

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2017-VACA-0000020

DATE: June 29, 2018

SUBJECT: Request for an Ordinance to vacate a small square of ROW at the intersection of S. Cherokee St and W. Dakota Ave, 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 Dan Cohen, dated 11/22/2017, on behalf of D4 Urban 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:

As a result of these investigations, it has been determined that there is no objection to vacating the said area(s)

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

INSERT PARCEL DESCRIPTION ROW 2017-VACA-000020-001 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 Sarah Stanek

at Sarah.Stanek@DenverGov.org by **12:00pm on Monday**. Contact her with questions.

Please mark one: **Bill Request** or **Resolution Request** Date of Request: June 29, 2018

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.)

D4 Urban LLC c/o Dan Cohen requests for an Ordinance to vacate a small square of ROW at the intersection of S. Cherokee St and W. Dakota Ave, without Reservations.

3. Requesting Agency: Public Work Right of Way Services, Engineering, Regulatory & Analytics

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brittany Pirtle	Name: Sarah Stanek
Email: Brittany.Pirtle@denvergov.org	Email: Sarah.Stanek@denvergov.org

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

To request for an Ordinance to vacate a small square of ROW at the intersection of S. Cherokee St and W. Dakota Ave, without Reservations. This is a small notch that should never have been right of way.

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

7. City Council District: District 7, Jolon Clark

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

N/A

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: 2017-VACA-0000020 363 S Broadway

Requestor's name: D4 Urban LLC c/o Dan Cohen

Description of Proposed Project: Request for an Ordinance to vacate a small square of ROW at the intersection of S. Cherokee St and W. Dakota Ave, without Reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This site is being redeveloped.

Width of area in feet: Small square roughly 26 feet x 32 feet

Number of buildings abut said area: None.

The 20-day period for protests has expired, the vacating notice was posted on: 3/13/2018

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: 3/13/2018

Protests sustained by the manager of Public Works: Have been filed and found to lack 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: No

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

Background: This site is being redeveloped as part of the D4 Kmart Parcel – Cherokee Street Improvement project and vacating the proposed portion of the right of way would allow for more efficient development.

Public Notification: There was one Objection that was sent to the Executive Director of Public Works. Objections without technical merit cannot be addressed by Public Works. The Objection was determined to have no Technical Merit.

Location Map:



EXHIBIT A
SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15, THENCE ALONG THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 15, S89°51'01"W A DISTANCE OF 1289.51 FEET, THENCE S00°07'20"E A DISTANCE 591.05 FEET TO THE POINT OF BEGINNING; THENCE S00°12'06"W A DISTANCE OF 32.92 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST DAKOTA AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE EXTENDED, N89°50'45"W A DISTANCE OF 26.68 FEET; THENCE N00°09'18"E A DISTANCE OF 32.90 FEET; THENCE S89°53'48"E A DISTANCE OF 26.70 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 878 SQUARE FEET (0.020 ACRES) MORE OR LESS.

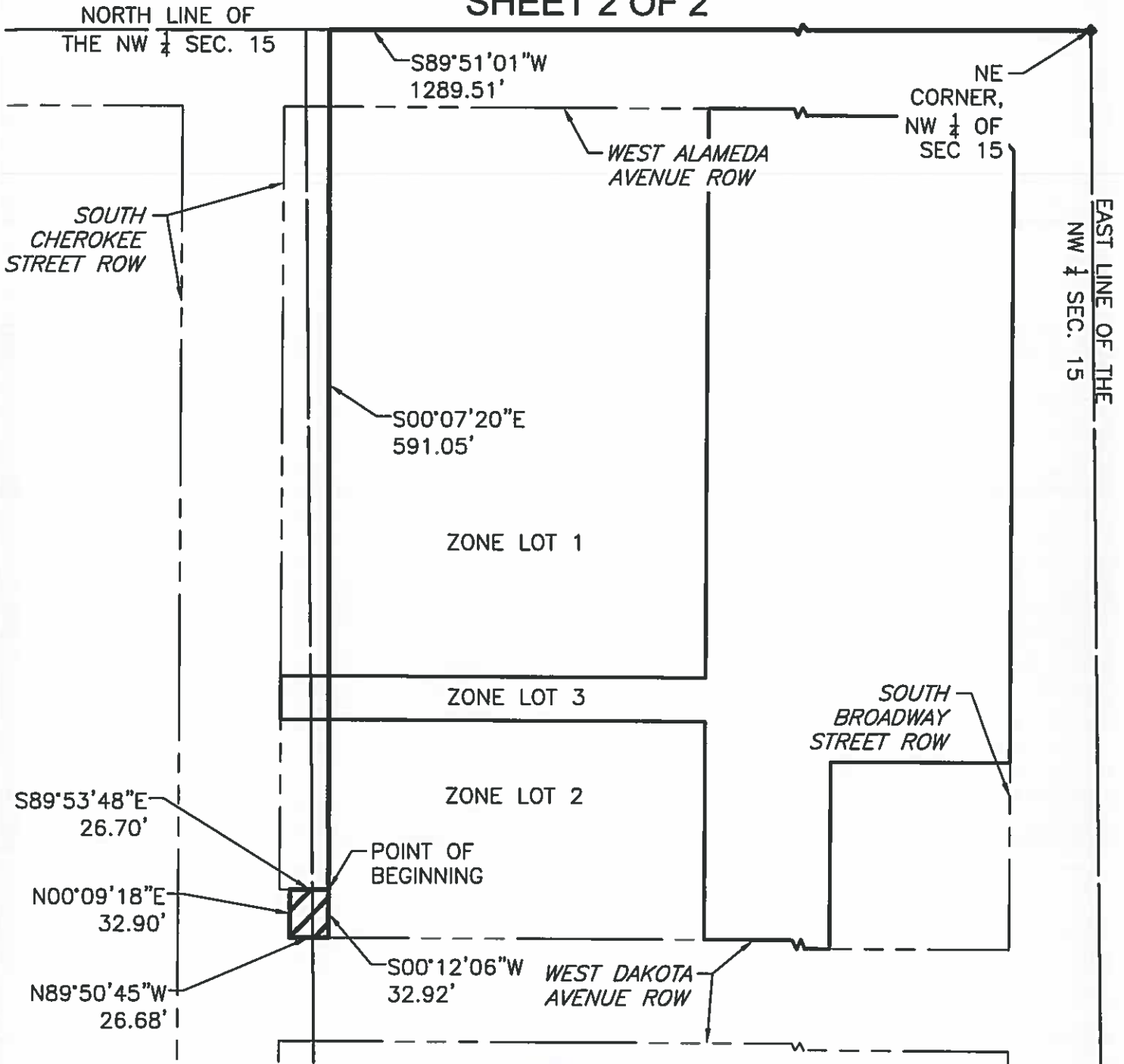
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF N00°45'32"W ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, BEING MONUMENTED BY A FOUND STONE IN RANGE BOX AT THE NORTH QUARTER CORNER AND A FOUND STONE IN RANGE BOX AT THE CENTER QUARTER CORNER.

PREPARED BY MACY KIEL
REVIEWED BY RICHARD A. NOBBE PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN INC.
12499 W. COLFAX AVE
LAKEWOOD, CO 80215
(303) 431-6100
JANUARY 5, 2018



EXHIBIT A SHEET 2 OF 2



DRAWING LOCATION: \\mmcivil\civil\SCHLAGETER\15.0575-Denver Design District-Master Plan Refresh-Development Strategy\PLANS\EXHIBITS\CHEROKEE ROW VACATION\CHEROKEE_ROW_VACA.dwg



SCALE: 1"=100'
ALL DIMENSIONS ARE U.S. SURVEY FEET

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



ISSUED: JANUARY 5, 2018



12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM