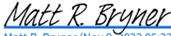




REQUEST FOR VACATION ORDINANCE

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

FROM: Matt R. Bryner, PE
Director, Right of Way Services 
Matt R. Bryner (Nov 9, 2022 06:32 MST)

ROW #: 2022-VACA-0000013

DATE: October 21, 2022

SUBJECT: Request for an Ordinance to vacate North Clay Way at 999 North Clay Way, 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 Matrix Design Group, dated August 2, 2021, on behalf of Housing Authority of the City & County of Denver for the subject right of way vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation; Comcast; Division of Disability Rights; Colorado Department of Transportation; Community Planning & Development; Building Inspections, Planning & Zoning; Historic Preservation/Landmark; City Councilperson Torres, District #3; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; City Forester; Parks & Recreation; DOTI: Construction Engineering, DES Transportation & Wastewater, Survey, Policy & Planning, TES Signing & Striping, Solid Waste, Street Maintenance; CPM Wastewater; CenturyLink; Regional Transportation District; Denver Water Department; 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 said area(s) 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 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 area:

INSERT PARCEL DESCRIPTION ROW 2022-VACA-0000013-001 HERE

MB: je

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



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 – Jason Gallardo
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 Jason Gallardo
at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: **October 21, 2022**

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 North Clay Way at 999 North Clay Way, with reservations.

3. Requesting Agency: Department of Transportation & Infrastructure, Engineering & 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 North Clay Way at 999 North Clay Way, with reservations.

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

7. City Council District: Councilperson Torres, District 3

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: 2022-VACA-0000013 - Sun Valley Homes Second Filing Vacation 999 N Clay Way

Requestor's name: Housing Authority of the City & County of Denver

Description of Proposed Project: Request for an Ordinance to vacate North Clay Way at 999 North Clay Way, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This area is being redeveloped. During this process the curvilinear streets are being relocated to closer match the Denver street grid layout.

Area of proposed right-of-way vacation in square feet: Approximately 40,032 square feet.

Number of buildings adjacent to proposed vacation area: Buildings are being demolished throughout this area. There may be buildings located adjacent to the requested vacation area currently, but with the realignment of these curvilinear streets to the Denver street grid layout, the buildings will be demolished and relocated once new configuration has been reached.

Public Notice was posted at the proposed vacation area on: July 29, 2022

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: July 29, 2022

The 20-day period for protests expired on: August 18, 2022

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: Yes

Will an easement be placed over a vacated area and, if so, explain: Yes, the standard easement reservation will be held over the vacation area by the City and County of Denver.

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

Is a request for an easement relinquishment expected at a later date and, if so, explain: Yes, the easement will need to be relinquished once all utilities have been relocated or abandoned in place in order to redevelop the area.

Background: The Sun Valley Homes and Sun Valley Homes Second Filing projects from the 1950's are being redeveloped to bring updated affordable housing options to the Sun Valley neighborhood. All previous residents have been relocated to new affordable housing.

Location Map:

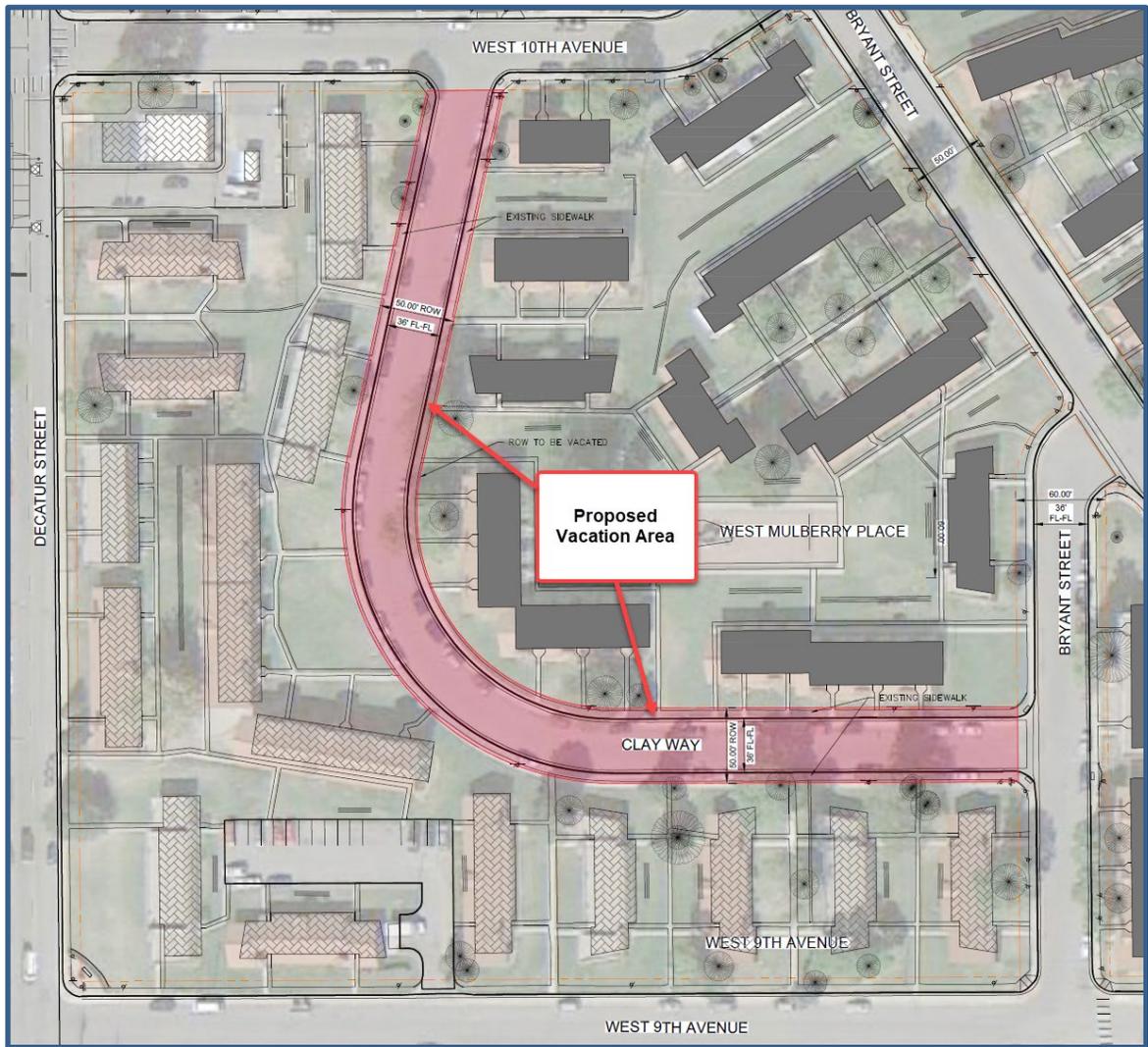


EXHIBIT A

2022-VACA-0000013-001

LAND DESCRIPTION

A PARCEL OF LAND BEING THAT PORTION OF CLAY WAY BETWEEN W. 10TH AVE. AND BRYANT ST. AS SHOWN ON SUN VALLEY HOMES SECOND FILING HOUSING PROJECT COLORADO (1-12), RECORDED MARCH 13, 1956 IN BOOK 23 AT PAGE 4 AT RECEPTION NO. 93449, IN THE RECORDS OF THE CLERK AND RECORDER'S OFFICE FOR THE CITY AND COUNTY OF DENVER, COLORADO, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT LOCATED AT THE INTERSECTION OF W. 11TH AVE. AND DECATUR ST. FROM WHENCE THE RANGE POINT AT W. 10TH AVE. AND DECATUR ST. BEARS SOUTH 00°31'40" EAST 342.20 FEET AND UPON WHICH ALL BEARINGS HEREIN ARE BASED;

THENCE SOUTH 36°17'25" EAST A DISTANCE OF 472.24 FEET TO THE POINT OF BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CLAY WAY AND THE SOUTH RIGHT-OF-WAY LINE OF W. 10TH AVE.;

THENCE NORTH 89°40'48" EAST, DEPARTING SAID SOUTHWESTERLY INTERSECTION OF CLAY WAY AND W. 10TH AVE., A DISTANCE OF 51.23 FEET TO A POINT AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF CLAY WAY AND W. 10TH AVE.;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF CLAY WAY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 12°15'05" WEST A DISTANCE OF 258.84 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 102°29'57", A RADIUS OF 131.00 FEET AND AN ARC LENGTH OF 234.35 FEET (CHORD BEARS SOUTH 38°59'57" EAST, 204.33 FEET) TO A POINT;
3. NORTH 89°45'05" EAST A DISTANCE OF 268.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BRYANT ST.;

THENCE SOUTH 00°33'30" EAST, DEPARTING THE NORTHWEST INTERSECTION OF THE RIGHTS-OF-WAY OF CLAY WAY AND BRYANT ST., A DISTANCE OF 50.00 FEET TO A POINT AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CLAY WAY AND SAID WEST RIGHT-OF-WAY LINE OF BRYANT ST.;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF CLAY WAY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 89°45'05" WEST A DISTANCE OF 268.43 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 102°29'57", A RADIUS OF 181.00 FEET AND AN ARC LENGTH OF 323.80 FEET (CHORD BEARS NORTH 38°59'56" WEST, 282.32 FEET) TO A POINT;
3. NORTH 12°15'05" EAST A DISTANCE OF 247.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 40,032 SQUARE FEET OR 0.92 ACRES, MORE OR LESS.



PREPARED BY: CHARLES KELLER HARTOG, PLS
 PLS 38684
 ON BEHALF OF: SURVEY SYSTEMS, INC.
 P.O. BOX 2168
 EVERGREEN, CO 80437
 (303)679-8122

FILEPATH: M:\2018-238-01-031 DHOC30\03_TECHNICAL\01_SURVEY DRAWINGS\SUN VALLEY PLAY\CLAY VACATION.DWG LAYOUT: LGL
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NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF SURVEY SYSTEMS INC.

ISSUE DATE: 6/1/2022	
DATE	REVISION COMMENTS

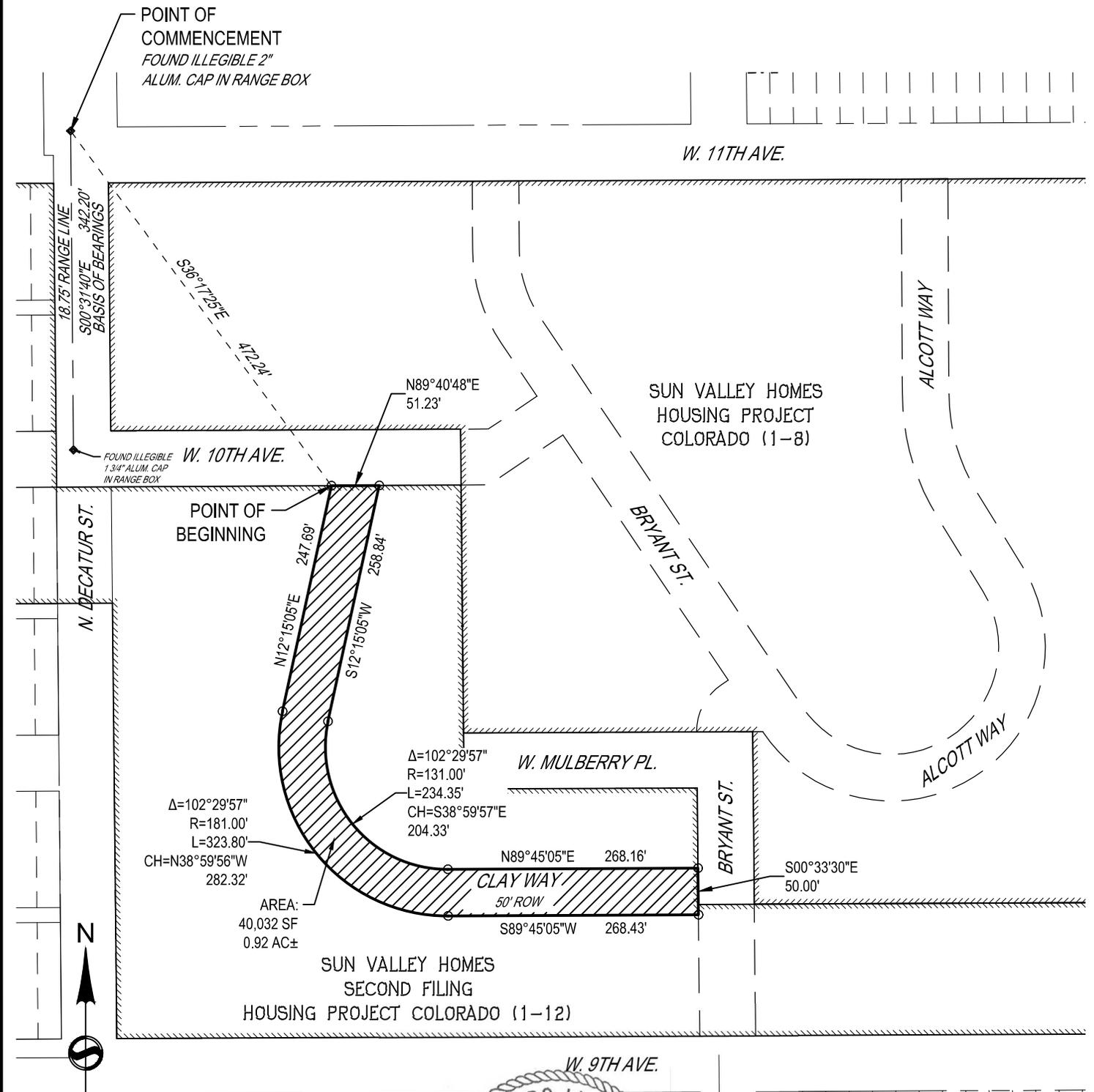
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SURVEY SYSTEMS
 A Professional Land Surveying Company
 P.O. Box 2168 - Evergreen, CO 80437 Tel: 303.679.8122 - Fax: 303.679.8123
 Info@SurveySystems.net www.SurveySystemsInc.com
 A Service-Disabled Veteran-Owned Small Business SDVOSB | SBE

CHECKED BY: CH DRAWN BY: CH JOB #: 2018-238-01-031 CLIENT CODE: DHOC30
SHEET NO: 1
1 OF 2

EXHIBIT A

2022-VACA-000013-001



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

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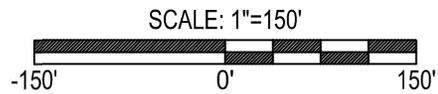
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CHECKED BY: CH DRAWN BY: CH JOB #: 2018-238-01-031 CLIENT CODE:DHCC30
SHEET NO: 2
2 OF 2



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