


## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

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

**ROW #:** 2019-VACA-0000008

**DATE:** October 21, 2020

**SUBJECT:** Request for an Ordinance to vacate the Right-of-Way bounded by 20<sup>th</sup> Street and Wewatta Street, adjacent to 1995 Wewatta 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 Real Estate Garage c/o Steve Ferris, dated June 9, 2019, on behalf of Treco Wewatta LLC for requesting the above requested vacation.

This matter has been inspected and has been coordinated with Asset Management; Comcast; Division of disability rights; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson CdeBaca, District 9; 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 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 2019-VACA-0000008-001 HERE**  
**INSERT PARCEL DESCRIPTION ROW 2019-VACA-0000008-002 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: dp

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

Date of Request: October 21, 2020

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 the Right-of-Way bounded by 20th Street and Wewatta Street, adjacent to 1995 Wewatta Street with reservations.

**3. Requesting Agency:** Department of Transportation and Infrastructure; 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: Devin Price	Name: Jason Gallardo
Email: <a href="mailto:devin.price@denvergov.org">devin.price@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 the Right-of way bounded by 20<sup>th</sup> Street and Wewatta Street, adjacent to 1995 Wewatta Street with reservations.

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

**7. City Council District:** Councilwoman 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?

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

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

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



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2019-VACA-0000008 - 1995 Wewatta Vacation

**Requestor's name:** Treco Wewatta, LLC

**Description of Proposed Project:** Request for an Ordinance to vacate the Right-of-Way bounded by 20th Street and Wewatta Street, adjacent to 1995 Wewatta Street with reservations.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** This request is to vacate the remaining unvacated portion with long term plans to manage access and use of 20<sup>th</sup> Street, adjacent private property, and Wewatta Street.

**Total of area in square feet:** 2019-VACA-0000008-001 is 2,652sq. ft and 2019-VACA-0000008-002 is 315sq. ft

**Number of buildings abut said area:** 1

**The 20-day period for protests has expired, the vacating notice was posted on:** September 3, 2020

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** September 3, 2020

**Protests sustained by the manager of DOTI:** Have not been filed

**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

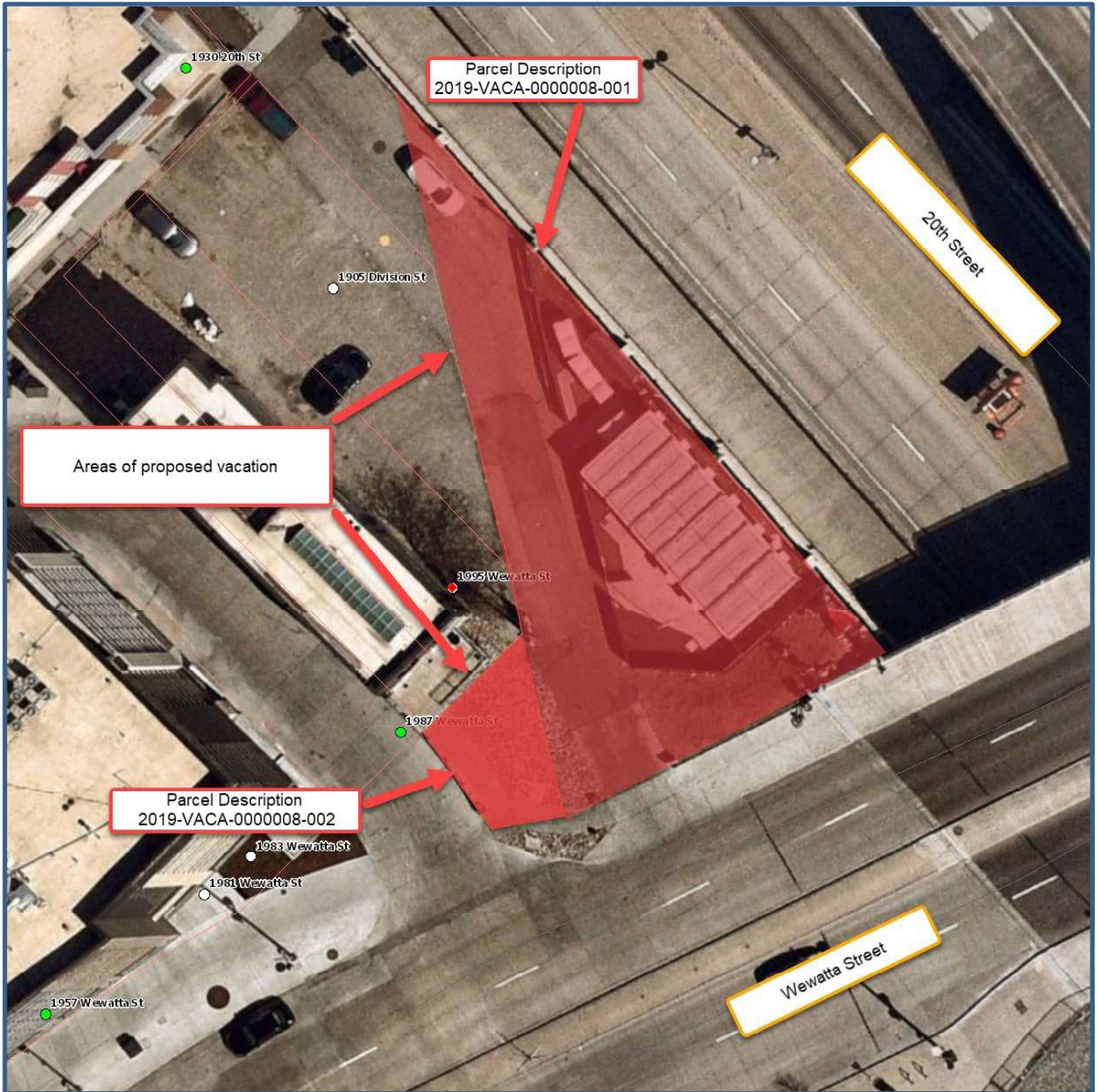
**Will an easement relinquishment be submitted at a later date:** It is not known or anticipated that a proposed easement relinquishment will be submitted to the City for consideration at a later date.

**Background:** This vacation will help create parking to the north of the Division ROW following the demolition of an existing small building.

**Public Notification:** There were no objections received during Public Notification

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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

**Location Map:**



**EXHIBIT A**  
**PAGE 1 OF 2**

**LEGAL DESCRIPTION**

A TRACT OR PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼ 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 A PORTION OF DIVISION STREET, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF DIVISION STREET AND THE NORTHERLY RIGHT-OF-WAY LINE OF WEWATTA STREET, WHENCE THE SOUTHEAST CORNER OF SECTION 28 BEARS S18°28'17"E, 683.77 FEET;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DIVISION STREET, N14°16'37"W, 106.82 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 20<sup>TH</sup> STREET;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF 20<sup>TH</sup> STREET, S41°30'19"E, 108.51 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEWATTA STREET;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEWATTA STREET, S63°58'18"W, 50.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,652 SQUARE FEET OR 0.061 ACRES, MORE OR LESS.

BASIS OF BEARING: BEARINGS USED HEREIN ARE BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, AS SHOWN ON THE SUBDIVISION PLAT OF THE COMMONS SUBDIVISION FILING NO. 6, AS RECORDED JULY 25, 2008 AT RECEPTION NO. 2008103305 OF THE CITY AND COUNTY OF DENVER RECORDS, STATE OF COLORADO, BEING MEASURED AS N00°07'24"W REFERENCING THE CITY AND COUNTY OF DENVER CONTROL SYSTEM, AND AS MONUMENTED ON THE EAST BY A FOUND 3.25" BRASS CAP STAMPED PLS 16395 1995 ACCEPTED AS THE EAST 1/4 CORNER OF SECTION 28, AND AS MONUMENTED ON THE WEST BY A FOUND 3.25" ALUMINUM CAP STAMPED PLS 25379 IN RANGE BOX, ACCEPTED AS THE SOUTHEAST CORNER OF SECTION 28.

PREPARED UNDER THE SUPERVISION OF:  
DOUGLAS H. ORT III, PLS 37066  
(303) 501-1221  
1675 BROADWAY, SUITE 200  
DENVER, CO 80202



EXHIBIT "A"  
 LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO



THE COMMONS FILING NO. 6  
 LOT 2, BLOCK 1  
 1959 WEWATTA STREET

LOT 14, BLOCK 5  
 HOYT AND ROBINSON'S  
 ADDITION TO DENVER

LOT 15, BLOCK 5  
 HOYT AND ROBINSON'S  
 ADDITION TO DENVER

$N14^{\circ}16'37''W$  106.82'

**DIVISION ST  
 VACATION  
 2,652 S.F.  
 0.061 ACRES**

ORDINANCE NO.732 SERIES 2003  
 PARCEL 20D-4

ORDINANCE NO.732 SERIES 2003

$S41^{\circ}30'19''E$  108.51'

**20TH STREET**  
 (R.O.W. VARIES)

**WEWATTA ST  
 VACATION**

**DIVISION STREET**  
 (50' R.O.W.)

POINT OF BEGINNING

$683.77'$   
 $S18^{\circ}28'17''E$

**WEWATTA STREET**  
 (R.O.W. VARIES)  
 ORDINANCE NO.228 SERIES 1995

$S63^{\circ}58'18''W$  50.71'

(BASIS OF BEARINGS)  
 $N0^{\circ}07'24''W$   
 2642.16'

EAST 1/4 CORNER  
 SECTION 28.  
 FOUND 3.25" BRASS  
 CAP STAMPED  
 PLS 16395 1995

SOUTHEAST CORNER SECTION  
 28.  
 FOUND 3.125" ALUMINUM  
 CAP STAMPED PLS 25379 IN  
 RANGE BOX

10' RANGE LINE

BASIS OF BEARING: BEARINGS USED HEREIN ARE BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, AS SHOWN ON THE SUBDIVISION PLAT OF THE COMMONS SUBDIVISION FILING NO. 6, AS RECORDED JULY 25, 2008 AT RECEPTION NO. 2008103305 OF THE CITY AND COUNTY OF DENVER RECORDS, STATE OF COLORADO, BEING MEASURED AS  $N00^{\circ}07'24''W$  REFERENCING THE CITY AND COUNTY OF DENVER CONTROL SYSTEM, AND AS MONUMENTED ON THE EAST BY A FOUND 3.25" BRASS CAP STAMPED PLS 16395 1995 ACCEPTED AS THE EAST 1/4 CORNER OF SECTION 28, AND AS MONUMENTED ON THE WEST BY A FOUND 3.25" ALUMINUM CAP STAMPED PLS 25379 IN RANGE BOX, ACCEPTED AS THE SOUTHEAST CORNER OF SECTION 28.

						SHT. NO: 2 OF 2
						SCALE: 1" = 20'
						DWN. BY: TJB
						DATE: 11-8-2018
						CHK. BY:
						PROJ. MGR: DHO
						DATE: 11-8-2018
						CLIENT APP:
NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D	

**WILSON & COMPANY** 1675 Broadway Suite 200  
 Denver, CO 80202  
 Phone: 303-297-2976  
 Fax: 303-297-2693

**EXHIBIT "A"**  
**1905 DIVISION STREET**  
**DENVER CO, 80202**  
**STATE OF COLORADO**



**EXHIBIT A**  
**PAGE 1 OF 2**

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THENCE S64°15'22"W, 11.12 FEET;

THENCE N36°15'08"W, 17.83 FEET;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEWATTA STREET, N44°58'30"E, 20.45 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF DIVISION STREET;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID DIVISION STREET, S14°16'37"E, 24.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 315 SQUARE FEET OR 0.007 ACRES, MORE OR LESS.

BASIS OF BEARING: BEARINGS USED HEREIN ARE BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, AS SHOWN ON THE SUBDIVISION PLAT OF THE COMMONS SUBDIVISION FILING NO. 6, AS RECORDED JULY 25, 2008 AT RECEPTION NO. 2008103305 OF THE CITY AND COUNTY OF DENVER RECORDS, STATE OF COLORADO, BEING MEASURED AS N00°07'24"W REFERENCING THE CITY AND COUNTY OF DENVER CONTROL SYSTEM, AND AS MONUMENTED ON THE EAST BY A FOUND 3.25" BRASS CAP STAMPED PLS 16395 1995 ACCEPTED AS THE EAST 1/4 CORNER OF SECTION 28, AND AS MONUMENTED ON THE WEST BY A FOUND 3.25" ALUMINUM CAP STAMPED PLS 25379 IN RANGE BOX, ACCEPTED AS THE SOUTHEAST CORNER OF SECTION 28.

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 ADDITION TO DENVER

LOT 15, BLOCK 5  
 HOYT AND ROBINSON'S  
 ADDITION TO DENVER

ORDINANCE NO. 732 SERIES 2003  
 PARCEL 20D-4

ORDINANCE NO. 732 SERIES 2003

WEWATTA ST  
 VACATION  
 315 S.F.  
 0.007 ACRES

N44°58'30"E  
 20.45'

S14°16'37"E  
 24.77'

N36°15'08"W  
 17.83'

S64°15'22"W  
 11.12'

POINT OF BEGINNING

DIVISION ST  
 VACATION

DIVISION STREET  
 (50' R.O.W.)

20TH STREET  
 (R.O.W. VARIES)

683.77'  
 N18°28'17"W

WEWATTA STREET  
 (R.O.W. VARIES)  
 ORDINANCE NO. 228 SERIES 1995

EAST 1/4 CORNER  
 SECTION 28.  
 FOUND 3.25" BRASS  
 CAP STAMPED  
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SOUTHEAST CORNER SECTION  
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 Fax: 303-297-2693

EXHIBIT "A"  
 1905 DIVISION STREET  
 DENVER CO, 80202  
 STATE OF COLORADO