

## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

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

**ROW #:** 2017-VACA-0000016

**DATE:** September 24, 2018

**SUBJECT:** Request for an Ordinance to vacate a portion of S Cherokee St. at W Iowa Ave. (between 1600 S Cherokee St. and 1601 S Cherokee 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 PW Development, LLC c/o Eric Greven, dated September 28, 2017, on behalf of DNPW, LLC 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 Councilman Jolon Clark – District 7; 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, but not limited to, 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 2017-VACA-0000016-001 HERE**

MB: bp

cc: City Councilman Jolon Clark & Aides

City Council Staff – Zach Rothmier  
Department of Law – Deanne Durfee  
Department of Law – Brent Eisen  
Public Works, Manager’s Office – Alba Castro  
Public Works, Legislative Services – Sarah Stanek  
Public Works, Solid Waste – Mike Lutz  
Public Works, Survey – Paul Rogalla  
Public Works, Street Maintenance – Brian Roecker

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Sarah Stanek  
at [Sarah.Stanek@DenverGov.org](mailto:Sarah.Stanek@DenverGov.org) by **12:00pm on Monday**. Contact her with questions.

Date of Request: September 24, 2018

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.)

PW Development, LLC c/o Eric Greven, on behalf of DNPW, LLC requests for an Ordinance to vacate a portion of S Cherokee St. at W Iowa Ave. (between 1600 S Cherokee St. and 1601 S Cherokee 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: Sarah Stanek
Email: <a href="mailto:Brittany.Pirtle@denvergov.org">Brittany.Pirtle@denvergov.org</a>	Email: <a href="mailto:Sarah.Stanek@denvergov.org">Sarah.Stanek@denvergov.org</a>

**5. General description or background of proposed request. Attach executive summary if more space needed:**

Request for an Ordinance to vacate a portion of S Cherokee St. at W Iowa Ave. (between 1600 S Cherokee St. and 1601 S Cherokee St.), with reservations.

**6. City Attorney assigned to this request (if applicable):** Brent Eisen

**7. City Council District:** Councilman Jolon Clark – District 7

**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?

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2017-VACA-0000016, 1600 S Cherokee St

**Requestor's name:** DNPW, LLC (at time of request, it has since been sold to Cherokee Beats LLC)

**Description of Proposed Project:** PW Development, LLC c/o Eric Greven, on behalf of DNPW, LLC requests for an Ordinance to vacate a portion of S Cherokee St. at W Iowa Ave. (between 1600 S Cherokee St. and 1601 S Cherokee St.), with reservations.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Applicant submitted request on behalf of the property owner to eliminate a dead-end parcel.

**Width of area in feet:** 60ft

**Number of buildings abut said area:** Two (2)

**The 20-day period for protests has expired, the vacating notice was posted on:** March 7, 2018

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** March 7, 2018

**Protests sustained by the manager of Public Works:** Have been filed; were later withdrawn.

**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; Xcel still owns facilities in the proposed vacation area and the City will need access to maintain a sanitary sewer.

**Will an easement relinquishment be submitted at a later date:** N/A

**Background:** Applicant submitted request on behalf of the property owner to eliminate a dead-end parcel. Two protests were received as a result of the public notification process. Director Matt Bryner found these protests, which were based on access concerns, to have technical merit; however, both protests were later withdrawn and documentation was received confirming so.

**Public Notification:** There were two objections that were sent to the Executive Director of Public Works. Both objections were found to have technical merit but were withdrawn.



**LEGAL DESCRIPTION**

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF LOT 2, BLOCK 19 OF "FIRST ADDITION TO OVERLAND PARK" ON FILE IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, COLORADO; THENCE ALONG THE WEST LINE OF SAID BLOCK 19, SOUTH 00°37'30" WEST, 153.67 FEET TO THE BEGINNING OF A TANGENT CURVE HAVING A RADIUS OF 53.00 FEET; THENCE DEPARTING SAID WEST LINE AND CURVING TO THE LEFT ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90°42'57", AN ARC LENGTH OF 83.91 FEET, THE CHORD OF SAID CURVE BEARS NORTH 44°43'58" WEST FOR A LENGTH OF 75.42 FEET; THENCE SOUTH 89°54'33" WEST, 6.34 FEET TO THE SOUTHEAST CORNER OF BLOCK 18 OF SAID "FIRST ADDITION OF OVERLAND PARK"; THENCE ALONG THE EAST LINE OF SAID BLOCK 18, NORTH 00°37'30" EAST, 100.01 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST IOWA AVENUE, SAID POINT ALSO BEING THE SOUTH LINE OF THE NORTH 25 FEET OF LOT 1 OF SAID BLOCK 18; THENCE DEPARTING SAID EAST LINE, NORTH 89°54'33" EAST, 60.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 6,621 SQUARE FEET OR 0.152 ACRE OF LAND.

THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE EASTERLY LINE OF BLOCK 19, FIRST ADDITION TO OVERLAND PARK AS MONUMENTED AS SHOWN ON THE ATTACHED EXHIBIT. SAID LINE BEARS SOUTH 11°47'51" WEST.



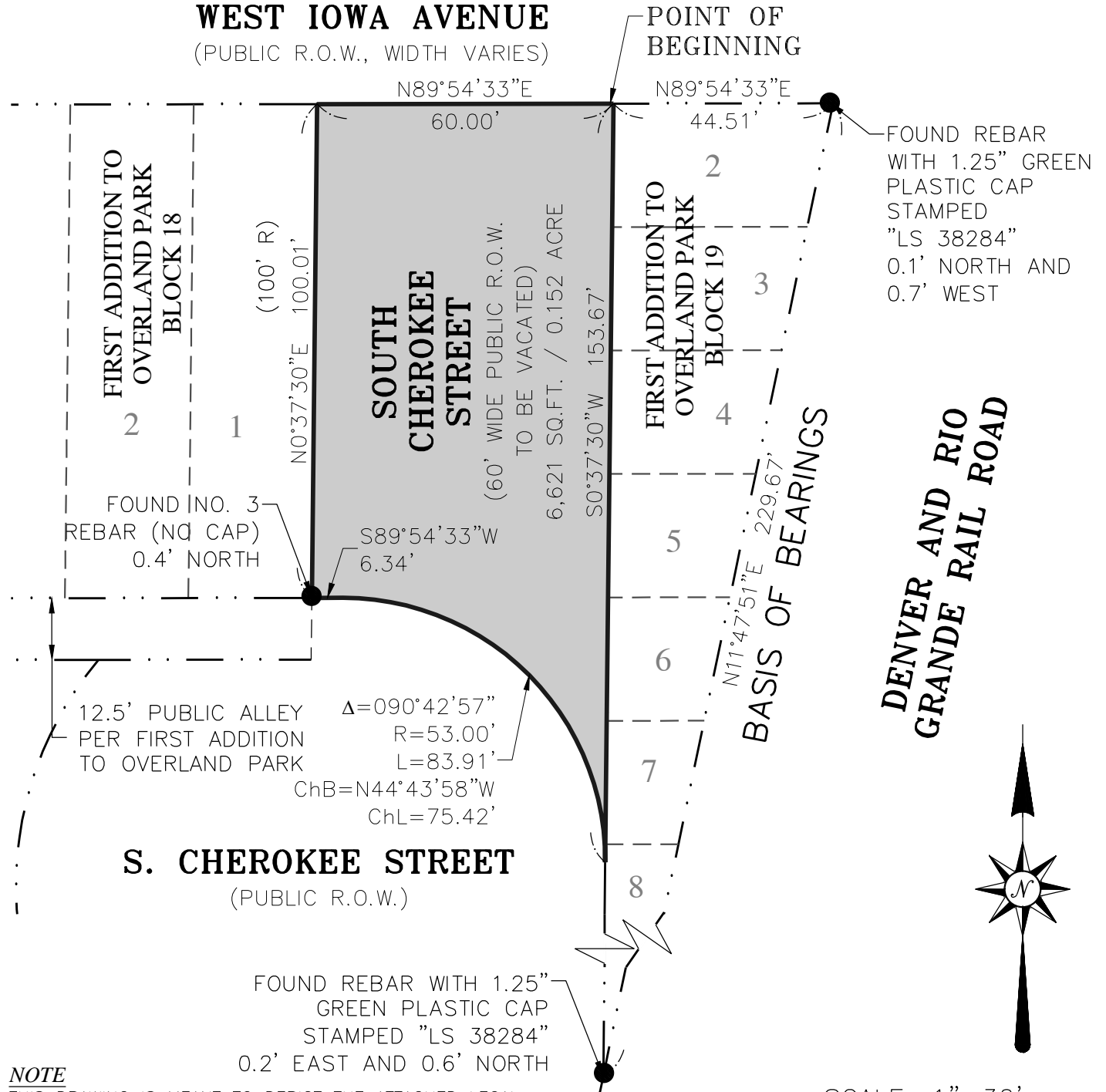
STACY LYNN BALZER, PLS  
COLORADO REG. NO. 38495  
FOR, AND ON BEHALF OF:  
R&R ENGINEERS-SURVEYORS, INC.  
710 W. COLFAX AVENUE, DENVER, CO 80204

# EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

LOCATED IN THE SOUTHWEST ONE- QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,, STATE OF COLORADO

## WEST IOWA AVENUE

(PUBLIC R.O.W., WIDTH VARIES)



SCALE: 1"=30'

**NOTE**

THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

PARCEL CONTAINS 6,621 SQ. FT. OR 0.152 ACRE

**VACATION OF PUBLIC RIGHT-OF-WAY**

Date: 09/11/2017	Sheet
Drawn: SLB	2
Checked: AWS	of
Job No.: PW17151	2



**R&R ENGINEERS-SURVEYORS, INC.**  
 710 WEST COLFAX AVENUE  
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 WWW.RRENGINEERS.COM