

## REQUEST FOR VACATION ORDINANCE

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

**FROM:** Matt Bryner  
Director, Public Works Right of Way Services

**ROW #:** 2019-VACA-0000001

**DATE:** May 3, 2019

**SUBJECT:** Request for an Ordinance to vacate the alley bounded by E 43rd Ave., N Steele St., E 42nd Ave., and N Milwaukee St., adjacent to the east of 3125 E 42nd Ave., 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 Colorado High School Charter, Inc. c/o Clark Callahan, dated November 6, 2018, on behalf of GES Building Holding Corporation 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, 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-0000001-01 HERE**

MB: bp

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  
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: May 3, 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.)

GES Building Holding Corporation c/o Colorado High School Charter, Inc. requests for an Ordinance to vacate the alley bounded by E 43rd Ave., N Steele St., E 42nd Ave., and N Milwaukee St., adjacent to the east of 3125 E 42nd Ave., with reservations.

**3. Requesting Agency:** Public Works; Engineering & Regulatory Dept.

**4. Contact Person:**

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brittany Pirtle	Name: Jason Gallardo
Email: Brittany.Pirtle@denvergov.org	Email: Jason.Gallardo@denvergov.org

**5. General description or background of proposed request. Attach executive summary if more space needed:**

GES Building Holding Corporation c/o Colorado High School Charter, Inc. requests for an Ordinance to vacate the alley bounded by E 43rd Ave., N Steele St., E 42nd Ave., and N Milwaukee St., adjacent to the east of 3125 E 42nd Ave., with reservations.

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

**7. City Council District:** District 9; Councilman Albus Brooks

**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-0000001, 3125 E 42nd Ave Alley Vacation

**Requestor's name:** GES Building Holding Corporation c/o Colorado High School Charter, Inc.

**Description of Proposed Project:** GES Building Holding Corporation c/o Colorado High School Charter, Inc. requests for an Ordinance to vacate the alley bounded by E 43rd Ave., N Steele St., E 42nd Ave., and N Milwaukee St., adjacent to the east of 3125 E 42nd Ave., with reservations.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Applicant would like to repurpose space as a walking path for students, faculty, and staff.

**Width of area in feet:** 16.04'

**Number of buildings abut said area:** Two (2).

**The 20-day period for protests has expired, the vacating notice was posted on:** April 2, 2019.

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** April 2, 2019

**Protests sustained by the manager of Public Works:** N/A; None received.

**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 – CenturyLink and Xcel have facilities within this area.

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

**Background:** N/A

**Public Notification:** No objections were received.

Location Map:



# EXHIBIT A

SHEET 1 OF 2

**LAND DESCRIPTION:**

A PART OF THE NE1/4 OF THE SW1/4 OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING THE PLATTED 16 FOOT ALLEY BETWEEN LOTS 10-15 AND 17-22, BLOCK 49, FIRST ADDITION TO SWANSEA, AS RECORDED AT BOOK 1, PAGE 29, NOVEMBER 13th, 1873, CITY AND COUNTY OF DENVER, STATE OF COLORADO,

**MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT FOUND 2 INCH ALLOY CAP IN THE RANGE BOX COMMON TO THE NORTH-SOUTH RANGE LINE IN STEELE STREET AND THE EAST-WEST RANGE LINE IN EAST 42nd AVENUE; THENCE N00°10'16"E COINCIDENT WITH SAID NORTH-SOUTH RANGE LINE, A DISTANCE OF 18.25 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF EAST 42nd AVENUE; THENCE S89°49'33"W COINCIDENT WITH THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 153.00 FEET TO THE WEST LINE OF A 16 FOOT PLATTED ALLEY THE TRUE POINT OF BEGINNING; THENCE N00°11'44"E COINCIDENT TO SAID WEST LINE, A DISTANCE OF 152.30 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY; THENCE N85°53'50"E COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 16.04 FEET TO THE EAST LINE OF A 16 FOOT PLATTED ALLEY; THENCE S00°11'44"E COINCIDENT WITH SAID EAST LINE A DISTANCE OF 153.42 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST 42ND AVENUE, THENCE S89°49'33"W COINCIDENT WITH THE SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 16.00 FEET AND THE POINT OF BEGINNING.

EXCEPT FOR RIGHTS OF WAY OF RECORD.

PARCEL CONTAINS 2443.24 SQ. FT. OR 0.056 ACRES, MORE OR LESS

BASIS OF BEARING EAST-WEST RANGE LINE IN E. 42nd AVE. WHICH BEARS S89°49'44"W, AS SHOWN HEREON.

## SURVEYOR'S CERTIFICATION:

I, JOSEPH W. STICE iii BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, PLS 36072, DO HEREBY CERTIFY THAT IN OCTOBER, 2018, A VACATION SURVEY OF THE HEREIN DESCRIBED PARCEL WAS COMPLETED UNDER MY DIRECT SUPERVISION, AND THAT THIS IS A TRUE AND ACCURATE DRAWING OF SAID SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

FOR AND ON BEHALF OF TIMBERLINE SURVEYING:  
JOSEPH W. STICE iii

DATE	REVISIONS	PROJECT:
11/05/18	ISSUED FOR REVIEW	DRAWING: TL-17022-ALLEY VACATE.DWG
		CLIENT:
		PROJECT MANAGER: AD
		DRAWN BY: KSS
		CHECKED BY: JWS

CUSTOM MAPPING AND LAND SURVEYING  
P.O. BOX 271882  
LITTLETON, COLORADO 80127  
303-971-0985  
TIMBERLINESURVEYING@GMAIL.COM



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# EXHIBIT A

SHEET 2 OF 2

UNION PACIFIC RAILROAD R.O.W.

FND ALLOY CAP ILLEGIBLE RANGE BOX

SCHEDULE NO. 0224300064000

FND 1" BRASS DISK PLS  
36072  
 $\Delta N = -0.17$   
 $\Delta E = -2.32$

N 85°50'09" E 16.04' (M)

MILWAUKEE ST.  
60' R.O.W.

BLOCK 49

SCHEDULE NO. 02243020214000

ADJACENT BUILDING

MOREL, RICHARD I & SHARLIE A  
SCHEDULE NO. 0224301005000

R.O.W. FEC NO. 2015078522

STEELE ST.

ADJACENT BUILDING

POB

FND 1 1/2" ORANGE  
PLASTIC CAP PLS 36072 ON  
#5 REBAR

$\Delta N = 0.00$   
 $\Delta E = -2.34$

S 89°49'44" W 16.00' (M)

S 89°49'44" W 153.00' (M)

FND BRASS DISK CDOT  
CONTROL

FLOWLINE

18.25 Range Line





S 89°49'44" W (BASIS OF BEARING)

FND 2" ALLOY CAP 9323 IN  
RANGE BOX

FND 2" ALLOY CAP 9329  
IN RANGE BOX

E. 42nd AVE.

## LEGEND:

-  FOUND ALLOY CAP
-  FOUND BRASS DISK
-  LIGHT POLE
-  ALLEY
-  FOUND PLASTIC CAP 36072
-  ORIGINAL PROPERTY



SCALE: 1" = 40'

DATE	REVISIONS	PROJECT:
11/05/18	ISSUED FOR REVIEW	DRAWING: TL-17022-ALLEY VACATE.DWG
04/17/19	REVISED PER CITY REVIEWS	CLIENT:
		PROJECT MANAGER: AD
		DRAWN BY: KSS
		CHECKED BY: JWS

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SHEET NUMBER  
**2**  
PROJECT NO.  
17022  
2 OF 2

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