



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 and partial hard surface easement

TO: Caroline Martin, City Attorney's Office

FROM: Robert J. Duncanson, P.E.
Manager 2, Public Works Right of Way Services

ROW #: 2016-VACA-0000018

DATE: November 29, 2016

SUBJECT: Request for an Ordinance to vacate a portion of the Public Right of Way on the southeasterly corner of Wewatta Street at 15th Street, with reservations, at 1750 15th Street.

****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 Melissa Rummel, dated June 23, 2016, on behalf of Steelbridge Annex LLC 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 over a **portion** of the vacated area:

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 portion of the vacated area as described below ("Easement Area") for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, 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.

****Sidewalk easement over entire area (PARCEL DESCRIPTION 2016-VACA-0000018-001)****

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

INSERT PARCEL DESCRIPTION ROW 2016-VACA-0000018-001 HERE
INSERT PARCEL DESCRIPTION ROW 2016-VACA-0000018-002 HERE

RJD: cs

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



VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000018 15th St and Wewatta St

Owner name: Steelbridge Annex LLC

Description of Proposed Project: Vacate a portion of the Public Right of Way on the southeasterly corner of Wewatta Street at 15th Street, with reservations, at 1750 15th Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: To adjust the setback of the property to be aligned with adjacent properties.

Width of area in feet: 18 feet

Number of buildings abut said area: 2

The 20-day period for protests has expired, the vacating notice was posted on: October 15, 2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: September 26, 2016

Protests sustained by the manager of Public Works: Have been filed

Will land be dedicated to the City if the vacation goes through: no

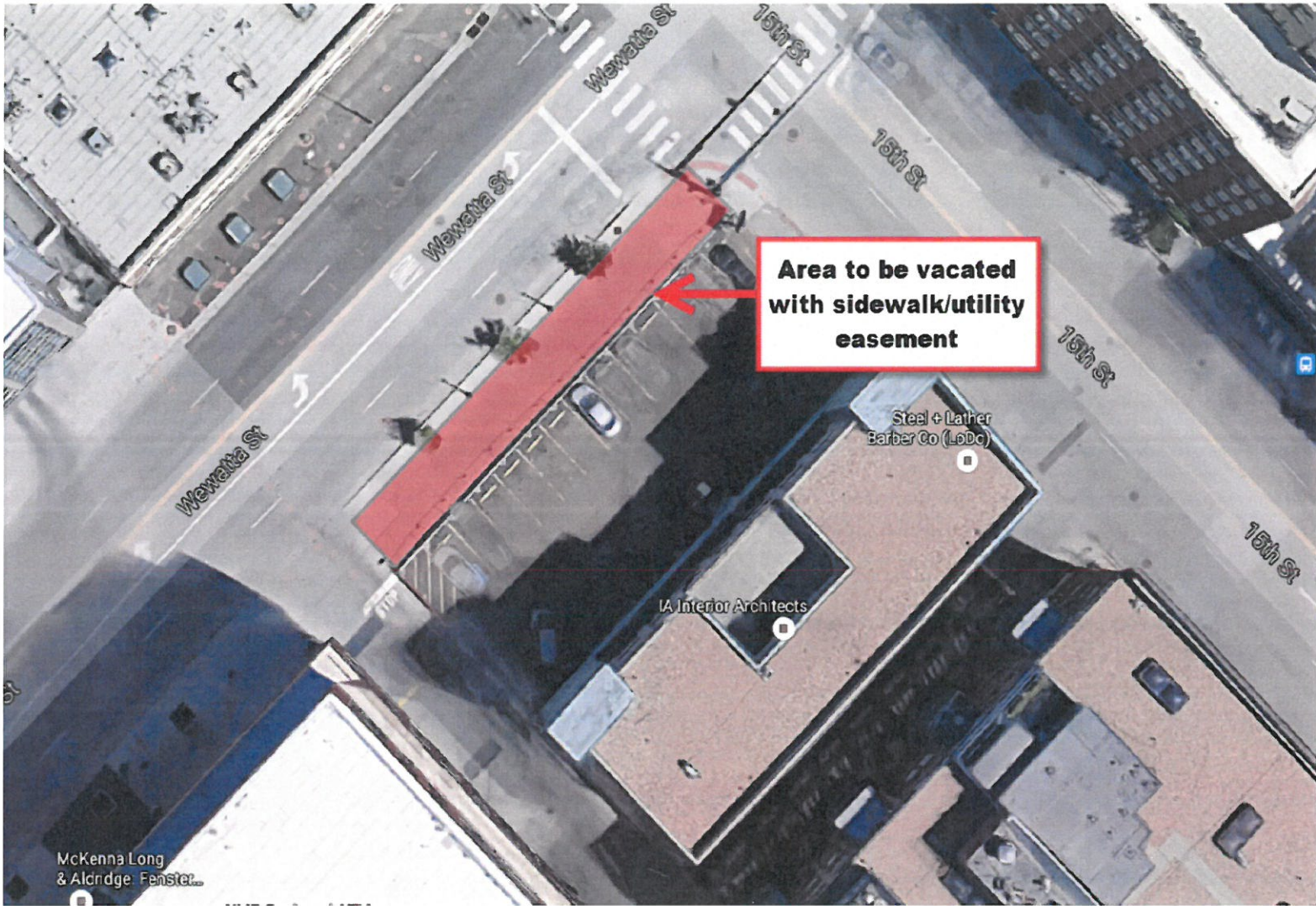
Will an easement be placed over a vacated area, and if so explain: Yes, a sidewalk easement will be placed over the entire vacated area in addition to a hard surface easement over a portion of the area.

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

Background: The customer would like to build micro apartments on the property. They would like the setback of the property to be aligned with adjacent properties to allow for a taller structure to be constructed. The sidewalk, however, is to remain.

Public Notification: There were several objections that were sent to the Executive Director of Public Works. All objections were deemed to have no technical merit by Director of Public Works, Robert Duncanson, and therefore cannot be addresses by Public Works.

Location Map:



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: November 29, 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 a portion of the Public Right of Way on the southeasterly corner of Wewatta Street at 15th Street, with reservations, at 1750 15th Street.

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

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

- **Name:** Chaunda Sinn
- **Phone:** 720-865-3036
- **Email:** chaunda.sinn@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 a portion of the Public Right of Way on the southeasterly corner of Wewatta Street at 15th Street, with reservations, at 1750 15th Street.

****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:** 1750 15th Street
- d. **Affected Council District:** District 9, Albus Brooks
- 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.

There was Public opposition during the Public Notification period from surrounding neighbors. There appeared to be a misconception about the sidewalk being eliminated, which is what was addressed by most of the opposition letters. The sidewalk is to remain completely unaltered enforced by a sidewalk easement. The purpose for this vacation is to adjust the property setback to be aligned with adjacent property setbacks. Ultimately, all Public Oppositions were deemed to have no technical merit by Robert Duncanson, Director of Public Works.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

EXHIBIT A

SHEET 1 OF 2

A PORTION OF WEWATTA STREET RIGHT-OF-WAY WITHIN BLOCK 12, EAST DENVER SUBDIVISION LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF BLOCK 12, EAST DENVER SUBDIVISION BEING THE POINT OF BEGINNING, THENCE ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 12, EAST DENVER SUBDIVISION AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 15TH STREET S44°54'48"E A DISTANCE OF 18.00 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF 15TH STREET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET S45°07'18"W A DISTANCE OF 125.20 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET N44°54'48"W A DISTANCE OF 18.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID BLOCK 12 EAST DENVER SUBDIVISION; THENCE ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 12, EAST DENVER SUBDIVISION N45°07'18"E A DISTANCE OF 125.20 TO A POINT BEING THE POINT OF BEGINNING.

SAID PARCEL CONTAINS .052 ACRES (2254 SQ. FT.)

BASIS OF BEARINGS: THE NORTHWESTERLY LINE OF BLOCK 12, EAST DENVER SUBDIVISION, ASSUMED TO BEAR N45°07'18"E BEING MONUMENTED BY A #5 REBAR WITH 1 1/2" ALUMINUM CAP PLS #16406 AT THE MOST WESTERLY CORNER OF BLOCK 12 EAST DENVER, AND A PK NAIL WITH A BRASS TAG PLS #34183 AT THE MOST NORTHERLY CORNER OF BLOCK 12 EAST DENVER.

PREPARED BY DAVID A LOVATO, PE
REVIEWED BY RICHARD A NOBBE, PLS NO. 23899
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
JUNE 3, 2016

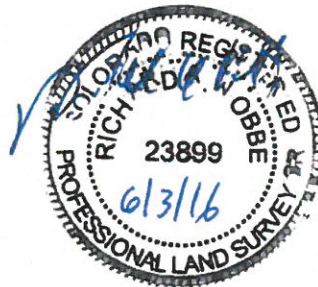
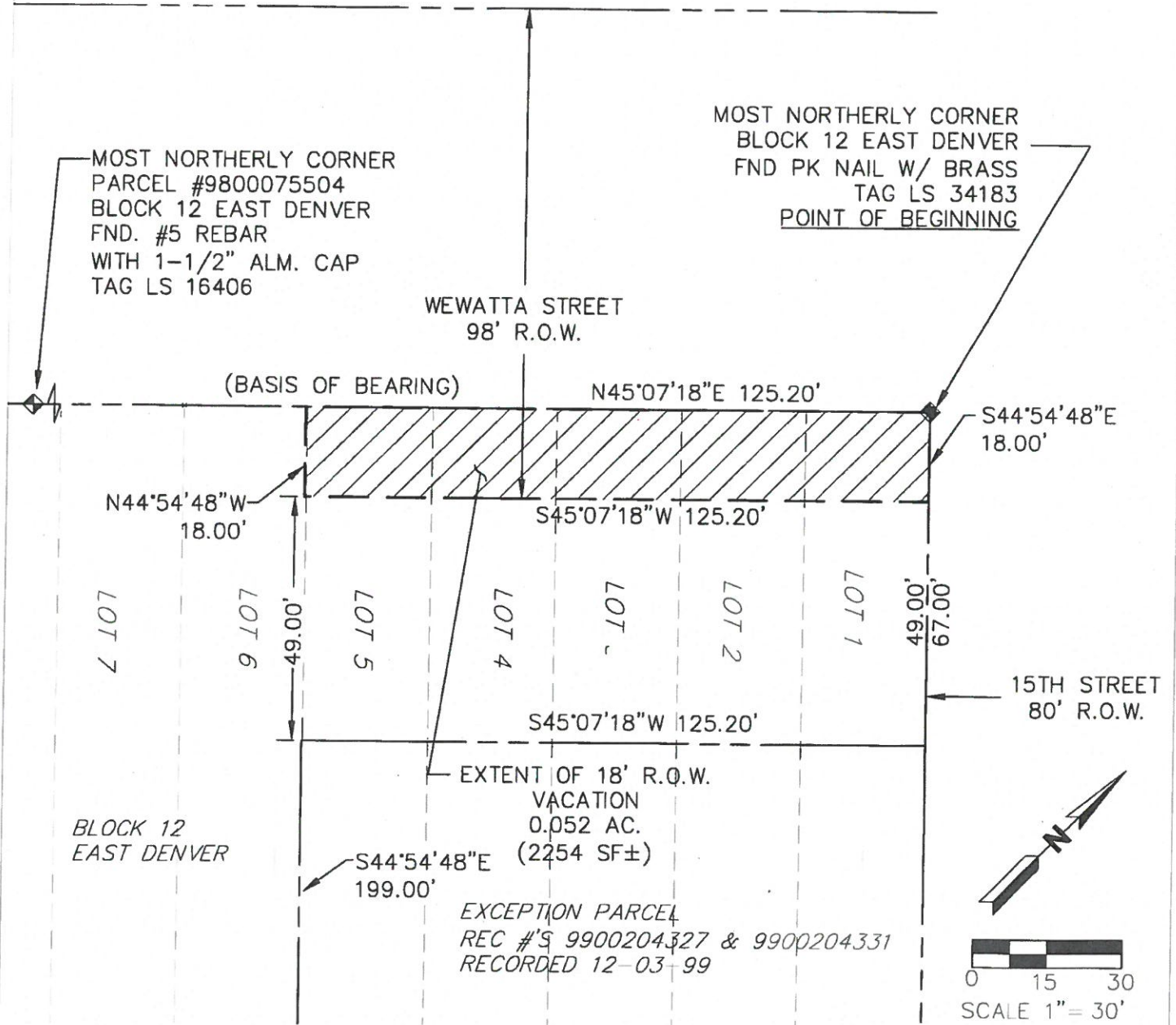


EXHIBIT A

NE ¼ SEC.33 T.3 S, R.68 W. OF THE 6TH P.M.
SHEET 2 OF 2



BASIS OF BEARINGS:
THE NORTHWESTERLY LINE OF BLOCK
12, EAST DENVER SUBDIVISION,
ASSUMED TO BEAR N45°07'18"E AS
MONUMENTED.

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



JUNE 3, 2016



MARTIN / MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVE.
P.O. BOX 151500
LAKEWOOD, CO 80215
303.431.6100
FAX 303.431.4028

EXHIBIT A

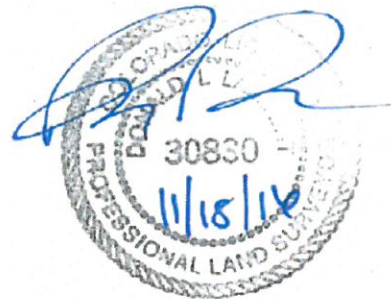
A PARCEL OF LAND LOCATED IN A PORTION OF LOTS 1 THROUGH 6, BLOCK 12, EAST DENVER SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTHWEST LINE OF BLOCK 12, EAST DENVER SUBDIVISION AS ASSUMED TO BEAR NORTH 45 DEGREES 07 MINUTES 18 SECONDS EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHERLY-MOST CORNER OF SAID BLOCK 12, EAST DENVER SUBDIVISION; THENCE ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 12, ALSO BEING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 15TH STREET, SOUTH 44 DEGREES 54 MINUTES 48 SECONDS EAST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 45 DEGREES 07 MINUTES 18 SECONDS WEST, PARALLEL WITH THE SOUTHEAST RIGHT OF WAY LINE OF WEWATTA STREET, A DISTANCE OF 125.20 FEET; THENCE NORTH 44 DEGREES 54 MINUTES 48 SECONDS WEST, A DISTANCE OF 8.00 FEET TO A POINT ON SAID NORTHWESTERLY LINE OF BLOCK 12, EAST DENVER SUBDIVISION, ALSO BEING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET; THENCE NORTH 45 DEGREES 07 MINUTES 18 SECONDS EAST, A DISTANCE 125.20 FEET ALONG SAID NORTHWESTERLY LINE OF BLOCK 12, EAST DENVER SUBDIVISION AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION CONTAINS 1,002 SQUARE FEET OR 0.023 ACRES MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY:
DON LAMBERT, PLS 30830
FOR AND ON BEHALF OF Esi land surveying, llc



SHEET 1 OF 2

*Esi land
surveying, llc*

3531 S Logan St
Unit D-324
Englewood, CO 80113
Ph: 303-340-0113

EXHIBIT A

15TH STREET

(80' PUBLIC RIGHT-OF-WAY)

20' RANGE LINE

POINT OF BEGINNING

S44°54'48"E
8.00

BLOCK 11

LOT 1

LOT 1

32

31

LOT 2

LOT 2

20' RANGE LINE

125.20

125.20

LOT 3

LOT 3

REC. NO. 9900204327
REC. NO. 9900204331

30

WEWATTA STREET

(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

S45°07'18"W

S45°07'18"W

LOT 4

LOT 4

29

LOT 5

BLOCK 12
LOT 5

28

N44°54'48"W
8.00

LOT 6

27

N45°07'18"E
BASIS OF BEARINGS

LOT 7

26

LOT 8

25

24

23



FOUND A YELLOW PLASTIC CAP WITH ILLEGIBLE MARKINGS 2.0' SE'LY OF THE SOUTH CORNER OF LOT 28, BLOCK 11, EAST DENVER SUBDIVISION.



FOUND A BRASS DISK WITH ILLEGIBLE MARKINGS 2.0' SE'LY OF THE SOUTH CORNER OF LOT 23, BLOCK 11, EAST DENVER SUBDIVISION.



SHEET 2 OF 2

*Esi land
surveying, llc*

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