



REQUEST TO AMEND AN ORDINANCE THAT DEDICATED PUBLIC RIGHT-OF-WAY

*****This is a unique ordinance request. Please see summary below*****

TO: Caroline Martin, City Attorney’s Office
FROM: Matt Bryner, P.E. Senior Engineering Manager
Right-of-Way Services
DATE: March 8, 2018
ROW #: 2017-Dedication-0000188 **SCHEDULE #:** 257-EX
TITLE: For an Ordinance amending Ordinance No. 20171335, Series of 2017 to revise the legal description designated as Unit 3 Located near 17th Street, Platte Street and Interstate 25

WHEREAS, Ordinance No. 3, Series of 1962 dedicated certain property as part of the right of way for I-25; and

WHEREAS, the Executive Director of Public Works of the City and County of Denver found and determined that the property and legal description designated as Unit 3 in Ordinance No. 3, Series of 1962 (“Unit 3”) could be amended to remove the right-of-way designation for a certain portion of Unit 3; and

WHEREAS, Ordinance No. 20171335, Series of 2017 was intended to remove a certain portion of the legal description of the right of way from Unit 3; and

WHEREAS, the Executive Director of Public Works of the City and County of Denver has found and determined that the legal description used in Ordinance No. 20171335, Series of 2017 amending Ordinance No. 3, Series of 1962 was incorrect because of a scrivener’s error; and

WHEREAS, the Executive Director of Public Works of the City and County of Denver has found and determined that the legal description included in Ordinance No. 20171335, Series of 2017 must be amended to delete the scrivener’s error and insert the correct legal description.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That language in Section 1 in Ordinance No. 20171335, Series of 2017 shall be stricken and replaced with the following language

“That the legal description designated as Unit 3 in Ordinance No. 3, Series of 1962, shall be and hereby is amended to remove the following described parcel of land from said Unit 3:

INSERT PARCEL DESCRIPTION ROW NO. 2017-DEDICATION-0000188:

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

Therefore, you are requested to initiate Council action to amend the dedication Ordinance.

A map of the area to be is attached.

MB/vw

- c: Asset Management, Steve Wirth
- City Councilperson & Aides, Dist # 1, Espinoza
- City Council Office, Zach Rothmier
- Environmental Services, David Erickson
- Public Works, Manager's Office, Alba Castro
- Public Works, Manager's Office, Angela Casias
- Public Works, Right-of-way Engineering Services, Matt Bryner
- Department of Law, Brent Eisen
- Department of Law, Shaun Sullivan
- Department of Law, Caroline Martin
- Public Works Survey, Warren Ruby
- Public Works Survey, Paul Rogalla
- Public Works, Matt Bryner

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm on Monday.**

All fields must be completed.

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: March 8, 2018

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain: There was a scrivener's error on the Ordinance, and this is to correct it.

2. Title: (Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: **grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.**)

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3. Requesting Agency: PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

4. Contact Person: (With actual knowledge of proposed ordinance/resolution.)

§ **Name:** Warren Ruby

§ **Phone:** 720-865-3046

§ **Email:** warren.ruby@denvergov.org

§ **Name:** Vanessa West

§ **Phone:** 720-913-0719

§ **Email:** Vanessa.west@denvergov.org

5. Contact Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

§ **Name:** Angela Casias

§ **Phone:** 720-913-8529

§ **Email:** angela.casias@denvergov.org

6. General description/background of proposed ordinance including contract scope of work if applicable:

For an Ordinance amending Ordinance No. 20171335, Series of 2017 to revise the legal description designated as Unit 3 Located near 17th Street, Platte Street and Interstate 25

****Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field – please do not leave blank.)

a. **Contract Control Number:** N/A

b. **Contract Term:** N/A

c. **Location:** 17th St and Valley Highway (aka Interstate 25)

d. **Affected Council District:** Dist # 1, Espinoza

e. **Benefits:** N/A

f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.

None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

Project Title: 2017-Dedication-0000188 – 17th St and Valley Highway (aka Interstate 25) - 1701 Platte

Owner name: CCD

Description of Proposed Project: For an Ordinance amending Ordinance No. 20171335, Series of 2017 to revise the legal description designated as Unit 3 Located near 17th Street, Platte Street and Interstate 25. Ord No. 20171335 had a scrivener's error, and this is to correct the scrivener's error.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This is to correct a scrivener's error

Total square feet of area: 62,601

Number of buildings abut said area: 0

Background: Through a 1955 IGA with the State, Denver acquired land to be used as part of the Interstate-25 (Valley Highway) and was subsequently dedicated as public right of way. It was never used and the State Transportation Commission consented to dispose of the property at its September 21, 2017 board meeting. Ord No. 20171335 was designed to accomplish the amendment to the 1955 IGA, but there was a scrivener's error. This Ordinance is designed to correct this scrivener's error. Please refer to Warren Ruby or Matt Bryner for any additional information.

Location Map: Please see below

Location Map:

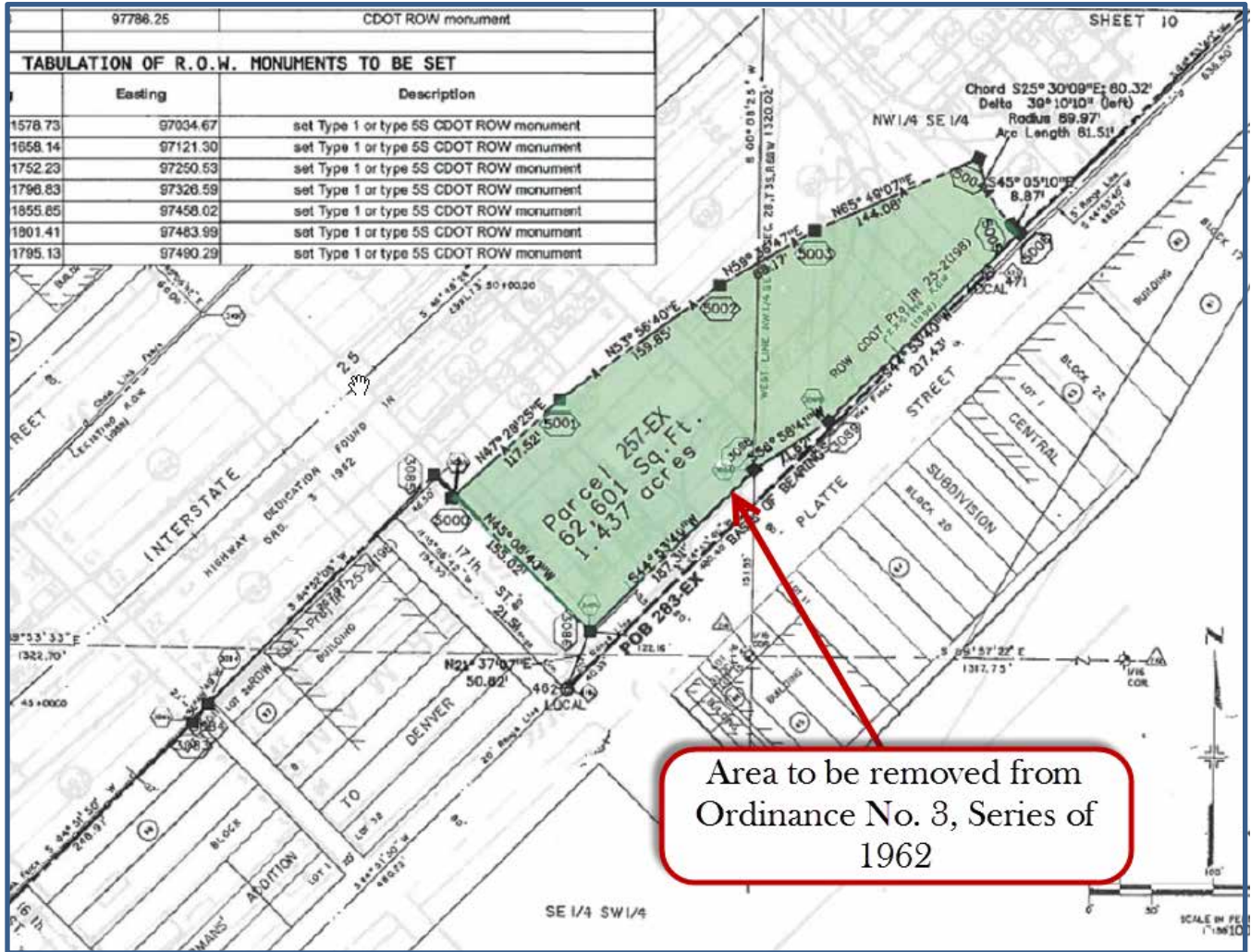


EXHIBIT "A"**PROJECT NUMBER: UI 002-2(8)****PARCEL NUMBER: 257-EX****DATE: September 15, 2017****DESCRIPTION**

A parcel of land No. 257-EX of the Department of Transportation, State of Colorado Project No. UI 002-2(8), containing 62,601 sq. ft. (1.437 acres), more or less, in the South ½ of Section 28, Township 3 South, Range 68 West, of the 6th Principal Meridian, in City and County of Denver, Colorado, being more particularly described as follows:

Commencing at the intersection of the 20 foot range line in Platte Street and the 21.5 foot range line of 17th Street;

Thence N. 21°37'07" E., 50.62 feet, to a point being the intersection of a line 46.50 feet northeasterly and parallel with said 21.5 foot range line in 17th Street, and a line 20.0 feet northwesterly and parallel with said 20 foot range line in Platte Street, said point also being an angle point of the Valley Highway Right of Way Ordinance Number 3, series 1962, depicted on the Plat of Kasserman's Addition to the City and County of Denver, and the southeasterly Right of Way line of I-25 as shown on the Right of Way plans for CDOT Project Numbers UI-002-2(8) and IR 25-2(198), said point also being the POINT OF BEGINNING;

1. Thence N. 45°08'40" W., a distance of 155.02 feet, coincident with said Valley Highway and southeasterly I-25 Right of Way line;
2. Thence departing said Right of Way line, N. 47°29'25" E., a distance of 117.52 feet;
3. Thence N. 53°56'40" E., a distance of 159.85 feet;
4. Thence N. 59°36'47" E., a distance of 88.17 feet;
5. Thence N. 65°49'07" E., a distance of 144.08 feet;
6. Thence on the arc of a non-tangent curve to the left, having a radius of 89.97 feet, a central angle of 39°10'10", and a distance of 61.51 feet, (with a chord bearing S. 25°30'09" E., a distance of 60.32 feet);
7. Thence S. 45°05'10" E., a distance of 8.87 feet, to a point lying on the aforementioned Valley Highway and southeasterly I-25 Right of Way line, also being a line 5 feet northwesterly of the 20 foot range line in Platte Street;

Thence coincident with said Right of Way line the following 3 courses;

8. Thence S. 44°53'40" W., a distance of 217.43 feet;

9. Thence S. $56^{\circ}58'41''$ W., a distance of 71.62 feet;

10. Thence S. $44^{\circ}53'40''$ W., a distance of 187.31 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 62,601 sq. ft. (1.437 acres), more or less.

Basis of Bearings: All bearings are based on a 20.0 foot range line between two points in Platte Street, bearing S. $44^{\circ}53'40''$ W., with a record distance of 480.40 feet as shown on the Right of Way plans for CDOT Project Number IR 25-2(198).

Prepared for the Colorado Department of Transportation by:

Kathryn Lyon, PLS-II

Region 1 Central Unit

Right of Way Plans /Survey Coordinator

2000 South Holly

Denver, CO 80222