

## REQUEST FOR VACATION ORDINANCE

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

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

**ROW #:** 2016-VACA-0000031

**DATE:** August 13, 2018

**SUBJECT:** Request for an Ordinance to vacate the North/South alley bounded by W. 40<sup>th</sup> Ave., W. 41<sup>st</sup> Ave., Jason St., and Inca St., 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 Harris Kocher Smith c/o Nate Martel, dated December 2, 2016, on behalf of CD -Inca, LLC c/o Tim Walsh for requesting the above requested vacation.

This matter has been inspected and has been coordinated with Asset Management; Comcast; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilman Espinoza – District 1; 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 2016-VACA-0000031-001 HERE**

MB: bp

cc: City Councilman Espinoza & Aides  
City Council Staff – Zach Rothmier  
Department of Law – Deanne Durfee  
Department of Law – Brent Eisen  
Public Works, Manager's Office – Alba Castro  
Public Works, Legislative Services – Sarah Stanek  
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](mailto:Sarah.Stanek@DenverGov.org) by **12:00pm on Monday**. Contact her with questions.

Date of Request: August 13, 2018

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.)

CD -Inca, LLC c/o Tim Walsh requests for an Ordinance to vacate the North/South alley bounded by W. 40<sup>th</sup> Ave., W. 41<sup>st</sup> Ave., Jason St., and Inca St., without reservations.

**3. Requesting Agency:** Public Works; Engineering, Regulatory, and Analytics Dept.

**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: <a href="mailto:Brittany.Pirtle@denvergov.org">Brittany.Pirtle@denvergov.org</a>	Email: <a href="mailto:Sarah.Stanek@denvergov.org">Sarah.Stanek@denvergov.org</a>

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

Request for an Ordinance to vacate the North/South alley bounded by W. 40<sup>th</sup> Ave., W. 41<sup>st</sup> Ave., Jason St., and Inca St., without reservations.

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

**7. City Council District:** District 1; Councilman Espinoza

**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</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?

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2016-VACA-0000031, 40th-41st and Inca-Jason

**Requestor's name:** CD -Inca, LLC c/o Tim Walsh

**Description of Proposed Project:** Request for an Ordinance to vacate the North/South alley bounded by W. 40<sup>th</sup> Ave., W. 41<sup>st</sup> Ave., Jason St., and Inca St., without reservations.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Redevelopment.

**Width of area in feet:** 16'

**Number of buildings abut said area:** 0

**The 20-day period for protests has expired, the vacating notice was posted on:** July 20, 2018

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** July 20, 2018.

**Protests sustained by the manager of Public Works:** Have not been filed; 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:** No.

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

**Background:** Owner wants to redevelop entire block.

**Public Notification:** No protests were received.

Location Map:





# EXHIBIT

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## LAND DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY & COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING THE NORTH/ SOUTH 16 FOOT PUBLIC ALLEY LOCATED IN BLOCK 30, VIADUCT ADDITION TO DENVER, SITUATED IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, OF SAID BLOCK;

THENCE NORTH 89°45'00" EAST COINCIDENT WITH THE SOUTH RIGHT OF WAY LINE OF WEST 41ST AVENUE, A DISTANCE OF 16.00 FEET TO THE NORTHWEST CORNER OF LOT 30 OF SAID BLOCK;

THENCE SOUTH 00°13'27" EAST COINCIDENT WITH THE WEST LINE OF LOTS 16 THROUGH 30 OF SAID BLOCK, A DISTANCE OF 374.90 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK;

THENCE SOUTH 89°44'32" WEST COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF WEST 40TH AVENUE, A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF LOT 15 OF SAID BLOCK;

THENCE NORTH 00°13'27" WEST COINCIDENT WITH THE EAST LINE OF LOTS 1 THROUGH 15 OF SAID BLOCK, A DISTANCE OF 374.90 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 5,998 SQUARE FEET OR 0.138 ACRES, MORE OR LESS.

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE ASSUMPTION THAT THE NORTH/ SOUTH (20.0') RANGE LINE COINCIDENT WITH INCA STREET BETWEEN WEST 40TH AVENUE AND WEST 41ST AVENUE BEARS NORTH 00°13'28" WEST WITH ALL BEARINGS REFERENCED HEREIN RELATIVE THERETO. THE SOUTH RANGE POINT LOCATED AT THE INTERSECTION OF WEST 40TH AVENUE AND INCA STREET IS MONUMENTED WITH A 2IN ALUMINUM CAP IN RANGE BOX STAMPED PLS 24942/ JACOBS 2011. THE NORTH RANGE POINT LOCATED AT THE INTERSECTION OF WEST 41ST AVENUE AND INCA STREET IS MONUMENTED WITH A 2IN ALUMINUM CAP IN RANGE BOX STAMPED PLS 24942/ JACOBS 2011. REFER TO CITY AND COUNTY OF DENVER TIE SHEETS 2012-0029 & 2012-0030 FOR MONUMENT DETAILS.

PREPARED BY: AARON J. HANDL  
PLS 38328

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



FILEPATH: P:\06014\SURVEY\06014\_ALLEY VACATION\_P0.DWG LAYOUT LEGAL  
NO. 49273  
PLOTED: THU 12/01/16 10:22:00A BY: AARON HANDL

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 12/01/2016	PROJECT #: 160614
DATE	REVISION COMMENTS

ALLEY VACATION

4001 INCA ST/ 4000-4090 JASON ST  
DENVER, CO

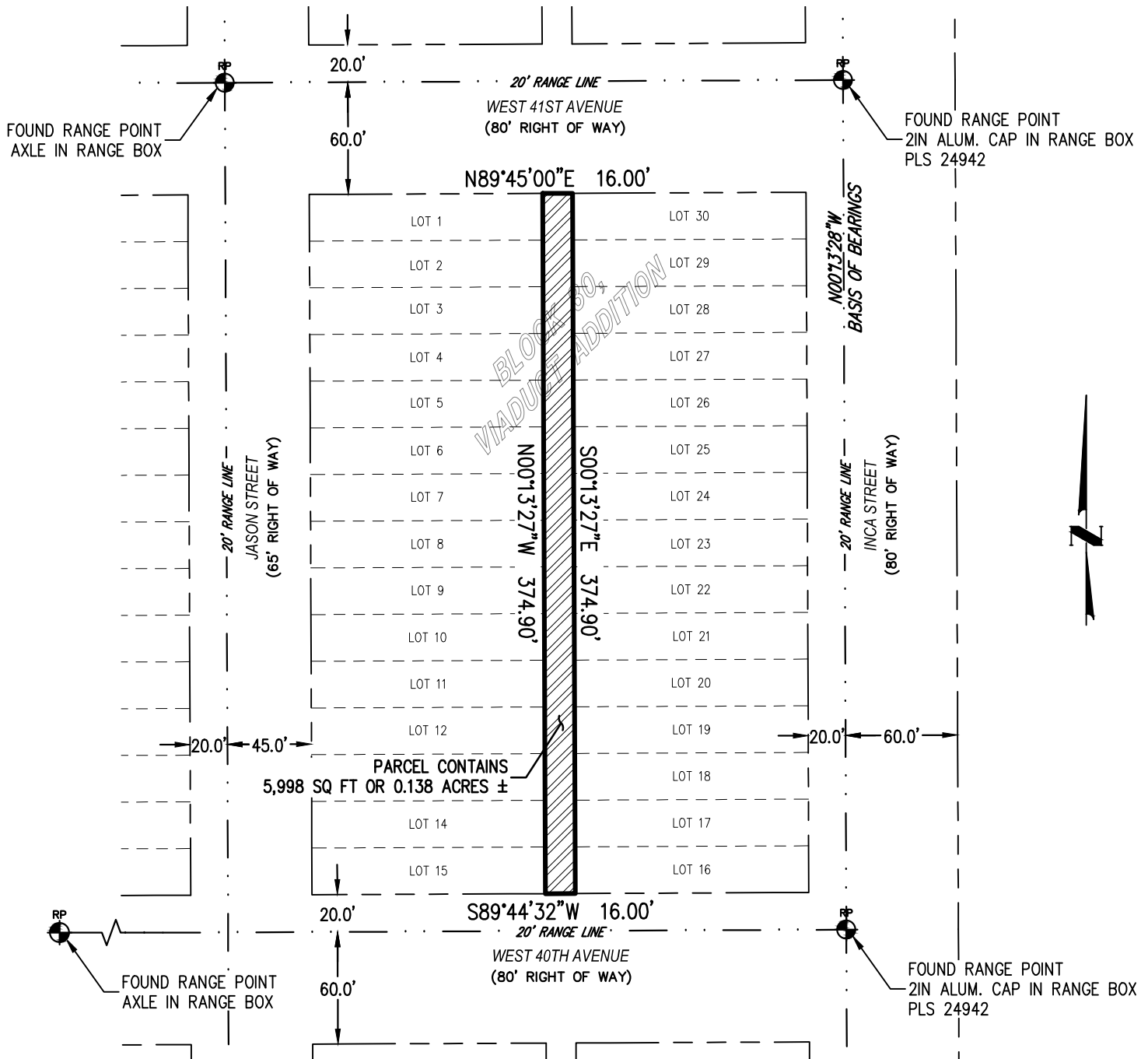
**HKS HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
HarrisKocherSmith.com

CHKD BY: AWM DRAWN BY: AJH
SHEET NO. 1
1 OF 2

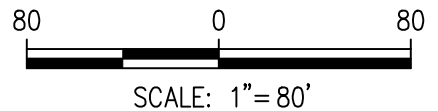
# EXHIBIT

PAGE 2 OF 2

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.  
CITY & COUNTY OF DENVER, STATE OF COLORADO.



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



FILEPATH: P:\160614\SURVEY\160614\_ALLEY VACATION\_R0.DWG LAYOUT: EXHIBIT  
NO. SHEETS: 2  
PLATTED: FRI 12/02/16 2:16:41P BY: AARON HANDL

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 12/01/2016	PROJECT #: 160614
DATE	REVISION COMMENTS

ALLEY VACATION

4001 INCA ST/ 4000-4090 JASON ST  
DENVER, CO

**HKS HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
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HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: AJH
SHEET NO. <b>2</b>
2 OF 2