

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2018-VACA-0000002

DATE: April 23, 2020

SUBJECT: Request for an Ordinance to vacate, with reservations, a portion of a dead-end alley bounded by 38th Street, 39th Street, Blake Street, and Walnut Street.

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

This office has investigated the request of Doug Smith, dated February 7, 2018, on behalf of Carbat, LLC, and 3853 Walnut, LLC, DBA Formativ for requesting the above requested vacation.

This matter has been inspected and has been coordinated with Asset Management; Comcast; Division of Disability Rights; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson CdeBaca; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – DES - Construction Engineering, DES Engineering – Transportation & Wastewater, Survey, DOTI – Policy and Planning; DOTI – 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-0000002-001 HERE

MB: dp

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



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: April 23, 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, with reservations, a portion of a dead-end alley bounded by 38th Street, 39th Street, Blake Street, and Walnut Street.

3. Requesting Agency: Department of Transportation and Infrastructure

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Devin Price	Name: Jason Gallardo
Email: devin.price@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, with reservations, a portion of a dead-end alley bounded by 38th Street, 39th Street, Blake Street, and Walnut Street.

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

7. City Council District: Councilwoman CdeBaca, District 9

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

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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-0000002 - World Trade Center Vacation 3860 & 3900 Blake

Requestor's name: Doug Smith

Description of Proposed Project: Proposing to vacate with reservations, a portion of a dead-end alley bounded by 38th Street, 39th Street, Blake Street, and Walnut Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Applicant requests the proposed vacation indicating public right-of-way must be utilized to accomplish their proposed project and serve as a private loading dock to serve the entirety of their hotel, office, and retail development project.

Width of area in feet: 16 feet

Number of buildings abut said area: 2

The 20-day period for protests has expired, the vacating notice was posted on: February 21, 2020

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: February 21, 2020

Protests sustained by the manager of DOTI: No protests were received.

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 facilities in the vacated area.

Will an easement relinquishment be submitted at a later date: It is not known or anticipated that a proposed easement relinquishment will be submitted to the City for consideration at a later date.

Background: N/A

Public Notification: There were no objections received during Public Notification

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Phone: 720-865-3003

Location Map:



Exhibit A

Sheet 1 of 2

Land Description

THAT PORTION OF AN ALLEY LYING ADJACENT TO LOTS 19 TO 22 AND LOTS 43 TO 46, ALL IN BLOCK 24, RIVERSIDE ADDITION TO DENVER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 46;

THENCE SOUTHWESTERLY ALONG NORTHWESTERLY LINES OF LOTS 43 TO 46, 100.00 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 43;

THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 43 AND SAID LINE EXTENDED, 16.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 22;

THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINES OF SAID LOTS 19 TO 22, 84.79 FEET;

THENCE NORTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A DISTANCE OF 23.77 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 19, SAID POINT BEING 109.79 FEET SOUTHEASTERLY FROM THE MOST NORTHERLY CORNER OF SAID LOT 19;

THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE AND SAID LINE EXTENDED, 31.21 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 46 AND THE POINT OF BEGINNING.

CHRISTOPHER BROOKS,
COLORADO PLS 38063
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.



General Note:

This description does not represent a monumented survey. It is intended only to describe the attached exhibit.



5613 DTC PARKWAY, SUITE 1100
GREENWOOD VILLAGE, COLORADO 80111
(303) 692-8838 / info@f-w.com

Formativco

3860 BLAKE STREET
LAND DESCRIPTION

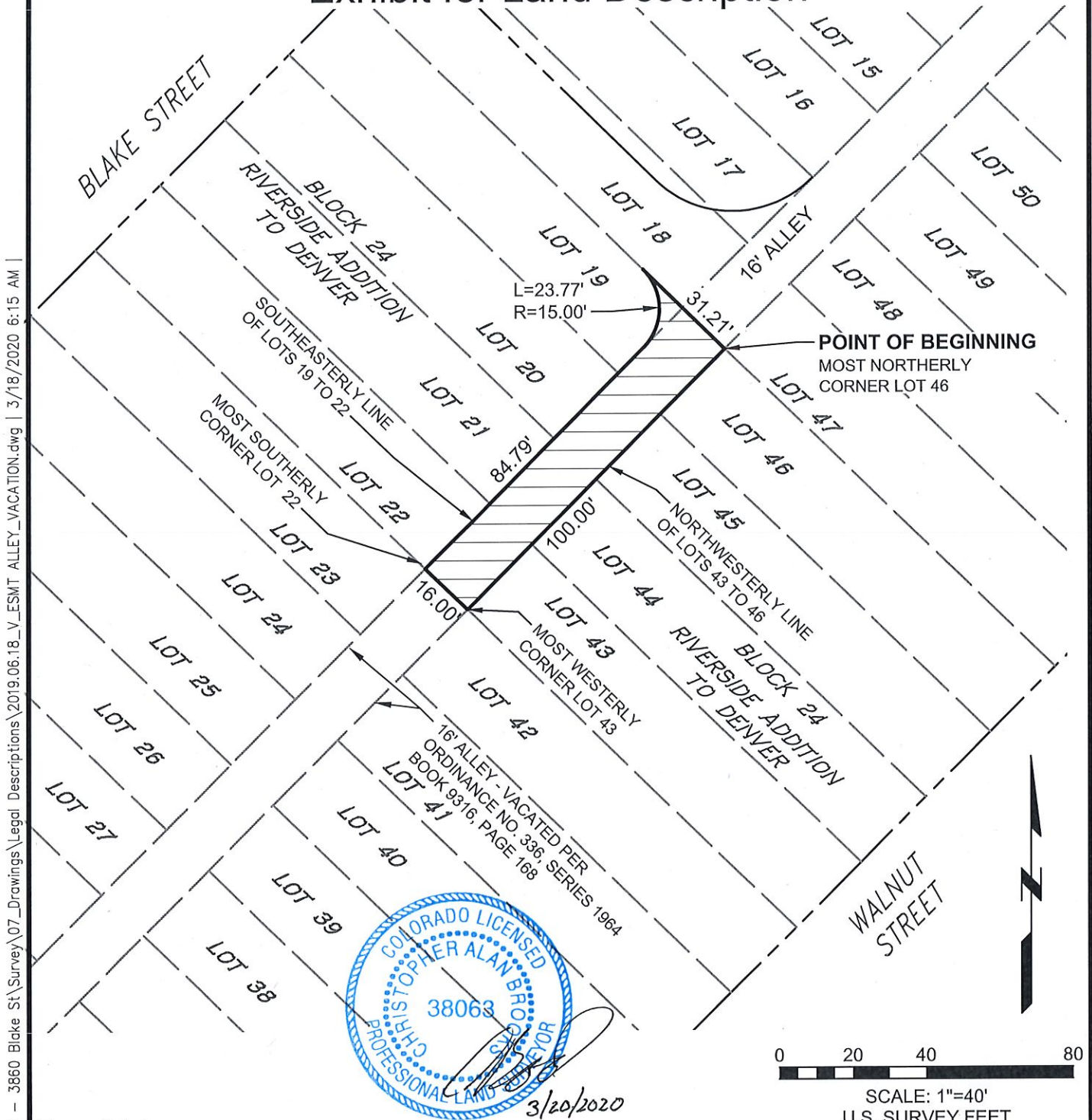
Project No: 0161212
Book No:
Drawn by: JAN
Reviewed: CAB
Date: 2018.01.18

1 OF 2

Exhibit A

Sheet 2 of 2

Exhibit for Land Description



General Note:

This description does not represent a monumented survey. It is intended only to describe the attached exhibit.



Farnsworth
GROUP

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2 OF 2