

## REQUEST FOR VACATION ORDINANCE

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

**FROM:** Matt R. Bryner, PE  
Director, Right of Way Services   
Matt R. Bryner (May 16, 2023 06:11 MDT)

**ROW #:** 2022-VACA-0000021

**DATE:** 5/11/2023

**SUBJECT:** Request for an Ordinance to vacate a portion of the alley bounded by West 30th Avenue and West 29th Avenue, and North Huron Street and North Fox Street, 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 Ryan Simpson, dated November 21, 2022, on behalf of Focus Investments, LTD. for the subject right of way vacation.

This matter has been coordinated with Asset Management; Building Department; CenturyLink; Colorado Department of Transportation; City Councilperson CdeBaca, District #9; City Forester; Comcast; CPD Development Services; Office of Disability Rights; Denver Water; Denver Fire Department; Landmark; Metro Water Recovery; Office of Emergency Management; Development & Planning Services; Parks & Recreation; DOTI: DES Transportation & Wastewater, ER Transportation & Wastewater, Construction Engineering, Policy & Planning, Street Maintenance, Survey, TES Sign & Stripe, CPM Wastewater, Solid Waste; Regional Transportation District; 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 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-0000021-001 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



MB: bw

- 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

**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

**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: May 11, 2023

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 a portion of the alley bounded by West 30th Avenue and West 29th Avenue, and North Huron Street and North Fox Street, with reservations

**3. Requesting Agency:** DOTI, Right-of-Way Services, Engineering and Regulatory

**4. Contact Person:**

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brianne White	Name: Jason Gallardo
Email: <a href="mailto:Brianne.white@denvergov.org">Brianne.white@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 the alley bounded by West 30th Avenue and West 29th Avenue, and North Huron Street and North Fox Street, with reservations

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

**7. City Council District:** Councilperson CdeBaca, 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?

---

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

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

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



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2022-VACA-0000021 - 601 W 29th Alley Vacation

**Requestor's name:** Focus Investments, LTD.

**Description of Proposed Project:** Request for an Ordinance to vacate a portion of the alley bounded by West 30th Avenue and West 29th Avenue, and North Huron Street and North Fox Street, with reservations

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** The current public alley ROW is one half of a leftover alley of which the other half has been vacated and since developed. Owner of the only land adjacent to this remaining ROW is planning to develop the parcel and this remaining ROW will serve no purpose.

**Area of proposed right-of-way vacation in square feet:** 1,019 Square Feet

**Number of buildings adjacent to proposed vacation area:** 2

**Public Notice was posted at the proposed vacation area on:** April 19, 2023

**Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on:** April 19, 2023

**The 20-day period for protests expired on:** May 10, 2023

**Were protests received from the Public and, if so, explain:** No

**Are all protests containing technical merit resolved to the satisfaction of DOTI:** None

**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, to accommodate existing facilities.

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

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

**Background:** Current use of the public alley is vacant land with significant overgrowth vegetation. The only adjacent parcel to this piece is fully developed and inaccessible from this land. The parcel bordering the entire Western edge of the ROW is bounded by a wall and new construction apartment building. The ROW dead ends to the North into a parking garage for a new construction apartment building. The entire boundary to the East will be developed, and the small boundary to the South leads into a public street. There is no current functional use for this ROW or functional future use.

**Location Map:**



**Parcel Description  
(Alley Vacation)**

**DESCRIPTION**

A parcel of land being a portion of the alley adjacent to Block 1, Gerspachs First Addition To Denver per the plat recorded January 29, 1874 in Plat Book 2 at Page 52, located in the Southwest One-Quarter of Section 27, Township 3 South, Range 68 West, of the Sixth Principal Meridian, in the City and County of Denver, State of Colorado, , said parcel being more particularly described as follows:

**Basis of Bearings:** Bearings are based upon the West Line of the Northwest One-Quarter of the Southwest One-Quarter of Section 27, said to bear North 00°26'55" West, a distance of 1,320.96 Feet between the monuments listed below:

West One-Sixteenth Corner of Section 27 - Monumented by a 3.25" Aluminum Cap, Stamped "FLATIRONS SURVEYING INC., S 1/16, T3S, R68W, S28/S27, 2004, LS-16406" in a Range Box without a lid, 0.2' below ground surface.

West One-Quarter Corner of Section 27 - Monumented by a 3.25" Aluminum Cap, Stamped "FARNSWORTH, 1/4, T3S, R68W, S28/S27, 2003, LS 24949", on a #6 Rebar, 0.7' above ground surface.

**COMMENCING (P.O.C.)** at the West One-Sixteenth Corner of Section 27, Thence N85°09'17"E, a distance of 297.47 Feet to the Range Point at the Intersection of West 29<sup>th</sup> Avenue and Delgany Street monument by a 2" Aluminum Cap, Stamped "CALVADA SURVEYING, PLS 36580" in a Range Box with lid marked "CL DENVER RANGE POINT", 0.5' below ground surface.

Thence N07°27'21"E, a distance of 20.19 Feet to the Southwest corner of Lot 1, Block 1, Gerspachs First Addition to Denver and to the **POINT OF BEGINNING (P.O.B.)**;

Thence S89°34'04"W along the North Right-of-Way of West 29<sup>th</sup> Avenue, a distance of 8 Feet;

Thence N00°33'38"W, a distance of 125 Feet to the Westerly extension of the North Line of Lot 5, Block 1, Gerspachs First Addition to Denver;

Thence N89°32'36"E along said Westerly extension, a distance of 8 Feet to the Northwest Corner of said Lot 5, Block 1, Gerspachs First Addition to Denver;

Thence S00°33'38"E along the West Line of Lot 5 through Lot 1, a distance of 125 Feet to the said Southwest Corner of Lot 1, Block 1 and to the **POINT OF BEGINNING (P.O.B.)**.

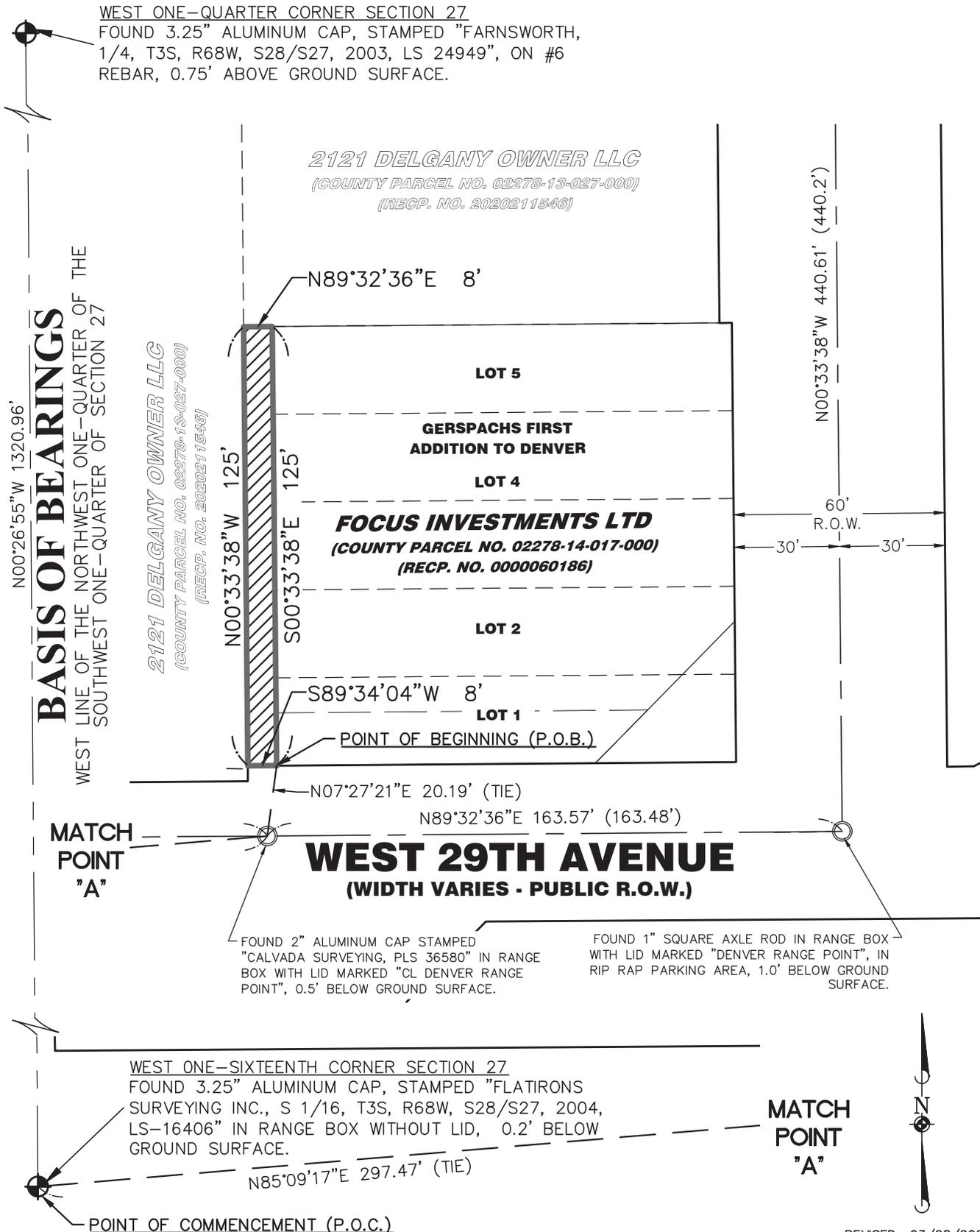
The above-described parcel description contains 1,019 Square Feet (0.023 Acres), more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.



Eric D. Carson, PLS

Prepared For and on Behalf of  
CWC Consulting Group Inc.  
9360 Teddy Lane, Suite #203  
Lone Tree, Colorado 80124  
Phone: (303) 395-2700



N00°26'55"W 1320.96'  
**BASIS OF BEARINGS**  
 WEST LINE OF THE NORTHWEST ONE-QUARTER OF THE  
 SOUTHWEST ONE-QUARTER OF SECTION 27

2121 DELGANY OWNER LLC  
 (COUNTY PARCEL NO. 02278-13-027-000)  
 (RECP. NO. 2020211546)

2121 DELGANY OWNER LLC  
 (COUNTY PARCEL NO. 02278-13-027-000)  
 (RECP. NO. 2020211546)

N00°33'38"W 440.61' (440.2')

N89°32'36"E 8'  
 125'  
 125'  
 N00°33'38"W  
 S00°33'38"E  
 S89°34'04"W 8'  
 N07°27'21"E 20.19' (TIE)

60'  
 R.O.W.  
 30' 30'

N89°32'36"E 163.57' (163.48')

**MATCH POINT "A"**

**MATCH POINT "A"**



REVISED: 03/28/2023

**CWC CONSULTING GROUP**  
 CIVIL ENGINEERING • LAND SURVEYING • CONSTRUCTION SERVICES

9360 TEDDY LANE, SUITE #203  
 LONE TREE, COLORADO 80124  
 TELEPHONE: 303-395-2700  
 FAX 303-395-2701

**Exhibit ALLEY VACATION**

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

DRAFTED: EDC	CHECKED: DJW
DATE: 10/31/2022	JOB NO. CWC#120-00428
PAGE: 3 OF 3	SCALE: 1"=40
PREPARED FOR: <b>FOCUS INVESTMENTS LTD.</b>	