




REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Ted Christainson
Director, Public Works Right of Way Services

ROW #: 2016-VACA-0000027 

DATE: April 25, 2017

SUBJECT: Request for an Ordinance to vacate a portion of the Right of Way along the southeast side of Wazee Street at 35th Street, without 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, dated Daniel Leis, on behalf of Union Pacific Railroad Company 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:

As a result of these investigations, it has been determined that there is no objection to vacating the said area(s).

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

INSERT PARCEL DESCRIPTION ROW 2016-VACA-0000027-001 HERE

TC: cs

cc: City Councilperson & Aides
City Council Staff – Shelley Smith
Department of Law – Shaun Sullivan
Department of Law – Brent Eisen
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm 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: April 25, 2017

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

Request for an Ordinance to vacate a portion of the Right of Way along the southeast side of Wazee Street at 35th Street, without reservations.

3. **Requesting Agency:** PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Chaunda Sinn
- **Phone:** 720-865-3036
- **Email:** chaunda.sinn@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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** angela.casias@denvergov.org

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

This vacation request is related to a City and County of Denver pedestrian bridge project that is taking place in the area.

****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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** Southeast side of Wazee Street at 35th Street
- d. **Affected Council District:** Dist # 9, Albus Brooks
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

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: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000027 Union Pacific RR Wazee St at 35th St

Owner name: City and County of Denver

Description of Proposed Project: Request for an Ordinance to vacate a portion of the Right of Way along the southeast side of Wazee Street at 35th Street, without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The City and County of Denver is constructing a pedestrian bridge in the area this vacation is necessary for this project to take place.

Width of area in feet: ranges from 1-34.3 feet

Number of buildings abut said area: 0

The 20-day period for protests has expired, the vacating notice was posted on: December 14, 2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: December 14, 2016

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: No

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

Background: The area is currently alongside Union Pacific Railroad Company's rail line. The City and County of Denver has installed a pedestrian bridge in this area. This vacation is this is part of the negotiation for aerial rights for the pedestrian bridge from UP to make City ROW and rail ROW match the use.

Public Notification: There were no objections to this vacation request.

Location Map:



EXHIBIT "A"
Right-of-Way Vacation Number: VAC-23
PAGE 1 OF 2
DECEMBER 03, 2014

A TRACT OF LAND CONTAINING 6,617 SQUARE FEET, MORE OR LESS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23 AND NORTHWEST ONE-QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WAZEE ST. (80' R.O.W.), FROM WHENCE THE SOUTHWEST CORNER OF SAID SECTION 23 BEARS S82°01'12"W, A DISTANCE OF 566.12 FEET;

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF WAZEE ST. (80' R.O.W.) S44°54'07"W, A DISTANCE OF 346.70 FEET TO THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF WAZEE ST. WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 35TH ST. (80' R.O.W.);

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF 35TH ST. (80' R.O.W.) N45°05'24"W, A DISTANCE OF 34.30 FEET;

THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF 35TH ST., N51°44'12"E, A DISTANCE OF 49.42 FEET;

THENCE N45°13'38"E, A DISTANCE OF 63.51 FEET;

THENCE N51°44'12"E, A DISTANCE OF 235.79 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF WAZEE ST. (80' R.O.W.), AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY CONTAINS 6,617 SQUARE FEET OR 0.152 ACRES, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A LINE BETWEEN THE SOUTHWEST CORNER OF SECTION 23, T.3S., R.68W., 6TH P.M. (FOUND STONE) AND THE WEST ONE-QUARTER CORNER OF SECTION 23, T.3S., R.68W., 6TH P.M. (FOUND 3-1/2" ALUMINUM CAP STAMPED "PLS 24961, 2008) HAVING A BEARING OF N00°03'50"E.

PREPARED BY: RICHARD D. MUNTEAN, CO PLS 38189
FOR AND ON BEHALF OF:
105 WEST, INC.
2140 S. IVANHOE ST., STE G5
DENVER, CO 80222



EXHIBIT A

THIS EXHIBIT IS A GRAPHIC DEPICTION OF THE PARCEL DESCRIBED ON THE ATTACHED LEGAL DESCRIPTION AND IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

Shown 3:53:51 PM P:\105 West Projects\129-0003 - 38th & Blake Topo\RDW_Survey\Drawings\Legals\AdditionalLegals and Exhibits - VAC 23\VAC-23.dgn

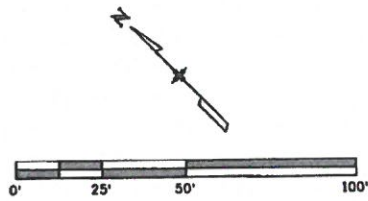
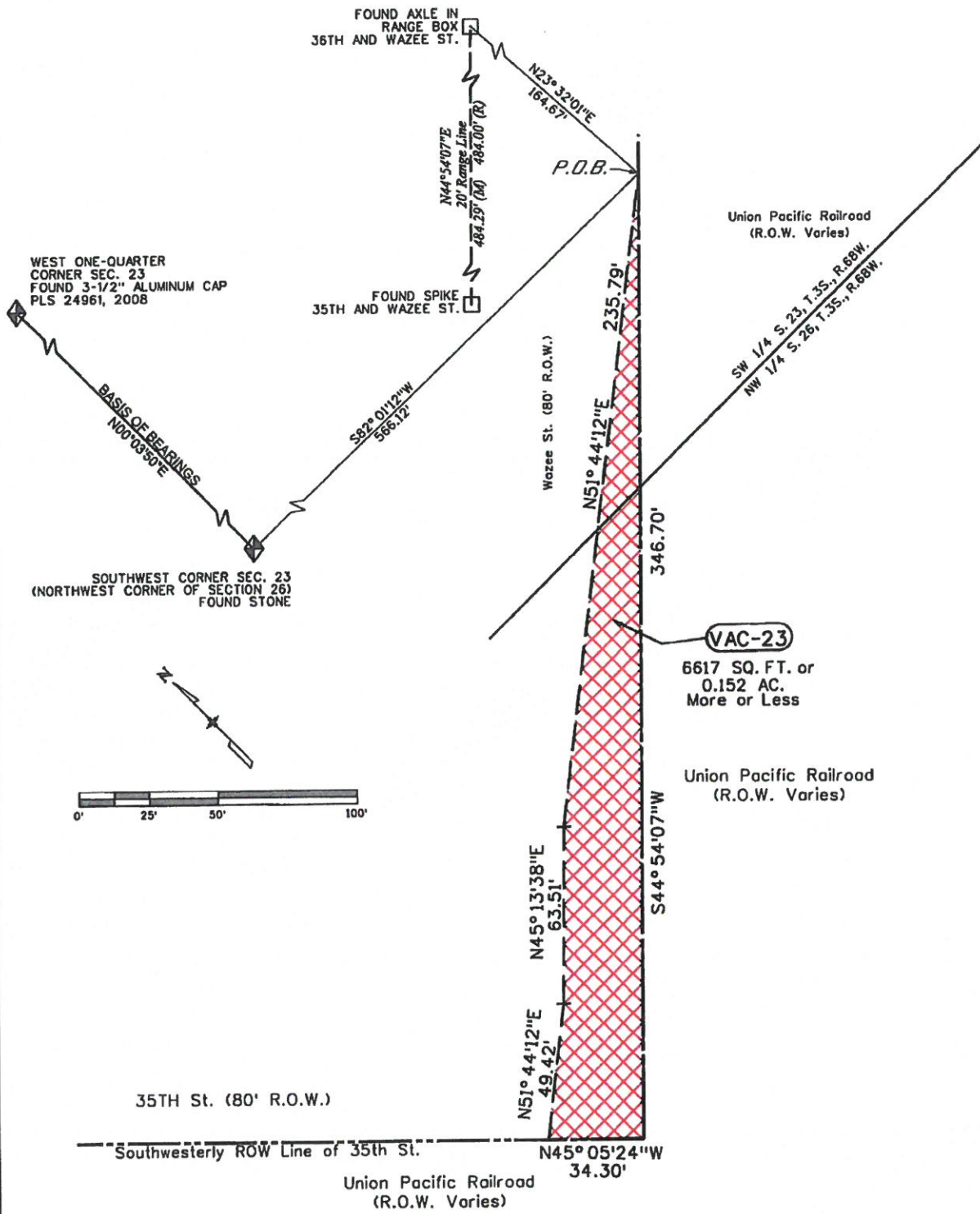


EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

Job No.: 129-0003
Scale: 1" = 50'
Date: December 03, 2014
Page 2 of 2
Drawn By: SDB

RIGHT-OF-WAY VACATION NO. VAC-23
SECTIONS 23 & 26, T. 3 S., R. 68 W., 6TH P.M.
CITY & COUNTY OF DENVER, COLORADO

105WEST
 INCORPORATED
 2140 S. Ivanhoe St., STE G5
 Denver, CO 80222