


REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2020-VACA-0000012

DATE: July 21, 2021

SUBJECT: Request for an Ordinance to vacate two (2) portions of right-of-way adjacent to 4245 North Fox Street, one (1) located along West 43rd Avenue and one (1) located along West 42nd Avenue, without 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 Kimberly Sperry, dated September 3, 2020, on behalf of RangeWater Real Estate for the above requested vacation.

This matter has been coordinated with Asset Management; Comcast; Division of Disability Rights; Community Planning & Development – Building Inspections, Planning and Zoning; Landmark; City Councilperson CdeBaca, District #9; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – Construction Engineering, DES Transportation & Wastewater, Survey, ER Transportation & Wastewater, Policy and Planning, Street Maintenance, TES Sign & Stripe, CPM Wastewater, Solid Waste; CenturyLink; Regional Transportation District; Denver Water Department; Xcel Energy; Colorado Department of Transportation; all of whom have indicated no objection.

Therefore, you are requested to initiate Council action to vacate the following area:

INSERT PARCEL DESCRIPTION ROW 2020-VACA-0000012-001 HERE
INSERT PARCEL DESCRIPTION ROW 2020-VACA-0000012-002 HERE

MB: dp

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

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

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: July 21, 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 two (2) portions of right-of-way adjacent to 4245 North Fox Street, one (1) located along West 43rd Avenue and one (1) located along West 42nd Avenue, without reservations.

3. Requesting Agency: Department of Transportation and Infrastructure; 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: Devin Price	Name: Jason Gallardo
Email: devin.price@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 two (2) portions of right-of-way adjacent to 4245 North Fox Street, one (1) located along 43rd Avenue and one (1) located along West 42nd Avenue, without reservations.

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

7. City Council District: Councilperson CdeBaca, District 9

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: 2020-VACA-0000012 - 4245 N Fox St ROW Vacation

Requestor's name: RangeWater Real Estate c/o Kimberly Sperry

Description of Proposed Project: Request for an Ordinance to vacate two (2) portions of right-of-way (ROW) adjacent to 4245 North Fox Street, one (1) located along West 43rd Avenue and one (1) located along West 42nd Avenue, without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: These right-of-way vacations are necessary to create a uniform street section along West 42nd Avenue and West 43rd Avenue.

Total area of proposed right-of-way vacation in square feet: 1,150 square feet

Number of buildings adjacent to proposed vacation area: 2

Public Notice was posted at the proposed vacation area on: May 26, 2021

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: May 26, 2021

The 20-day period for protests expired on: June 15, 2021

Were protests received from the Public and, if so, explain: No protests 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: No

Is a request for an easement relinquishment expected at a later date and, if so, explain: No

Background: DOTI requested these ROW vacations associated with a proposed Site Development Plan to create uniform street sections along West 42nd and 43rd Avenues consistent with current transportation standards. The applicant is also dedicating ROW in support of creating these uniform street sections.

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

Location Map:



EXHIBIT A
LAND DESCRIPTION
SHEET 1 OF 2

A PORTION OF 43RD AVENUE, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 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 NORTHWEST CORNER OF BLOCK 11, VIADUCT ADDITION TO DENVER;

THENCE SOUTH 00°08'12" WEST ALONG THE WEST LINE OF LOT 1, SAID BLOCK 11, A DISTANCE OF 4.78 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 81.07 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 92°53'52", AND A CHORD WHICH BEARS NORTH 86°06'21" WEST A CHORD DISTANCE OF 72.48 FEET; THENCE SOUTH 89°53'04" EAST WITH THE SOUTH RIGHT OF WAY OF 43RD AVENUE, A DISTANCE OF 72.32 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 951 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF BLOCK 11, VIADUCT ADDITION TO DENVER, ASSUMED TO BEAR NORTH 89°53'04" WEST.

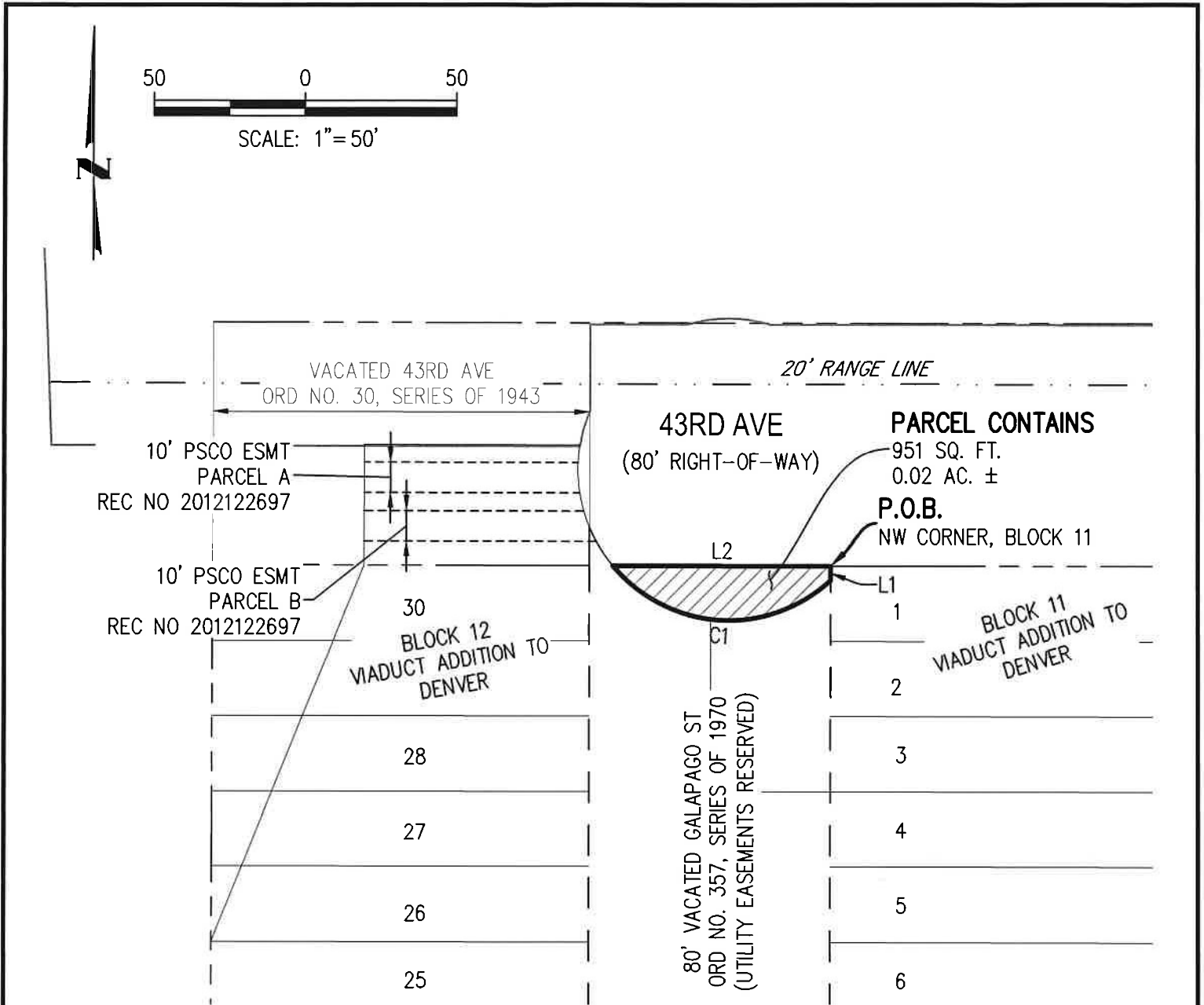
PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



EXHIBIT A
SHEET 2 OF 2

2020-VACA-0000012-001



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°08'12"W	4.78'
L2	S89°53'04"E	72.32'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	50.00'	92°53'52"	81.07'	N86°06'21"W	72.48'

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

ISSUE DATE: 01/16/2020 PROJECT #: 190217

DATE	REVISION COMMENTS

RIGHT-OF-WAY VACATION

ILLUSTRATION

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.8300 F: 303.623.8311
HarrisKocherSmith.com

CHKD BY: AWM
DRAWN BY: DJH
SHEET NO.
2
3 OF 3

EXHIBIT A
LAND DESCRIPTION
SHEET 1 OF 2

A PORTION OF 42ND AVENUE AND A PORTION OF LOT 15, BLOCK 12, VIADUCT ADDITION TO DENVER, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 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 SOUTHWEST CORNER OF BLOCK 11, VIADUCT ADDITION TO DENVER, ALSO BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 41.36 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 47°23'37", AND A CHORD WHICH BEARS NORTH 60°26'55" WEST A CHORD DISTANCE OF 40.19 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 51.38 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 58°52'19", AND A CHORD WHICH BEARS SOUTH 66°11'16" EAST A CHORD DISTANCE OF 49.14 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF 42ND AVENUE; THENCE NORTH 89°53'04" WEST ALONG SAID NORTH RIGHT OF WAY OF 42ND AVENUE A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 199 SQUARE FEET OR 0.005 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED THE SOUTH LINE OF BLOCK 11, VIADUCT ADDITION TO DENVER, ASSUMED TO BEAR NORTH 89°53'04" WEST.

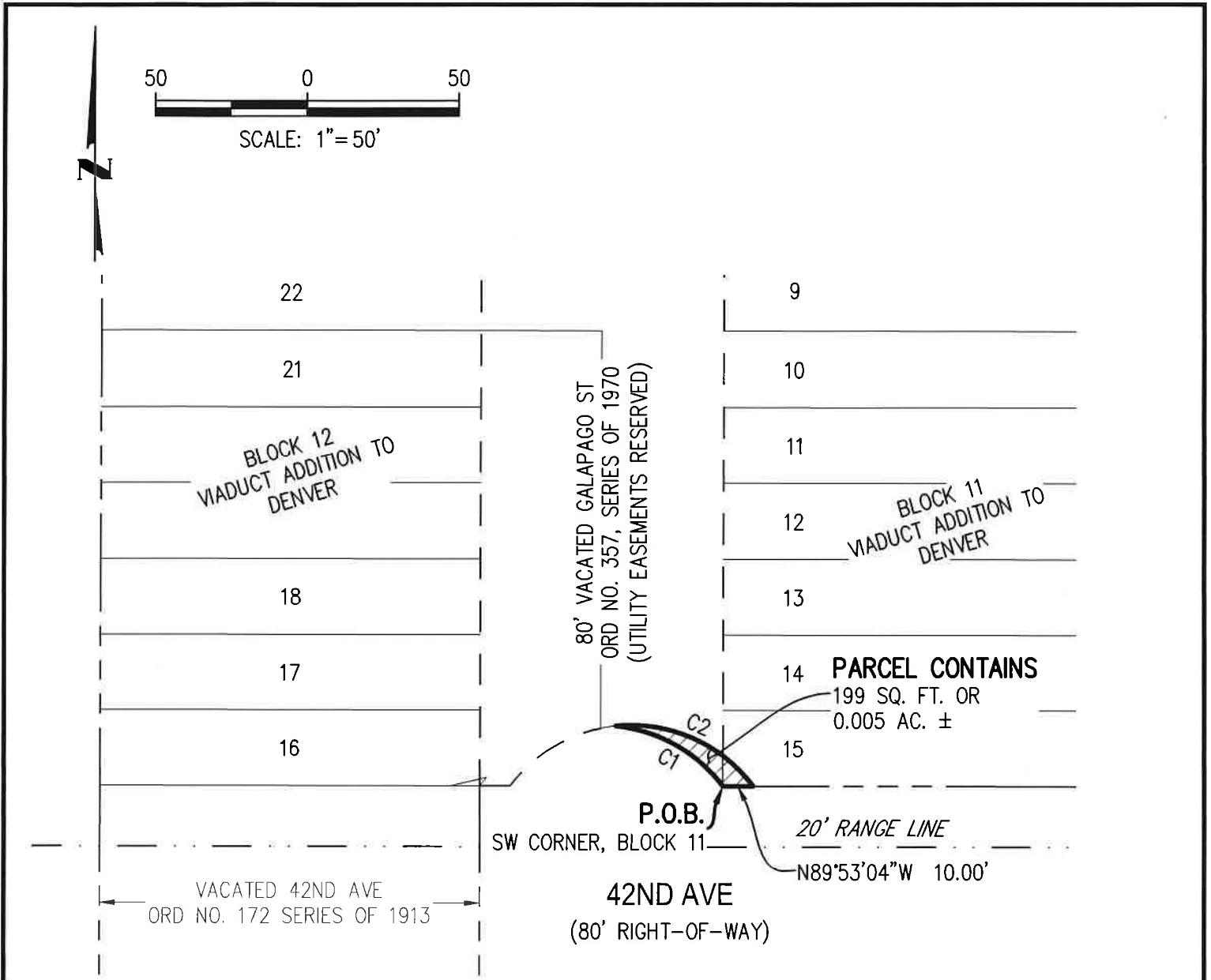
PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



EXHIBIT A
SHEET 2 OF 2

2020-VACA-000012-002



CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	50.00'	47°23'37"	41.36'	N60°26'55"W	40.19'
C2	50.00'	58°52'19"	51.38'	S66°11'16"E	49.14'

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

FILEPATH: P:\190217\SURVEY\2020-VACA-12-190217.DWG LAYOUT: S2
NO. 190217
PLOTTER: T41 24/06/20 3:28:47P BY: DANNY HALEY

ISSUE DATE: 01/16/2020	PROJECT #: 190217
DATE	REVISION COMMENTS

RIGHT-OF-WAY VACATION

ILLUSTRATION

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

CHKD BY: AWM
DRAWN BY: DJH
SHEET NO.
2
2 OF 2