



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

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2018-VACA-0000016

DATE: February 25, 2019

SUBJECT: Request for an Ordinance to vacate a portion of the 15' existing alley along the west property line of 1243, 1247, and 1255 N Tennyson 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 Highland Development Company, LLC c/o Natalie Satt, dated December 5, 2018, on behalf of 1247-55 Tennyson LLC c/o Tom Dadourian 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-0000016-001 HERE

MB: kr

cc: City Councilperson Rafael Espinoza & 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: February 25, 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.)

Highland Development Company, LLC c/o Natalie Satt on behalf of 1247-55 Tennyson LLC c/o Tom Dadourian requests for an Ordinance to vacate a portion of the 15' existing alley along the west property line of 1243, 1247, and 1255 N Tennyson St, with reservations.

3. Requesting Agency: Public Works; Engineering & Regulatory Dept.

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Katie Ragland	Name: Jason Gallardo
Email: Katie.Ragland@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 the 15' existing alley along the west property line of 1243, 1247, and 1255 N Tennyson St, with reservations.

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

7. City Council District: Council District 1 - Rafael Espinoza

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: 2018-VACA-0000016 1243-1255 N Tennyson St

Requestor's name: 1247-55 Tennyson LLC

Description of Proposed Project: Request for an Ordinance to vacate a portion of the 15' existing alley along the west property line of 1243, 1247, and 1255 N Tennyson St, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Redevelopment

Width of area in feet: 15'

Number of buildings abut said area: none

The 20-day period for protests has expired, the vacating notice was posted on: January 31, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: January 31, 2019

Protests sustained by the manager of Public Works: N/A; none to file.

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, a perpetual, non-exclusive easement will be reserved due to existing Xcel and CenturyLink facilities in the vacated area.

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

Background: N/A

Public Notification: No objections were received.

Location Map:

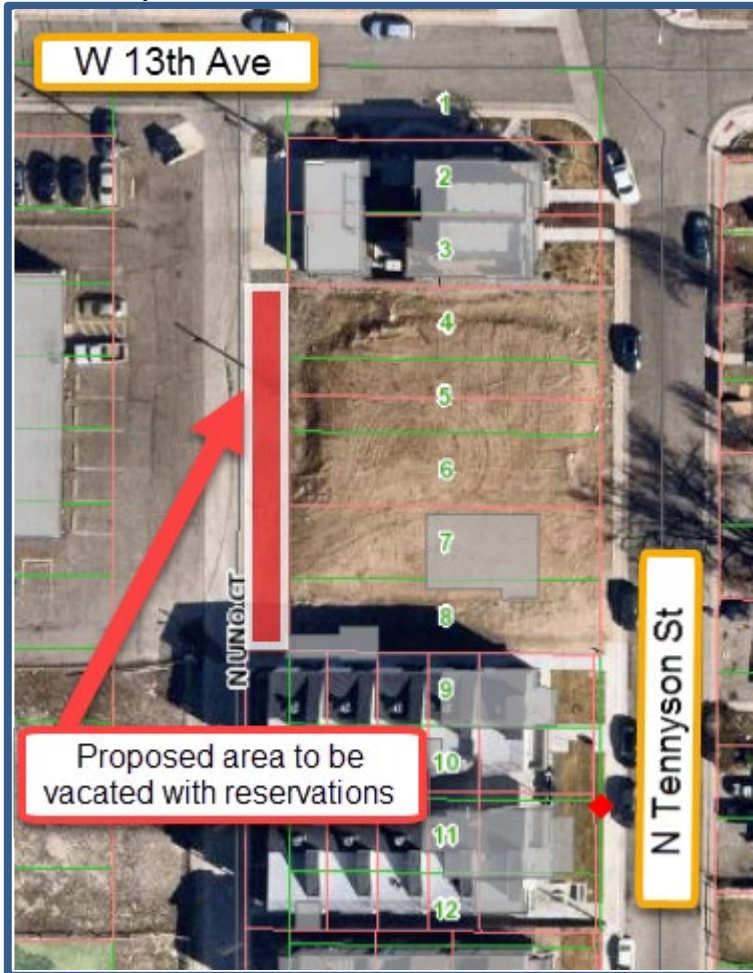


EXHIBIT A

SHEET 1 OF 2

A PART OF UNO COURT, ABUTTING LOTS 4 THROUGH 8, INCLUSIVE, BLOCK 1, PLEASANT HILL, LYING IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4 AND CONSIDERING THE WEST LINE OF SAID BLOCK 1 TO BEAR $S00^{\circ}01'15''E$ (ASSUMED);

THENCE ALONG SAID WEST LINE $S00^{\circ}01'15''E$, A DISTANCE OF 125.10 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8;

THENCE $N89^{\circ}14'10''W$, A DISTANCE OF 14.80 FEET;

THENCE PARALLEL TO SAID WEST LINE $N00^{\circ}01'15''W$, A DISTANCE OF 125.10 FEET;

THENCE $S89^{\circ}14'10''E$, A DISTANCE OF 14.80 FEET TO THE **POINT OF BEGINNING**,

CONTAINING 1,851 SQUARE FEET OR 0.043 ACRES, MORE OR LESS.

PREPARED BY:
STEPHEN H. HARDING, PLS
FOR AND ON BEHALF OF
EMK CONSULTANTS, INC.



EMK CONSULTANTS, INC.
ENGINEERING & SURVEYING

**LAND DEVELOPMENT
SERVICES AND SOLUTIONS**
www.EMKC.com

7006 SOUTH ALTON WAY, BLDG. F

CENTENNIAL, COLORADO 80112-2019

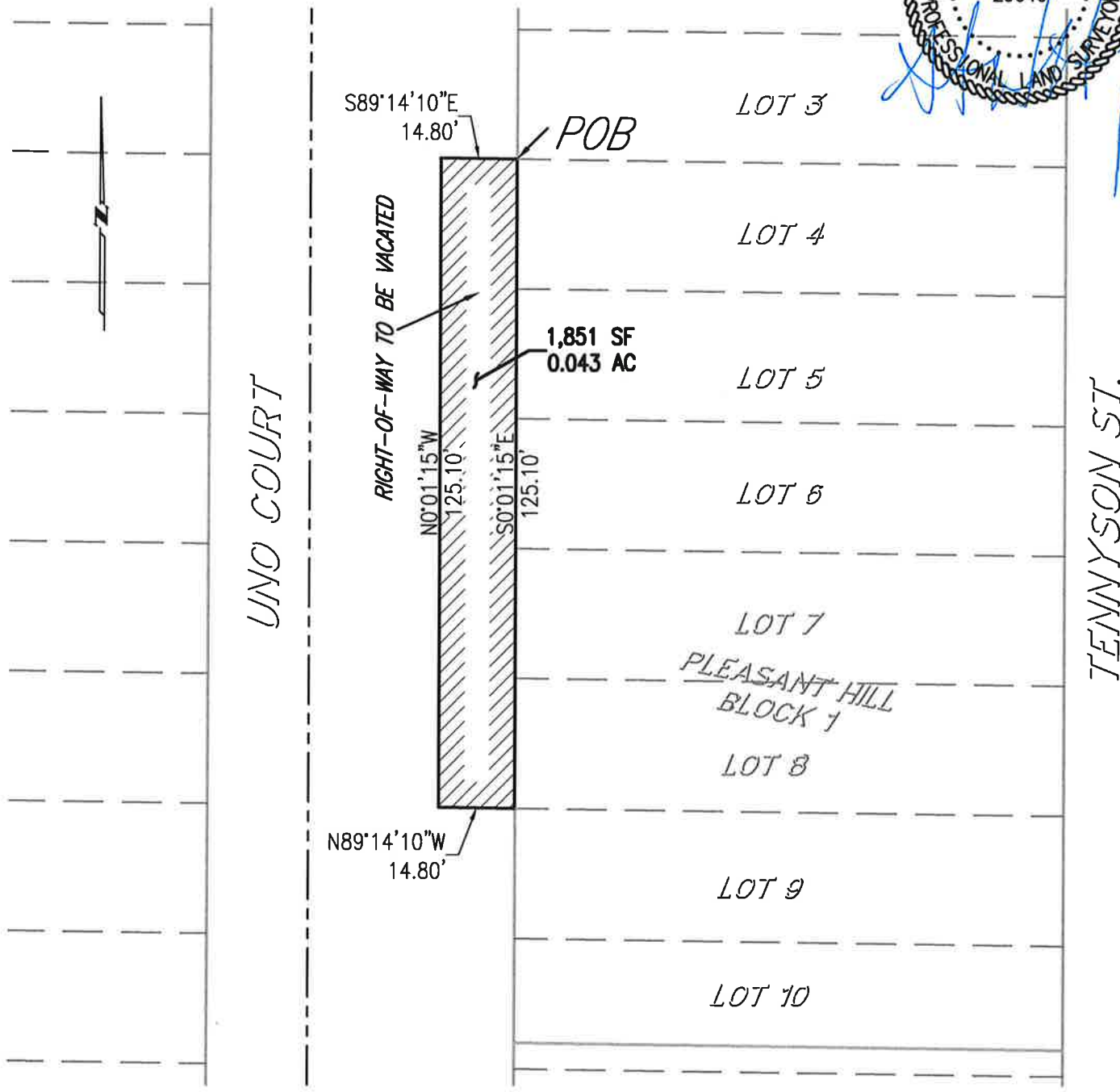
(303)694-1520

DRAWN BY: BEU APPROVED BY: SHH JOB NO: 12952.00 DATE: 10/15/2018 PAGE 1 OF 2

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN 3 YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

GRAPHIC SCALE
 0 15 30 45
 1 INCH = 30 FEET

EXHIBIT A
SHEET 2 OF 2



EMK EMK CONSULTANTS, INC. ENGINEERING & SURVEYING
 LAND DEVELOPMENT SERVICES AND SOLUTIONS
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 7006 SOUTH ALTON WAY, BLDG. F CENTENNIAL, COLORADO 80112-2019 (303)694-1520

DRAWN BY: BEU APPROVED BY: SHH JOB NO: 12952.00 DATE: 10/15/2018 PAGE 2 OF 2
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