



REQUEST FOR ORDINANCE TO VACATE PUBLIC RIGHT-OF-WAY

TO: Katie Ehlers, City Attorney's Office

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

PROJECT NO.: 2023-VACA-0000012

DATE: December 18, 2024

SUBJECT: Request for an Ordinance to vacate a portion of the alley at 3715 Chestnut Place, 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 Semple Brown Design, dated December 12, 2023, on behalf of Menalto III, LLC for the subject right-of-way vacation.

This matter has been coordinated with Asset Management; CPD: Building Department; CenturyLink/Lumen; City Councilperson Watson, District 9; City Forester; Comcast; CPD DS Project Coordinator; DOTI ROWS DES Transportation & Wastewater; Office of Disability Rights; Denver Water; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Office of Emergency Management; CPD Development and Planning Services; Parks and Recreation; DOTI ROWS Construction Engineering; DOTI Policy and Planning; DOTI Street Maintenance; DOTI ROWS Survey; DOTI TES Sign and Stripe; DOTI CPM Wastewater Review; Regional Transportation District; DOTI Solid Waste; 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 the subject right-of-way areas PROVIDED, HOWEVER, said right-of-way 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 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 right-of-way areas:

INSERT PARCEL DESCRIPTION ROW 2023-VACA-0000012-001 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/rowplanreview
Phone: (720) 865-3003

CONNECT WITH US | 311 | DENVERGOV.ORG | DENVER 8 TV



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 – Alaina McWhorter
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 the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: December 18, 2024

Please mark one: Bill Request or Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

Yes No

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 the alley at 3715 Chestnut Place, with reservations.

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

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Jessica Eusebio	Name: Alaina McWhorter
Email: Jessica.Eusebio@denvergov.org	Email: Alaina.mcwhorter@denvergov.org

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

Request for an Ordinance to vacate a portion of the alley at 3715 Chestnut Place, with reservations.

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 (including any dba's):

Contract control number (legacy and new):

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: _____

RIGHT-OF-WAY VACATION EXECUTIVE SUMMARY

Application Title: 2023-VACA-0000012 - 3715 Chestnut Pl Hurley Place Phase 2 Vacation

Applicant's Name: Menalto III, LLC

Description of Proposed Right-of-Way (ROW) Vacation: Request for an Ordinance to vacate a portion of the alley at 3715 Chestnut Place, with reservations.

Applicant's explanation of why the ROW is needed to accomplish their proposed project: The proposed vacation of the existing alley no longer allows vehicular traffic and will provide the applicant with the ability to better develop the full zone lot.

Area of proposed ROW vacation in square feet (SF): 7,441 square feet

Number of buildings adjacent to proposed ROW vacation area: 1

Public Notice was posted at the proposed ROW vacation area on: October 1, 2024

Notification letters were sent to property owners and Registered Neighborhood Organizations (RNOs) within 200 feet of the proposed ROW vacation area on: October 1, 2024

The 20-day period for public comment expired on: October 21, 2024

Were public comments received and, if so, explain: (1) One inquiry was received via phone call.

Are all comments with technical merit resolved to the satisfaction of DOTI: Yes, we spoke to the constituent on the phone and was able to answer her question on if this would have a direct impact to the property she manages located at 3801 North Brighton Boulevard.

Has land been dedicated to the city as a condition of the ROW vacation and, if so, explain: No, there is a permanent easement in lieu of a conveyance.

Will a utility easement be reserved over the vacated ROW area and, if so, explain: Yes

Is a request for an easement relinquishment expected later and, if so, explain: Yes, the standard easement reservation will be held over the vacation area by the City and County of Denver.

Location Map:



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Right-of-Way Services | Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/rowplanreview
Phone: (720) 865-3003

EXHIBIT "A"

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2

A PORTION OF THE ALLEY THROUGH BLOCK 18, FIRST ADDITION TO IRONTON AND BLOCK 42, ST. VINCENT'S ADDITION SECOND FILING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTHEASTERLY LINE OF LOT 40, BLOCK 18, FIRST ADDITION TO IRONTON TO BEAR SOUTH 45°01'37" EAST, A DISTANCE OF 124.74 FEET BETWEEN A FOUND 1.5" YELLOW PLASTIC CAP STAMPED "PLS 37929" ON #5 REBAR AT THE NORTHERLY CORNER OF SAID LOT 40 AND A FOUND 1.25" RED PLASTIC CAP STAMPED "26958" ON #5 REBAR AT THE EASTERLY CORNER OF SAID LOT 40, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHERLY CORNER OF LOT 40, BLOCK 18, FIRST ADDITION TO IRONTON ALSO BEING A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF ARKINS COURT PER ORDINANCE NO. 1895-2; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, NORTH 31°30'56" EAST, A DISTANCE OF 1.14 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THE 16 FOOT ALLEY THROUGH BLOCK 18, FIRST ADDITION TO IRONTON AND BLOCK 42, ST. VINCENT'S ADDITION SECOND FILING AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF ARKINS COURT, NORTH 31°30'56" EAST, A DISTANCE OF 69.20 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID 16 FOOT ALLEY; THENCE ALONG SAID NORTHWESTERLY LINE, NORTH 44°53'00" EAST, A DISTANCE OF 411.42 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 5, SAID BLOCK 42 BEING 20.00 FEET SOUTHWESTERLY OF THE EASTERLY CORNER OF SAID LOT; THENCE SOUTH 45°04'53" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID 16 FOOT ALLEY; THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 44°53'00" WEST, A DISTANCE OF 478.74 FEET TO THE POINT OF BEGINNING;

CONTAINING 7,121 SQUARE FEET OR 0.16 ACRES, MORE OR LESS.

I, JOSHUA BREEDLOVE, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND ARE NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED. SAID PARCEL DESCRIPTION AND EXHIBIT WERE PREPARED AT THE REQUEST OF THE CLIENT AND ARE NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOSHUA BREEDLOVE
COLORADO P.L.S. #38174
VICE PRESIDENT, FLATIRONS, INC.

JOB NUMBER: 22-78,901
DRAWN BY: J. STEPHENSON
DATE: JUNE 26, 2024

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Land Surveying Services

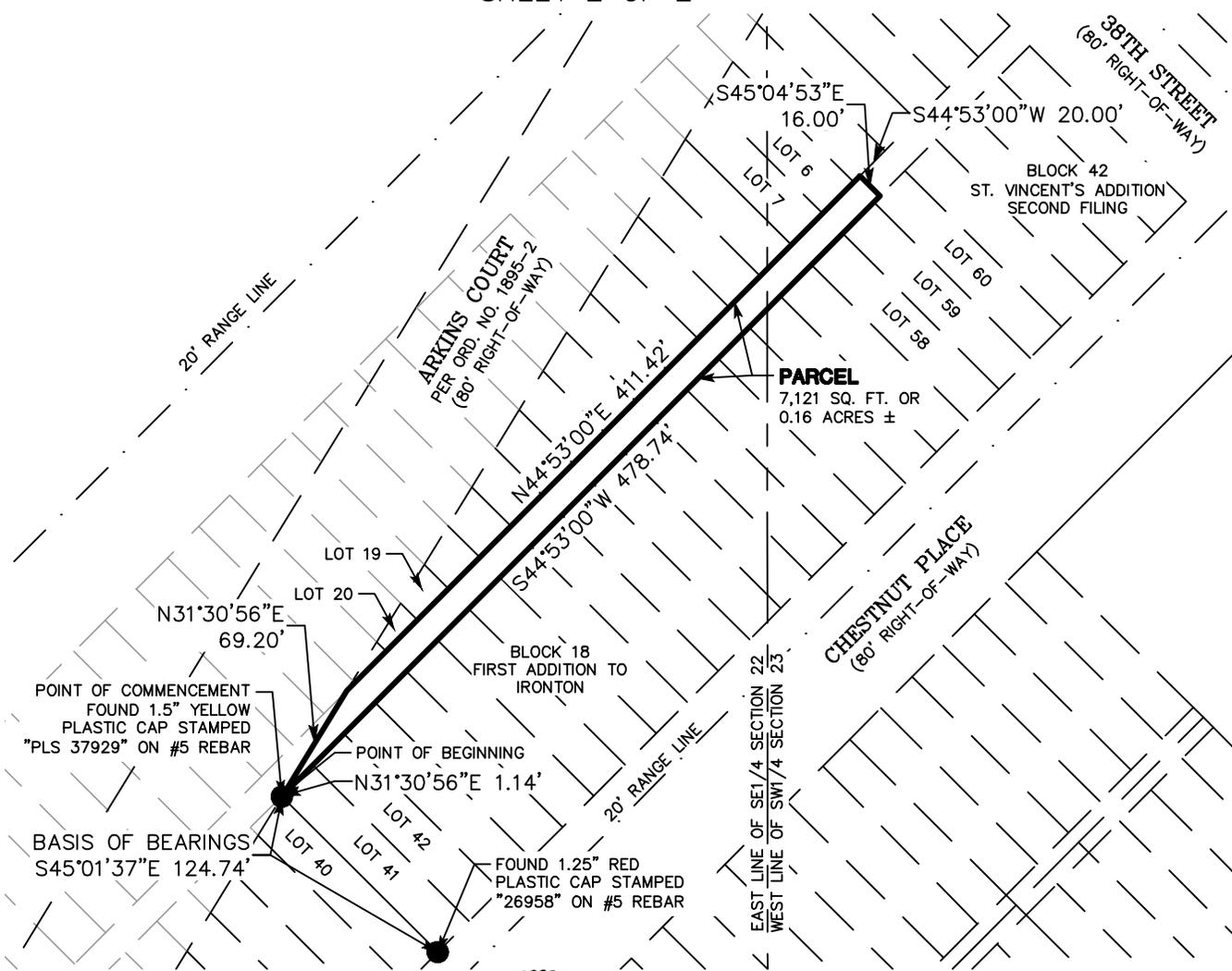


7000 N. BROADWAY,
SUITE 209
DENVER, CO 80221
(303) 936-6997
www.FlatironsInc.com

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SHEET 2 OF 2

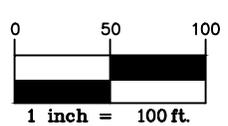


POINT OF COMMENCEMENT
 FOUND 1.5" YELLOW
 PLASTIC CAP STAMPED
 "PLS 37929" ON #5 REBAR

POINT OF BEGINNING
 N31°30'56"E 1.14'

BASIS OF BEARINGS
 S45°01'37"E 124.74'

FOUND 1.25" RED
 PLASTIC CAP STAMPED
 "26958" ON #5 REBAR



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BY:JSTEPHENSON FILE:78901-ALLEY DESCRIPTIONS-C21.DWG DATE:6/26/2024 7:25 AM