

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE 
Director, Right of Way Services

ROW #: 2020-VACA-0000004

DATE: November 18, 2020

SUBJECT: Request for an Ordinance to vacate a portion of right-of-way located at the west corner of E. Martin Luther King Jr Boulevard and N. Moline 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 AECOM c/o Dennis Arbogast, dated February 7, 2020, on behalf of Park Creek Metropolitan District for requesting the above requested vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation; Comcast; Division of Disability Rights; Community Planning & Development – Building Department, Planning and Zoning; City Councilperson Christopher Herndon, District #8; City Forester; Fire Department; Landmark; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – Development Engineering Services Transportation & Wastewater, Construction Engineering, Engineering & Regulatory Transportation & Wastewater, Survey, Policy and Planning, Street Maintenance, TES Sign and Stripe, Solid Waste, CPM Wastewater; CenturyLink; Regional Transportation District; Denver Water; 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 said area(s).

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

INSERT PARCEL DESCRIPTION ROW 2020-VACA-0000004-001 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
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Jason Gallardo
DOTI, Solid Waste – Mike Lutz
DOTI, Survey – Paul Rogalla
DOTI, Street Maintenance – Brian Roecker

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

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: **November 18, 2020**

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 right-of-way located at the west corner of E. Martin Luther King Jr Boulevard and N. Moline Street, without reservations.

3. Requesting Agency: Department of Transportation and Infrastructure, 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:

Request for an Ordinance to vacate a portion of right-of-way located at the west corner of E. Martin Luther King Jr Boulevard and N. Moline Street, without reservations.

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

7. City Council District: District 8, Christopher Herndon

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 (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: 2020-VACA-0000004 Martin Luther King Jr Blvd and Moline St Vacation

Requestor's name: Park Creek Metropolitan District

Description of Proposed Project: Request for an Ordinance to vacate a portion of right-of-way located at the West corner of E. Martin Luther King Jr Boulevard and N. Moline Street, without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: A community “corner” park is planned for the area, of which will be maintained by the Park Creek Metropolitan District.

Area of proposed right-of-way vacation: 23,976 square feet

Number of buildings abutting to proposed vacation area and using area for access: None

Public notice was posted at the proposed vacation area on: October 15, 2020

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: October 15, 2020

The 20-day period for protests expired on: November 4, 2020

Were protests received from the Public and, if so, explain: No objections 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 the vacated area and, if so, explain: No

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

Background: The portion of right-of-way being requested was formerly known as Havana Way. With the reconfiguration of Moline Street to form a perpendicular intersection, this area of right-of-way is now unused, and the requestor is planning to construct a corner park for the community to use.

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

Location Map:



EXHIBIT A

A part of Havana Way as described in Book 7504 at Page 176 in the Clerk and Recorder's Office of the City and County of Denver, State of Colorado, being a part of the Southeast Quarter of Section 26, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 26;
thence North $41^{\circ}52'58''$ East a distance of 955.25 feet to the northwest corner of Tract F, Stapleton Filing No. 50 recorded at Reception Number 2018037005 in said Clerk and Recorder's Office and the **POINT OF BEGINNING**;

thence along the westerly line of said Tract F of an arc of a curve to the right having a radius of 724.10 feet, a central angle of $06^{\circ}02'38''$, an arc length of 76.38 feet and whose chord bears South $18^{\circ}25'38''$ East a distance of 76.35 feet;
thence South $33^{\circ}04'54''$ West a distance of 1.11 feet to a point of curve;
thence along the arc of a curve to the left having a radius of 372.00 feet, a central angle of $33^{\circ}22'22''$, an arc length of 216.68 feet and whose chord bears South $16^{\circ}23'44''$ West a distance of 213.63 feet;
thence South $00^{\circ}17'27''$ East a distance of 17.31 feet;
thence South $89^{\circ}42'33''$ West a distance of 13.00 feet to the easterly line of Lot 1, Block 2, Stapleton Filing No. 40 recorded at Reception Number 2013109191 in said Clerk and Recorder's Office;

thence along said easterly line of Lot 1, Block 2, Stapleton Filing No. 40 the following two (2) courses:

1. North $00^{\circ}17'27''$ West a distance of 34.06 feet to a point of curve;
2. along the arc of a curve to the left having a radius of 624.10 feet, a central angle of $37^{\circ}31'25''$, an arc length of 408.73 feet and whose chord bears North $19^{\circ}03'09''$ West a distance of 401.46 feet to a point of non-tangent curve;

thence along the arc of a curve to the right having a radius of 1,097.50 feet, a central angle of $00^{\circ}03'59''$, an arc length of 1.27 feet and whose chord bears South $56^{\circ}57'05''$ East a distance of 1.27 feet;
thence South $56^{\circ}55'06''$ East a distance of 214.64 feet to the **POINT OF BEGINNING**.

Containing 22,607 square feet or 0.519 acres, more or less

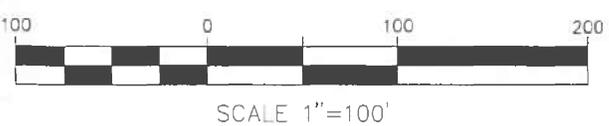
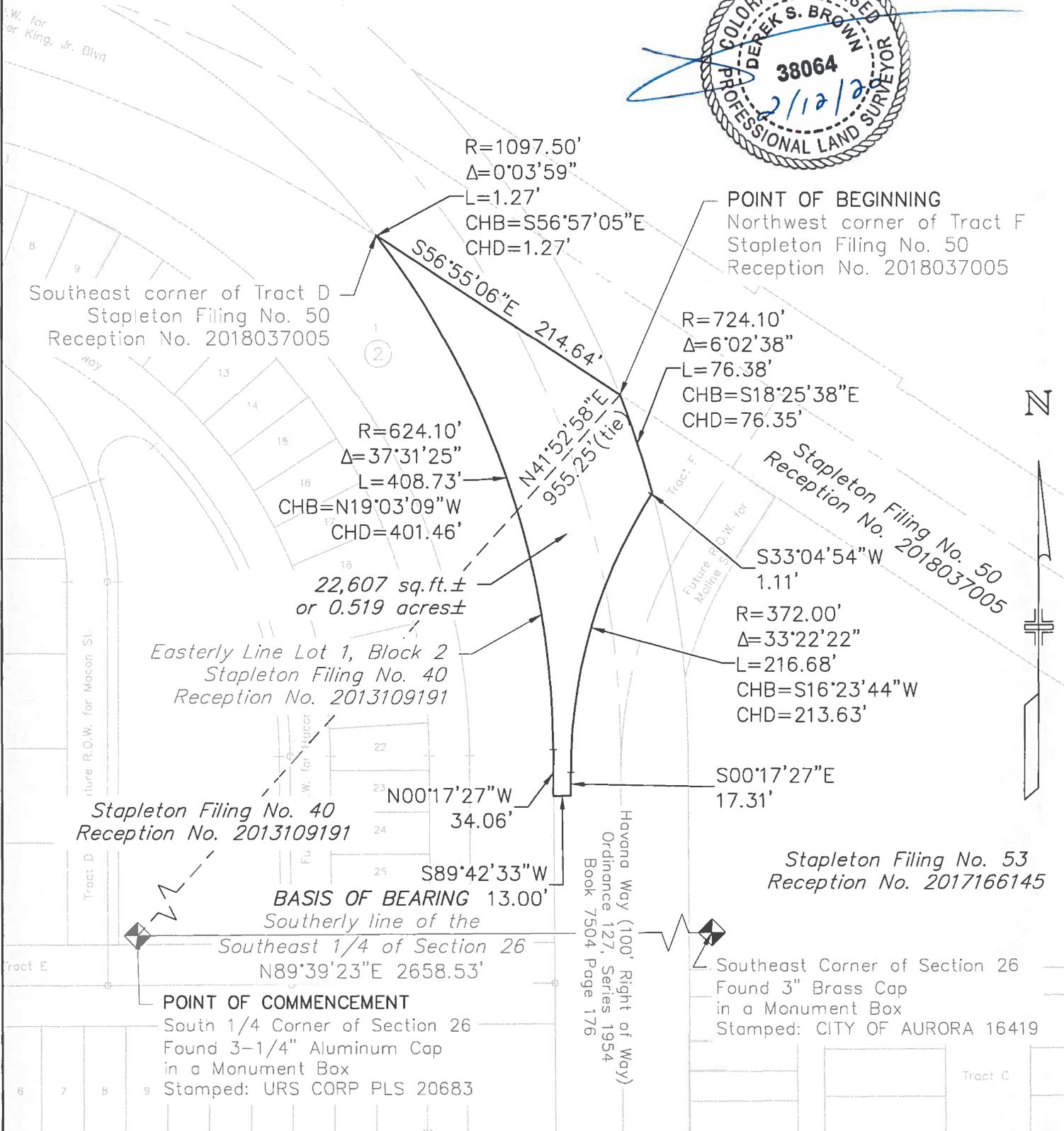
EXHIBIT A

BASIS OF BEARING: Bearings are based on the southerly line of the Southeast Quarter of Section 26, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, bearing North 89°39'23" East based on NAD 83/92 Colorado Central Zone State Plane Coordinates. The South Quarter corner of said Section 26 is a found 3-1/4" aluminum cap in a monument box Stamped: URS CORP PLS 20683. The Southeast corner of said Section 26 is a found 3" brass cap in a monument box Stamped: City of Aurora 16419.

Derek S. Brown, P.L.S. 38064
For and on behalf of AECOM
6200 South Quebec St.,
Greenwood Village, CO 80111
phone 303.843.2330
derek.brown1@aecom.com



EXHIBIT-A



AECOM
 6200 S. Quebec St.
 Greenwood Village,
 CO 80111
 Tel: 303-843-2330
 derek.brown1@aecom.com

A part of the Southeast Quarter of Section 26, T.3S., R.67W., of the 6th P.M. City and County of Denver State of Colorado

Scale:	Drawn by: JKB	Sheet No. 1	Drawing Name:
1"=100'	Checked by: DSB	of 1 Sheet(s)	Havana Way ROW vacation.dwg

This exhibit does not represent a monumented survey. It is intended only to depict the attached legal description.