



Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3003
www.denvergov.org/pwpermits

REQUEST FOR VACATION ORDINANCE

Please see special and easements below

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2017-VACA-0000013

DATE: April 23, 2018

SUBJECT: Request for an Ordinance to vacate the alley bounded by 32nd St, 33rd St, and Blake St, Walnut St, 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 Steve Ferris, dated 7/14/2017, on behalf of Mike and Anne-Worley Moelter 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 **public access, a dedicated fire and emergency access drive a minimum of sixteen (16) feet in width**, constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, 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 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 2017-VACA-0000013-001 HERE

MB: vw

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Shaun Sullivan
Department of Law – Brad Beck
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Angela Casias

at angela.casias@DenverGov.org by **12:00pm on Monday**. Contact the her with questions

Date of Request: April 24, 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.)

Request for an Ordinance to vacate the alley bounded by 32nd St, 33rd St, and Blake St, Walnut St, with special reservations

3. **Requesting Agency:** PW Right of Way Services, ERA

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Vanessa West	Name: Angela Casias
Email: Vanessa.west@denvergov.org	Email:angela.casias@denvergov.org

5. **General description or background of proposed request. Attach executive summary if more space needed:**

To request an ordinance to vacate the alley bounded by 32nd St, 33rd St, and Blake St, Walnut St, with special reservations

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

Brad Beck

7. **City Council District:**

Dist # 9 Brooks

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

N/A

Key Contract Terms

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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: 2017-VACA-0000013 3201 Walnut St

Requestor's name: Mike and Anne-Worley Moelter

Description of Proposed Project: Redevelopment

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: 3

The 20-day period for protests has expired, the vacating notice was posted on: 2/14/2018

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: 2/14/2018

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

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

Background: There are 2 additions to the standard easement. A public access easement and a fire/safety easement was added.

Public Notification: No protests were received

Location Map:



EXHIBIT A
LEGAL DESCRIPTION

Page 1 of 3

A PARCEL OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; AND LOCATED IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING ALL OF THE ALLEY LOCATED IN BLOCK 20, CASE & EBERT'S ADDITION TO DENVER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY CORNER OF LOT 16, BLOCK 20, CASE & EBERT'S ADDITION TO DENVER, ALSO BEING THE WESTERLY MOST CORNER OF THE ALLEY LOCATED IN SAID BLOCK 20 AND ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 32ND STREET;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID ALLEY N45°00'30"E, 400.00 FEET TO THE NORTHERLY MOST CORNER OF SAID ALLEY, ALSO BEING THE EASTERLY MOST CORNER OF LOT 1, OF SAID BLOCK 20;

THENCE ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 33RD STREET S45°00'00"E, 16.00 FEET TO THE EASTERLY MOST CORNER OF SAID ALLEY;

THENCE S45°00'30"W, 400.00 FEET TO THE SOUTHERLY MOST CORNER OF SAID ALLEY, ALSO BEING THE WESTERLY MOST CORNER OF LOT 17 OF SAID BLOCK 20 AND IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 32ND STREET;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID ALLEY AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID 32ND STREET N45°00'00"W, 16.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,400 SQUARE FEET OR 0.147 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON SOUTHEASTERLY LINE OF LOTS 1-16, BLOCK 20, CASE & EBERT'S ADDITION TO DENVER, BEING N45°00'30"E AS MEASURED USING THE CITY AND COUNTY OF DENVER COORDINATE SYSTEM, BEING MONUMENTED ON THE SOUTHWEST BY A FOUND RED PLASTIC CAP STAMPED "HKS PLS 36082" AT THE SOUTH CORNER OF LOT 16 AND ON THE NORTHEAST BY A FOUND 2" ALUMINUM CAP STAMPED "LS 30830" AT THE EASTERLY CORNER OF LOT 1 AS SHOWN HEREON. ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.



LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS H. ORT III, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

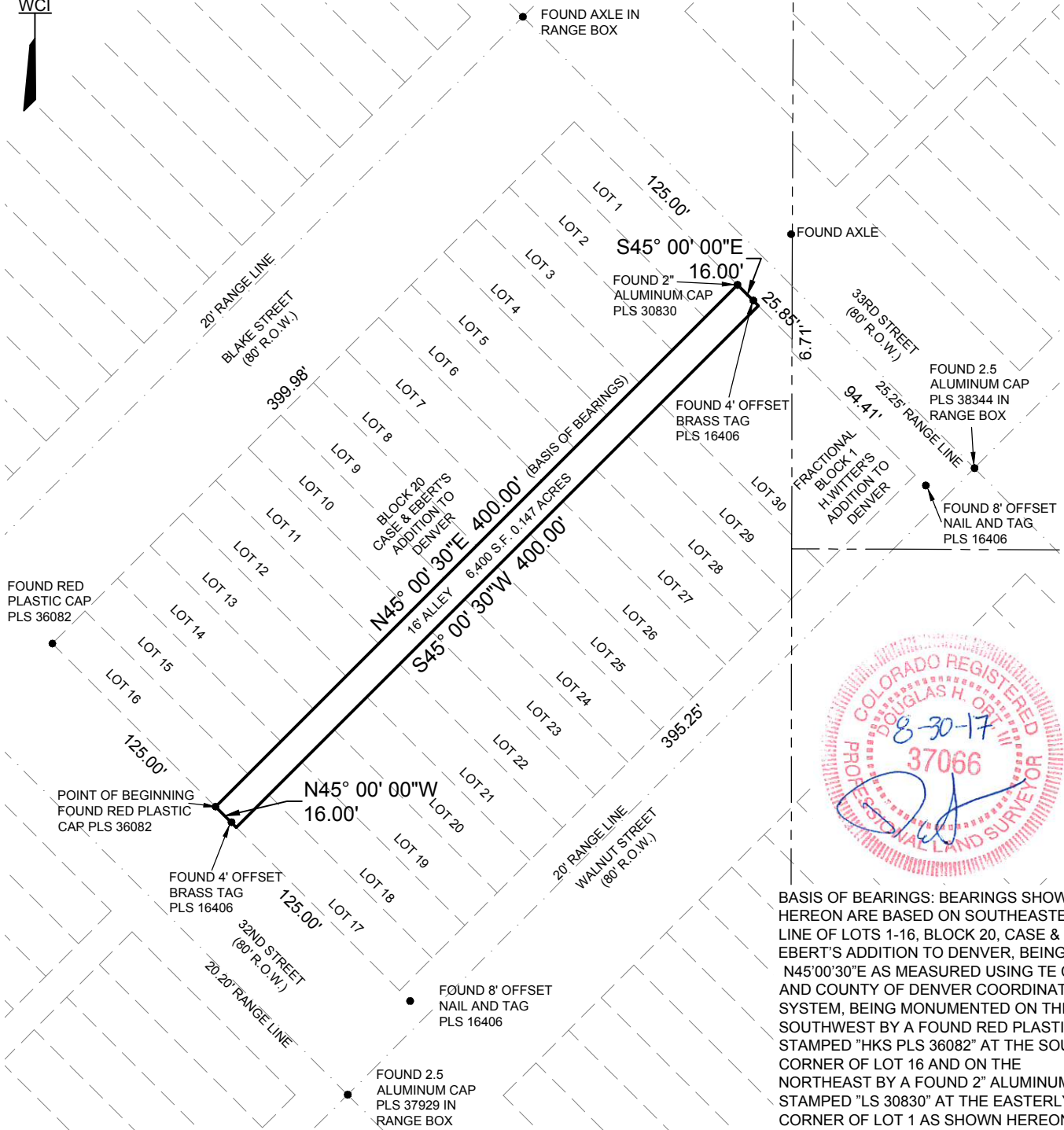
DOUGLAS H. ORT III, COLORADO PLS 37066
WILSON & COMPANY
1675 BROADWAY, SUITE 200
DENVER, CO 80202
DHORTIII@WILSONCO.COM
PH 303-501-1221
FAX 303-297-2693



EXHIBIT A
 NE1/4 OF SEC 27, T3S, R68W OF THE 6TH P.M.,
 CITY AND COUNTY OF DENVER, STATE OF COLORADO
 PAGE 3 OF 3

2017-VACA-0000013

WCI



BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON SOUTHEASTERLY LINE OF LOTS 1-16, BLOCK 20, CASE & EBERT'S ADDITION TO DENVER, BEING N45°00'30"E AS MEASURED USING THE CITY AND COUNTY OF DENVER COORDINATE SYSTEM, BEING MONUMENTED ON THE SOUTHWEST BY A FOUND RED PLASTIC CAP STAMPED "HKS PLS 36082" AT THE SOUTH CORNER OF LOT 16 AND ON THE NORTHEAST BY A FOUND 2" ALUMINUM CAP STAMPED "LS 30830" AT THE EASTERLY CORNER OF LOT 1 AS SHOWN HEREON. ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.

NOTE:
 THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

17-600-411

						SHT. NO: 3 OF 3		1675 Broadway Suite 200 Denver, CO 80202 Phone: 303-297-2976 Fax: 303-297-2693
						SCALE: 1" = 80'		
						DWN. BY: TJB	DATE: 6-26-2017	
						CHK. BY:		
						PROJ. MGR: DHO	6-26-2017	
						CLIENT APP:		CITY AND COUNTY OF DENVER STATE OF COLORADO
NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D			