




REQUEST FOR ROW VACATION ORDINANCE

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Glen Blackburn, PE
Director, Right of Way Services 

ROW #: 2022-VACA-0000023

DATE: February 28, 2024

SUBJECT: Request for an Ordinance to vacate a portion of a dead-end alley adjacent to 39 South Kalamath Street, 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 Galloway, dated December 1, 2022, on behalf of VT Kalamath Storage LLC for the subject right-of-way vacation.

This matter has been coordinated with Asset Management; CPD: Building and Construction Services, DS Project Coordinator, Dev & Planning Services, and Zoning; CenturyLink/Lumen; Colorado Department of Transportation; City Council District 7; City Forester; Comcast; DOTI: DES Transportation & Wastewater, Construction Engineering, Policy & Planning, Street Maintenance, Survey, TES Sign & Stripe, CPM Wastewater; Division of Disability Rights; Denver Water; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Office of Emergency Management; Parks & Recreation; RTD; Solid Waste; Xcel Energy, all of whom have indicated no objection.

As a result of these investigations, it has been determined that there is no objection to vacating the subject right-of-way area(s) PROVIDED, HOWEVER, said right-of-way 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 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 right-of-way area(s):

INSERT PARCEL DESCRIPTION ROW 2022-VACA-0000023-001 HERE

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003



GB: bw

- cc: City Councilperson & Aides
- City Council Staff – Luke Palmisano
- Department of Law – Bradley Beck
- Department of Law – Deanne Durfee
- Department of Law – Maureen McGuire
- Department of Law – Martin Plate
- DOTI, Manager’s Office – Alba Castro
- DOTI, Legislative Services – Nicholas Williams
- DOTI, Solid Waste – Mike Lutz
- DOTI, Survey – Paul Rogalla
- DOTI, Street Maintenance – Brian Roecker

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ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at [MileHighOrdinance@DenverGov.org](mailto: MileHighOrdinance@DenverGov.org) by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: February 28, 2024

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 a portion of a dead-end alley adjacent to 39 South Kalamath Street, with reservations.

3. **Requesting Agency:** DOTI; Right-of-Way Services, Engineering and Development

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Brianne White	Name: Nicholas Williams
Email: Brianne.white@denvergov.org	Email: Nicholas.williams@denvergov.org

5. **General description or background of proposed request. Attach executive summary if more space needed:**
(who, what, why)

Request for an Ordinance to vacate a portion of a dead-end alley adjacent to 39 South Kalamath Street, with reservations.

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

7. **City Council District:** Councilperson Alvidrez, District 7

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

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Vendor/Contractor Name (including any dba's):

Contract control number (legacy and new):

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 (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>

<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: 2022-VACA-0000023- 39 S Kalamath Self Storage

Requestor's name: VT Kalamath Storage LLC

Description of Proposed Project: Request for an Ordinance to vacate a portion of a dead-end alley adjacent to 39 South Kalamath Street, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The 594 square feet (SF) of ROW will be used as part of a Site Development Plan (SDP) of VT Kalamath Storage LLC.

Area of proposed right-of-way vacation in square feet: 594 Square Feet

Number of buildings adjacent to proposed vacation area: 0

Public Notice was posted at the proposed vacation area on: January 10, 2024

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: January 10, 2024

The 20-day period for protests expired on: January 31, 2024

Were protests received from the Public and, if so, explain: No public comments were received

Are all protests containing technical merit resolved to the satisfaction of DOTI: N/A

Will land be dedicated to the City if the vacation is approved: No

Will an easement be placed over a vacated area and, if so, explain: Yes, to accommodate existing utilities.

Is a request for an easement relinquishment expected at a later date and, if so, explain: N/A

Background: The alley is currently a dead-end.

Location Map:



EXHIBIT A

LAND DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF BLOCK 12, LAKE ARCHER SUBDIVISION AND RESOLUTION 2014-0201 FILED AT RECEPTION NO, 2014128517, ALL BEING FILED IN THE DENVER COUNTY CLERK AND RECORDER'S OFFICE, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE BASED ON THE RANGE LINE ALONG WEST ELLSWORTH AVENUE FROM LIPAN STREET TO SANTA FE DRIVE, ASSUMED TO BEAR N89°34'04"E A DISTANCE OF 854.93 FEET FROM A FOUND NO. 8 REBAR IN DENVER RANGE BOX TO A FOUND 1" AXLE IN DENVER RANGE BOX;

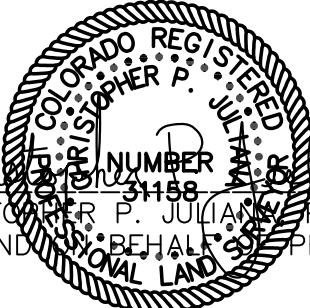
BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID RESOLUTION 2014-0201 AND THE NORTH LINE OF LOT 5 OF SAID BLOCK 12, SAID POINT BEARS S40°30'11"E A DISTANCE OF 313.62 FEET FROM SAID NO. 8 REBAR IN RANGE BOX LOCATED IN LIPAN STREET;

THENCE N89°34'04"E A DISTANCE OF 8.00 FEET TO THE EAST LINE OF SAID RESOLUTION 2014-0201; THENCE ALONG THE EAST, SOUTHERLY, AND WEST LINE OF SAID RESOLUTION 2014-0201 THE FOLLOWING THREE(3) COURSES:

- 1.) THENCE S00°24'22"E A DISTANCE OF 78.57 FEET;
 - 2.) THENCE N43°26'39"W A DISTANCE OF 11.72 FEET;
 - 3.) THENCE N00°24'22"W A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;
- WHENCE SAID AXLE IN RANGE BOX LOCATED IN SANTA FE DR. BEARS N69°23'20"E A DISTANCE OF 695.74 FEET.

SAID PARCEL CONTAINS 594 SQUARE FEET OR 0.014 ACRES, MORE OR LESS.

I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



 Christopher P. Juliana (Signature)

 NUMBER 31158

 CHRISTOPHER P. JULIANA, P.L.S. 31158

 FOR AND ON BEHALF OF PRECISION SURVEY & MAPPING, INC.

11/27/23

DATE

FOR AND ON BEHALF OF PRECISION SURVEY & MAPPING, INC.



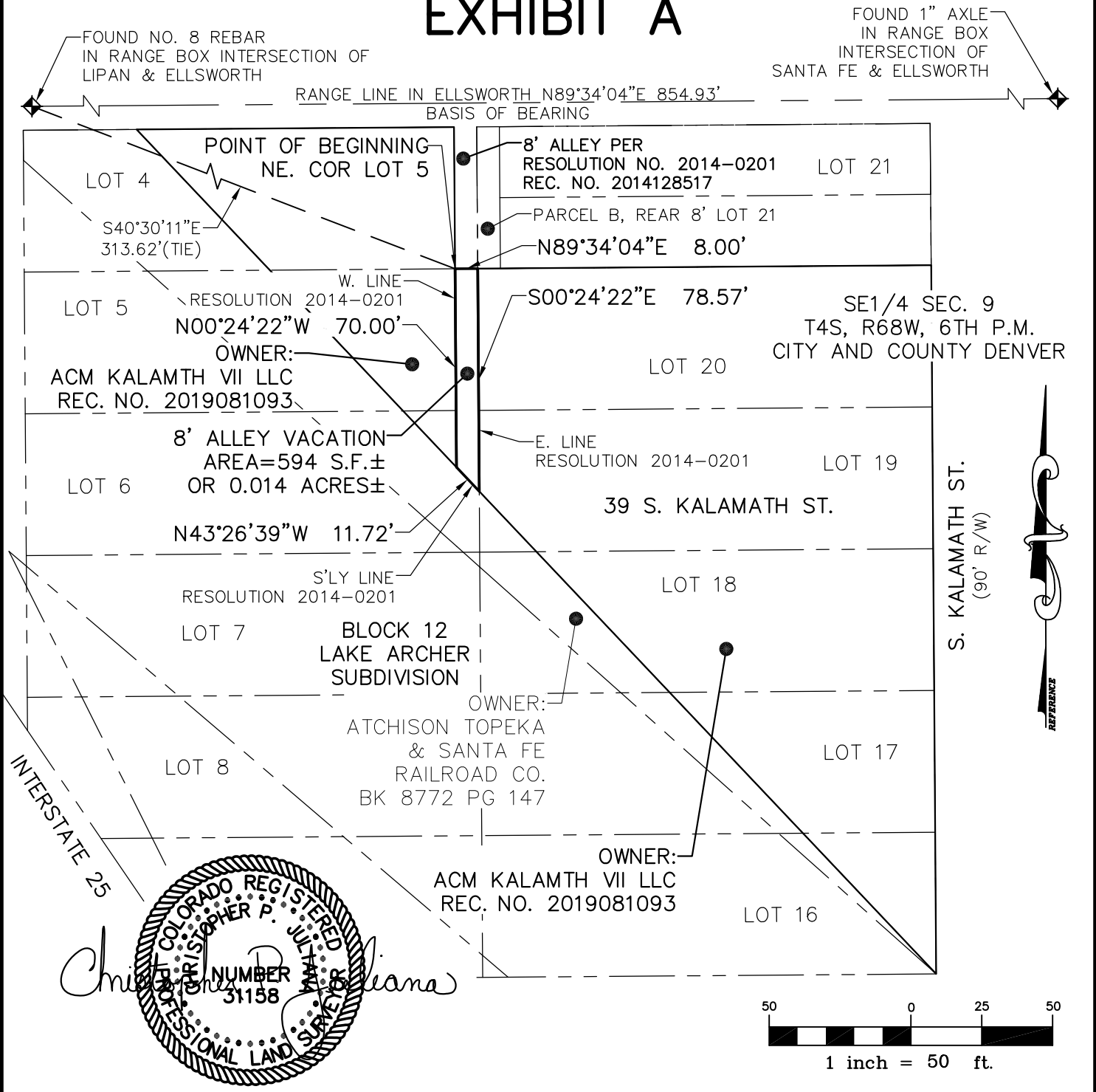
9025 E. Kenyon Ave., Suite 150, Denver, CO 80237
Tel:(303) 753-9799 Fax:(303) 753-4044

DRN. BY: A.S.
CHKD. BY: R.M.
DATE: 11/27/23
SCALE: 1" = 50'

FILE: R13442
SHEET: 1 OF 2

EXHIBIT "A"

EXHIBIT A



Christopher P. Juliana

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 31158

1.) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF THE CERTIFICATION SHOWN HEREON.
2.) THIS DOCUMENT SHALL BE CONSIDERED NULL AND VOID IF IT DOES NOT BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE PROFESSIONAL LAND SURVEYOR OR IF ALTERED IN ANY WAY.

<p>PRECISION SURVEY & MAPPING PROFESSIONAL LAND SURVEYING CONSULTANTS</p> <p>9025 E. Kenyon Ave., Suite 150, Denver, CO 80237 Tel:(303) 753-9799 Fax:(303) 753-4044</p>	DRN. BY: <u>A.S.</u>	FILE: <u>R13442</u>	<h2>EXHIBIT "A"</h2>
	CHKD. BY: <u>R.M.</u>	SHEET: <u>2 OF 2</u>	
	DATE: <u>11/27/23</u>		
	SCALE: <u>1" = 50'</u>		