




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-0000003
DATE: December 16, 2019
SUBJECT: Request for an Ordinance to vacate the North/South sixteen foot (16') wide by 375.24 foot long alley, and the "L shaped" alley within the same block, all bounded by E. 36th Ave., E. 37th Ave., Lawrence St., N. Marion St, and N. Downing 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 Doma, LLC c/o Chris Viscardi, dated April 4, 2019, on behalf of Doma, LLC c/o Chris Viscardi 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-0000003-001 HERE

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
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: December 16, 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.)

Request for an ordinance to vacate the sixteen foot (16') wide alley running North/South, and the eight foot (8') wide alley adjacent, bounded by E. 37th Ave., Lawrence St., N. Marion St., E. 36th Ave., and N. Downing St.

3. Requesting Agency: PW 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:

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

7. City Council District: District 9, CdeBaca

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: 2019-VACA-0000003, E. 36th Ave. and Downing St. Alley Vacation

Requestor's name: Doma, LLC c/o Chris Viscardi

Description of Proposed Project: Request for an ordinance to vacate the sixteen foot (16') wide alley running North/South, and the eight foot (8') wide alley adjacent, bounded by E. 37th Ave., Lawrence St., N. Marion St., E. 36th Ave., and N. Downing St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The purpose of this vacation is to utilize the public alleys, previously used to access existing lots, now owned by the requestor with the intent to build a mixed-use development.

Width of area in feet: 16' and 8' wide

Number of buildings abut said area: 7

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

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

Protests sustained by the manager of Public Works: Have not been filed

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

Will an easement relinquishment be submitted at a later date: Yes

Background: The purpose of this vacation is to utilize the public alleys, previously used to access existing lots, now owned by the requestor with the intent to build a mixed-use development.

Public Notification: No protests were received.

Location Map:



LAND DESCRIPTION PARCEL 1:

THE 16 FOOT WIDE ALLEY ADJACENT TO LOTS 1 THRU 30, BLOCK 16, HYDE PARK ADDITION, AS PER THE PLAT OF WHICH THAT WAS RECORDED IN PLAT BOOK 3 AT PAGE 42, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 6,004 SQ. FT. OR 0.1378 ACRES MORE OR LESS.

LAND DESCRIPTION PARCEL 2:

AN 8 FOOT WIDE ALLEY, AS DEDICATED BY INSTRUMENT RECORDED IN BOOK 1488 AT PAGE 225, BEING A PORTION OF LOTS 12 TO 15, BLOCK 16, HYDE PARK ADDITION, AS PER THE PLAT OF WHICH THAT WAS RECORDED IN PLAT BOOK 3 AT PAGE 42, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 8 FEET OF THE EAST 58 FEET OF LOTS 12, 13, 14 AND 15, BLOCK 16, HYDE PARK ADDITION, AND THE NORTH 8 FEET OF THE EAST 50 FEET OF LOT 12, BLOCK 16, HYDE PARK ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,309 SQ. FT. OR 0.0301 ACRES MORE OR LESS.

BASIS OF BEARINGS FOR ALL PARCELS:

AN ASSUMED BEARING OF N89°59'55"E BEING A 4' OFFSET LINE TO THE SOUTH LINE OF BLOCK 1, HYDE PARK ADDITION, BETWEEN TWO MONUMENTS 354.14 FEET APART; BOTH MONUMENTS BEING CHISELED CROSSES IN THE CONCRETE CURB, ONE AT THE NORTHEAST CORNER OF THE INTERSECTION OF DOWNING STREET AND 37TH AVENUE AND THE OTHER AT THE NORTHEAST CORNER OF THE INTERSECTION OF MARION STREET AND 37TH AVENUE.

DAMIEN CAIN PLS 38284
FOR AND ON BEHALF OF
39 NORTH ENGINEERING AND SURVEYING LLC
4495 HALE PARKWAY
SUITE 305
DENVER, CO 80220

PREPARED BY:
39 NORTH ENGINEERING AND SURVEYING LLC
4495 HALE PARKWAY
SUITE 305
DENVER, CO 80220
PH: 303-325-5071
EMAIL: damien.cain@39north.net

EXHIBIT A

SHEET 2 OF 2

15.75' X 4.0'
OFFSET CROSS

4' OFFSET LINE
354.14' A.M. (354.00' REC.)
N89°59'55"E

9.75' X 4.0'
OFFSET CROSS

BASIS OF BEARINGS

37TH AVENUE

126.07' A.M.
(126.00' REC.)
N89°58'50"W

60' R.O.W.

125.07' A.M.
(125.00' REC.)
S89°58'50"E

MARION STREET
R.O.W. VARIES
(PLATTED 80' R.O.W.)

DOWNING STREET
80' R.O.W.

375.28' A.M. (375.00' REC.)
S00°02'56"E

80' R.O.W.

8' ALLEY

BK 1488 PG 225

PARCEL 2
BK 1488 PG 225
1,309 SQ. FT.

LOT 12

LOT 13

LOT 14

8' ALLEY
BK 1488 PG 225

LOT 15

67.00' A.M.
& REC.
N89°59'50"W

59.12' A.M.
N89°59'34"W

50.05' A.M.
(50.00' REC.)
S89°59'34"E

192.07' A.M.
(92.04' REC.)
N00°03'34"W

92.07' A.M.
(92.04' REC.)
S00°03'34"E

35.35' A.M.
S44°57'10"W

50.05' A.M.
(50.00' REC.)
N89°59'50"W

375.25' A.M. (375.00' REC.)
N00°03'34"W

375.24' A.M. (375.00' REC.)
N00°03'34"W

36TH AVENUE

60' R.O.W.

16' ALLEY

16' ALLEY

LOT 30

LOT 29

LOT 28

LOT 27

LOT 26

LOT 25

LOT 24

LOT 23

LOT 22

LOT 21

LOT 20

LOT 19

LOT 18

LOT 17

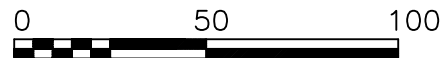
LOT 16

75.05' A.M.
(75.00' REC.)
N00°03'34"W

60' R.O.W.

LAWRENCE STREET
UNPLATTED
R.O.W. VARIES

76.32'
N10°30'08"E
25.72'
N13°25'28"E
26.25'
N17°40'27"E
54.62'
N23°40'54"E
30.80'
N35°41'40"E
57.79'
N30°02'59"E



SCALE: 1"=50'