

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2018-VACA-0000012

DATE: June 14, 2019

SUBJECT: Request for an Ordinance to vacate a portion of E Asbury Ave. between S High St, and S York St., 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 James Rosner, dated April 30, 2018, on behalf of Colorado Seminary 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 2018-VACA-0000012-001 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 by **12:00pm on Monday**. Contact him with questions.

Date of Request: **June 14, 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.)

James Rosner, on behalf of Colorado Seminary, requests for an Ordinance to vacate a portion of E Asbury Ave. between S High St, and S York St., 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:

James Rosner, on behalf of Colorado Seminary, requests for an Ordinance to vacate a portion of E Asbury Ave. between S High St, and S York St., with reservations.

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

7. City Council District: District 6; Paul Kashmann

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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

VACATION EXECUTIVE SUMMARY

Project Title: 2018-VACA-0000012, DU E. Asbury - High and York partial Street Vacation

Requestor's name: Colorado Seminary c/o James Rosner

Description of Proposed Project: Proposing to vacate a portion of E Asbury Ave. between S High St. and S York St., with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Redevelopment.

Width of area in feet: 942.45'

Number of buildings abut said area: None.

The 20-day period for protests has expired, the vacating notice was posted on: May 9, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: May 9, 2019

Protests sustained by the manager of Public Works: N/A; No protests were 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 will be reserved due to CenturyLink facilities in the 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
LAND DESCRIPTION
SHEET 1 OF 3

A PARCEL OF LAND BEING A PORTION OF EAST ASBURY AVENUE RIGHT-OF-WAY, ADJACENT TO BLOCKS 32, 33 AND UNIVERSITY PARK AMENDED MAP, VACATED SOUTH GAYLORD STREET, VACATED SOUTH VINE STREET, VACATED SOUTH RACE STREET AND VACATED ALLEYS WITHIN SAID BLOCKS 32 AND 33 AND FRATERNITY SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 8 OF SAID FRATERNITY SUBDIVISION; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 8, S89°57'47"W A DISTANCE OF 128.80 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY LINE OF SAID BLOCKS 31, 32, 33, FRATERNITY SUBDIVISION AND SAID VACATED STREETS AND ALLEY, S89°57'47"W A DISTANCE OF 673.70 FEET; THENCE N00°10'59"W A DISTANCE OF 20.00 FEET; THENCE ALONG A LINE THAT IS 20 FEET NORTHERLY OF AND PARALLEL TO SAID EAST ASBURY AVENUE RIGHT-OF-WAY, N89°57'47"E A DISTANCE OF 552.78 FEET; THENCE S86°13'12"E A DISTANCE OF 71.48 FEET; THENCE S40°01'42"E A DISTANCE OF 12.06 FEET; THENCE ALONG A LINE THAT IS 6 FEET NORTHERLY OF AND PARALLEL TO SAID EAST ASBURY AVENUE RIGHT-OF-WAY, N89°57'47"E A DISTANCE OF 41.95 FEET; THENCE S00°24'14"W A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 0.290 ACRES (12,646 SQUARE FEET), MORE OF LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS AND COORDINATES:

BEARINGS ARE BASED ON STATE PLANE COORDINATES FOR THE NAD 83(1996) COLORADO CENTRAL ZONE BASED ON THE CITY AND COUNTY OF DENVER HORIZONTAL CONTROL NETWORK. COORDINATES ARE MODIFIED TO GROUND LEVEL BY MULTIPLYING THE STATE PLANE COORDINATES BY A COMBINED SCALE FACTOR OF 1.000267379 AND SUBTRACTING 1,000,000 FROM THE NORTHING AND 3,000,000 FROM THE EASTING WITH A BEARING OF N89°57'47"E ALONG THE 20 FOOT RANGE LINE IN EAST ASBURY AVENUE BETWEEN S. RACE ST. AND S. YORK ST. BEING MONUMENTED BY A FOUND #4 REBAR IN RANGE BOX AT S, RACE ST. AND A FOUND 1 1/2" SQUARE ROD PLS # 31158 IN RANGE BOX AT S. YORK ST.

PREPARED BY DENNIS PETER
REVIEWED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
DECEMBER 19, 2018
REVISED FEBRUARY 28, 2019



EXHIBIT A
SHEET 2 OF 3

2018-VACA-0000012-001

DRAWING LOCATION: G:\SCHLAGETER\17.1258-DU Pioneer Achievement Center\PLANS\EXHIBITS\Asbury ROW\ROW VACATION ASBURY.dwg

MATCH LINE SEE SHEET 3 OF 3

S40°01'42"E 12.06'
N89°57'47"E 41.95'
S00°24'14"W 6.00'

POINT OF BEGINNING
S89°57'47"W 128.80'

POINT OF COMMENCEMENT

NE COR. SEC 26,
T4S, R68W, 6TH P.M.
ESTABLISHED FROM TIES PER
MONUMENT RECORD
DATED 05-27-2011

E. ASBURY AVE.

LOT 8
FRATERNITY
SUBDIVISION

LOT 7

LOT 44
UNIVERSITY PARK
AMENDED MAP
BLOCK 31
LOT 40
LOT 39
LOT 38
LOT 37

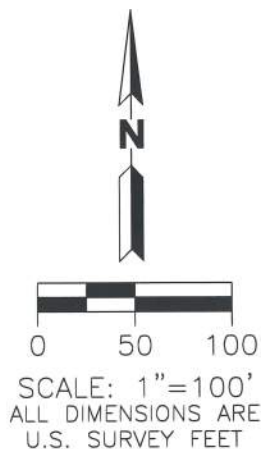
YORK STREET

LOT 1	LOT 44
UNIVERSITY PARK AMENDED MAP BLOCK 30	
LOT 4	LOT 41
LOT 5	LOT 40
LOT 6	LOT 39
LOT 7	LOT 38
LOT 8	LOT 37

EASTERLY LINE OF THE NE 1/4 OF SEC. 26, T4S, R68W, 6TH P.M.

S00°13'17"E 2637.20'

SOUTH UNIVERSITY BLVD.



E 1/4 COR. SEC 26,
T4S, R68W, 6TH P.M.
ESTABLISHED FROM TIES PER
MONUMENT RECORD
DATED 11-15-2012

THIS EXHIBIT DOES NOT
REPRESENT A MONUMENTED LAND
SURVEY. IT IS ONLY TO DEPICT
THE ATTACHED DESCRIPTION.



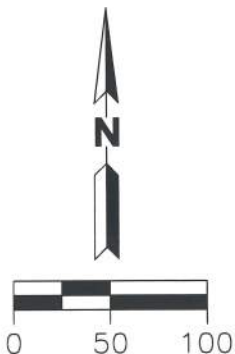
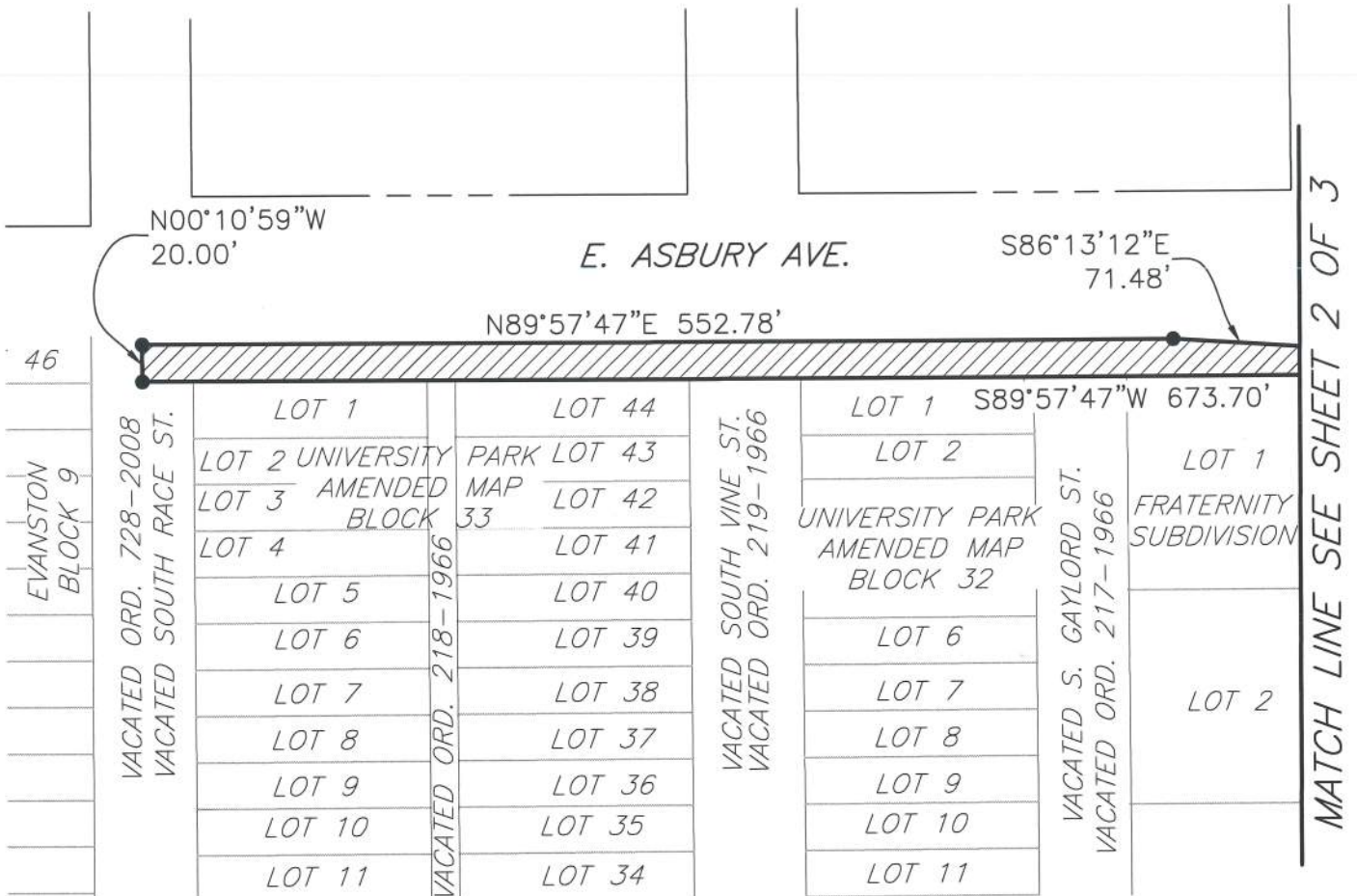
DECEMBER 19, 2018

MARTIN/MARTIN
CONSULTING ENGINEERS
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

EXHIBIT A

SHEET 3 OF 3

2018-VACA-0000012-001



SCALE: 1"=100'
 ALL DIMENSIONS ARE
 U.S. SURVEY FEET

THIS EXHIBIT DOES NOT
 REPRESENT A MONUMENTED LAND
 SURVEY. IT IS ONLY TO DEPICT
 THE ATTACHED DESCRIPTION.



DECEMBER 19, 2018

MARTIN/MARTIN
 CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
 303.431.6100 MARTINMARTIN.COM