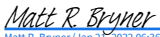


## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Matt R. Bryner, PE  
Director, Right of Way Services   
Matt R. Bryner (Jan 21, 2022 06:36 MST)

**ROW #:** 2021-VACA-0000007

**DATE:** January 19, 2022

**SUBJECT:** Request for an Ordinance to vacate a portion of the alley bounded by North Brighton Boulevard, 35<sup>th</sup> Street, Wynkoop Street, and 36<sup>th</sup> Street, 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 McCaffery Interests, Inc, dated June 18, 2021, on behalf of Denver Spring Investors, LLC for requesting the above requested vacation.

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

As a result of these investigations, it has been determined that there is no objection to vacating said area(s) 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 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 2021-VACA-0000007-001 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](http://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

**City and County of Denver Department of Transportation & Infrastructure**  
Right-of-Way Services / Engineering & Regulatory  
201 W Colfax Ave, Dept 507 | Denver, CO 80202  
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Phone: 720-865-3003

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Jason Gallardo

at [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

Date of Request: **January 19, 2022**

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 a portion of the alley bounded by North Brighton Boulevard, 35<sup>th</sup> Street, Wynkoop Street, and 36<sup>th</sup> Street, with 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: Jessica Eusebio	Name: Jason Gallardo
Email: <a href="mailto:Jessica.Eusebio@denvergov.org">Jessica.Eusebio@denvergov.org</a>	Email: <a href="mailto:Jason.Gallardo@denvergov.org">Jason.Gallardo@denvergov.org</a>

**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 alley bounded by North Brighton Boulevard, 35<sup>th</sup> Street, Wynkoop Street, and 36<sup>th</sup> Street, with reservations.

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

**7. City Council District:** District 9, Candi CdeBaca

**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:** 2021-VACA-0000007 35th and Wynkoop 3510 Brighton

**Requestor's name:** Denver Spring Investors, LLC

**Description of Proposed Project:** Request for an Ordinance to vacate a portion of the alley bounded by North Brighton Boulevard, 35<sup>th</sup> Street, Wynkoop Street, and 36<sup>th</sup> Street, with reservations.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Requestor is looking to consolidate their two zoning lots in order to redevelop the area.

**Area of proposed right-of-way vacation in square feet:** Approximately 1,280 square feet.

**Number of buildings adjacent to proposed vacation area:** (1) One

**Public Notice was posted at the proposed vacation area on:** September 24, 2021

**Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on:** September 24, 2021

**The 20-day period for protests expired on:** October 14, 2021

**Were protests received from the Public and, if so, explain:** No objections 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, approximately 2,700 square feet will be dedicated to the City.

**Will an easement be placed over a vacated area and, if so, explain:** Yes, the standard reservation easement will be held over the vacation area by the City and County of Denver.

**Is a request for an easement relinquishment expected at a later date and, if so, explain:** Yes, the easement will need to be relinquished once all utilities have been relocated or abandoned in place in order to redevelop the area.

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](http://www.denvergov.org/doti)  
Phone: 720-865-3003

**Background:** The requestor owns both zone lots that they are seeking to consolidate with this vacation. The requestor is seeking to consolidate the two lots in order to redevelop.

**Location Map:**





EXHIBIT A  
LAND DESCRIPTION

2021-VACA-000007-001

THAT PORTION OF THE 16-FOOT WIDE PUBLIC ALLEY IN BLOCK 6, FIRST ADDITION TO IRONTON, ADJACENT TO LOTS 13 THROUGH 16, INCLUSIVE AND LOT 17 THROUGH 20, INCLUSIVE, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWESTERLY MOST CORNER OF SAID LOT 17, SAID POINT ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 35TH STREET, AN 80-FOOT WIDE PUBLIC RIGHT-OF-WAY;

THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 45°26'37" WEST, A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY MOST CORNER OF SAID LOT 16, SAME BEING A POINT ON THE NORTHWESTERLY LINE OF SAID PUBLIC ALLEY;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID ALLEY AND THE SOUTHEASTERLY LINES OF SAID LOTS 13 THROUGH 16, INCLUSIVE, NORTH 44°35'06" EAST, A DISTANCE OF 80.08 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 13 ;

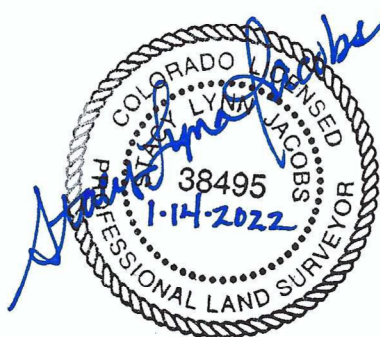
THENCE SOUTH 45°26'19" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 20, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID PUBLIC ALLEY;

THENCE ALONG SAID RIGHT-OF-WAY LINE AND THE NORTHWESTERLY LINE OF SAID LOTS 17 THROUGH 20, INCLUSIVE, SOUTH 44°35'06" WEST A DISTANCE OF 80.08 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,281 SQUARE FEET OR 0.029 ACRE OF LAND.

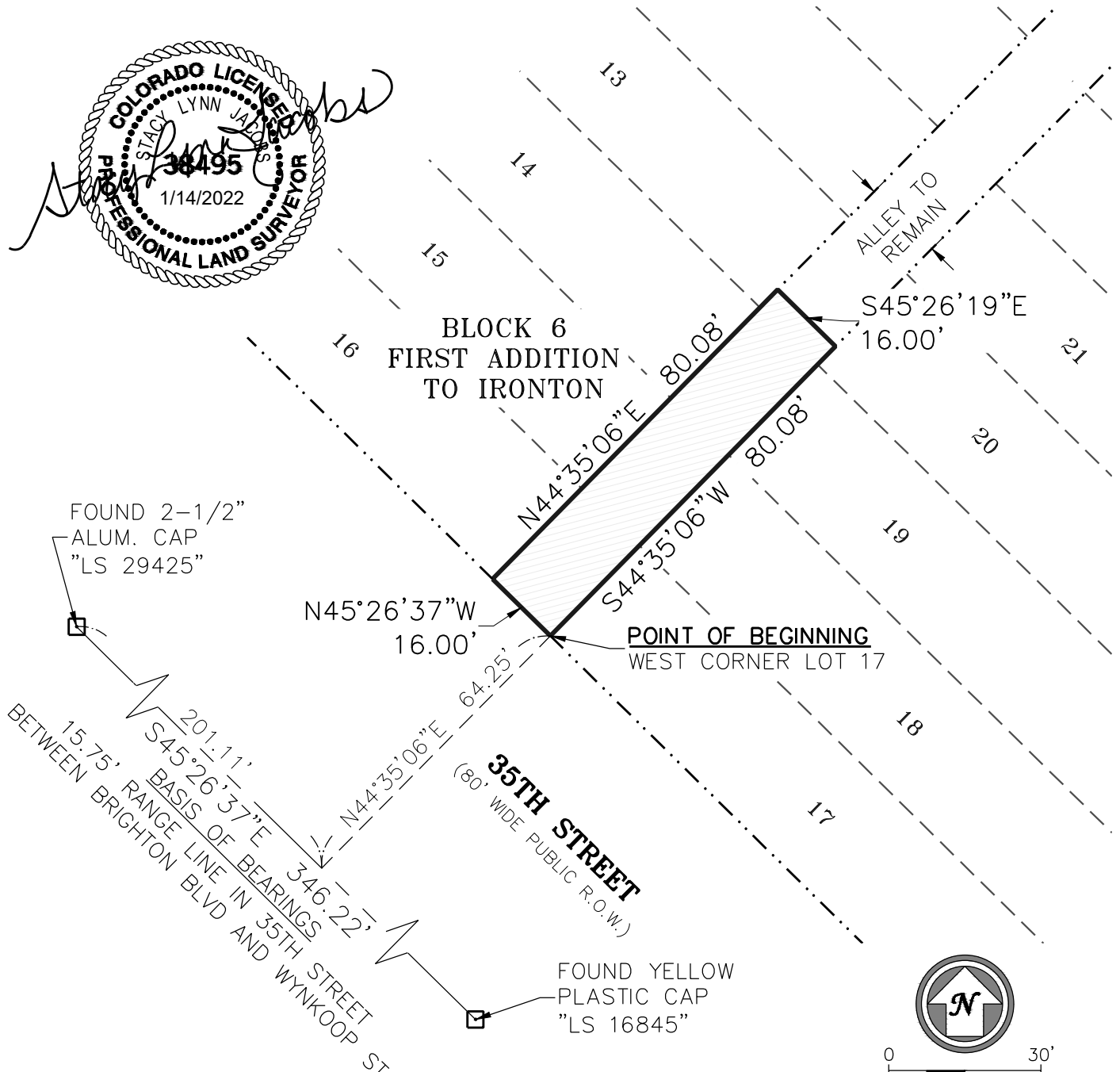
THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS BASED ON THE 15.75' RANGE LINE IN 35TH STREET BETWEEN BRIGHTON BOULEVARD AND WYNKOOP STREET AS MONUMENTED AT THE NORTHWEST END BY A 2-1/2" ALUMINUM CAP IN RANGE BOX STAMPED "LS 29425" AND AT THE SOUTHEAST END BY A YELLOW PLASTIC CAP MARKED "LS 16845". SAID LINE BEARS SOUTH 45°26'37" EAST.

STACY LYNN JACOBS, PLS  
COLORADO REG. NO. 38495  
FOR, AND ON BEHALF OF:  
R&R ENGINEERS-SURVEYORS, INC.  
PROJ. NO. JN20151



# EXHIBIT A

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22 AND THE  
SOUTHWEST QUARTER OF SECTION 23, T.3S., R.68W., 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



FOUND 2-1/2"  
ALUM. CAP  
"LS 29425"

15.75' RANGE OF BEARINGS  
BETWEEN BRIGHTON BLVD AND WYNKOOP ST

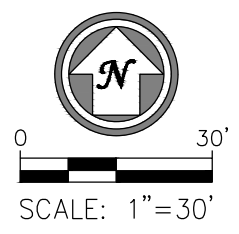
201.11'  
S45°26'37"E

346.22'  
N44°35'06"E

64.25'

35TH STREET  
(80' WIDE PUBLIC R.O.W.)

FOUND YELLOW  
PLASTIC CAP  
"LS 16845"



**NOTE**  
THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL  
DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY.  
IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

PARCEL CONTAINS 1,281 SQ. FT. OR 0.029 ACRE

	Date: 2021/08/24	Sheet 2 of 2		<b>R&amp;R ENGINEERS-SURVEYORS, INC.</b> 1635 W. 13TH AVENUE, SUITE 310 DENVER, COLORADO 80204 PH: 303-753-6730 WWW.RRENGINEERS.COM
	Drawn: PTM			
	Checked: SLJ			
	Job No.: JN20151			