



Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3001
www.denvergov.org/survey

REQUEST FOR VACATION ORDINANCE

with a sidewalk easement

TO: Caroline Martin, City Attorney's Office
FROM: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
ROW #: 2016-VACA-0000016
DATE: October 7, 2016
SUBJECT: Request for an Ordinance to vacate 1 foot of Right of Way along S. Pearl St, with reservations, at 1530 S. Pearl St.

****NOTE:** Please include the sidewalk easement in the reservation section below per Brent Eisen.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Tom Cella, dated May 10, 2016, on behalf of Hiro & Co, Inc c/o Toshi Kizaki for granting of 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:

****Sidewalk easement****

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

INSERT PARCEL DESCRIPTION ROW 2016-VACA-0000016-002 HERE

RJD: VLW

cc: City Councilperson & Aides
City Council Staff - Shelley Smith
Department of Law - Shaun Sullivan
Department of Law - Brent Eisen
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 Angela Casias
at angela.casias@DenverGov.org by 12:00 pm on Monday.

All fields must be completed.

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: October 7, 2016

Please mark one: ☒ Bill Request or ☐ Resolution Request

1. Has your agency submitted this request in the last 12 months?

☐ Yes ☒ No

If yes, please explain:

2. **Title:** (Include a concise, one sentence description – please include name of company or contractor and contract control number – that clearly indicates the type of request: **grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.**)

Request for an Ordinance to vacate 1 foot of Right of Way along S. Pearl St, with reservations, at 1530 S. Pearl St.

3. **Requesting Agency:** Public Works Engineering and Regulatory & Analytics

4. **Contact Person:** (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Vanessa West
- **Phone:** 720-913-0719
- **Email:** Vanessa.west@denvergov.org

5. **Contact Person:** (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

- **Name:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@denvergov.org

6. **General description/background of proposed ordinance including contract scope of work if applicable:**

Request for an Ordinance to vacate 1 foot of Right of Way along S. Pearl St, with reservations, at 1530 S. Pearl St.

****Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** 1530 S. Pearl St
- d. **Affected Council District:** Dist 7 Jolon Clark
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. **Is there any controversy surrounding this ordinance?** (Groups or individuals who may have concerns about it?)
Please explain.

None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000016 S. Pearl Street Parking Garage, ROW vacation at 1530 S. Pearl St.

Owner name: Hiro & Co, Inc, c/o Toshi Kizaki

Description of Proposed Project: Vacate 1 foot of ROW, with a sidewalk easement being placed over the area, for an underground parking garage.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The parking garage was constructed by mistake 1 foot over the property line. Thus, due to funding they need to vacate the 1 foot, A sidewalk easement is being reserved over the vacated 1 foot.

Width of area in feet: 1 foot

Number of buildings abut said area: 1

The 20-day period for protests has expired, the vacating notice was posted on: June 9, 2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: June 9, 2016

Protests sustained by the manager of Public Works: Have been filed, and deemed not to have technical merit

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 sidewalk easement

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

Background: During construction they built the garage 6" into the ROW, thus they are asking for 1' of ROW to be vacated.

Public Notification: There were several objections that were sent to the Executive Director of Public Works, and were deemed to have no technical merit.

Location Map:



LEGAL DESCRIPTION EXHIBIT A

LEGAL DESCRIPTION

COMMENCING AT A RANGE POINT IN THE INTERSECTION OF SOUTH PEARL STREET AND EAST FLORIDA AVENUE FROM WHENCE A RANGE POINT IN THE INTERSECTION OF SOUTH WASHINGTON STREET AND EAST FLORIDA AVENUE BEARS NORTH 89°34'02" EAST, A DISTANCE OF 330.00', WITH ALL BEARINGS HEREIN RELATIVE THERETO.

THENCE SOUTH 13°03'39" EAST, A DISTANCE OF 192.52 FEET TO THE WEST LINE LOT 7, BLOCK 3, FLEMING'S SUBDIVISION, AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°09'02" WEST ALONG THE WEST LINE OF LOTS 7 THRU 11 SAID BLOCK 3, A DISTANCE OF 95.00 FEET;

THENCE NORTH 89°50'58" WEST, A DISTANCE OF 1.00 FEET;

THENCE NORTH 00°09'02" EAST, A DISTANCE OF 95.00 FEET;

THENCE SOUTH 89°50'58" EAST, A DISTANCE OF 1.00 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING: 95 SQ. FT., OR 0.002 ACRES OF LAND, MORE OR LESS.

JEFFREY J. MACKENNA
COLORADO REGISTERED LAND SURVEYOR
PLS 34183



PLAN VIEW EXHIBIT A

