

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE *Matt R. Bryner*
Director, Right of Way Services Matt R. Bryner (Nov 15, 2021 06:07 MST)

ROW #: 2020-VACA-0000016

DATE: October 1, 2021

SUBJECT: Request for an Ordinance to vacate four (4) portions of right-of-way near West Ohio Avenue and South Cherokee Street, with reservations: two (2) areas located along South Cherokee Street, one (1) area located along West Ohio Avenue, and one (1) area located along South Elati Street.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Broadway Station Partners, LLC, dated December 17, 2020, for the subject vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation ; Comcast; Division of Disability Rights; Community Planning & Development – Building Inspections, Planning and Zoning, Landmark; City Councilperson Clark, District #7; Forestry; Fire Department; Metro Water Recovery; Office of Emergency Management; Parks & Recreation; DOTI – , Construction Engineering, DES – Transportation & Wastewater, Survey, Policy and Planning, Street Maintenance, TES Sign & Stripe, CPM Wastewater, Solid Waste Review; CenturyLink; Regional Transportation District; Denver Water; 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 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 2020-VACA-0000016-001 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
Phone: 720-865-3003



MB: je

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 by **12:00pm on Monday**. Contact him with questions.

Date of Request: **October 1, 2021**

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 four (4) portions of right-of-way near West Ohio Avenue and South Cherokee Street with reservations: two (2) areas located along South Cherokee Street, one (1) area located along West Ohio Avenue, and one (1) area located along South Elati Street.

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: Jessica Eusebio	Name: Jason Gallardo
Email: Jessica.Eusebio@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 four (4) portions of right-of-way near West Ohio Avenue and South Cherokee Street with reservations: two (2) areas located along South Cherokee Street, one (1) area located along West Ohio Avenue, and one (1) area located along South Elati Street.

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

7. City Council District: District 7, Councilperson Clark

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 (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>

<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: 2020-VACA-0000016 - 800 S Cherokee St Vacation

Requestor's name: Broadway Station Partners, LLC.

Description of Proposed Project: Request for an ordinance to vacate four (4) portions of right-of-way near West Ohio Avenue and South Cherokee Street, with reservations: two (2) areas located along South Cherokee Street, one (1) area located along West Ohio Avenue, and one (1) area located along South Elati Street.

Applicant's explanation of why the public right-of-way must be utilized to accomplish the proposed project: The applicant requests that the subject right-of-way be vacated in order to proceed with the Office Parkland phase of the Broadway Station development. The vacation of these rights-of-way open the development to allow for the new roadways, open space, and development parcels to be platted as part of Broadway Station Filing 4.

Area of proposed right-of-way vacation in square feet: Approximately 52,972 square feet in total

Number of buildings adjacent to proposed vacation area: None

Public Notice was posted at the proposed vacation area on: August 31, 2021

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: August 31, 2021

The 20-day period for protests expired on: September 20, 2021

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

Are all protests containing technical merit resolved to the satisfaction of DOTI: N/A

Will land be dedicated to the City if the vacation is approved: Yes

Will an easement be placed over a vacated area and, if so, explain: Yes, the standard reservation easement will be held over the areas by the City and County of Denver for existing utilities.

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
Phone: 720-865-3003

Is a request for an easement relinquishment expected at a later date and, if so, explain: Yes, an easement relinquishment will be pursued at a later date after all existing utilities are relocated outside of the reserved easement areas.

Location Map:





1601 Blake Street, Suite 200
 Denver, Colorado 80202
 Phone: 303-572-0200
 Fax: 303-572-0202
www.matrixdesigngroup.com

EXHIBIT "A" LAND DESCRIPTION

PARTS OF S. CHEROKEE STREET, W. OHIO AVENUE AND S. ELATI STREET, RECORDED IN VANDERBILT PARK AT ENGINEERING BOOK 19 AT PAGE 36, RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED ON THE NORTH END BY A FOUND ORIGINAL NOTCHED STONE IN A RANGE BOX AND ON THE SOUTH END BY A FOUND 3-1/4" ALUMINUM CAP ON A NO. 6 REBAR 6" DEEP IN RANGE BOX STAMPED "JF SATO & ASSOC., 1/4, S15/S22, T4N R68W, PLS 37056, 2017" AND IS ASSUMED TO BEAR NORTH 00°44'36" WEST, 2647.74 FEET.

PARCEL "A" (S. CHEROKEE STREET)

COMMENCING AT THE SOUTH END OF SAID EAST LINE; THENCE NORTH 47°35'42" WEST, A DISTANCE OF 1,819.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH SANTA FE DRIVE, SAID POINT BEING THE **POINT OF BEGINNING**; SAID POINT BEING ALSO THE BEGINNING OF A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT BEARS SOUTH 65°20'25" WEST, A RADIAL DISTANCE OF 1,943.49 FEET;

THENCE NORTHWESTERLY ON SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH SANTA FE DRIVE, THROUGH A CENTRAL ANGLE OF 01°10'21", AN ARC DISTANCE OF 39.78 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE WEST RIGHT-OF-WAY LINE OF SAID S. CHEROKEE STREET;

THENCE NORTH 00°30'29" WEST, ON SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 736.41 FEET TO **POINT "A"**;

THENCE SOUTH 09°27'08" EAST, A DISTANCE OF 88.94 FEET;

THENCE NORTH 80°32'52" EAST, A DISTANCE OF 14.38 FEET TO **POINT "B"**, BEING ALSO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF S. CHEROKEE STREET;

THENCE SOUTH 00°37'46" EAST, ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 680.14 FEET;

THENCE SOUTH 61°41'14" WEST, A DISTANCE OF 14.50 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE PARCEL DESCRIPTION CONTAINS A CALCULATED AREA OF 19,970 SQUARE FEET OR (0.45844 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.

PARCEL "B" (S. CHEROKEE STREET)

COMMENCING AT THE PREVIOUSLY MENTIONED **POINT "B"**; THENCE NORTH 00°37'46" WEST, ON SAID EAST RIGHT-OF-WAY LINE OF S. CHEROKEE STREET, A DISTANCE OF 362.63 FEET TO THE **POINT OF BEGINNING**;



THENCE NORTH 09°27'08" WEST, A DISTANCE OF 89.00 FEET TO A 166.00 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 11°32'50" WEST;

THENCE EASTERLY ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°09'48", AN ARC DISTANCE OF 0.47 FEET;

THENCE SOUTH 78°17'23" EAST, A DISTANCE OF 13.50 FEET TO SAID EAST RIGHT-OF-WAY LINE OF S. CHEROKEE STREET;

THENCE SOUTH 00°37'46" EAST, ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 84.96 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE PARCEL DESCRIPTION CONTAINS A CALCULATED AREA OF 580 SQUARE FEET OR (0.01331 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.

PARCEL "C" (W. OHIO AVENUE)

BEGINNING AT THE PREVIOUSLY MENTIONED **POINT "A"**;

THENCE SOUTH 00°30'29" EAST, ON SAID WEST RIGHT-OF-WAY LINE OF S. CHEROKEE STREET, A DISTANCE OF 32.20 FEET TO THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID W. OHIO AVENUE;

THENCE SOUTH 89°23'58" WEST, ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 427.02 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID SOUTH SANTA FE DRIVE;

THENCE NORTH 32°45'00" WEST, ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 61.45 FEET TO THE INTERSECTION OF THE SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH SANTA FE DRIVE AND THE EASTERLY RIGHT-OF-WAY LINE OF A PARCEL OF LAND DESCRIBED AS UNIT 5 IN ORDINANCE 3, SERIES 1962 OF SAID RECORDS;

THENCE NORTH 00°37'16" WEST, ON SAID EASTERLY RIGHT-OF-WAY LINE OF UNIT 5 IN ORDINANCE 3, SERIES 1962, A DISTANCE OF 7.98 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE NORTH RIGHT-OF-WAY LINE OF SAID W. OHIO AVENUE;

THENCE NORTH 89°23'58" EAST, ON SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 135.00 FEET TO **POINT "C"**, BEING ALSO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE WITH THE WEST RIGHT-OF-WAY LINE OF SAID S. ELATI STREET;

THENCE CONTINUE NORTH 89°23'58" EAST, ON SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 324.82 FEET TO SAID WEST RIGHT-OF-WAY LINE OF S. CHEROKEE STREET;

THENCE SOUTH 00°30'29" EAST ON SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 27.80 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE PARCEL DESCRIPTION CONTAINS A CALCULATED AREA OF 26,739 SQUARE FEET OR (0.61384 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.

PARCEL "D" (S. ELATI STREET)



BEGINNING AT THE PREVIOUSLY MENTIONED **POINT "C"**;

THENCE ON THE WEST, NORTH AND EAST RIGHT-OF-WAY LINES OF S. ELATI STREET THE FOLLOWING (3) THREE COURSES:

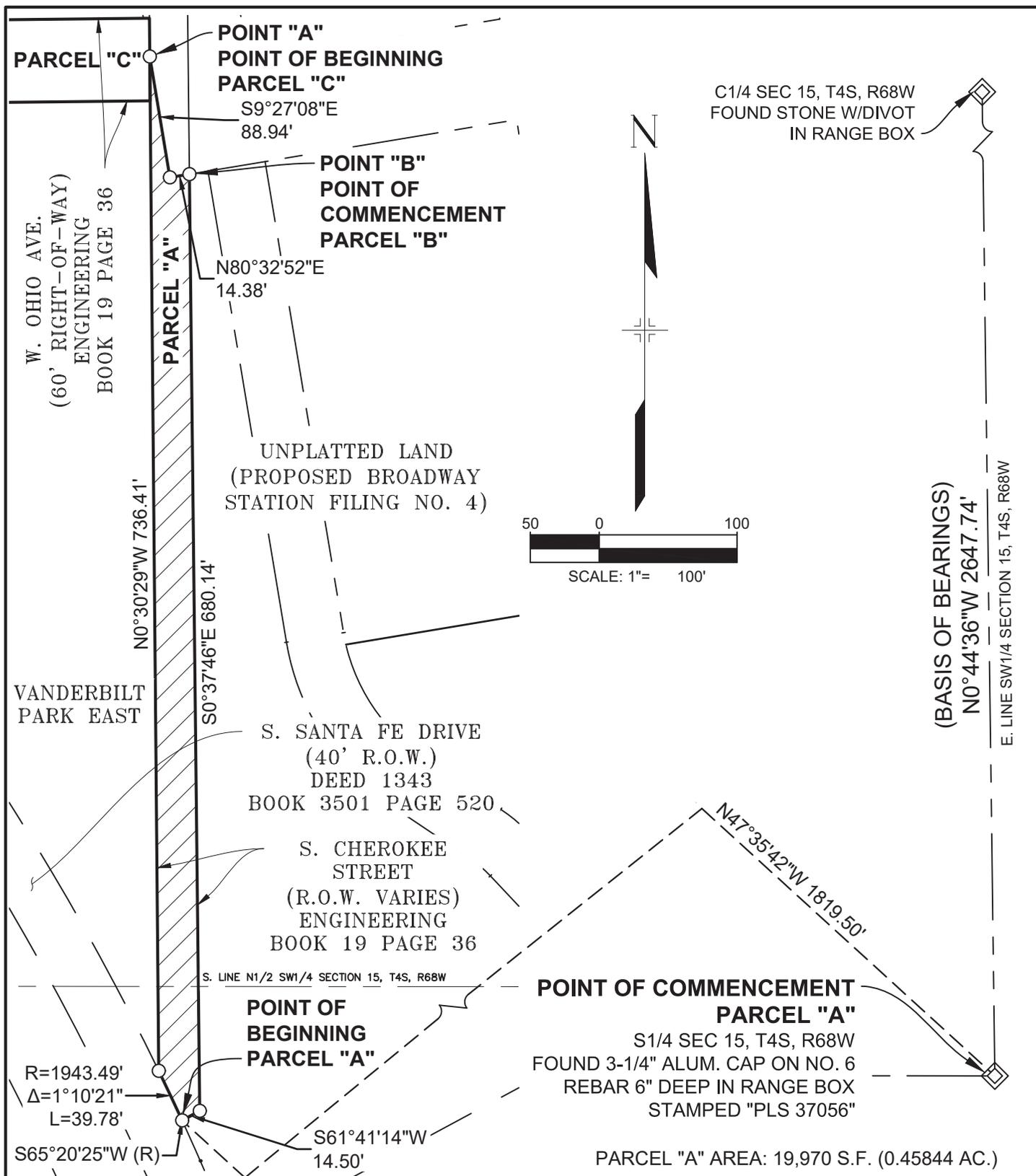
1. THENCE NORTH 00°37'16" WEST, A DISTANCE OF 94.95 FEET;
2. THENCE NORTH 89°49'47" EAST, A DISTANCE OF 60.00 FEET;
3. THENCE SOUTH 00°37'16" EAST, A DISTANCE OF 94.50 FEET TO THE INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE WITH SAID NORTH RIGHT-OF-WAY LINE OF W. OHIO AVENUE;

THENCE SOUTH 89°23'58" WEST, A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE PARCEL DESCRIPTION CONTAINS A CALCULATED AREA OF 5,683 SQUARE FEET OR (0.13047 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



PATRICK S. JERNIGAN, PLS 37042
 PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP, INC
 1601 BLAKE STREET, SUITE 200
 DENVER, COLORADO 80202
 PH. (303)572-0200



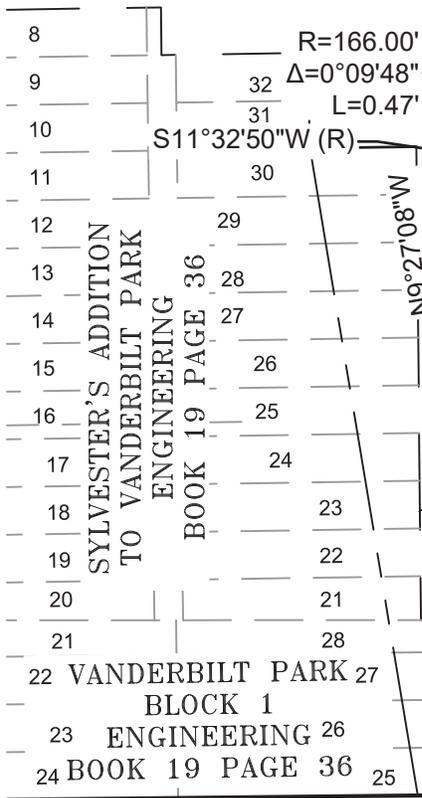
1601 Blake Street, Suite 200
 Denver, CO 80202 Phone
 303-572-0200 Fax
 303-572-0202

PARCEL A

EXHIBIT "A"

DRAWN BY: PSJ	DATE: MAY 7, 2021	4 OF 7
CHECKED BY: PSJ	JN: 19.817.004	

INTERSTATE "25"
ORD. 3, SERIES 1962



PARCEL "B"
POINT OF BEGINNING PARCEL "B"

S. CHEROKEE STREET
(R.O.W. VARIES)
ENGINEERING
BOOK 19 PAGE 36
UNPLATTED LAND
(PROPOSED BROADWAY
STATION FILING NO. 4)

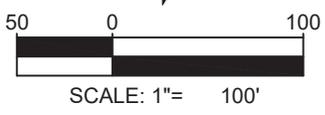
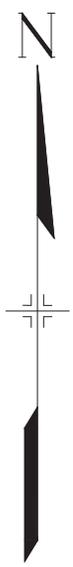
POINT "A"
POINT OF BEGINNING PARCEL "C"

POINT "B"
POINT OF COMMENCEMENT PARCEL "B"

PARCEL "C"

W. OHIO AVE.
(60' RIGHT-OF-WAY)
ENGINEERING
BOOK 19 PAGE 36

VANDERBILT
PARK EAST



PARCEL "B" AREA: 580 S.F. (0.01331 AC.)

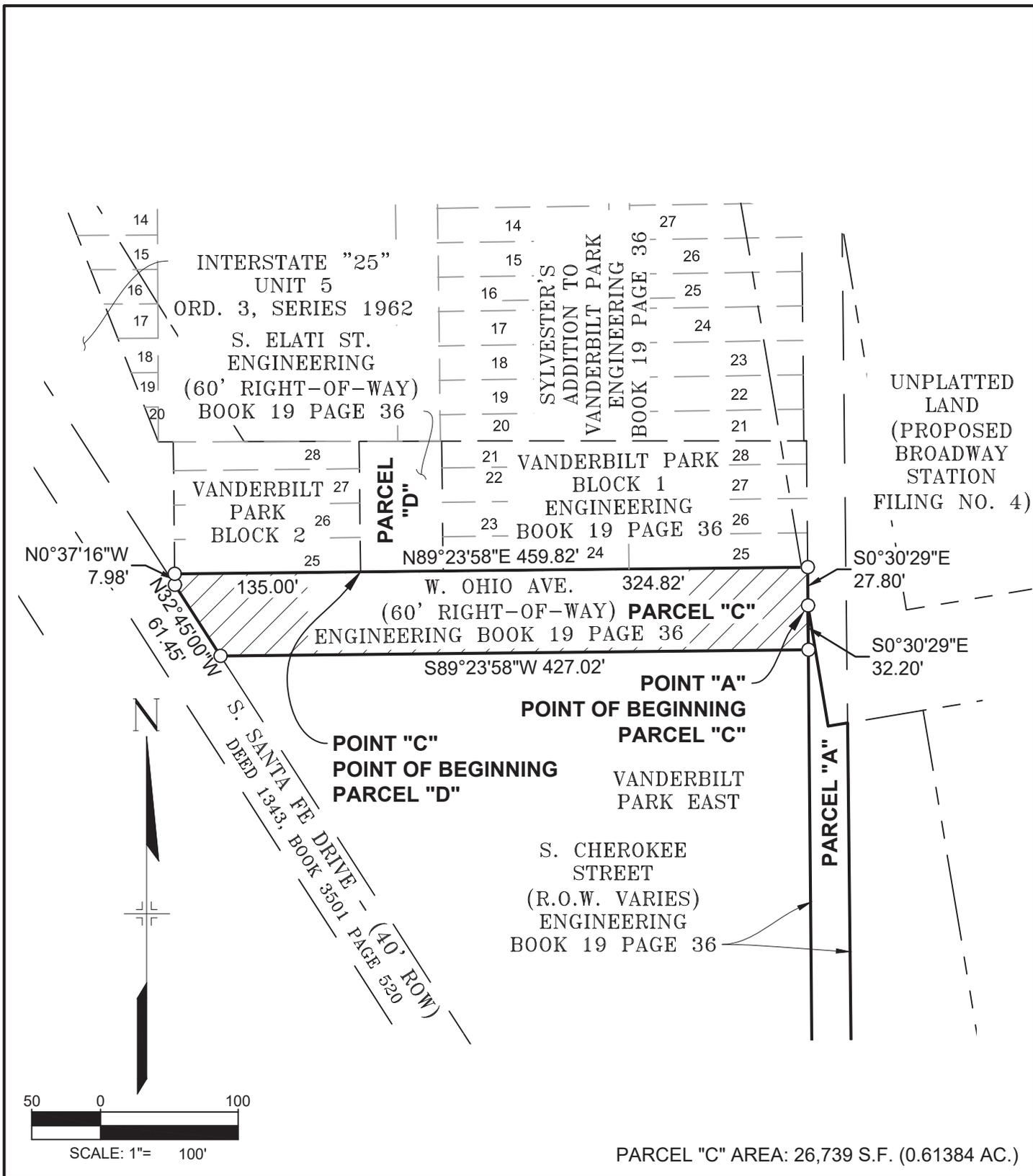


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PARCEL B

EXHIBIT "A"

DRAWN BY: PSJ	DATE: MAY 7, 2021	5 OF 7
CHECKED BY: PSJ	JN: 19.817.004	



PARCEL "C" AREA: 26,739 S.F. (0.61384 AC.)

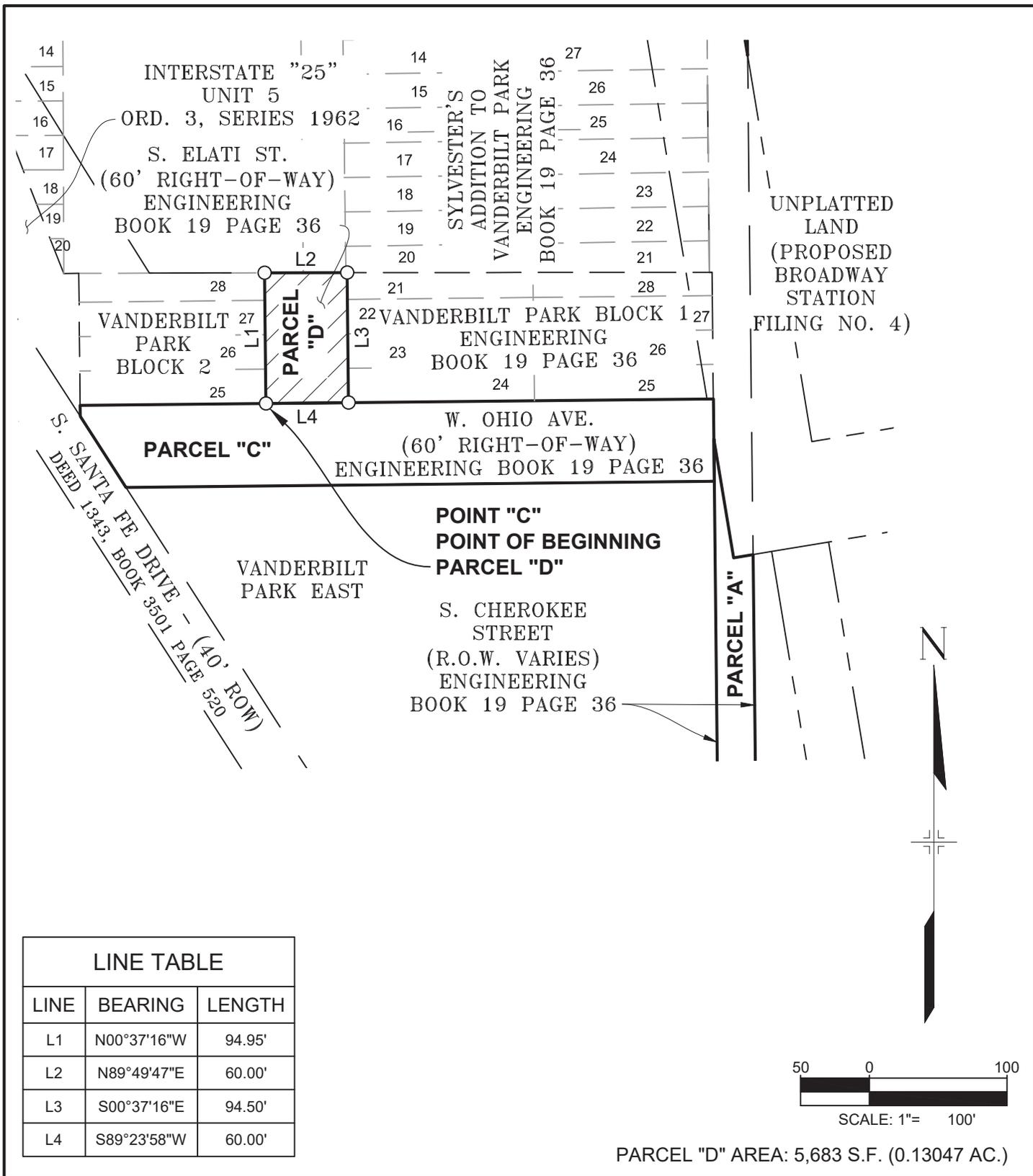


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PARCEL C

EXHIBIT "A"

DRAWN BY: PSJ	DATE: MAY 7, 2021	6 OF 7
CHECKED BY: PSJ	JN: 19.817.004	



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°37'16"W	94.95'
L2	N89°49'47"E	60.00'
L3	S00°37'16"E	94.50'
L4	S89°23'58"W	60.00'

PARCEL "D" AREA: 5,683 S.F. (0.13047 AC.)



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PARCEL D

EXHIBIT "A"

DRAWN BY: PSJ	DATE: MAY 7, 2021	7 OF 7
CHECKED BY: PSJ	JN: 19.817.004	