



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: Ted Christianson
Director, Public Works Right of Way Services

ROW #: 2017-VACA-0000006

DATE: October 3, 2017

SUBJECT: Request for an Ordinance to vacate portion of the Right of Way at Wynkoop Street and 40th 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 Taylor Rohde, dated April 17, 2017, on behalf of Westfield-4120, LLLP 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; 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, but not limited to, 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-0000006-001 HERE

TC: cs

cc: City Councilperson & Aides

City Council Staff – Zach Rothmier
Department of Law – Shaun Sullivan
Department of Law – Brent Eisen
Public Works, Manager’s Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

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: October 3, 2017

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:

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.**)

Request for an Ordinance to vacate portion of the Right of Way at Wynkoop Street and 40th Street, with reservations.

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

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

- **Name:** Chaunda Sinn
- **Phone:** 720-865-3036
- **Email:** chaunda.sinn@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:

Request for an Ordinance to vacate portion of the Right of Way at Wynkoop Street and 40th Street, with reservations.

****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:** Wynkoop Street at 40th Street
- d. **Affected Council District:** Dist # 9, Albus Brooks
- 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: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2017-VACA-0000006 4120 Brighton Blvd - 40th St and Wynkoop St

Owner name: Westfield-4120, LLLP

Description of Proposed Project: Request for an Ordinance to vacate portion of the Right of Way at Wynkoop Street and 40th Street, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Improvements and redevelopment of the land and adjacent properties

Width of area in feet: 80 feet

Number of buildings abut said area: 3

The 20-day period for protests has expired, the vacating notice was posted on: September 12, 2017

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: September 12, 2017

Protests sustained by the manager of Public Works: 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, there is a drainage easement that continues through the area requesting to be vacated. The hard surface reservation language within the ordinance will ensure that this drainage line is accessible.

Will an easement relinquishment be submitted at a later date: Yes, the customer has stated they will request to relinquish the easement at a later date when their plans are finalized

Background: None.

Public Notification: There were no objections

Location Map:



EXHIBIT A

2017-VACA-0000006-001

SHEET 1 OF 2

LAND DESCRIPTION:

A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF BLOCK 27, ST. VINCENT ADDITION, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET; THENCE S44°48'31"E ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET, 266.03 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF BLOCK 27, ST. VINCENT'S ADDITION; THENCE N44°58'33"E ALONG THE SOUTHEASTERLY OF BLOCK 27, 228.47 FEET TO A POINT ON THE EAST LINE OF BLOCK 27, ST. VINCENT'S ADDITION; THENCE S00°03'46"W ALONG AN EXTENSION OF THE EAST LINE OF SAID BLOCK 27, 113.31 FEET; THENCE S44°58'33"W ALONG THE NORTHWESTERLY LINE OF BLOCK 28, ST. VINCENT'S ADDITION, 148.53 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET; THENCE N44°48'31"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET, 80.00 FEET TO THE TRUE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 15,067 SQUARE FEET OR 0.3459 ACRES MORE OR LESS.

BASIS OF BEARINGS: AN ASSUMED BEARING OF S89°53'51"E BEING THE EAST-WEST CENTERLINE OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BETWEEN TWO FOUND MONUMENTS; ONE MONUMENT BEING A 3.25" DIAMETER ALUMINUM CAP STAMPED LS 24961 AT THE WEST ¼ CORNER OF SAID SECTION 23 AND THE OTHER BEING A 3.25" DIAMETER ALUMINUM CAP STAMPED LS 23521 IN A RANGE BOX BEING THE EAST ¼ CORNER OF SAID SECTION 23.

DAMIEN CAIN PLS 38284
FOR AND ON BEHALF OF
39 NORTH ENGINEERING AND SURVEYING LLC
4495 HALE PARKWAY
SUITE 305
DENVER, CO 80220

PREPARED BY:
39 NORTH ENGINEERING AND SURVEYING LLC
4495 HALE PARKWAY
SUITE 305
DENVER, CO 80220
PH: 303-325-5071
EMAIL: damien.cain@39north.net



EXHIBIT A

SHEET 2 OF 2

2017-VACA-000006



SCALE: 1"=80'

CALCULATED RANGE POINT NOT FOUND OR SET

CALCULATED EAST LINE OF BLOCK 27, ST. VINCENT'S ADD.

FOUND REBAR WITH 1.5" DIA. ILL. ALUMINUM CAP

RANGE POINT FOUND NO. 6 REBAR WITH NO CAP IN RANGE BOX

POINT OF BEGINNING

BRIGHTON BOULEVARD
80' R.O.W.

VACATED ALLEY
ORD. 102
SERIES 1923

BLOCK 27
ST. VINCENT
ADDITION

FOUND BENT NO. 5 REBAR WITH NO CAP 0.48' NW'LY OF CALC. LOT LINE

20' RANGE LINE
480.18' A.M.
(480.00' REC.)
N44°58'01"E

FOUND NO. 5 REBAR WITH 1.5" DIA. ILL. ALUM. CAP 0.53' NW'LY OF CALC LOT LINE

FOUND ALLOY DISK STAMPED LS 26958

FOUND CHISELED CROSS 0.27' NE'LY OF RANGE LINE

RANGE POINT FOUND ILL. 2.5" DIA. ALUMINUM CAP IN RANGE BOX

TRUE POINT OF BEGINNING

PROPOSED 5.27'X80' STRIP OF LAND TO BE VACATED

RANGE POINT FOUND 1" STEEL BAR IN RANGE BOX

SOUTHERLY LINE OF PARCEL
ID NO. 0223300061000

LOT 16
266.03' A.M.
20' RANGE LINE
346.03' A.M. (346.00' REC.)
S44°48'31"E

40TH STREET
80' R.O.W.

228.47' A.M.
N44°58'33"E

WYNKOOP STREET
80' R.O.W.

113.31' A.M.
S00°03'46"W

CALCULATED EAST LINE OF BLOCK 28, ST. VINCENT'S ADD.

80.00' A.M.
S44°48'31"E

BLOCK 28
ST. VINCENT
ADDITION

