




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: Matt Bryner 
 Director, Public Works Right of Way Services

ROW #: 2019-VACA-0000002

DATE: July 3, 2019

SUBJECT: Request for an Ordinance to vacate a subsurface portion of both Argonne St and Biscay St, adjacent to 64th 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 Foster, Graham, Milstein & Calisher, LLP, dated April 9, 2019, on behalf of ACM High Point VI LLC for requesting the above requested vacation.

This matter has been inspected and has been coordinated with Asset Management; Comcast; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson Gilmore of District 11; 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. 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-0000002-001 HERE

INSERT PARCEL DESCRIPTION ROW 2019-VACA-0000002-002 HERE

MB: kr

cc: City Councilperson Gilmore & 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: July 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.)

Foster, Graham, Milstein & Calisher, LLP on behalf of ACM High Point VI LLC requests for an ordinance to vacate a subsurface portion of both Argonne St and Biscay St, adjacent to 64th 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: Katie Ragland	Name: Jason Gallardo
Email: Katie.Ragland@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 a subsurface portion of both Argonne St and Biscay St, adjacent to 64th Ave, with reservations.

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

7. City Council District: Council District 11 – Stacie Gilmore

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

N/A

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: 2019-VACA-0000002 High Point Subdivision Gas Line Relocation

Requestor's name: ACM High Point VI LLC

Description of Proposed Project: Request for an Ordinance to vacate a subsurface portion of both Argonne St and Biscay St, adjacent to 64th Ave, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: An underground gas pipeline is currently located diagonally across the property and to serve the desired development of the property, the preferred relocation of the pipeline is along the perimeter of the property and adjacent to the East 64th Avenue right-of-way.

Width of area in feet: Approximately 40'

Number of buildings abut said area: none

The 20-day period for protests has expired, the vacating notice was posted on: June 10, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: June 10, 2019

Protests sustained by the manager of Public Works: N/A; none to file.

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 perpetual, non-exclusive easement will be reserved in the vacated area.

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

Background: N/A

Public Notification: No objections were received.

Location Map:

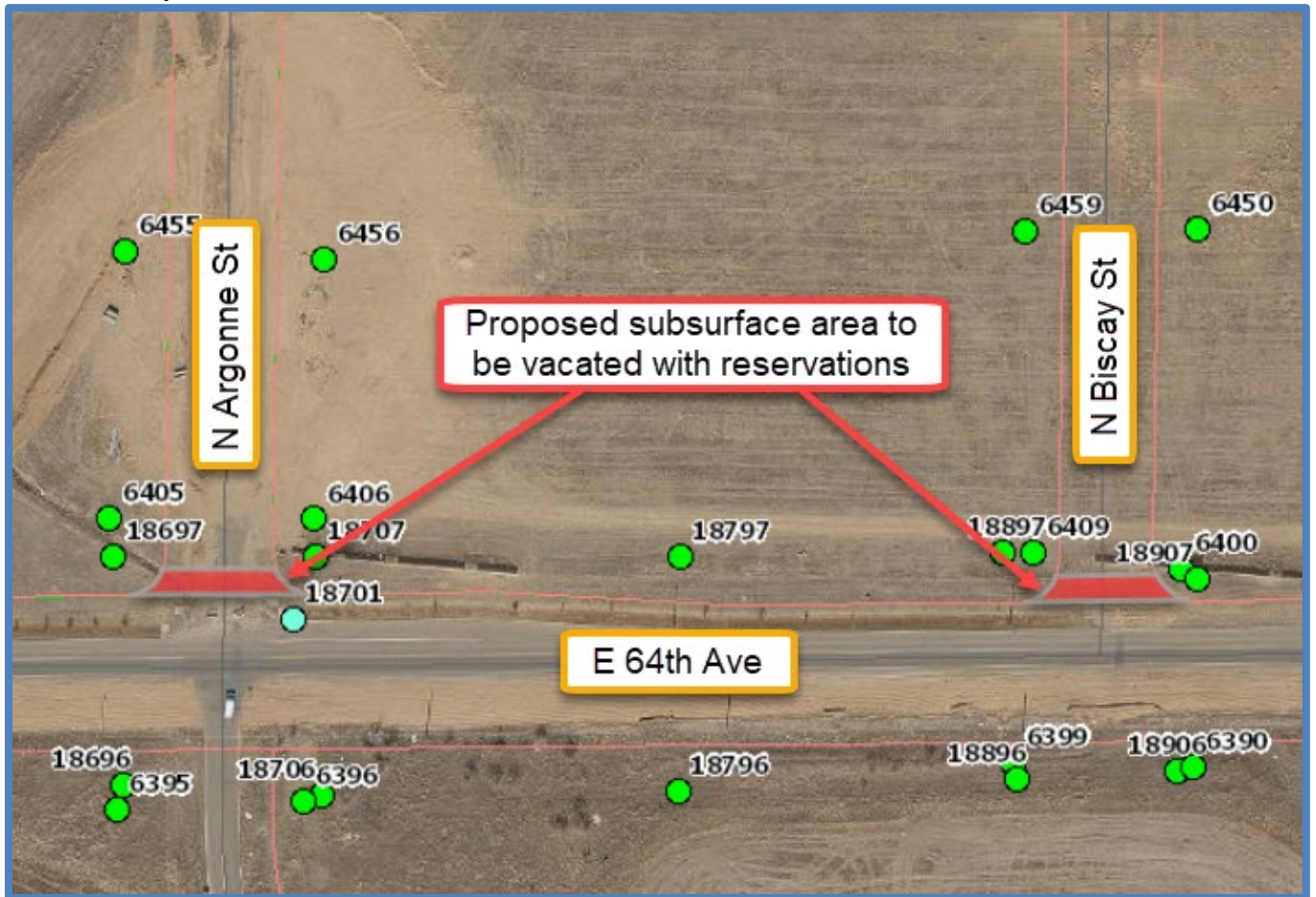


EXHIBIT A
PARCEL NO. 1

LAND DESCRIPTION

ALL THAT REAL PROPERTY LYING BETWEEN 5351.15 FEET, SAID ELEVATION BEING 2 FEET BELOW FINISHED GRADE OF THE ROADWAY, AND 5333.15 FEET SAID ELEVATION BEING 20 FEET BELOW FINISHED GRADE; ALL LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND. BEING A PORTION OF ARGONNE STREET RIGHT-OF-WAY, HIGH POINT SUBDIVISION FILING NO.1, AS RECORDED AT RECEPTION NO. 2008085984, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3, THENCE ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER, N89°25'17"E A DISTANCE OF 593.98 FEET; THENCE N00°34'43"W A DISTANCE OF 84.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF WAY LINE OF SAID ARGONNE STREET AND THE NORTHERLY RIGHT-OF-WAY LINE OF 64TH AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY RIGHT-OF WAY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES: 1) 46.39 FEET ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 88°35'36", A RADIUS OF 30.00 FEET AND A CHORD WHICH BEARS N45°07'29"E A DISTANCE OF 41.90 FEET; 2) THENCE N00°49'41"E A DISTANCE OF 10.74 FEET; THENCE N89°25'17"E A DISTANCE OF 80.02 FEET TO THE EASTERLY RIGHT-OF WAY LINE OF SAID ARGONNE STREET; THENCE ALONG SAID EASTERLY RIGHT-OF WAY LINE, THE FOLLOWING TWO (2) CONSECUTIVE COURSES: 1) S00°49'41"W A DISTANCE OF 9.27 FEET TO A POINT OF CURVATURE; 2) THENCE 47.86 FEET ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 91°24'24", A RADIUS OF 30.00 FEET AND A CHORD WHICH BEARS S44°52'31"E A DISTANCE OF 42.94 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 64TH AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S89°25'17"W A DISTANCE OF 140.04 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 0.082 ACRES, (3,588 SQUARE FEET), MORE OR LESS.

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

BASIS OF BEARING

BEARINGS ARE BASED UPON THE ASSUMPTION THAT THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS N89°25'17"E BETWEEN FOUND MONUMENTS AT THE SOUTHWEST CORNER OF SECTION 3, A 3 ¼" ALUMINUM CAP IN RANGE BOX LS #27278 AND THE SOUTH ONE QUARTER CORNER OF SECTION 3, A 3 ¼" ALUMINUM CAP IN RANGE BOX LS #27278.

BENCHMARK:

THE ELEVATIONS SHOWN HEREON ARE BASED UPON COLORADO BENCH MARK "DVX H", ELEVATION = 5425.25 FEET (NAVD 1988), LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, T3S, R66W, 6TH P.M.

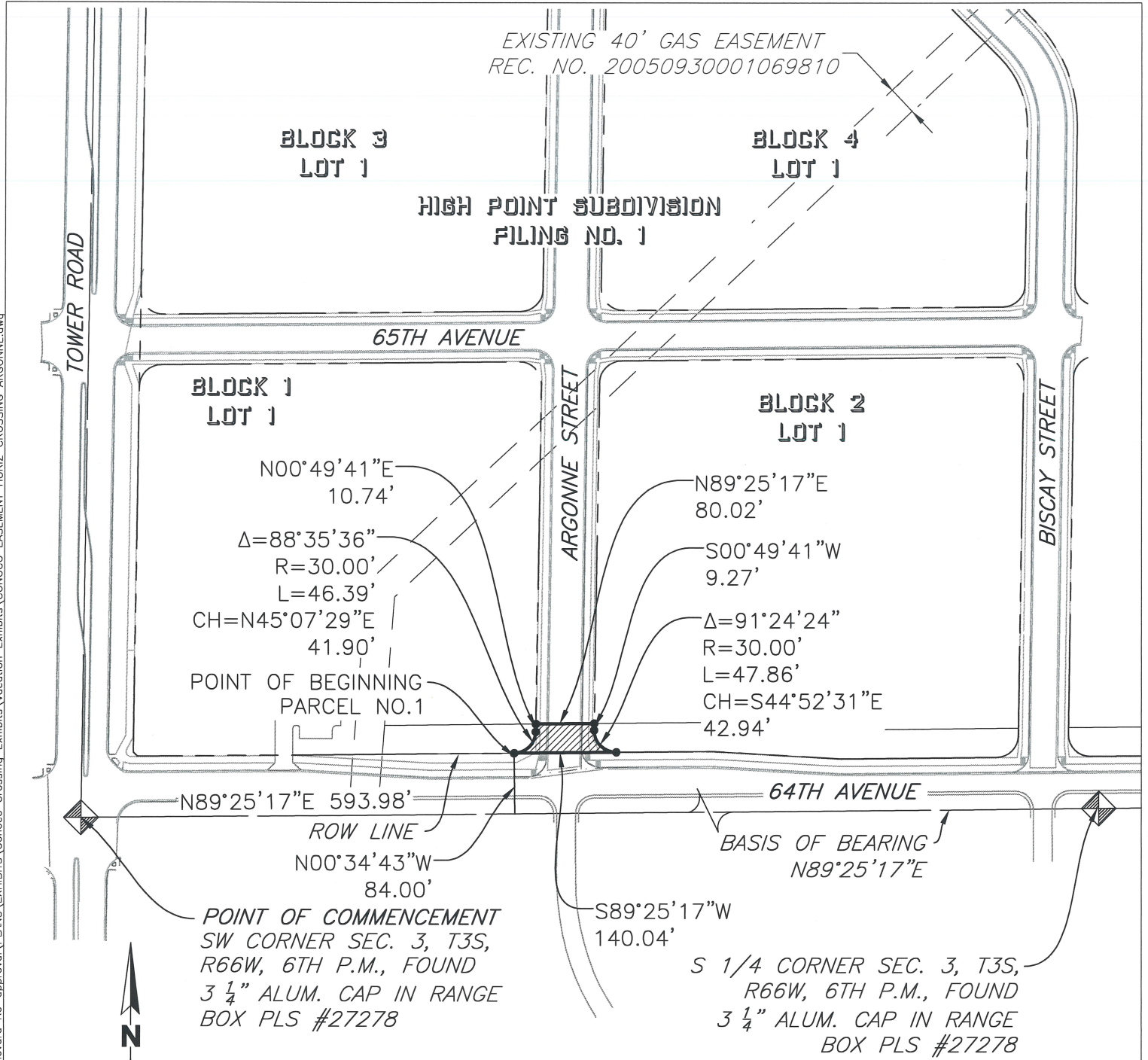
PREPARED BY DENNIS PETER
REVIEWED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
MAY 3, 2019

SHEET 1 OF 6

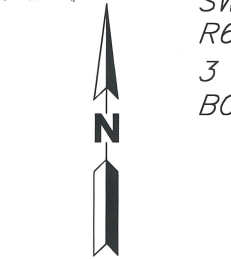


EXHIBIT A
 PARCEL NO. 1
 HORIZONTAL ILLUSTRATION OF VACATION

2019-VACA-000002-001

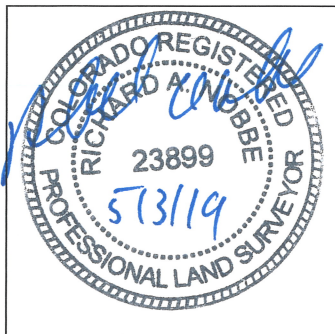


SHEET 2 OF 6



SCALE: 1"=200'
 ALL DIMENSIONS ARE
 U.S. SURVEY FEET

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



MAY 3, 2019

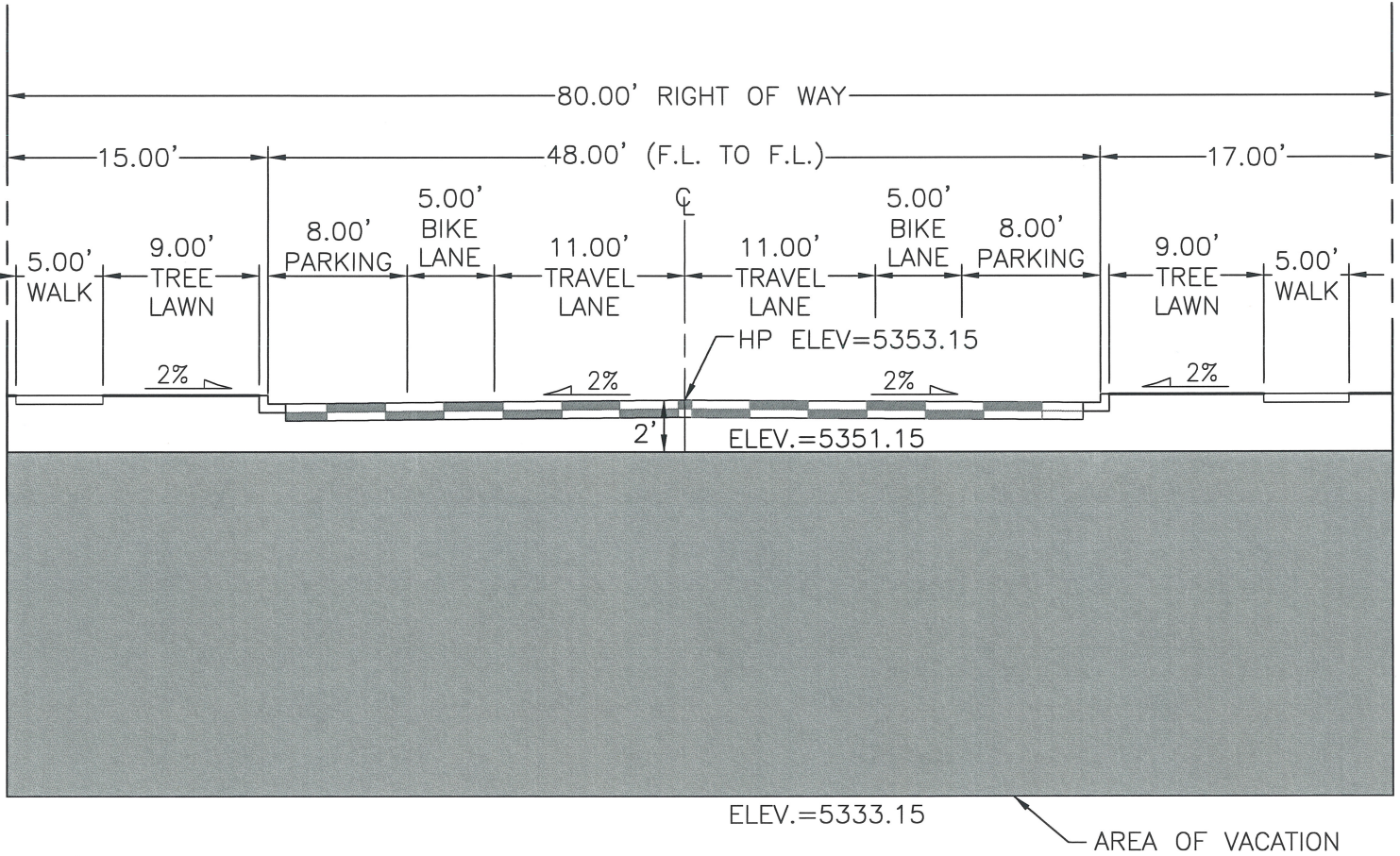


12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
 303.431.6100 MARTINMARTIN.COM

EXHIBIT A
 PARCEL NO. 1
 VERTICAL ILLUSTRATION OF VACATION

2019-VACA-000002-001

DRAWING_LOCATION: G:\SCHLAPPE\17.1374-High Point Boulevard Re-approval\PLANS\EXHIBITS\Conocco Crossing Exhibits\Vacation Exhibits\CONOCO EASEMENT VERT CROSSING ARGONNE.dwg

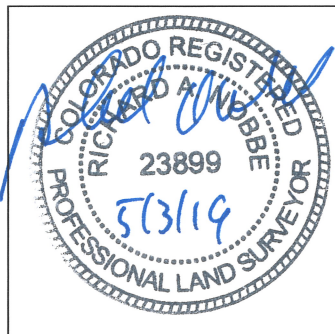


ARGONNE STREET AT 64TH AVENUE SECTION

NOT TO SCALE

SHEET 3 OF 6

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EXHIBIT A
PARCEL NO. 2

LAND DESCRIPTION

ALL THAT REAL PROPERTY LYING BETWEEN 5357.10 FEET, SAID ELEVATION BEING 2 FEET BELOW FINISHED GRADE OF THE ROADWAY, AND 5339.10 FEET SAID ELEVATION BEING 20 FEET BELOW FINISHED GRADE; ALL LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND. BEING A PORTION OF BISCAY STREET RIGHT-OF-WAY, HIGH POINT SUBDIVISION FILING NO.1, AS RECORDED AT RECEPTION NO. 2008085984, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3, THENCE ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER, N89°25'17"E A DISTANCE OF 1257.88 FEET; THENCE N00°34'43"W A DISTANCE OF 72.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF WAY LINE OF SAID BISCAY STREET AND THE NORTHERLY RIGHT-OF-WAY LINE OF 64TH AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY RIGHT-OF WAY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES: 1) 46.39 FEET ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 88°35'36", A RADIUS OF 30.00 FEET AND A CHORD WHICH BEARS N45°07'29"E A DISTANCE OF 41.90 FEET; 2) THENCE N00°49'41"E A DISTANCE OF 10.74 FEET; THENCE N89°25'17"E A DISTANCE OF 70.02 FEET TO THE EASTERLY RIGHT-OF WAY LINE OF SAID BISCAY STREET; THENCE ALONG SAID EASTERLY RIGHT-OF WAY LINE, THE FOLLOWING TWO (2) CONSECUTIVE COURSES: 1) S00°49'41"W A DISTANCE OF 9.27 FEET TO A POINT OF CURVATURE; 2) THENCE 47.86 FEET ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 91°24'24", A RADIUS OF 30.00 FEET AND A CHORD WHICH BEARS S44°52'31"E A DISTANCE OF 42.94 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 64TH AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S89°25'17"W A DISTANCE OF 130.04 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 0.073 ACRES, (3,188 SQUARE FEET), MORE OR LESS.

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

BASIS OF BEARING

BEARINGS ARE BASED UPON THE ASSUMPTION THAT THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARS N89°25'17"E BETWEEN FOUND MONUMENTS AT THE SOUTHWEST CORNER OF SECTION 3, A 3 ¼" ALUMINUM CAP IN RANGE BOX LS #27278 AND THE SOUTH ONE QUARTER CORNER OF SECTION 3, A 3 ¼" ALUMINUM CAP IN RANGE BOX LS #27278.

BENCHMARK:

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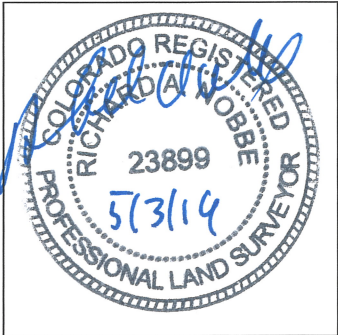
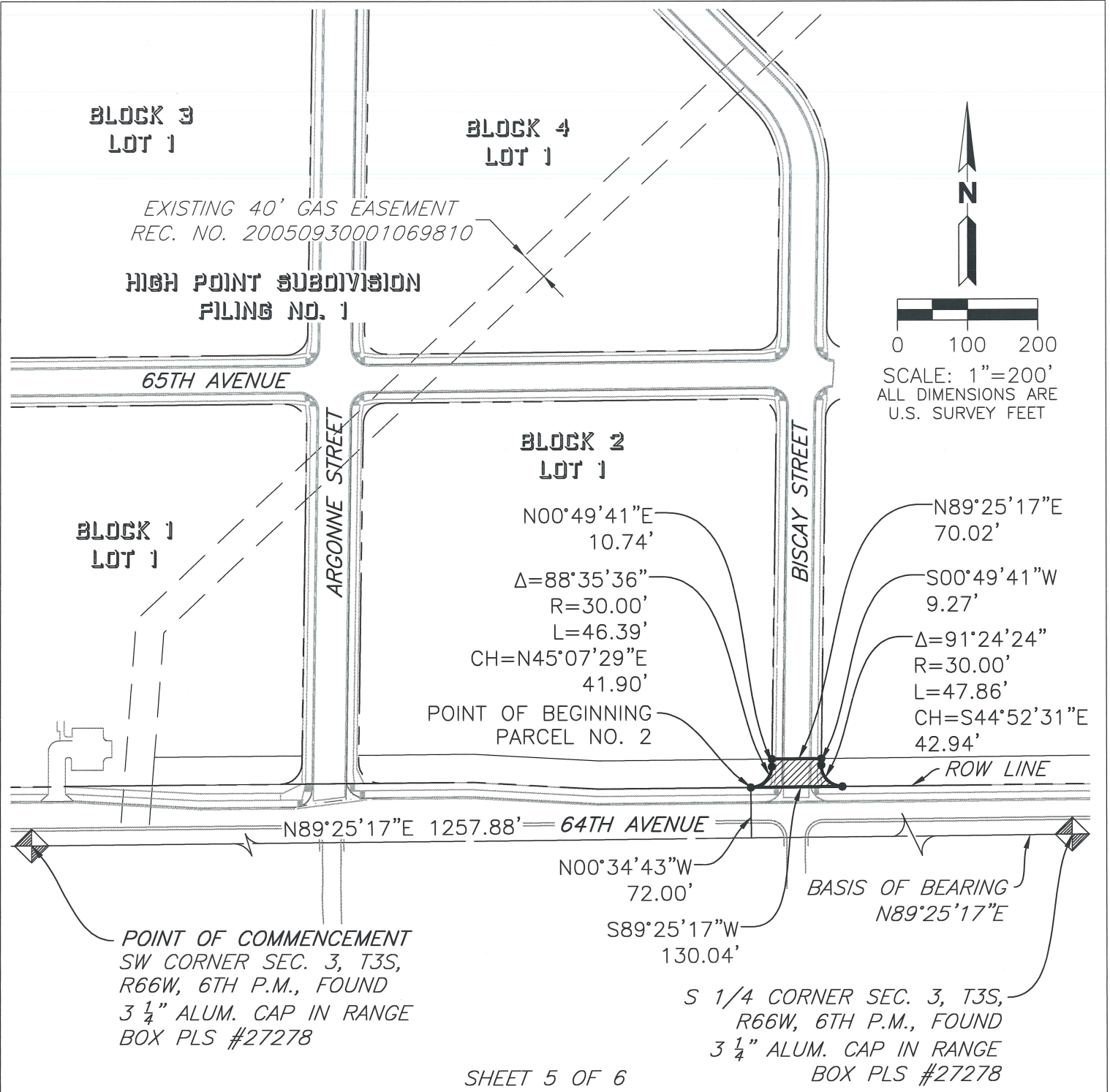
PREPARED BY DENNIS PETER
REVIEWED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF MARTIN/MARTIN, INC.
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LAKEWOOD, COLORADO 80215
MAY 3, 2019



EXHIBIT A
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2019-VACA-000002-002

DRAWING LOCATION: G:\SCHLAPPE\17.1374-High Point Boulevard Re-approval\PLANS\EXHIBITS\Conoco Crossing Exhibits\CONOCO EASEMENT HORIZ CROSSING_BISCAV.dwg



MAY 3, 2019

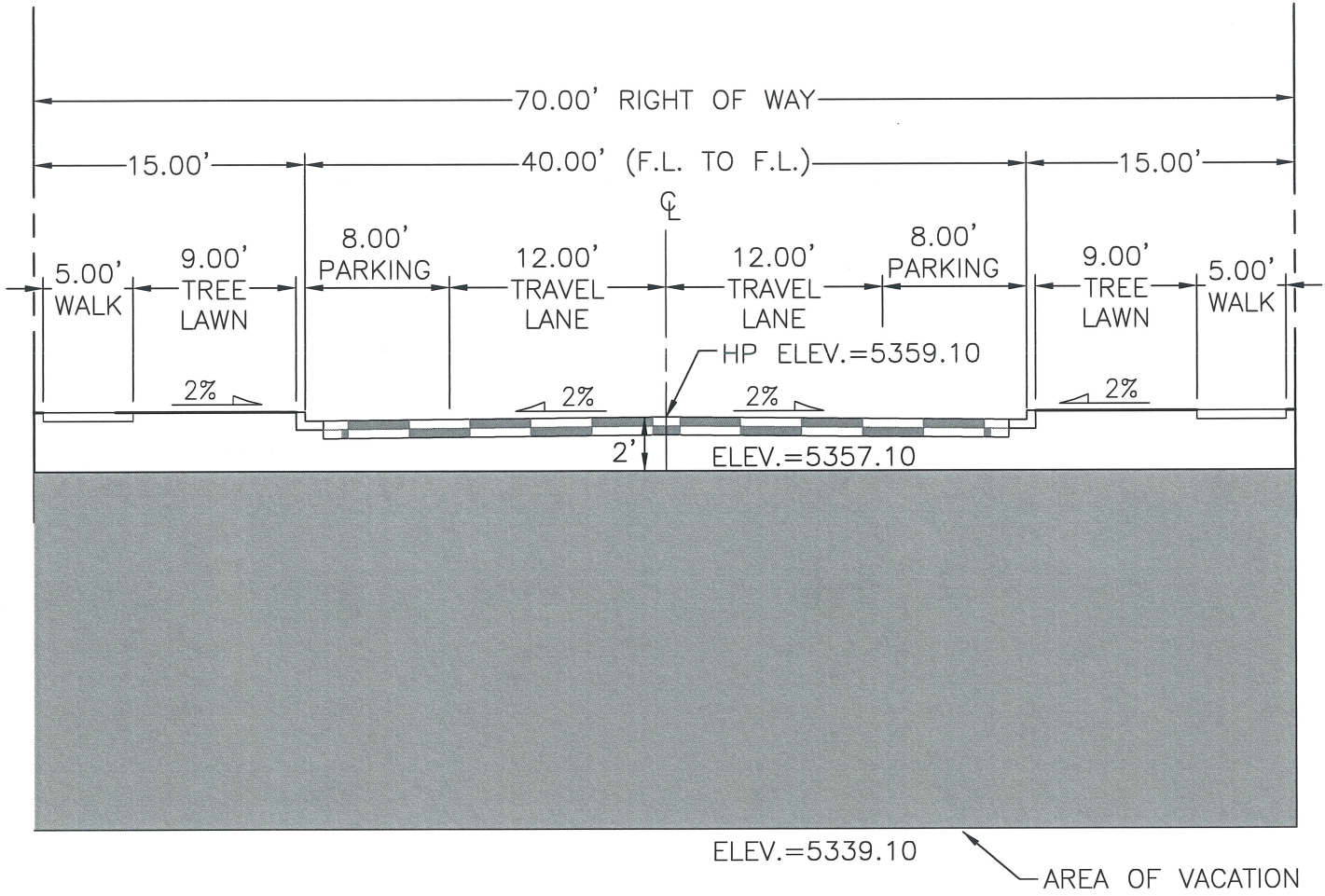
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DRAWING LOCATION: G:\SCHLAPPE\17.1374-High Point Boulevard Re-approval\PLANS\EXHIBITS\Comoco Crossing Exhibits\Vacation Exhibits\CONOCO EASEMENT VERT CROSSING_BISCAY.dwg



BISCAY STREET AT 64TH AVENUE SECTION

NOT TO SCALE

SHEET 6 OF 6

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