




REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2018-VACA-0000014

DATE: June 1, 2021

SUBJECT: Request for an Ordinance to vacate a portion of the public right-of-way, with reservations, directly under the West 48th Avenue bridge and west of North Fox Street as originally dedicated in Ordinance No. 246, series of 1958 and Ordinance No. 75, series of 1970. Said vacation is approximately 3,900 square feet by 33.5 feet high for a total volume of approximately 129,645 cubic feet.

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

This office has investigated the request of Regional Transportation District (RTD) and BNSF Railway Company, dated August 6, 2018, for the above right-of-way 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; Landmark; City Councilperson Albus Brooks, District #9; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; City Forester; DOTI – Construction Engineering, DES Transportation & Wastewater, ER Transportation & Wastewater, Survey, Policy and Planning, Street Maintenance, TES Sign & Stripe, CPM Wastewater, Solid Waste, IPM; CenturyLink; Regional Transportation District; Denver Water; 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 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-0000014-001 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
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

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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: June 1, 2021

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.)

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3. Requesting Agency: DOTI, Right of Way Services, 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: Jessica.Eusebio@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 a portion of the public right-of-way, with reservations directly under the West 48th Avenue bridge and west of North Fox Street as originally dedicated in Ordinance No. 246, series of 1958 and Ordinance No. 75, series of 1970. Said vacation is approximately 3,900 square feet by 33.5 feet high for a total volume of approximately 129,645 cubic feet

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

7. City Council District: Councilperson CdeBaca, District 9

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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2018-VACA-0000014 RTD BSNF W 48th Ave and N Fox St

Requestor's name: Regional Transportation District (RTD) c/o Joe Christie and BNSF Railway Company c/o Charlie Keltner

Description of Proposed Project: Request for an Ordinance to vacate a portion of the public right-of-way, with reservations, directly under the West 48th Avenue bridge and west of North Fox Street as originally dedicated in Ordinance No. 246, series of 1958 and Ordinance No. 75, series of 1970. Said vacation is approximately 3,900 square feet by 33.5 feet height for a total volume of approximately 129,645 cubic feet

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: BNSF Railway Company (BNSF) relocated their tracks to this area to allow for construction of the RTD Gold Line on BNSF property.

Area of proposed right-of-way vacation in square feet: Approximately 3,900 square feet by 33.5 high for a total volume of approximately 129,645 cubic feet.

Number of buildings adjacent to proposed vacation area: 1

Public Notice was posted at the proposed vacation area on: April 21, 2021

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: April 21, 2021

The 20-day period for protests expired on: May 11, 2021

Were protests received from the Public and, if so, explain: No protests 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: No

Will an easement be placed over a vacated area and, if so, explain: Yes, a perpetual, non-exclusive easement will be held over the area by the City and County of Denver.

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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Is a request for an easement relinquishment expected at a later date and, if so, explain: No

Background: BNSF Railway Company (BNSF) relocated their tracks to the subject area to allow Regional Transportation District (RTD) to construct their Gold Line on BNSF property.

Location Map:

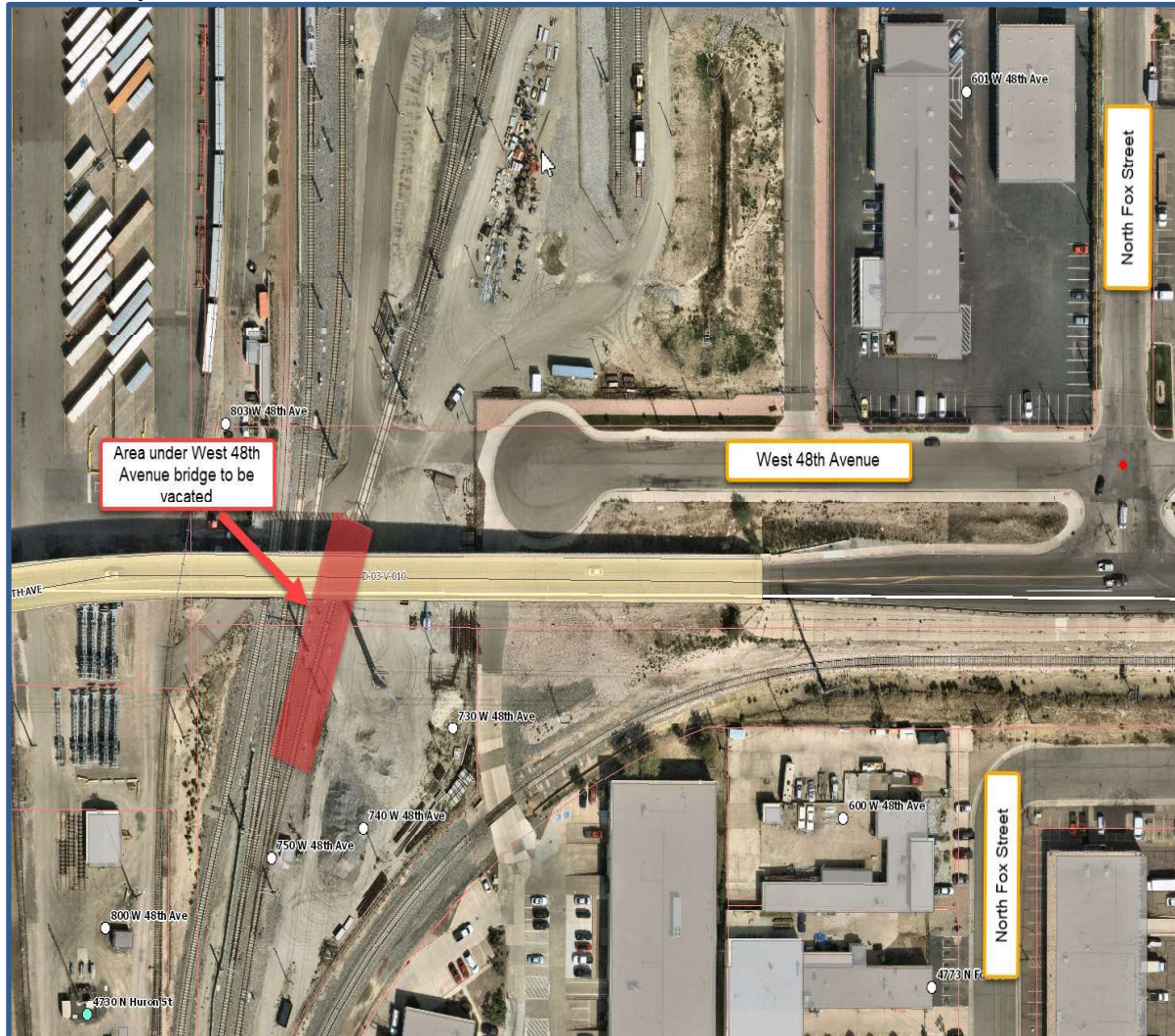


EXHIBIT "A"
DESCRIPTION

A portion of West 48th Avenue as described in Ordinance 75 recorded 1970 and Ordinance 246 recorded 1958 in the City and County of Denver Clerk and Recorder's Office, located in the Southwest Quarter of Section 15, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being that portion and only that portion of the following described parcel lying above elevation 5208.64 ft. (NAVD88) and below elevation 5242.14 ft. (NAVD88), said parcel described as follows:

COMMENCING at the Southwest Corner of said Section 15 (as witnessed by a found 3-1/4" aluminum cap stamped "T3S R68W S16 S15 S21 S22 WC15FT 2000 PLS 34173"); WHENCE the West Sixteenth Corner of said Section 15 and Section 22 (a found 3" aluminum cap stamped "WESTERN STATES SURVEYING INC. T3S R68W W1/16 S15 S22 2008 PLS 23516") bears S89°54'01"E a distance of 1320.82 feet (basis of bearing – assumed);

THENCE N29°25'42"E a distance of 87.03 feet to the southerly Right of Way line of said West 48th Avenue as described in Ordinance No. 75 recorded 1970, and the POINT OF BEGINNING;

THENCE along the arc of a non-tangent curve to the left, having a central angle of 12°07'53", a radius of 740.52 feet, a chord bearing N08°09'28"E a distance of 156.50 feet, and an arc distance of 156.79 feet to the northerly Right of Way line of said West 48th Avenue as described in Ordinance 246 recorded 1958;

THENCE S89°56'36"E, coincident with the said northerly Right of Way line, non-tangent with the last described curve, a distance of 26.63 feet;

THENCE S06°18'48"W a distance of 91.02 feet;

THENCE S13°12'14"W a distance of 23.11 feet;

THENCE S10°35'01"W a distance of 42.63 feet to the said southerly Right of Way line;

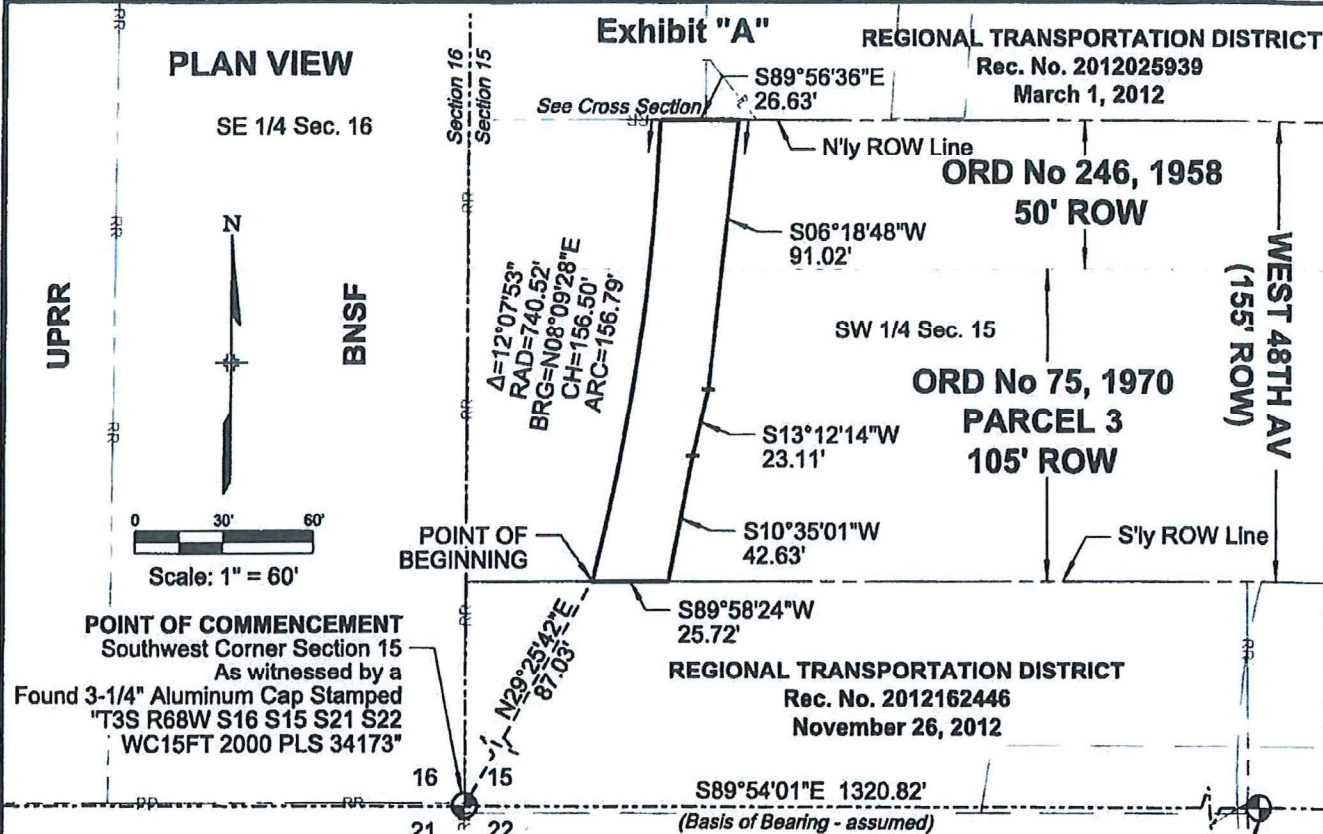
THENCE S89°58'24"W, coincident with the said southerly Right of Way line, a distance of 25.72 feet to the POINT OF BEGINNING.

Each plane contains 3,870 square feet, (0.089 Acres), more or less. The volume of the parcel contains 129,645 cubic feet, more or less.

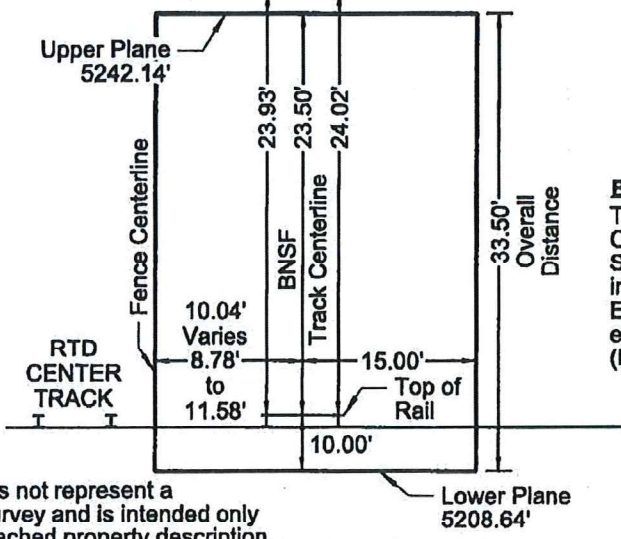
BASIS OF ELEVATIONS: The lower plane elevation for this parcel has an elevation of 5208.64 feet based on CCD benchmark 598, having a published CCD elevation of 5164.48 feet NAVD88. The lower plane elevation is 10.00 feet lower than the top of the BNSF rail elevation located at the north side of the 48th Avenue bridge. The upper plane, being the same shape and directly overhead the lower plane, has an elevation of 5242.14 feet.

Prepared by
Kenneth W. Carlson PLS 24942 6/19/18
For and on behalf of Jacobs Engineering Group Inc.
707 17th Street, #2400
Denver, CO 80202
303.820.5240





CROSS SECTION (NTS)
48th Ave. Bridge Looking South under North side of the 48th Ave Bridge



West 1/16 Corner of Section 15 and Section 22 Found 3" Aluminum Cap Stamped "WESTERN STATES SURVEYING INC. T3S R68W W1/16 S15 S22 2008 PLS 23516"

BENCHMARK NOTE:
The benchmark utilized for the project was CCD BM 598 (Found 2" CCD Brass cap at the Southeast corner of 48th Ave and Lincoln St. in top back of curb stamped "DENVER CITY ENGINEER BM 598 2002") The published elevation for this benchmark is 5164.48 feet (NAVD88).

Parcel Area = 3,870 Sq.Ft.
0.089 Acres +/-
129,645 Cu. Ft. +/-

This exhibit does not represent a monumented survey and is intended only to depict the attached property description.

JACOBS PROJECT NO.	WXV741B		
CLIENT PROJECT NO.	072120		
REVISION DESCRIPTION			
DRAWN	DAM	DATE 6/13/2018	SCALE 1"=60'

JACOBS
707 17th Street 2400 Denver, CO. 80202
(303) 820-5240 Fax (303) 820-4842

THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY JACOBS ENGINEERING GROUP INC. FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF ENGINEERING GROUP INC. SHALL BE AT THE SOLE RISK OF THE USER.

RTD CRMF Corridor Commuter Rail Project
City and County of Denver, Colorado
SW 1/4 Sec. 15, T3S, R68W, 6th P.M.

TITLE: Exhibit "A"
BNSF-48th Ave.

REVISION:	DRAWING NO. BNSF-48thAve.dgn	SHEET NO. 1 of 1
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