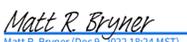


REQUEST FOR VACATION ORDINANCE

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

FROM: Matt R. Bryner, PE
Director, Right of Way Services 
Matt R. Bryner (Dec 9, 2022 18:24 MST)

ROW #: 2022-VACA-0000005

DATE: December 6, 2022

SUBJECT: Request for an Ordinance to vacate approximately 17,876 square feet of right-of-way near East Mississippi Drive and South Parker Road, 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 Strategic Land Solutions, Inc., dated December 24, 2021, on behalf of GBC Acquisition, LLC. for the subject right-of-way vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation; Comcast; Division of Disability Rights; Community Planning and Development: Building Department, Planning and Zoning; Historic Preservation/Landmark; CenturyLink; City Councilperson Sawyer, District #5; Denver Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; City Forester; Parks & Recreation; DOTI: Construction Engineering, DES Transportation & Wastewater, Policy & Planning, Street Maintenance, Survey, TES Sign & Stripe, CPM Wastewater, Solid Waste; 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 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-0000005-001 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/doti
Phone: 720-865-3003



MB: je

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: **December 6, 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 approximately 17,876 square feet of right-of-way near East Mississippi Drive and South Parker Road, with reservations.

3. Requesting Agency: Department of Transportation & Infrastructure, Right-of-Way Services, 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 approximately 17,876 square feet of right-of-way near East Mississippi Drive and South Parker Road, with reservations.

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

7. City Council District: Councilperson Sawyer, District 5

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: 2022-VACA-0000005 - S. Rosemary Way at 1091 S Parker Rd Vacation

Requestor's name: GBC Acquisition, LLC

Description of Proposed Project: Request for an Ordinance to vacate approximately 17,876 square feet of right-of-way near East Mississippi Drive and South Parker Road, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The area is being redeveloped. In the process of planning the redevelopment of this area, it was determined by the applicant it would be best to relocate the current access to South Parker Road to/from South Rosemary Way. The applicant will dedicate new right-of-way; grant an access easement over the area to allow public access, utilities, drainage; and will add a sidewalk and landscaping to the area.

Area of proposed right-of-way vacation in square feet: Approximately 17,876 square feet

Number of buildings adjacent to proposed vacation area: (1) One

Public Notice was posted at the proposed vacation area on: September 28, 2022

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: September 28, 2022

The 20-day period for protests expired on: October 19, 2022

Were protests received from the Public and, if so, explain: 7 Responses were received during the Public Notification period.

Are all protests containing technical merit resolved to the satisfaction of DOTI: The applicant resolved all the concerns directly with the respondents to the satisfaction of DOTI.

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: Unknown at this time. Applicant is aware that an easement will be reserved over the requested vacation area.

Background: The area is being redeveloped. In the process of planning the redevelopment of this area, it was determined by the applicant it would be best to relocate the current access to South Parker Road to/from South Rosemary Way.

Location Map:

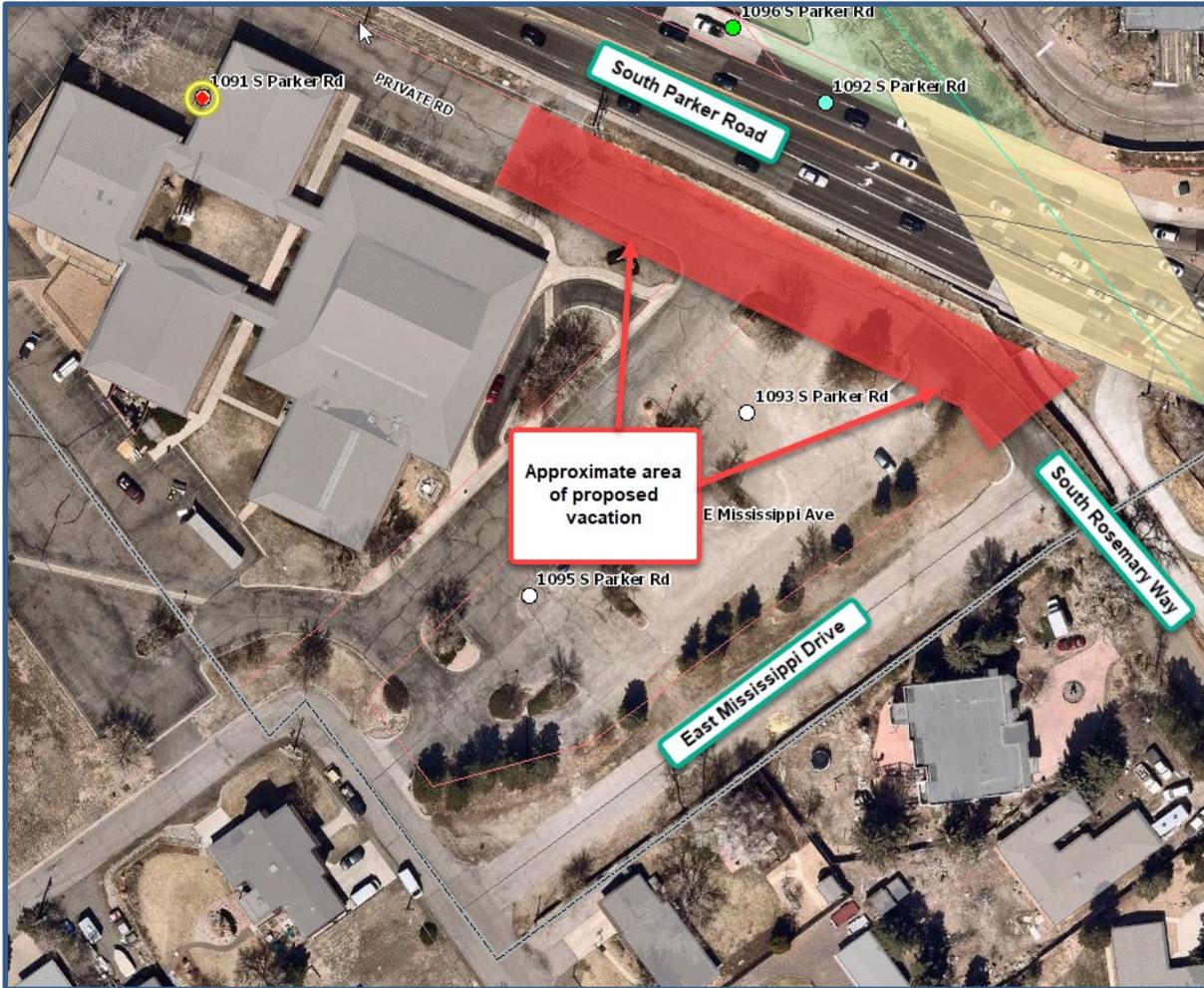


EXHIBIT "A"

Land Description:

A parcel of land being a portion of South Rosemary Way (formerly known as Edith Lane) conveyed as public Right-of-Way, Second Addition to Hughes Mountain View Subdivision recorded in Arapahoe County, Colorado Recorder's Office at Reception Number 415775 and annexed to the City and County of Denver, Colorado, Ordinance Number 105, Series of 1964 and Ordinance Number 285 of Series 1970, situated in the Southwest 1/4 of Section 16 and a part of the Northwest 1/4 of Section 21, Township 4 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, described as follows:

Commencing at the Northwest Corner of said Section 21;

Thence N89°52'58"E along the North Line of the Northwest 1/4 of said Section 21, a distance of 1258.37 feet to a point on the Northwesterly Right-Of-Way (R.O.W.) Line of South Rosemary Way and the **Point of Beginning**;

Beginning;

Thence N25°03'21"E along said Northwesterly R.O.W. Line of South Rosemary Way, a distance of 38.52 feet; Thence S64°56'39"E along the Northeasterly R.O.W. Line of South Rosemary Way, a distance of 338.65 feet; Thence S33°00'38"E continuing along said Northeasterly R.O.W. Line, a distance of 28.70 feet to the Northwesterly R.O.W. Line of East Mississippi Drive described in Resolution Number CR21-0150 Series of 2021, extended Northeasterly;

Thence S56°59'22"W along said Northwesterly R.O.W. Line extended Northeasterly, a distance of 60.00 feet to a point on the Southwesterly R.O.W. Line of South Rosemary Way;

Thence N33°00'38"W along said Southwesterly R.O.W. Line and along a portion of the Northeasterly Line of Plot 6, Second Amendment to Hughes Mountain View Subdivision, a distance of 30.43 feet;

Thence N64°56'39"W along said Southwesterly R.O.W. and the Northeasterly Line of said Plot 6 and along the Northeasterly Line of Vacated Mississippi Drive (Ordinance No. 192, Series 1996) and along the Northeasterly Line of Plot 5 of said Second Amendment to Hughes Mountain View Subdivision, a distance of 305.43 feet;

Thence N25°03'21"E along the Northwesterly R.O.W. Line of South Rosemary Way, a distance of 11.48 feet to the **Point of Beginning**.

Parcel Contains (17,876 Square Feet) 0.4104 Acres, more or less.

All lineal distances are represented in U.S. Survey Feet.

Bearings are based on the North Line of the Northwest 1/4 of Section 21, Township 4 South, Range 67 West of the 6th Principal Meridian having an assumed bearing of N89°52'58"E and bounded by a 3" Brass Cap monument stamped "DWD, LS 16398, 1988" found in a Range Box at the Northwest Corner of said Section 21 and a 3-1/4" Aluminum Cap on #6 Rebar stamped "LS 29036, 1996" found in a Range Box at the North 1/4 Corner of said Section 21.

Date Prepared: March 15, 2022

Date of Last Revision: July 5, 2022

Prepared By: Charles N. Beckstrom, PLS No. 33202

For and on behalf of
Engineering Service Company
14190 East Evans Avenue
Aurora, Colorado 80014
Phone: 303-337-1393

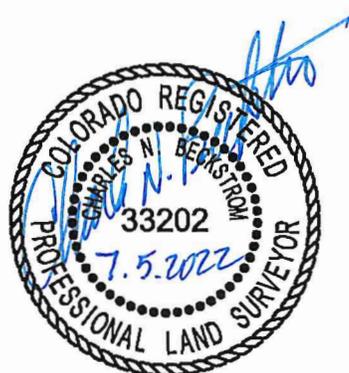
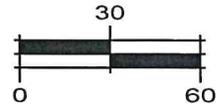


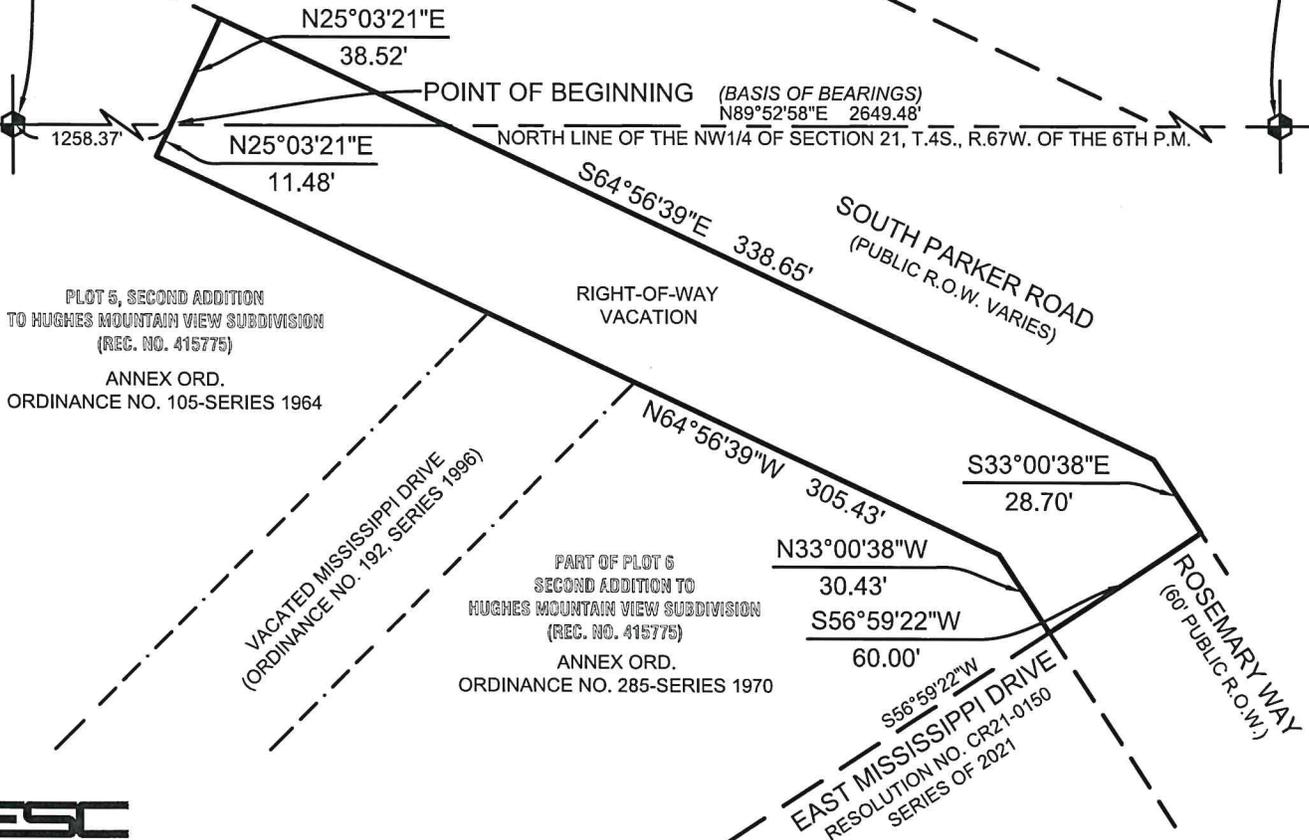
EXHIBIT "A"



Scale: 1" = 60'

NW CORNER OF SECTION 21, T.4S., R.67W. OF THE 6TH P.M. (FOUND 3" BRASS CAP WITH APPROPRIATE MARKINGS, STAMPED "DWD, LS 16398, 1988" 0.8' BELOW FINISH GRADE IN A RANGE BOX)

N 1/4 CORNER OF SECTION 21, T.4S., R.67W. OF THE 6TH P.M. (FOUND 3-1/4" ALUMINUM CAP ON #6 REBAR WITH APPROPRIATE MARKINGS, STAMPED "1996, LS 29036" 0.3' BELOW FINISH GRADE IN A RANGE BOX)



14190 East Evans Avenue
Aurora, Colorado 80014
P 303.337.1393 | F 303.337.7481

SHEET 2 OF 2

PARCEL CONTAINS
17,876 SQUARE FEET
0.4104 ACRES

CITY OF DENVER

Drawn By:	Checked By: JMS	Project No.: 1492.1	Date: 7/05/2022
Scale: 1" = 60'	File Name: N:\Projects\MGL Partners, LLC\Denver-1091 S. Parker Rd\CAD\Exhibits\ROW Vacation\1091 S Parker Rd Denver - ROW Vac.dwg		

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

PART OF ROSEMARY WAY, SECOND ADDITION TO HUGHES MOUNTAIN VIEW SUBDIVISION
SITUATED IN THE NW 1/4 OF SECTION 21, T.4S., R.67W., OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO