




REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2019-VACA-0000009

DATE: June 1, 2021

SUBJECT: Request for an Ordinance to vacate a portion of Right-Of-Way being the west side of South Clarkson Street between East Jewell Avenue and East Asbury Avenue, 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 Chris Gamble, dated July 31, 2019, on behalf of Carmen Stavrositu for requesting the above requested vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast; Division of disability rights; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson Clark, District #7; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – Development Engineering Services - Construction Engineering, Development Engineering Services Engineering – Transportation & Wastewater, Survey, DOTI – Policy and Planning; DOTI – Street Maintenance; 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 of 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 2019-VACA-0000009-001 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 – 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

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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: June 1, 2021

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 being the west side of South Clarkson Street between Jewell Avenue and Asbury Avenue, with reservations.

3. Requesting Agency: DOTI, Right of Way Services, 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 being the west side of South Clarkson Street between Jewell Avenue and Asbury Avenue, with reservations.

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

7. City Council District: Council Person Clark, District 7

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: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St

Requestor's name: Chris Gamble on behalf of Carmen Stavrositu

Description of Proposed Project: Request for an Ordinance to vacate a portion of Right-Of-Way being the west side of South Clarkson Street between East Jewell Avenue and East Asbury Avenue, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The applicant and property owner of 1931 S. Clarkson St. is seeking the ability to build a detached garage with an Additional Dwelling Unit (ADU) on top of it. They discovered after the designs were completed that the size of the garage/ADU footprint they had designed with their architect would not conform to the City's zoning regulations. They would only conform if the requested vacation is approved.

Area of proposed right-of-way vacation in square feet: Approximately 8,941 square feet

Number of buildings adjacent to proposed vacation area: 13

Public Notice was posted at the proposed vacation area on: December 11, 2019

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: December 11, 2019

The 20-day period for protests expired on: December 31, 2019

Were protests received from the Public and, if so, explain: Have been filed and were worked through and resolved between the requestor and the protestors.

Are all protests containing technical merit resolved to the satisfaction of DOTI: No protests received held technical merit.

Will land be dedicated to the City if the vacation is approved: No

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

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

Background: The area on the East side of Clarkson was previously vacated. If approved, this vacation would match the vacated East side of Clarkson.

Location Map:



EXHIBIT 'A'

SHEET 1 OF 2

LAND DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 6, SECOND SANTA FE ADDITION, RECORDED IN PLAT BOOK 4, PAGE 49, AT THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, NOW RESIDING IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO; THENCE S00°00'14"W ALONG THE EAST LINE OF SAID BLOCK 6, 600.14 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 6; THENCE N89°30'41"E ALONG THE SOUTH LINE OF SAID BLOCK 6 (NORTH RIGHT-OF-WAY LINE OF ASBURY AVENUE) EXTENDED, 14.00 FEET; THENCE N00°00'14"E 600.14 FEET TO THE NORTH LINE OF SAID BLOCK 6 (SOUTH RIGHT-OF-WAY OF SAID JEWELL AVENUE) EXTENDED; THENCE S89°31'58"W ALONG SAID NORTH LINE EXTENDED, 14.00 FEET TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED PARCEL CONTAINS 8,402 SQUARE FEET OR 0.1929 ACRES MORE OR LESS.

BASIS OF BEARINGS: AN ASSUMED BEARING OF S00°00'00"W BETWEEN TWO FOUND CROSSES CUT IN CONCRETE 606.17 FEET APART, ONE CROSS BEING 14.75 FEET WEST AND 4.00 FEET NORTH OF THE NORTHWEST CORNER OF BLOCK 6, OF SAID ABOVE DESCRIBED SUBDIVISION AND THE OTHER BEING 14.75 FEET WEST AND 2.00 FEET SOUTH OF THE SOUTHWEST CORNER OF BLOCK 6 OF SAID ABOVE DESCRIBED SUBDIVISION.

PREPARED BY:

Michael S. Chessnoe
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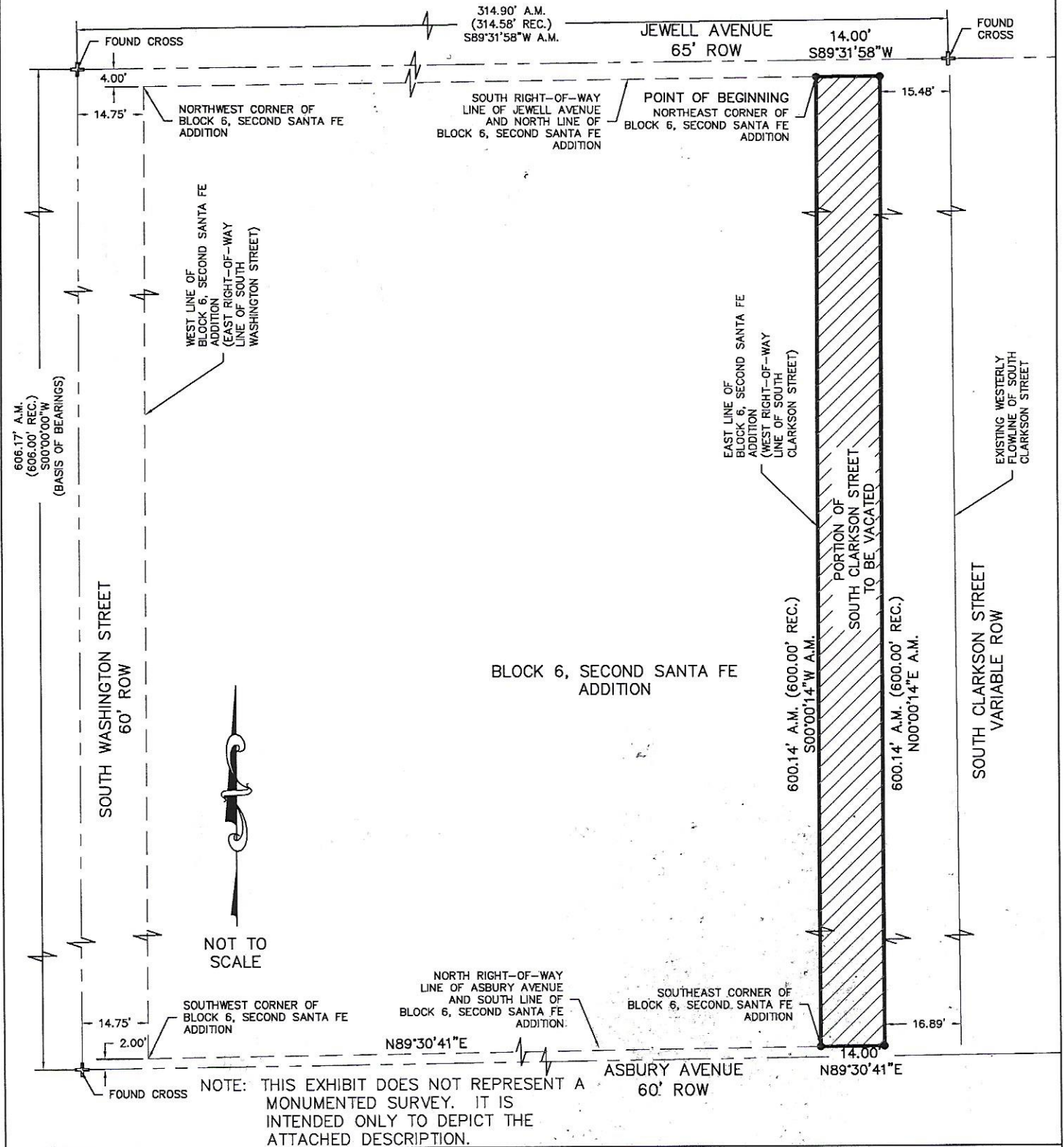


NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

STREET VACATION			SOUTH CLARKSON STREET SITUATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO		
DRAWN BY: RDT	SCALE: NTS	R-O-W FILE NO.			
CHECKED BY: MSC	DATE: 11-1-2019	JOB NO.:			

EXHIBIT 'A'

SHEET 2 OF 2



STREET VACATION			SOUTH CLARKSON STREET SITUATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP, 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO
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