



**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 #:** 2017-VACA-0000014

**DATE:** July 29, 2019

**SUBJECT:** Request for an Ordinance to vacate a portion of the right-of-way adjacent to 2099 Chestnut Pl bounded by W 29<sup>th</sup> Ave and Chestnut Pl/Division St, 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 JR ENGINEERING, LLC, dated July 24, 2017, on behalf of Chestnut Place LLC 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 of District 9; 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:

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 2017-VACA-0000014-001 HERE**

MB: kr

cc: City Councilperson & Aides of District 9

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

Date of Request: July 29, 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.)

JR ENGINEERING, LLC on behalf of Chestnut Place LLC requests for an Ordinance to vacate a portion of the right-of-way adjacent to 2099 Chestnut Pl bounded by W 29<sup>th</sup> Ave and Chestnut Pl/Division St, with reservations.

**3. Requesting Agency:** Public Works, Engineering & Regulatory

**4. Contact Person:**

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Katie Ragland	Name: Jason Gallardo
Email: Katie.Ragland@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 a portion of the right-of-way adjacent to 2099 Chestnut Pl bounded by W 29<sup>th</sup> Ave and Chestnut Pl/Division St, with reservations.

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

**7. City Council District:** City Council District 9

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

N/A

*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:** 2017-VACA-0000014 2099 Chestnut PI

**Requestor's name:** Chestnut Place LLC

**Description of Proposed Project:** Request for an Ordinance to vacate a portion of the right-of-way adjacent to 2099 Chestnut PI bounded by W 29<sup>th</sup> Ave and Chestnut PI/Division St, with reservations.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Redevelopment

**Width of area in feet:** Approximately 98'

**Number of buildings abut said area:** None.

**The 20-day period for protests has expired, the vacating notice was posted on:** May 17, 2019

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** May 17, 2019

**Protests sustained by the manager of Public Works:** We received 42 protests, where **none** have technical merit.

**Will land be dedicated to the City if the vacation goes through:** No.

**Will an easement be placed over a vacated area, and if so explain:** Yes, a hard surface easement will be reserved due to existing an storm pipe and Xcel facilities in the area.

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

**Background:** N/A

**Public Notification:** There were several objections that were sent to the Executive Director of Public Works. All objections were all determined to not have technical merit, and all protestors were sent Lack of Merit letter via email.

Location Map:





## 2099 CHESTNUT PLACE

**PROPERTY DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE NORTHERLY LINE OF W. 29<sup>TH</sup> AVENUE, MONUMENTED BY A NAIL AND SHINER STAMPED "LS 36062" AT THE WEST END AND A NAIL AND SHINER ILLEGIBLE AT THE EAST END. SAID LINE BEING ASSUMED TO BEAR S89°56'31"E.

COMMENCING AT RANGE POINT AT THE INTERSECTION OF W. 29<sup>TH</sup> AVENUE AND INCA STREET, BEING MONUMENTED BY A REBAR WITH NO CAP, IN A RANGE BOX;

THENCE S10°26'48"W A DISTANCE OF 41.01 FEET, TO THE NORTHEASTERLY CORNER OF THAT PROPERTY DESCRIBED IN ORDINANCE NO. 207 RECORDED IN BOOK 8549 AT PAGE 361, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE S89°56'31"E A DISTANCE OF 68.50 FEET, TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 81°43'14" AND AN ARC LENGTH OF 28.53 FEET, TO A POINT OF COMPOUND CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 52°52'39" AND AN ARC LENGTH OF 55.37 FEET, TO A POINT OF TANGENT;

THENCE S44°39'22"W A DISTANCE OF 44.14 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF DIVISION STREET AS SHOWN ON THE PLAT OF HOYT & ROBINSON'S ADDITION TO DENVER 1871;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, N14°32'05"W A DISTANCE OF 81.96 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF W. 29<sup>TH</sup> AVENUE;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N89°56'31"W A DISTANCE OF 20.00 FEET, TO A POINT ON THE WESTERLY LINE OF SAID PROPERTY DESCRIBED IN ORDINANCE NO. 207 RECORDED IN BOOK 8549 AT PAGE 361;

THENCE ON SAID WESTERLY LINE, N00°03'29"E A DISTANCE OF 20.00 FEET, TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 5,074 SQUARE FEET OR 0.1165 ACRES.

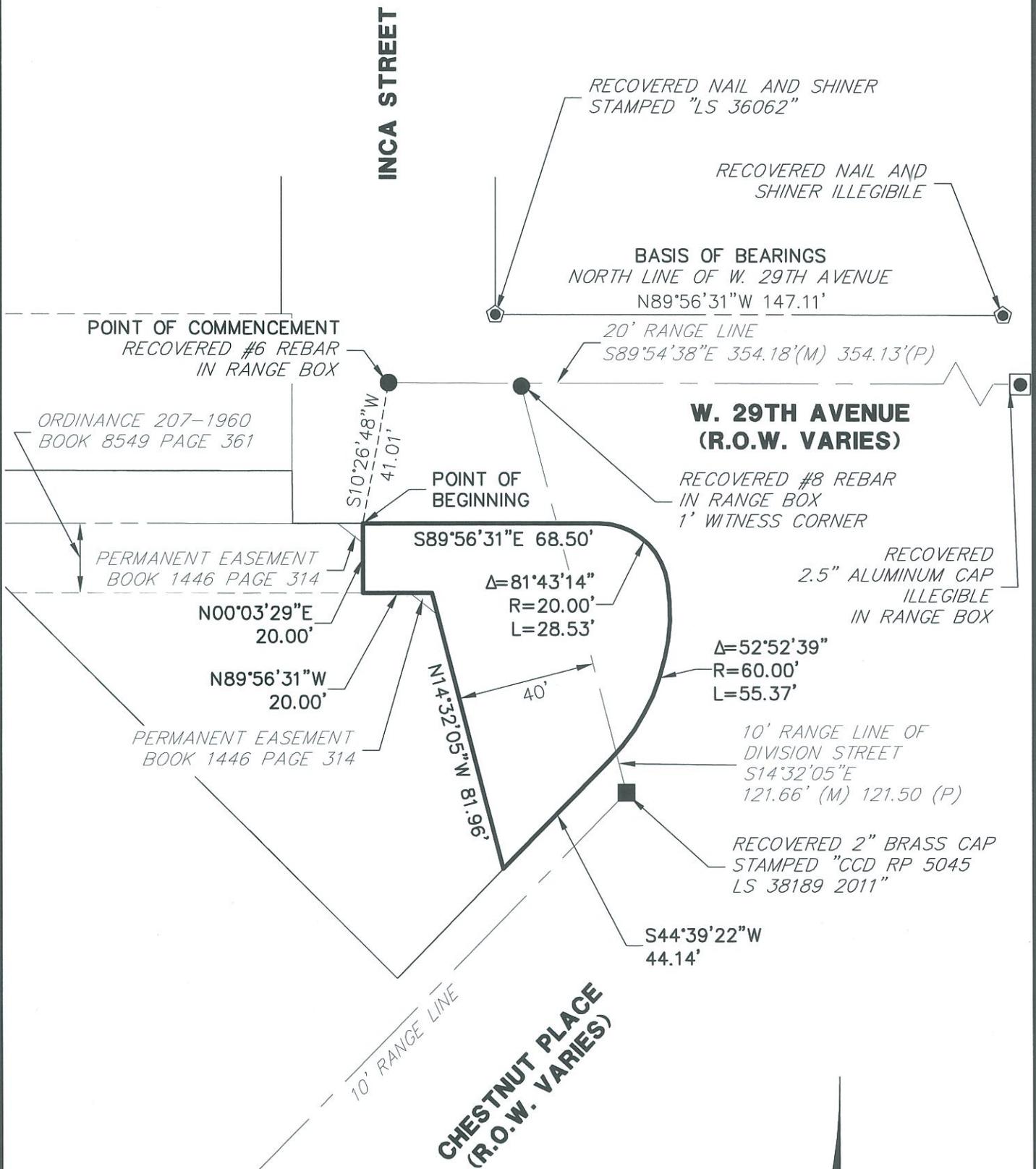
**PROPERTY DESCRIPTION STATEMENT**

I, JARROD ADAMS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

JARROD ADAMS, PROFESSIONAL LAND SURVEYOR  
COLORADO NO. 38252  
FOR AND ON BEHALF OF JR ENGINEERING, LLC



EXHIBIT



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

VACATION EXHIBIT  
2099 CHESTNUT PLACE  
PROJECT NO.: 15914.00  
DATE: 08/03/2017

SHEET: 2 OF 2



Centennial 303-740-9393 • Colorado Springs 719-593-2593  
Fort Collins 970-491-9888 • www.jrengineering.com