



REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2018-VACA-0000010

DATE: February 11, 2020

SUBJECT: Request for an Ordinance to vacate an eight (8') foot wide portion of East Alameda Avenue, directly adjacent to 2520 East Alameda Circle, 2550 East Alameda Circle, and 2565 East Alameda Circle, 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 2520 E Alameda, LLC c/o Phil Taylor, dated May 24, 2018, on behalf of 2520 E Alameda, 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 2018-VACA-0000010-001 HERE
INSERT PARCEL DESCRIPTION ROW 2018-VACA-0000010-002 HERE
INSERT PARCEL DESCRIPTION ROW 2018-VACA-0000010-003 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: **February 11, 2020**

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 an eight (8') foot wide portion of East Alameda Avenue, directly adjacent to 2520 East Alameda Circle, 2550 East Alameda Circle, and 2565 East Alameda Circle, with reservations.

3. Requesting Agency: Department of Transportation & Infrastructure, 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:

To vacate an eight (8') foot wide portion of East Alameda Avenue, directly adjacent to 2520 East Alameda Circle, 2550 East Alameda Circle, and 2565 East Alameda Circle.

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

7. City Council District: District 10, Chris Hinds

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 (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>
<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: 2018-VACA-0000010 2520 E Alameda Cir

Requestor's name: 2520 E Alameda, LLC c/o Phil Taylor

Description of Proposed Project: The property owners have existing fences in place.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Requesting to vacate an eight (8') foot wide portion of East Alameda Avenue, directly adjacent to 2520 East Alameda Circle, 2550 East Alameda Circle, and 2565 East Alameda Circle. There was a previous Vacation in 2002 that was thought to include the eight (8') feet being requested at this time (Ordinance No. 793, Series of 2002). The property owners' original intentions were to include this area as their existing fences are already enclosing this area, as it was in 2002. It is the property owners understanding that there was no reason to exclude this area in the original request, only that there was a scrivener made by the original survey submitted with the previous request to vacate this area.

Width of area in feet: 8'

Number of buildings abut said area: 3

The 20-day period for protests has expired, the vacating notice was posted on: December 18, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: December 18, 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, there are existing utilities in the area, and the appropriate companies have requested the standard hard surface easement.

Will an easement relinquishment be submitted at a later date: Not that we are aware of.

Background: N/A

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

Public Notification: No protests were received.

Location Map:



EXHIBIT A
PARCEL 1

PARCEL 1 LYING SOUTH OF LOT 7, ADAMS COUNTRY CLUB SUBDIVISION AND ABUTTING THE VACATED PORTION OF ALAMEDA AVE., AS DESCRIBED IN ORDINANCE NO. 793, SERIES 2002 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, LOCATED IN THE SW1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 7;
THENCE S00°26'44"E ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 7, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., AND THE POINT OF BEGINNING;

THENCE CONTINUING S00°26'44"E ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 8.00 FEET;

THENCE S89°51'46"W ALONG A LINE 8.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., A DISTANCE OF 88.16 FEET;
THENCE N59°09'01"W, A DISTANCE OF 18.87 FEET TO A POINT OF TANGENCY ON THE SOUTHWESTERLY LINE OF SAID VACATED PORTION OF ALAMEDA AVE.;
THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHWESTERLY AND SOUTHERLY LINES OF SAID VACATED PORTION OF ALAMEDA AVE.;

- 1) 6.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADUIS OF 12.00 FEET, A CENTRAL ANGLE OF 30°59'13", AND WHOSE CHORD BEARS S74°38'37"E, A DISTANCE OF 6.41 FEET;
- 2) N89°51'46"E, A DISTANCE OF 98.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 759 SQUARE FEET (0.017 ACRES) MORE OR LESS.

THE BASIS OF BEARINGS: BEARINGS ARE BASED ON A GRID BEARING OF N05°01'14"E FROM USGS BM_65 TO CCD BM183A. USGS BM_65 IS A FOUND USGS BM DISK SET IN CONCRETE AND CCD BM183A IS A FOUND CCD BRASS CAP.

Prepared By: Robert B. Taylor, PLS #28291
For and on behalf of
LCON LLC
P.O. Box 261176
Lakewood, CO 80226



EXHIBIT A
PARCEL 2

PARCEL 2 LYING SOUTH OF LOT 8, ADAMS COUNTRY CLUB SUBDIVISION AND ABUTTING THE VACATED PORTION OF ALAMEDA AVE, AS DESCRIBED IN ORDINANCE NO. 793, SERIES 2002 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, LOCATED IN THE SW1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8;
THENCE S00°08'14"E ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 8, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., AND THE POINT OF BEGINNING;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY AND SOUTHEASTERLY LINE OF VACATED PORTION OF ALAMEDA AVE.;

- 1) N89°51'46"E, A DISTANCE OF 75.50 FEET TO A POINT OF CURVATURE;
- 2) 6.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADUIS OF 12.00 FEET, A CENTRAL ANGLE OF 29°55'01", AND WHOSE CHORD BEARS N74°54'16"E, A DISTANCE OF 6.19 FEET;

THENCE S59°56'45"W , A DISTANCE OF 19.25 FEET
THENCE S89°51'46"W ALONG A LINE 8.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., A DISTANCE OF 64.80 FEET;
THENCE N00°08'14"W ALONG SAID SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 8, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 575 SQUARE FEET (0.013 ACRES) MORE OR LESS.

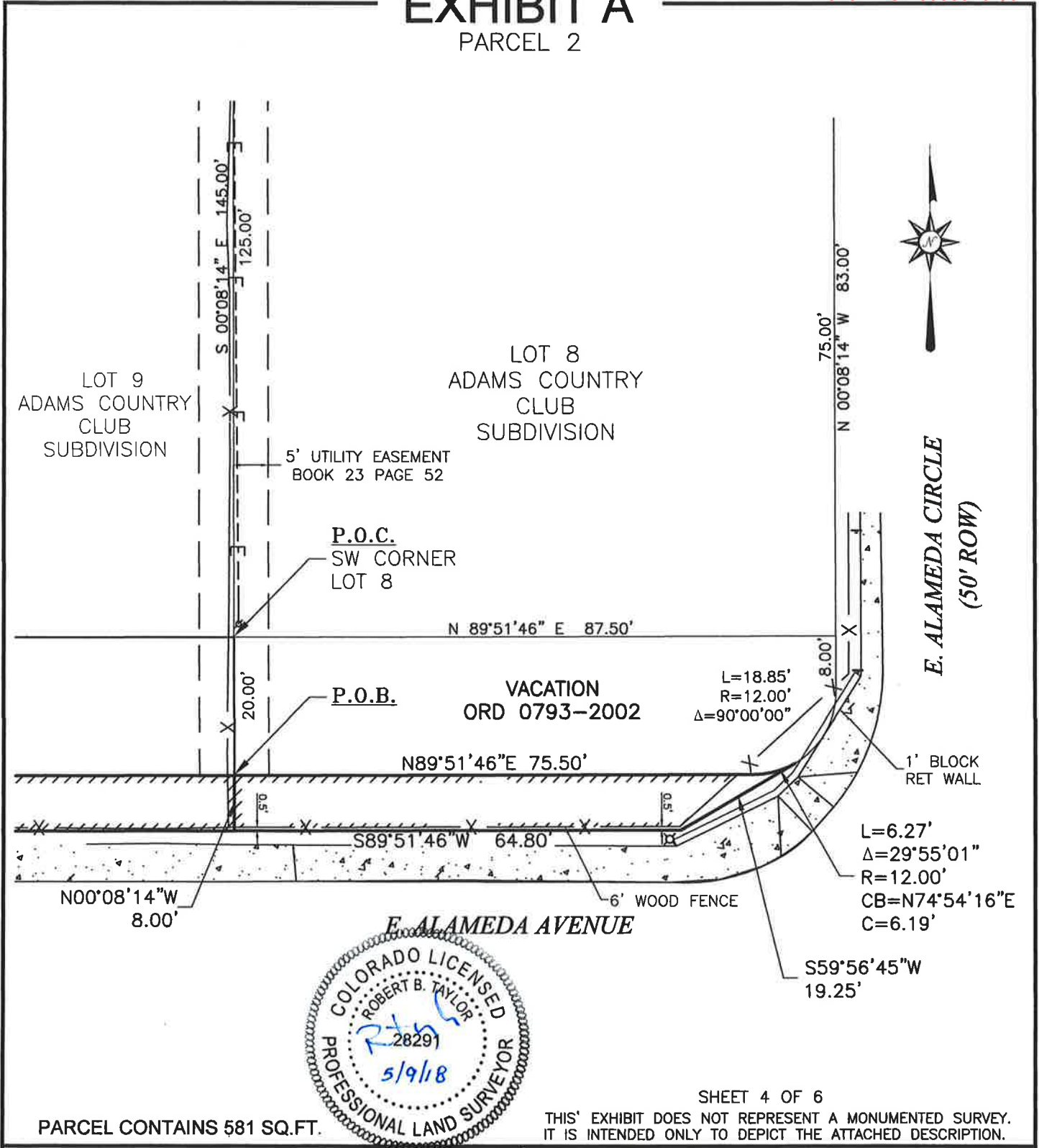
THE BASIS OF BEARINGS: BEARINGS ARE BASED ON A GRID BEARING OF N05°01'14"E FROM USGS BM_65 TO CCD BM183A. USGS BM_65 IS A FOUND USGS BM DISK SET IN CONCRETE AND CCD BM183A IS A FOUND CCD BRASS CAP.

Prepared By: Robert B. Taylor, PLS #28291
For and on behalf of
LCON LLC
P.O. Box 261176
Lakewood, CO 80226



ILLUSTRATION EXHIBIT A PARCEL 2

2018-VACA-000010-002



DRAWN BY: RBT	SCALE: 1" = 20'	LCON LLC Land Consultants · Land Surveyors P.O. BOX 261176 Lakewood, CO 80226	A PARCEL OF LAND SITUATED IN THE SW 1/4 OF SECTION 12, T4S, R68W OF THE 6TH PM, CITY AND COUNTY OF DENVER, STATE OF COLORADO.
JOB NO.: PT1615	DATE: 04/26/18		

EXHIBIT A
PARCEL 3

PARCEL 3 LYING SOUTH OF LOT 9, ADAMS COUNTRY CLUB SUBDIVISION AND ABUTTING THE VACATED PORTION OF ALAMEDA AVE, AS DESCRIBED IN ORDINANCE NO. 793, SERIES 2002 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, LOCATED IN THE SW1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 9;
 THENCE S00°08'14"E ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 9, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., AND THE POINT OF BEGINNING;

THENCE CONTINUING S00°08'14"E ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 8.00 FEET;

THENCE S89°51'46"W ALONG A LINE 8.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., A DISTANCE OF 66.00 FEET;
 THENCE N58°22'08"W, A DISTANCE OF 18.61 FEET TO A POINT OF TANGENCY ON THE SOUTHWESTERLY LINE OF SAID VACATED PORTION OF ALAMEDA AVE.;
 THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHWESTERLY AND SOUTHERLY LINES OF SAID VACATED PORTION OF ALAMEDA AVE.;

- 1) 6.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADUIS OF 12.00 FEET, A CENTRAL ANGLE OF 31°46'05", AND WHOSE CHORD BEARS S74°15'11"E, A DISTANCE OF 6.57 FEET;
- 2) N89°51'46"E, A DISTANCE OF 75.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 758 SQUARE FEET (0.017 ACRES) MORE OR LESS.

THE BASIS OF BEARINGS: BEARINGS ARE BASED ON A GRID BEARING OF N05°01'14"E FROM USGS BM_65 TO CCD BM183A. USGS BM_65 IS A FOUND USGS BM DISK SET IN CONCRETE AND CCD BM183A IS A FOUND CCD BRASS CAP.

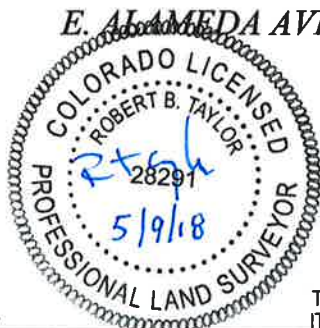
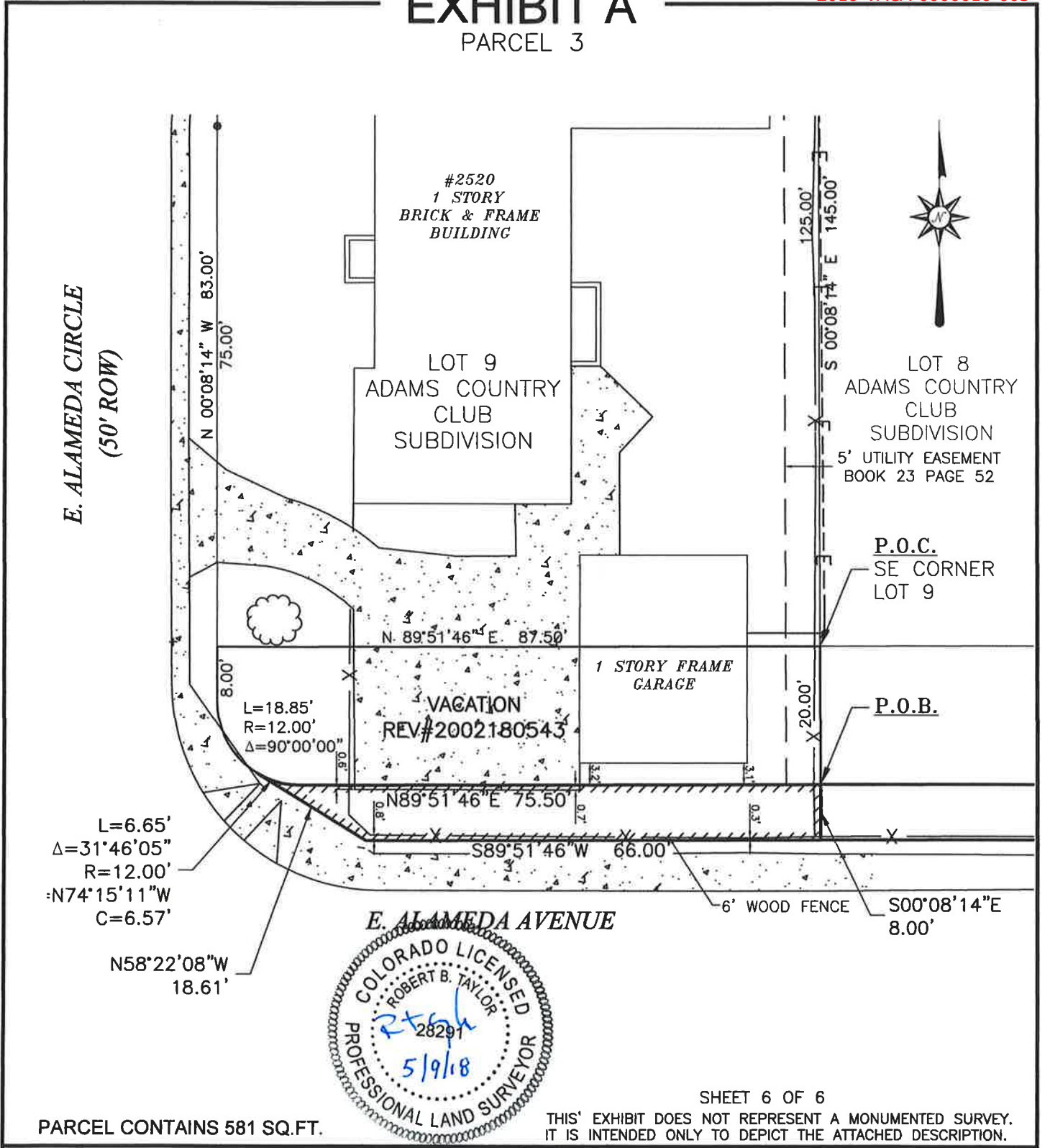
Prepared By: Robert B. Taylor, PLS #28291
 For and on behalf of
 LCON LLC
 P.O. Box 261176
 Lakewood, CO 80226



ILLUSTRATION EXHIBIT A

PARCEL 3

2018-VACA-000010-003



PARCEL CONTAINS 581 SQ.FT.

SHEET 6 OF 6

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

DRAWN BY: RBT	SCALE: 1" = 20'	LCON LLC Land Consultants · Land Surveyors P.O. BOX 261176 Lakewood, CO 80226
JOB NO.: PT1615	DATE: 04/25/18	

A PARCEL OF LAND SITUATED IN THE SW 1/4 OF SECTION 12, T4S, R68W OF THE 6TH PM, CITY AND COUNTY OF DENVER, STATE OF COLORADO.