF DENVER  
SW 1/4 of Sec. 27 and SE 1/4 of Sec. 28-T3S-R68W of the 6th P.M.

Description (See sheet 2 for Map)

**DESCRIPTION OF PART OF DELGANY STREET**

A Strip of land 4.00 feet in width lying within the southeasterly half of Delgany Street adjoining Block 9, GASTON'S ADDITION TO THE CITY OF DENVER, a subdivision of land in the Southwest Quarter of Section 27 and the Southeast Quarter of Section 28, Township 3 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, the plat of said subdivision recorded in Book 1 at Page 49 in the Office of the Clerk and Recorder of the City and County of Denver (also filed in Book 1 at Page 27A of Engineering Images), said Delgany Street Right-of-Way established by said plat, said Strip more particularly described as follows:

Commencing at a 5/8 inch rebar with a yellow plastic cap marked "LS 38567" at a point on the center line of the vacated alley adjoining the Southeast lines of Lots 8 through 14, inclusive, in said Block 9, said alley vacated by Ordinance 619, Series 2006 and recorded as Reception Number 2006155052 in said Clerk and Recorder's Office, said point being the South corner of a parcel of land described in a special warranty deed recorded as Reception Number 2016061169 in said Clerk and Recorder's Office, from whence a 5/8 inch rebar with a 2 inch aluminum cap marked "LS 38567 WC 10' SW" and lying on said center line bears North 44° 55' 28" East a distance of 141.11 feet, said center line being the basis of bearings of this description and all bearings herein are relative thereto, said rebar and aluminum cap being a witness monument lying 10.00 feet southwesterly of the East corner of said parcel; thence North 44° 55' 28" East 151.11 feet on said center line to the East corner of said parcel, said corner also being the intersection of said center line and the Southwest Right-of-Way line of (relocated) 21st Street lying within said Block 9; thence North 45° 04' 32" West 148.00 feet on the Northeast line of Lot 8, said Block 9 and its southeasterly and northwesterly extensions to the POINT OF BEGINNING of said Strip herein described; Thence North 45° 04' 32" West 25.00 feet continuing on said northwesterly extension to the center line of said Delgany Street; Thence North 44° 55' 28" East 4.00 feet on said center line of Delgany Street; Thence South 45° 04' 32" East 25.00 feet parallel with said northeasterly line of said Lot 8; Thence South 44° 55' 28" West 4.00 feet to the POINT OF BEGINNING; said Strip containing 100 square feet or 0.002 acre.

**EXHIBIT B – PART OF DELGANY STREET**

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Checked: KJK  
Job No.: LB22043

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EXHIBIT "B"

Part of Delgany Street

Adjacent to Block 9, GASTON'S ADDITION TO THE CITY OF DENVER  
SW 1/4 of Sec. 27 and SE 1/4 of Sec. 28-T3S-R68W of the 6th P.M.

Map (See sheet 1 for Description)

NOTE

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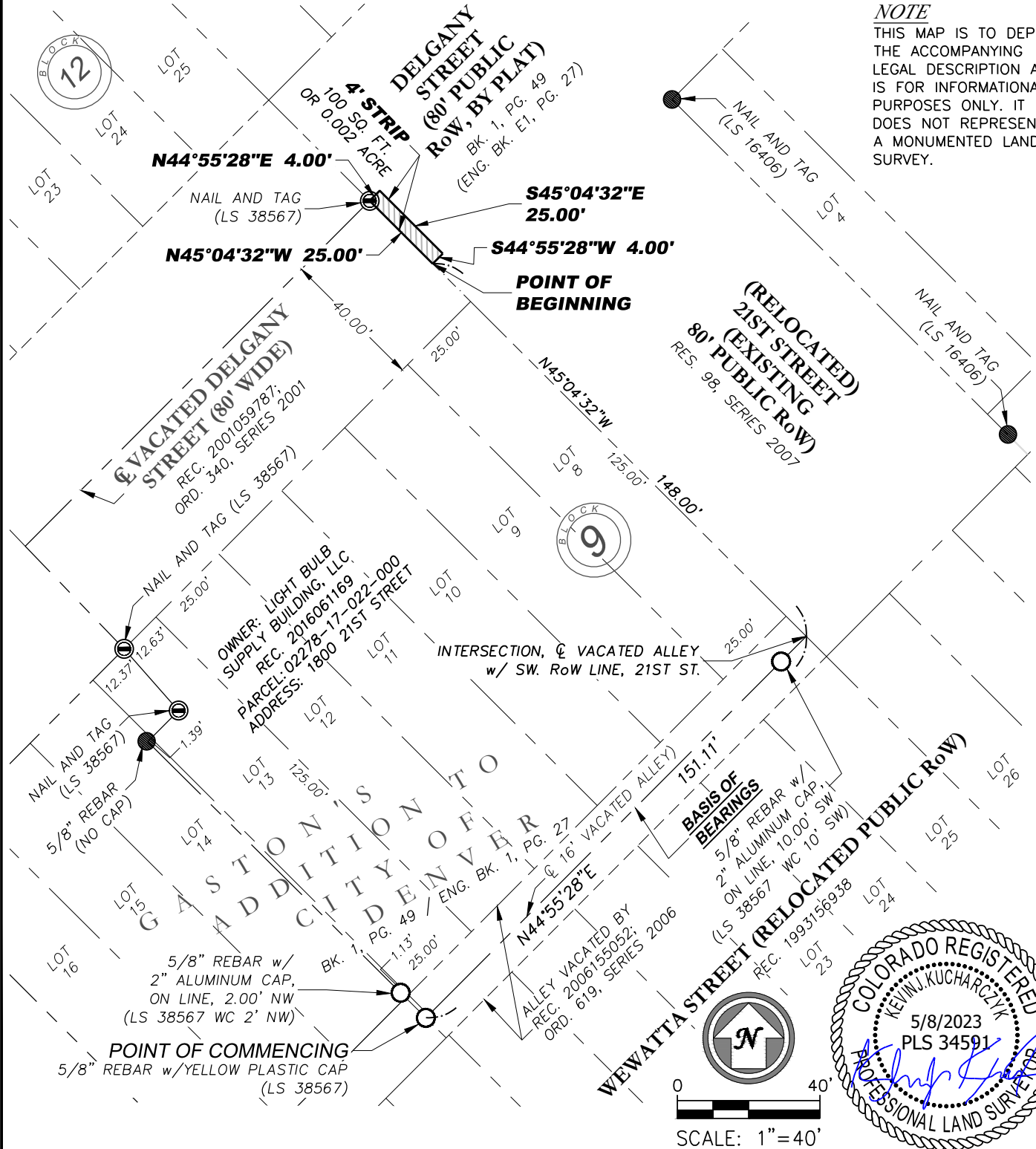


EXHIBIT B - PART OF DELGANY STREET

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