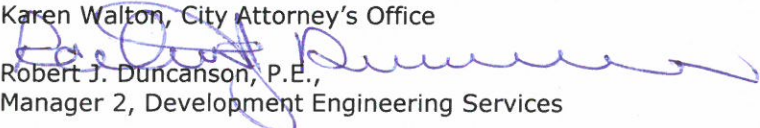




### REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office

**FROM:** Robert J. Duncanson, P.E.,   
Manager 2, Development Engineering Services

**ROW NO.:** 2011-0620-06

**DATE:** October 11, 2013

**SUBJECT:** Request for an Ordinance to revoke Resolution No. 13-0394 and vacate the air space of ROW beginning at approximately 12' above grade with a maximum height of approximately 65' and extended out 8' in front of 1201 and 1221 Broadway, without reservation.

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

This office has investigated the request of Matt Bosquez, on behalf of Corporex Colorado, LLC for granting of the above requested vacation. This matter has been field inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast Corporation; Commission for People with Disabilities; Community Planning & Development - Building Inspections, Planning and Zoning; Councilperson Jeanne Robb; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks & Recreation; Public Works - DES - Construction Engineering, DES Engineering - Transportation & Wastewater, DES Survey, IPP Infrastructure Engineering and Street Maintenance; Qwest Corporation; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

As a result of these investigations, hereby approved and the described area is hereby vacated and declared vacated.

Therefore, you are requested to initiate Council action to vacate the following area:

**INSERT PARCEL DESCRIPTION ROW 2011-0620-06-001 HERE**

The following information, pertinent to this request action, is submitted:

1. The width of this area is 8 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is not being used.
4. Zero buildings abut on said area.
5. The owner of the contiguous area would benefit by being able to make more effective use of their ground; the City would benefit by reduced maintenance responsibility.

6. Grades and drainage are not adversely affected by this action.
7. Replacement area will not be required.
8. The vacating notice **was** posted on September 6, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on September 9, 2013.
10. Protests, sustained by the Manager of Public Works have not been filed.
11. Ordinance action by the City Council is considered to be necessary because the Council is the only City body authorized by the Charter to dispose of City property.

RJD: acp

cc: Asset Management, Steve Wirth  
City Councilperson & Aides  
City Council Staff, Gretchen Williams  
CPM, Mike Anderson,  
Department of Law, Shaun Sullivan  
Department of Law, Karen Aviles  
Department of Law, Karen Walton  
Department of Law, Brent Eisen  
Public Works, Manager's Office, Alba Castro  
Public Works, Manager's Office, Nancy Kuhn  
Public Works Solid Waste, Mike Lutz  
Public Works Survey, Paul Rogalla  
Public Works Street Maint. William Kennedy,  
Project File

Property Owner:  
Matt Bosquez  
Corporex Colorado, LLC  
188 Inverness Drive West, Suite 120  
Englewood, CO 80112  
Phone: (303) 339.9800  
Fax: (303) 339.9801

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Nancy Kuhn at daelene.mix@denvergov.org by **NOON 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 11, 2013

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, amendment, municipal code change, supplemental request, etc.)*

Request for an Ordinance to revoke Resolution No. 13-0394 and vacate the air space of ROW beginning at approximately 12' above grade with a maximum height of approximately 65' and extended out 8' in front of 1201 and 1221 Broadway, without reservation.

**3. Requesting Agency:** Public Works Plan Review Services

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

- **Name:** Adam Perkins
- **Phone:** 720.865.3036
- **Email:** adam.perkins@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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** nancy.kuhn@denvergov.org

**6. General description of proposed ordinance including contract scope of work if applicable:**

An Ordinance to revoke Resolution No. 13-0394 and vacate the air space of ROW beginning at approximately 12' above grade with a maximum height of approximately 65' and extended out 8' in front of 1201 and 1221 Broadway, without reservation.

**\*\*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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** 1201 and 1221 Broadway
- d. **Affected Council District:** Jeanne Robb, D10
- e. **Benefits:** None
- f. **Costs:** None

**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: \_\_\_\_\_



**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2011-0620-06 The Art Hotel and Office**

**Description of Proposed Project: An Ordinance to revoke Resolution No. 13-0394 and vacate the air space of ROW beginning at approximately 12' above grade with a maximum height of approximately 65' and extended out 8' in front of 1201 and 1221 Broadway, without reservation.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: To best complement neighboring buildings, the design has uses similar tilted walls, although to a lesser degree. The east façade of the proposed building affronts Broadway, and main portions of that wall will tilt out by approximately 8 degrees creating similar architectural affects as neighboring buildings.**

**Has a Temp MEP been issued, and if so, what work is underway: No**

**What is the known duration of an MEP: The MEP will be revoked with this Ordinance.**

**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: No.**

**Will an easement relinquishment be submitted at a later date: N/A**

**Additional information: MEP 2011-0620-04, Resolution No 13-0394 was originally granted for this tilted wall. However, the lender of the project requires a vacation instead. This Ordinance will revoke said MEP and vacate the right of way.**



# Air Rights (Broadway) Exhibit

Located in NW  $\frac{1}{4}$ , Section 3, Township 4 South,  
Range 68 West of the 6th P.M.,  
City & County of Denver, State of Colorado

Page 1 of 2

## Land Description:

A parcel of land located in Block 43, Subdivision of Blocks 43, 44, 45, 46, 57, 58, 59, and 60 in Evans Addition to Denver, said plat originally recorded in Plat Book 1 at Page 4 in the Records of Arapahoe County, and located in the Northwest  $\frac{1}{4}$  of Section 3, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at an elevation of 5260.85' and extending therefrom vertically parallel to the face of building to an elevation of 5264.85' and extending therefrom vertically 114.00 feet to an elevation of 5378.85';

The horizontal alignment of which commences at the northeast corner of Tract B, Broadway Parcel;

Thence, N00° 00' 11"E and along the west R.O.W. Line of Broadway a distance of 15.69 feet;

Thence, S73° 00' 00"E a distance of 8.37 feet;

Thence, S00° 00' 11"W a distance of 337.62 feet;

Thence, N89° 59' 49"W a distance of 8.00 feet to point along the west R.O.W. Line of Broadway;

Thence, N00° 00' 11"E and along the west R.O.W. Line of Broadway a distance of 324.38 feet to the Point of Beginning;

Basis of Bearing is the east line of Tract A Broadway Parcel, Tract B Broadway Parcel, and the west R.O.W. Line of Broadway. Said bearing is N00° 00' 11"E.

Elevations described hereon are based upon NAVD88 vertical datum.

Benchmark: City and County of Denver Benchmark 26-A, CCD Brass Cap, SE Cor, Top of Curb, 12" South of SPC @ Inlet, ELEV: 5246.65'

Prepared By:

**EVstudio Civil Engineering, LLC**

Karl W. Franklin, PE-PLS-EXW

Colorado PLS 37969



**EVstudio**  
civil engineering

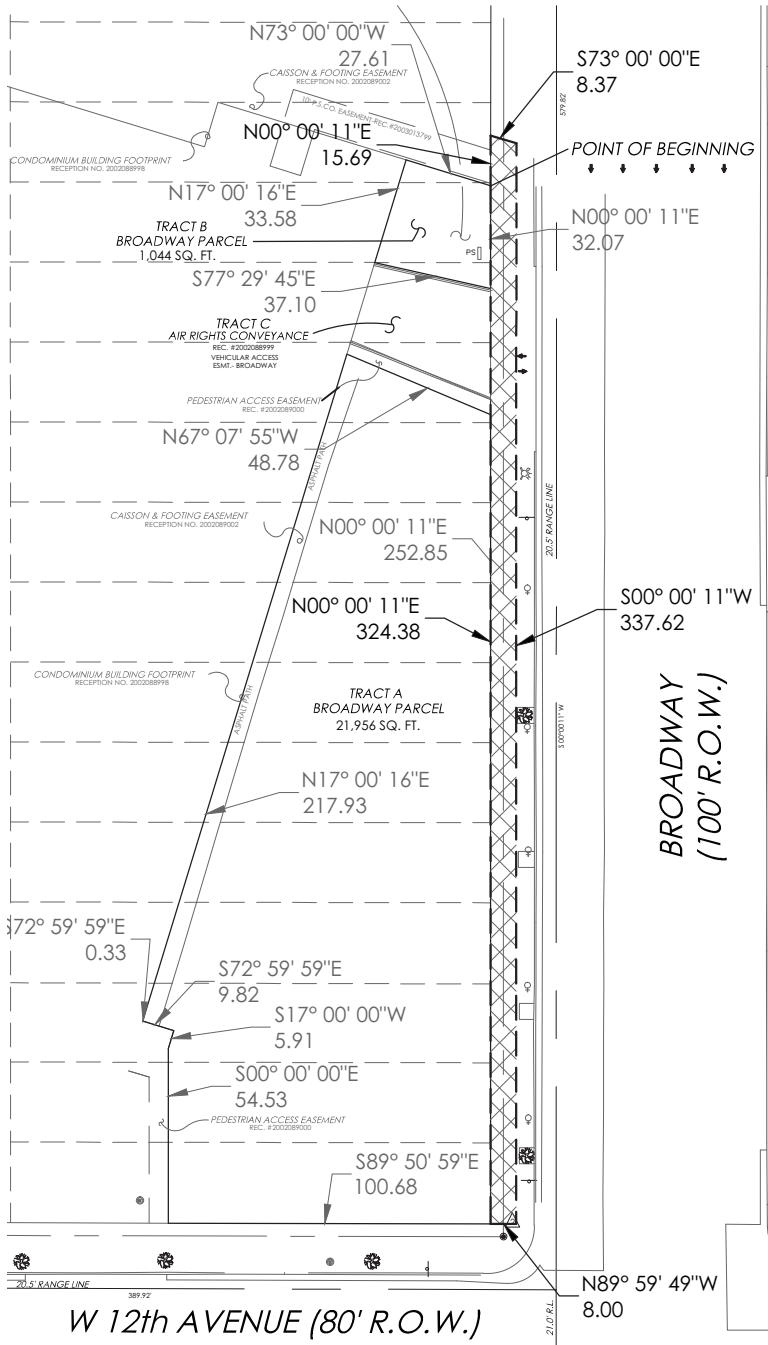
Evergreen | Denver | Copperas Cove  
1117 Cherokee St., Ste. 306 | Denver | CO | 80204  
p: 303.670.7242 | e: civil@evstudio.com  
w: evstudio.com | blog: evstudio.info

Date: 10/2/13  
Job No. CE13-040

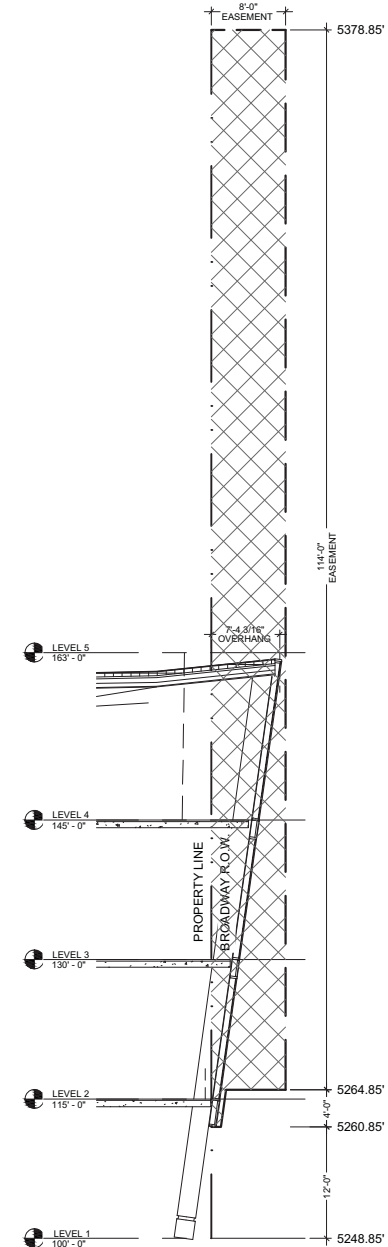
# Air Rights (Broadway) Exhibit

Located in NW 1/4, Section 3, Township 4 South,  
Range 68 West of the 6th P.M.,  
City & County of Denver, State of Colorado

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**BUILDING PROFILE  
EAST EDGE ALONG BROADWAY**

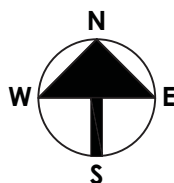


**NOT TO SCALE**

Elevations shown hereon are based upon NAVD88 vertical datum. 100'-0" (Arch) = 5248.85' (Civil)



SCALE 1"=60'



**Legend:**



Prop. Air Rights Easement

Date: 10/2/13  
Job No. CE13-040

**EVstudio**  
civil engineering

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