

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2019-VACA-0000006

DATE: September 27, 2019

SUBJECT: Request for an Ordinance to vacate South Cherry Street bounded by E. Warren Ave and the E. Evans Ave to Southbound I-25 ramp, 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 Kimley-Horn c/o Darren Domaracki, dated May 20, 2019, on behalf of CREA-Flywheel Evans Landco, 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 Councilperson; 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:

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-0000006-001 HERE

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
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: **September 27, 2019** _____

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.)

3. Requesting Agency:

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:

To vacate South Cherry Street bounded by E. Warren Ave and the E. Evans Ave to Southbound I-25 ramp, with reservations.

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

Martin Plate

7. City Council District:

District # 4, Black

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-0000006, South Cherry Street at 2175 S. Cherry St

Requestor's name: CREA-Flywheel Evans Landco, LLC c/o Kimley-Horn c/o Darren Domaracki

Description of Proposed Project: To vacate South Cherry Street bounded by E. Warren Ave and the E. Evans Ave to Southbound I-25 ramp, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The purpose of this vacation is to provide an unencumbered land parcel that is of sufficient size to develop as a multi-family residential development.

Width of area in feet: 60 feet

Number of buildings abut said area: 5-6

The 20-day period for protests has expired, the vacating notice was posted on: August 29, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: August 29, 2019

Protests sustained by the manager of Public Works: Have not been filed

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: Yes, an easement and hard surface access for the existing public sanitary sewer main will be reserved. The public sanitary sewer main will remain owned by Denver until it is relinquished.

Will an easement relinquishment be submitted at a later date: Yes

Background: The purpose of this vacation is to provide an unencumbered land parcel that is of sufficient size to develop as a multi-family residential development.

Public Notification: No protests were received.

Location Map:

