


REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE
Director, Right of Way Services 

ROW #: 2021-VACA-0000002

DATE: August 5, 2021

SUBJECT: Request for an Ordinance to vacate 56-feet of the East/West alley adjacent to 2845 Umatilla with 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 Andrew Lay, dated March 4, 2021, for requesting the above requested vacation.

This matter has been coordinated with Asset Management; Comcast; Division of disability rights; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson Sandoval, District #1; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – Development Engineering Services - Construction Engineering, Development Engineering Services Engineering – Transportation & Wastewater, Survey, DOTI – Policy and Planning; DOTI – Street Maintenance; CenturyLink; Regional Transportation District; Denver Water Department; 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:

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 of 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 2021-VACA-0000002-001 HERE

MB: dp

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
Phone: 720-865-3003



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
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 by **12:00pm on Monday**. Contact him with questions.

Date of Request: August 5, 2021

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 56-feet of the East/West alley adjacent to 2845 Umatilla with reservations.

3. Requesting Agency: Department of Transportation and Infrastructure: Engineering & Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Devin Price	Name: Jason Gallardo
Email: devin.price@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 56-feet of the East/West alley adjacent to 2845 Umatilla with reservations.

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

7. City Council District: Councilperson Sandoval, District 1

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: 2021-VACA-0000002 - 2845 Umatilla Street Alley Vacation

Requestor's name: Andrew Lay

Description of Proposed Project: Proposing to vacate 56ft of the East/West alley adjacent to 2845 Umatilla St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Applicant states that space is unkept and this can help create better curb appeal within the neighborhood. There is also not an exit along Umatilla for this alley

Area of proposed right-of-way vacation in square feet: 560 sq ft

Number of buildings adjacent to proposed vacation area: 2

Public Notice was posted at the proposed vacation area on: June 23, 2021

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: June 23, 2021

The 20-day period for protests expired on: July 13, 2021

Were protests received from the Public and, if so, explain: No protests 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: Yes. The city doesn't have any public utilities however water drainage and property services may be in the area. City and Xcel will reserve easements to protect those.

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

Background: Currently the space is not being occupied or utilized for transportation needs. Applicant feels this space can aid in curb appeal. There is not a useable exit to Umatilla along this alley.

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

Location Map:



EXHIBIT 'A'

SHEET 1 OF 2

LAND DESCRIPTION OF ALLEY TO BE VACATED:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 10 FEET OF THE EAST 56 FEET OF LOT 27, BLOCK 8, CASEMENT'S ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO. THE ABOVE DESCRIBED PARCEL CONTAINS 560 SQUARE FEET OR 0.0064 ACRES MORE OR LESS.



PREPARED BY:

Michael S. Chessnoe

3-31-2021

MICHAEL S. CHESSNOE P.E. & L.S. DATE

CHESSNOE AND ASSOCIATES
 4101 EAST WESLEY AVENUE, SUITE #2,
 DENVER, COLORADO 80222
 TELEPHONE: 303-722-3267
 E-MAIL: chessnoedenver@comcast.net

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

ALLEY VACATION

2845 UMATILLA STREET

DRAWN BY: RDT SCALE: NTS R-O-W FILE NO.

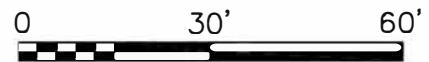
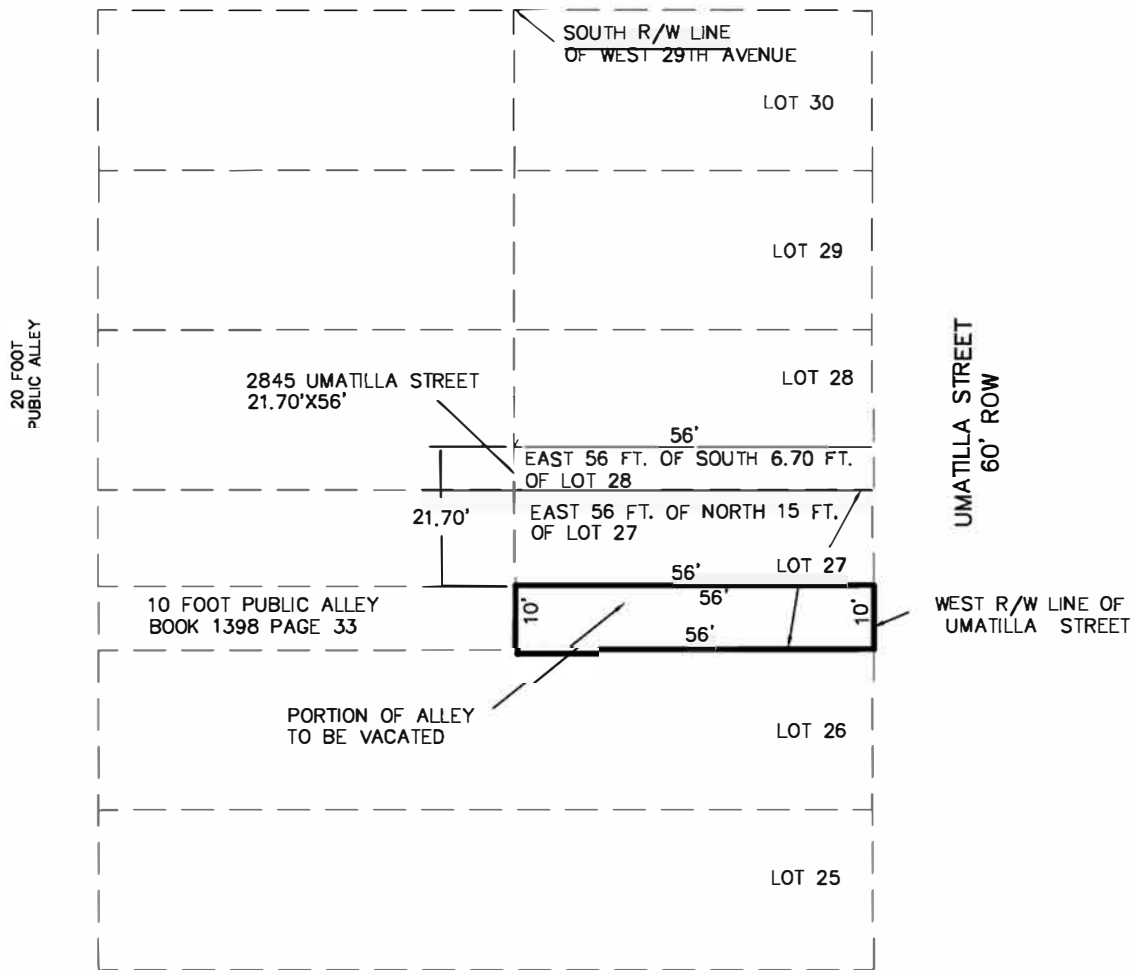
CHECKED BY: MSC DATE: 3-31-2021 JOB NO.:

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 28,
 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH
 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE
 OF COLORADO

ILLUSTRATION FOR EXHIBIT 'A'

SHEET 2 OF 2

WEST 29TH AVENUE
90' ROW



SCALE: 1"=30'

PREPARED BY:

MICHAEL S. CHESSNOE P.E. & L.S.
CHESSNOE AND ASSOCIATES
4101 EAST WESLEY AVENUE, SUITE #2,
DENVER, COLORADO 80222
TELEPHONE: 303-722-3267
E-MAIL: chessnoedenver@comcast.net

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