


REQUEST FOR ORDINANCE TO VACATE PUBLIC RIGHT-OF-WAY

TO: Katie Ehlers, City Attorney's Office

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

PROJECT NO.: 2023-VACA-0000007

DATE: January 23, 2025

SUBJECT: Request for an Ordinance to vacate a portion of Josephine Street and a portion of Columbine Street, adjacent to 4235 North Columbine 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 R&R Engineers-Surveyors, dated August 25, 2023, on behalf of Claudrey LLC, for the subject right-of-way vacation.

This matter has been coordinated with Asset Management; CPD: Building Department; CenturyLink/Lumen; City Council District 9; City Forester; Comcast; CPD DS Project Coordinator; DOTI ROWS DES Transportation & Wastewater; DOTI ROWS ER Transportation & Wastewater; Office of Disability Rights; Denver Water; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Office of Emergency Management; CPD Development and Planning Services; Parks and Recreation; DOTI ROWS Construction Engineering; DOTI Policy and Planning; DOTI Street Maintenance; DOTI ROWS Survey; DOTI TES Sign and Stripe; DOTI CPM Wastewater Review; Regional Transportation District; DOTI Solid Waste; Xcel Energy; CPD Zoning Administration, 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 2023-VACA-0000007-001 HERE
INSERT PARCEL DESCRIPTION ROW 2023-VACA-0000007-002 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/rowplanreview
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 – Alaina McWhorter
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: **January 23, 2025**

Please mark one: ☒ Bill Request or ☐ Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

☐ Yes ☒ No

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.)

Approves an Ordinance to vacate a portion of Josephine Street and a portion of Columbine Street, adjacent to 4235 North Columbine Street, with reservations.

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

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: Alaina McWhorter
Email: Brianne.white@denvergov.org	Email: Alaina.mcwhorter@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 Josephine Street and a portion of Columbine Street, adjacent to 4235 North Columbine Street, with reservations.

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

7. **City Council District:** District 9; Councilperson Watson

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



RIGHT-OF-WAY VACATION EXECUTIVE SUMMARY

Application Title: 2023-VACA-0000007, 4235 North Columbine Street

Applicant's Name: Claudrey LLC

Description of Proposed Right-of-Way (ROW) Vacation: Request for an Ordinance to vacate a portion of Josephine Street and a portion of Columbine Street, adjacent to 4235 North Columbine Street, with reservations.

Applicant's explanation of why the ROW is needed to accomplish their proposed project: The applicant is requesting this vacation area to develop a multi-family dwelling.

Area of proposed ROW vacation in square feet (SF): 36,606 square feet

Number of buildings adjacent to proposed ROW vacation area: 1

Public Notice was posted at the proposed ROW vacation area on: December 13, 2024

Notification letters were sent to property owners and Registered Neighborhood Organizations (RNOs) within 200 feet of the proposed ROW vacation area on: December 13, 2024

The 20-day period for public comment expired on: January 2, 2025

Were public comments received and, if so, explain: Yes

Are all comments with technical merit resolved to the satisfaction of DOTI: Yes

Has land been dedicated to the city as a condition of the ROW vacation and, if so, explain: No

Will a utility easement be reserved over the vacated ROW area and, if so, explain: Yes, to accommodate existing utilities.

Is a request for an easement relinquishment expected later and, if so, explain: No

Additional Information: To comply with state statutes, a private access easement was granted to 2535 E 40th Ave by the subject applicant for continued access to Josephine St. A copy is included in supplemental information for reference. Additionally, a Zone Lot Amendment is required after the ROW vacation is approved to combine 4235 N Columbine St (Claudrey parcel) and 2535 E 40th St (RTD

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parcel) to prevent a non-conforming zone lot (RTD parcel). The Zone Lot Amendment application has been submitted and reviewed, and it is ready for final approval when the subject ROW vacation is approved.

Location Map:



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EXHIBIT A

CITY AND COUNTY OF DENVER, STATE OF COLORADO
DESCRIPTION - See Sheet 2 for Map

PARCEL 1 - LAND DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, 40TH AND YORK STREET SUBDIVISION, BEING MONUMENTED BY A 5/8" X 18" REBAR WITH 1-1/4" DIAMETER RED PLASTIC CAP STAMPED "R&R ENG | PLS 34591" WHENCE THE SOUTH END OF THE EAST LINE OF SAID LOT 1, BEING MONUMENTED BY A 5/8" X 18" REBAR WITH 1-1/4" DIAMETER RED PLASTIC CAP STAMPED "R&R ENG | PLS 34591", IS ASSUMED TO BEAR SOUTH 00°09'01" WEST, A DISTANCE OF 252.78 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 27°36'55" EAST, A DISTANCE OF 130.09 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JOSEPHINE STREET, A 60-FOOT WIDE PUBLIC RIGHT-OF-WAY;
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 00°09'01" WEST, A DISTANCE OF 350.16 FEET TO THE SOUTHERNMOST CORNER OF A PARCEL OF LAND DESCRIBED AT REC. NO. 2015111284;
THENCE DEPARTING SAID LINE, SOUTH 73°24'24" WEST, A DISTANCE OF 62.66 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE ALONG SAID EAST LINE OF LOT 1, NORTH 00°09'01" EAST, A DISTANCE OF 252.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,089 SQUARE FEET OR 0.415 ACRE OF LAND.



KEVIN J. KUCHARCZYK, P.L.S.
COLORADO REG. NO. 34591
FOR AND ON BEHALF OF
R&R ENGINEERS-SURVEYORS, INC.

-----LAND DESCRIPTION-----

REVISIONS			Orig. Issue Date: 8/18/2023	Sheet
			Drawn By: JDM	1
			Checked By: KK	of
			Project No. UP23047	2

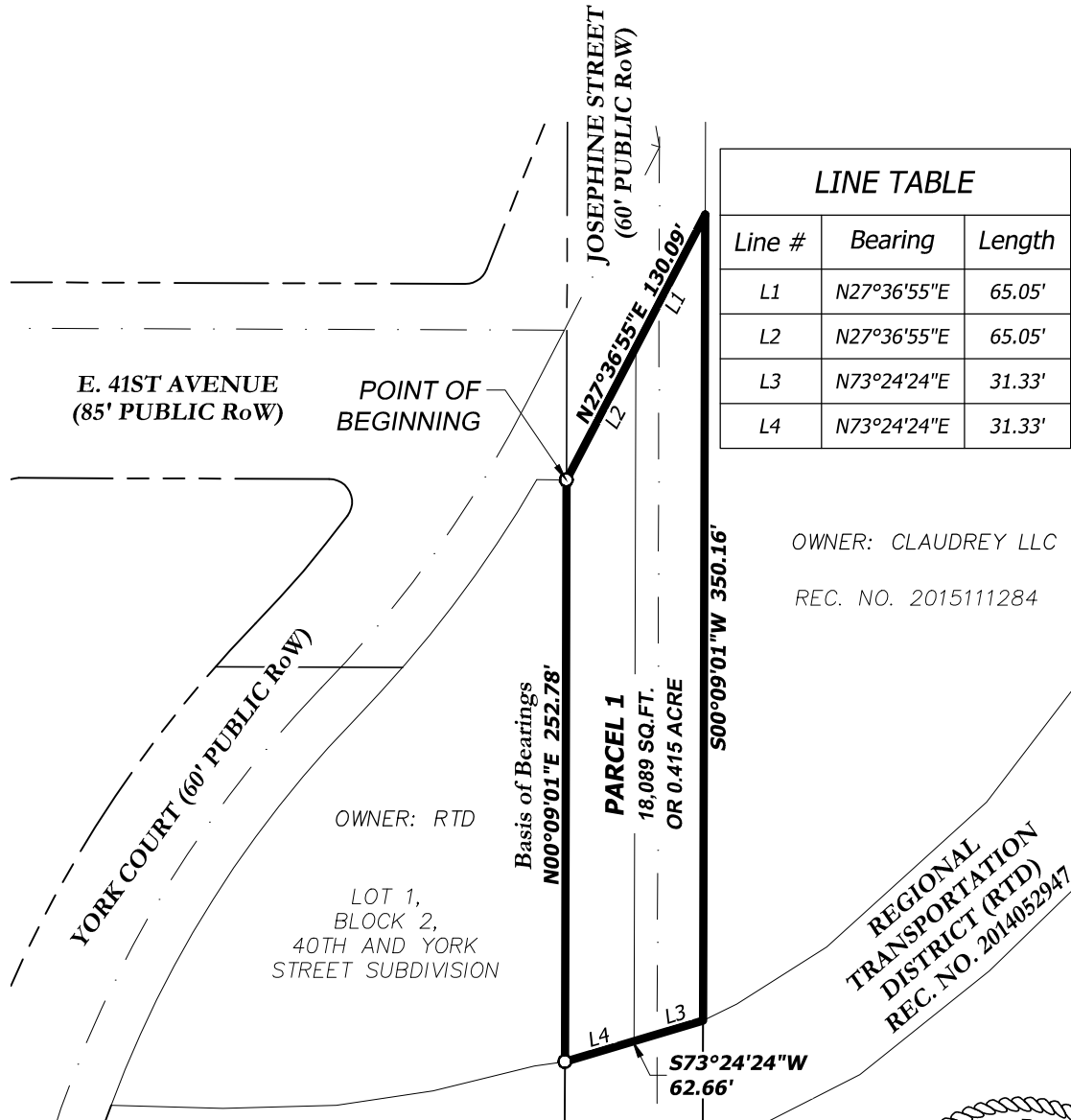


R&R ENGINEERS-SURVEYORS, INC.
1635 W. 13TH AVENUE, SUITE 310
DENVER, COLORADO 80204
303-753-6730
www.rrengineers.com

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LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24,
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

MAP - See Sheet 1 for Description



0' 80'
SCALE: 1"=80'

NOTE

This map is to depict the accompanying
description and is for informational purposes only.
It does not represent a monumented land survey.

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PARCEL 2 - LAND DESCRIPTION

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BEGINNING AT THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AT REC. NO. 2015111284, ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF COLUMBINE STREET AND THE SOUTH RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD, BEING MONUMENTED BY A 5/8" X 18" REBAR WITH 1-1/4" DIAMETER RED PLASTIC CAP STAMPED "R&R ENG | PLS 34591" WHENCE THE SOUTH END OF THE EAST LINE OF SAID PARCEL BEING MONUMENTED BY A 5/8" X 18" REBAR WITH 1-1/4" DIAMETER RED PLASTIC CAP STAMPED "R&R ENG | PLS 34591", IS ASSUMED TO BEAR SOUTH 00°08'47" WEST, A DISTANCE OF 410.31 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 86°08'39" EAST, A DISTANCE OF 60.15 FEET TO THE NORTHWEST CORNER OF PARCEL NO. EC-31R AS DESCRIBED AT REC. NO. 2012139155, ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID COLUMBINE STREET AND SAID SOUTH RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 00°08'47" WEST, A DISTANCE OF 206.92 FEET TO THE SOUTHWEST CORNER OF LAST SAID PARCEL;

THENCE SOUTH 16°16'05" WEST, A DISTANCE OF 216.08 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED AT REC. NO. 2015111284, ALSO BEING A POINT ON SAID WEST RIGHT-OF-WAY LINE OF COLUMBINE STREET;

THENCE ALONG SAID LINE, NORTH 00°08'47" EAST, A DISTANCE OF 410.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,517 SQUARE FEET OR 0.425 ACRE OF LAND.



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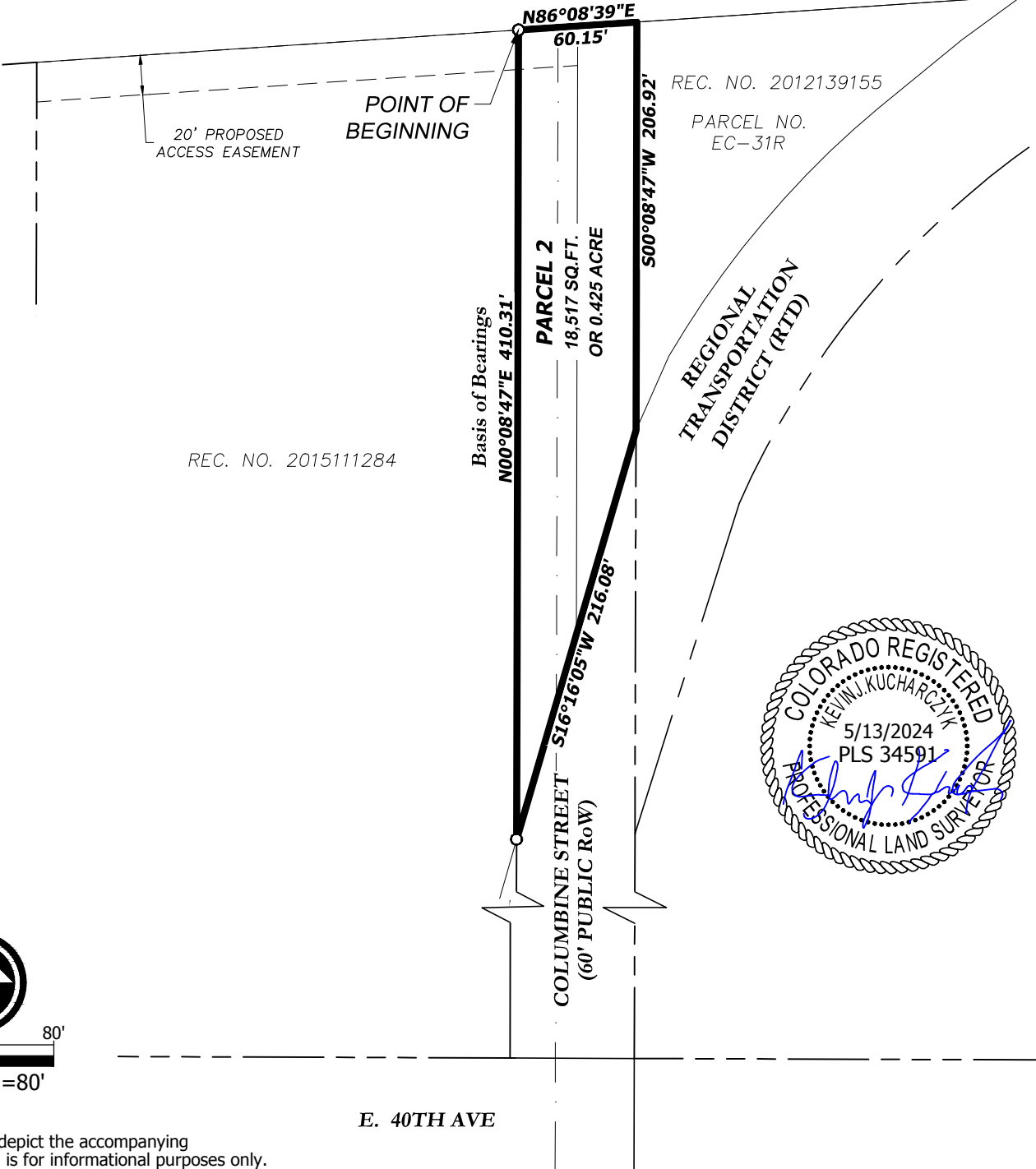


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UNION PACIFIC RAILROAD (100' RoW)



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