

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2018-VACA-0000005

DATE: December 3, 2018

SUBJECT: Request for an Ordinance to vacate a portion of the Right of Way along Marion St, south of the intersection of Marion St and Walnut St at 3770 Walnut St, 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 Kimley-Horn and Associates, Inc. c/o Dennis Sobieski, dated March 13, 2018, on behalf of Walnut Land Holdings 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 Albus Brooks – District 9; 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 2018-VACA-0000005-01 HERE

MB: bp

cc: City Councilman Albus Brooks – District 9 & Aides
City Council Staff – Zach Rothmier
Department of Law – Deanne Durfee
Department of Law – Bradley Beck
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Jason Gallardo
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

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: **December 3, 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.)

Kimley-Horn and Associates, Inc. c/o Dennis Sobieski, on behalf of Walnut Land Holdings LLC requests for an ordinance to vacate a portion of the Right of Way along Marion St, south of the intersection of Marion St and Walnut St at 3770 Walnut St, without 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: Jason Gallardo
Email: Brittany.Pirtle@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 the Right of Way along Marion St, south of the intersection of Marion St and Walnut St at 3770 Walnut St, without reservations.

6. City Attorney assigned to this request (if applicable): Bradley Beck

7. City Council District: Albus Brooks; District 9

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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2018-VACA-0000005 3770 Walnut St

Requestor's name: Kimley-Horn and Associates, Inc. c/o Dennis Sobieski on behalf Walnut Land Holdings LLC

Description of Proposed Project: Request for an Ordinance to vacate a portion of the Right of Way along Marion St, south of the intersection of Marion St and Walnut St at 3770 Walnut St, without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Redevelopment.

Width of area in feet: 16'

Number of buildings abut said area: One (1)

The 20-day period for protests has expired, the vacating notice was posted on: August 24, 2018

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: August 24, 2018

Protests sustained by the manager of Public Works: N/A; none to file.

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; there are no utilities or private easements have been negotiated.

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

Background: N/A

Public Notification: No objections were received.

Location Map:

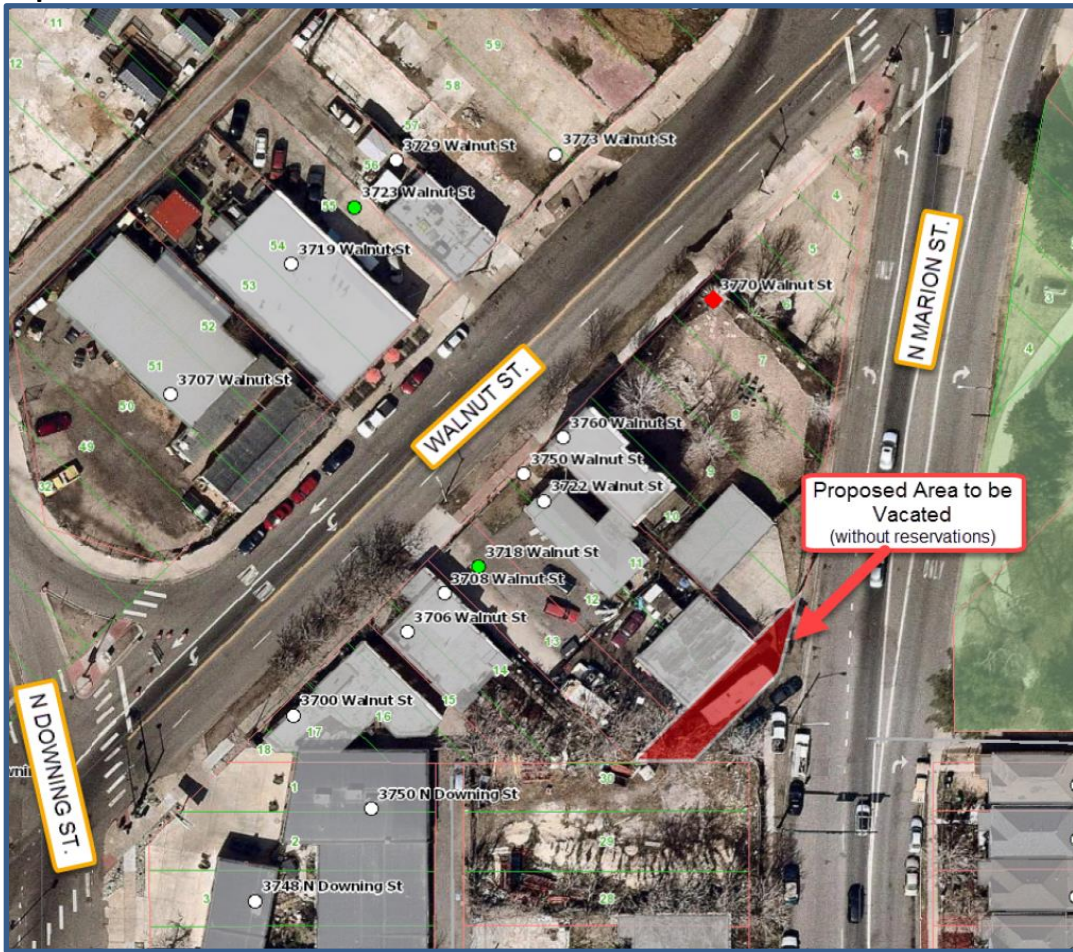


EXHIBIT A

PAGE 1 OF 3

2018-VACA-0000005-01

LAND DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF THE 16 FEET WIDE ALLEY, BLOCK 26, RIVERSIDE ADDITION TO DENVER, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID BLOCK 26 WITH THE SOUTHEASTERLY LINE OF THE 16 FEET WIDE ALLEY IN SAID BLOCK 26; **THENCE** ALONG THE SOUTH LINE OF SAID BLOCK 26 TO THE POINT OF INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID 16 FEET WIDE ALLEY, N 89° 54' 55" W, 22.56 FEET, FROM SAID POINT OF INTERSECTION THE SOUTH CORNER OF LOT 13 IN SAID BLOCK 26 IS WESTERLY, DISTANT 13.17 FEET, AS MEASURED ALONG THE SOUTH LINE OF SAID BLOCK 26;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID 16 FEET WIDE ALLEY TO THE SOUTHEAST CORNER OF LOT 9 IN SAID BLOCK 26, PER RIVERSIDE ADDITION TO DENVER SUBDIVISION, YEAR 1871, N 44° 55' 13" E, 90.35 FEET;

THENCE TO THE SOUTHEASTERLY LINE OF SAID 16 FEET WIDE ALLEY, S 13° 57' 45" W, 31.10 FEET TO A POINT WHERE THE WEST CORNER OF LOT 55 IN SAID BLOCK 26 IS NORTHEASTERLY, DISTANT 2.50 FEET, AS MEASURED ALONG SAID SOUTHEASTERLY ALLEY LINE;

THENCE ALONG SAID SOUTHEASTERLY ALLEY LINE, S 44° 55' 13" W, 47.77 FEET TO THE **POINT OF BEGINNING**.

PARCEL HAVING AN AREA OF 1,104.81 SQUARE FEET, 0.03 ACRES (MORE OR LESS).

BEARINGS NOTED HEREON ARE BASED ON THE SOUTH LINE OF SAID BLOCK 26. SAID LINE BEARS N 89° 54' 55" W.

I, JOHN W. DOTY, BEING A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT WAS MADE BY ME OR UNDER MY RESPONSIBLE CHARGE, IN ACCORDANCE WITH THE APPLICABLE STANDARD OF PRACTICE AS SET FORTH DURING THE TIME OF THIS EXHIBIT, BEING THE MONTH OF DECEMBER, 2018. I FURTHER STATE THIS DOCUMENT IS NOT A MONUMENTED LAND SURVEY. THIS CERTIFICATION DOES NOT CONSTITUTE A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JOHN W. DOTY, COLORADO PLS NO. 37993
FOR & ON-BEHALF OF ARROW POINT SURVEYING, LTD.



PROJECT: 201703103

DATE: DECEMBER, 2018



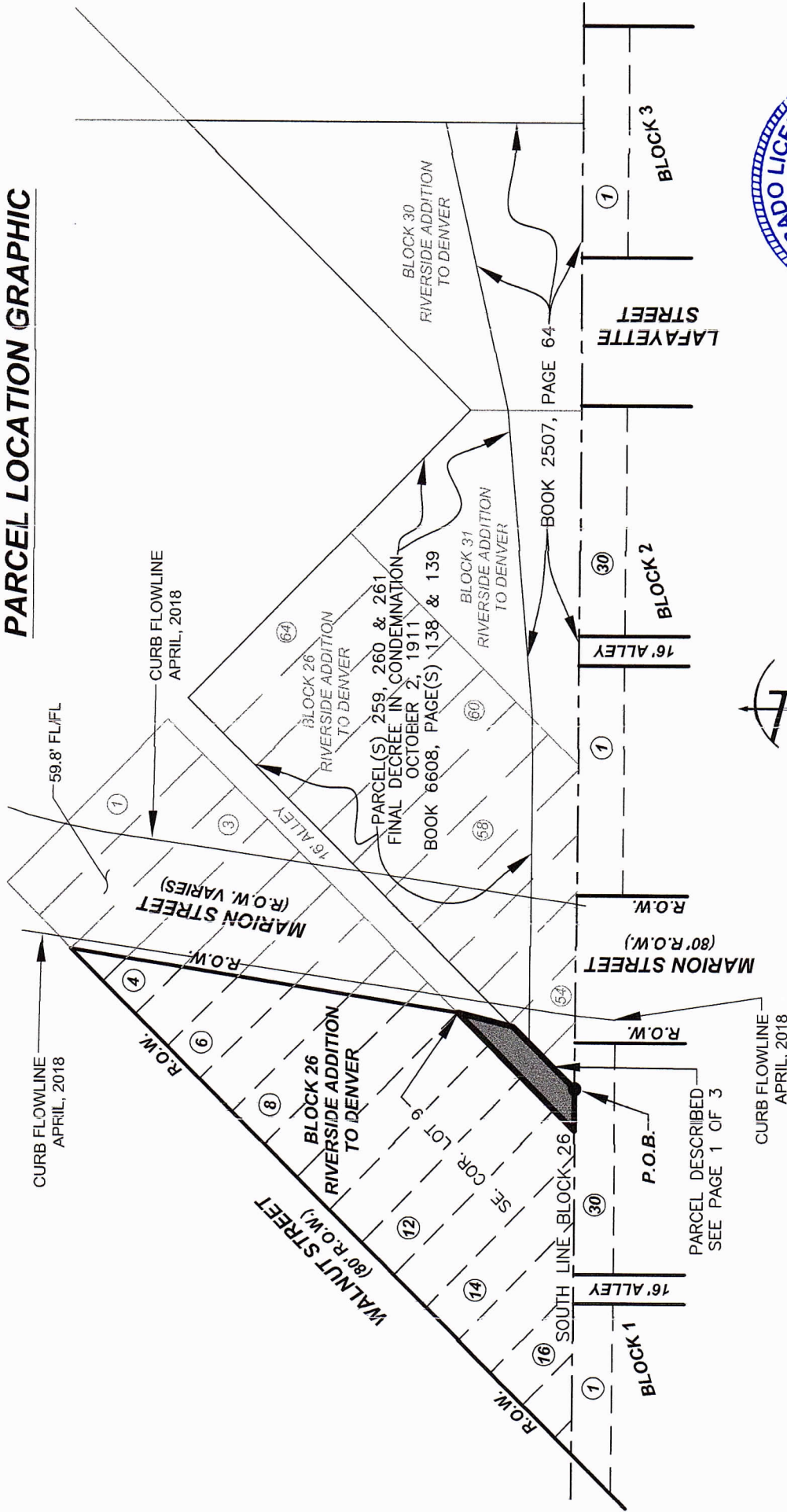
6076 Blue Terrace Pl.
Castle Pines, CO 80108
720.384.5330
arrowpointsurveying@gmail.com

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS DOCUMENT WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS DOCUMENT BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON PER STATE STATUTE 13-80-105(3)(a) C.R.S. THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

EXHIBIT A
PAGE 2 OF 3

SOUTHWEST ONE-QUARTER SECTION 23,
TOWNSHIP 3 SOUTH, RANGE 68 WEST,
6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
STATE OF COLORADO

PARCEL LOCATION GRAPHIC



PROJECT: 201703103
DATE: DECEMBER, 2018

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS DOCUMENT WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY AN ACTION BASED UPON ANY DEFECT IN THIS DOCUMENT BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON PER STATE STATUTE 13-80-105(3)(a) C.R.S. THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

6078 Blue Terrace Pl.
Castle Pines, CO 80108
720-394-5330
arrowpointssurveying@gmail.com

Arrow Point
Surveying, Ltd.



EXHIBIT A

PAGE 3 OF 3

BLOCK 26 RIVERSIDE ADDITION TO DENVER

SOUTHEAST CORNER LOT 9
PER RIVERSIDE ADDITION TO
DENVER SUB. PLAT, YEAR 1871

MARION ST.
(R.O.W. VARIES)

R.O.W.
CURB FLOWLINE APRIL, 2018

16' ALLEY

NORTHWESTERLY ALLEY LINE
SOUTHEASTERLY ALLEY LINE

CURB FLOWLINE APRIL, 2018

BOOK 6608,
PAGE(S) 138 & 139

LOT COR.
2.50'

BOOK 2507,
PAGE 64

SOUTH LINE BLOCK 26

LOT COR.
13.17'

BASIS OF BEARING
N 89° 54' 55" W

S. COR.
LOT 13

22.56'
N 89° 54' 55" W

POINT OF BEGINNING

BLOCK 1

PARCEL CONTAINS 1,104.81 SQUARE FEET,
0.03 ACRES (MORE OR LESS)

R.O.W.

MARION STREET
(80' R.O.W.)

R.O.W.

BLOCK 2



NORTH

Scale: 1" = 30'



● REPRESENTS CHANGE IN COURSE AND/OR DISTANCE



6078 Blue Terrace Pl.
Castle Pines, CO 80108
720.384.5330
arrowpointsurveying@gmail.com

PROJECT: 201703103

DATE: DECEMBER, 2018

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS DOCUMENT WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS DOCUMENT BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON PER STATE STATUTE 13-80-105(3)(a) C.R.S. THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

