

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2018-VACA-0000006

DATE: August 10, 2018

SUBJECT: Request for an Ordinance to vacate the northernmost east-west portion of the alley bounded by W 18th Ave., W 17th Ave., King St, and N Julian St. (at 3418 W 18th Ave.), 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 Jared Bandel, dated February 26, 2018, for requesting 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 Councilman Paul Lopez – District 3; 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:

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, 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.

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

INSERT PARCEL DESCRIPTION ROW 2018-VACA-0000006-001 HERE

MB: bp

cc: City Councilperson Paul Lopez & 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 by **12:00pm on Monday**. Contact her with questions.

Date of Request: August 10, 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.)

Jared Bandel requests for an Ordinance to vacate the northernmost east-west portion of the alley bounded by W 18th Ave., W 17th Ave., King St, and N Julian St. (at 3418 W 18th Ave.), with reservations.

3. Requesting Agency: Public Works; Engineering, Regulatory & 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: Brittany.Pirtle@denvergov.org	Email: Sarah.Stanek@denvergov.org

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

Request for an Ordinance to vacate the northernmost east-west portion of the alley bounded by W 18th Ave., W 17th Ave., King St, and N Julian St. (at 3418 W 18th Ave.), with reservations.

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

7. City Council District: District 3 – Councilman Paul Lopez

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-0000006, 3418 W 18th Ave

Requestor's name: Jared Bandel

Description of Proposed Project: Proposing to vacate the northernmost east-west portion of the alley bounded by W 18th Ave., W 17th Ave., King St, and N Julian St. (at 3418 W 18th Ave.), with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Property owner Jared Bandel is wanting to redevelop his lot at 3418 W 18th Ave.

Width of area in feet: Approximately 76.81'

Number of buildings abut said area: Two (2)

The 20-day period for protests has expired, the vacating notice was posted on: July 11, 2018

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: July 11, 2018

Protests sustained by the manager of Public Works: Have been filed and were deemed not to have technical merit.

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; there is an existing public sanitary main.

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

Background: Property owner at 3418 W 18th Ave is wanting to use acquired land through vacation process to redevelop his lot.

Public Notification: There were several objections that were sent to the Executive Director of Public Works. Objections without technical merit cannot be addressed by Public Works. None of the objects were found to have technical merit.

Location Map:



ROW PROJECT NO. _____
 DS PROJECT NO. _____

DESCRIPTION

PARCEL SITUATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A 12-FOOT WIDE PUBLIC ALLEY TO BE VACATED IN BLOCK 17, A.H. GLASPELL'S RESUBDIVISION OF BLOCK 17, CHELTENHAM HEIGHTS.

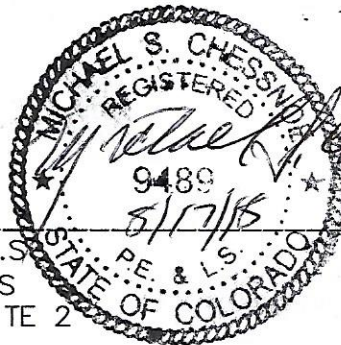
LEGAL DESCRIPTION:

A PART OF BLOCK 17, A.H. GLASPELL'S RESUBDIVISION OF BLOCK 17, CHELTENHAM HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 35 OF SAID BLOCK 17; THENCE N89°55'02"W ALONG THE SOUTHERLY LINE OF SAID LOT 35 AND SAID LINE EXTENDED, 3.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID ABOVE DESCRIBED COURSE, 76.81 FEET TO THE SOUTHWEST CORNER OF LOT 33 OF SAID BLOCK 17; THENCE S00°00'00"W ALONG THE WEST LINE OF SAID LOT 33 EXTENDED, 22.00 FEET TO THE NORTHWEST CORNER OF LOT 36 OF SAID BLOCK 17; THENCE N45°02'29"E ALONG THE NORTHWESTERLY LINE OF SAID LOT 36, 14.13 FEET TO THE NORTHERLY LINE OF SAID LOT 36; THENCE S89°55'02"E ALONG SAID NORTHERLY LINE OF SAID LOT 36, 59.81 FEET; THENCE S44°57'31"E, 9.91 FEET; THENCE N00°00'00"E, 19.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 996 SQUARE FEET OR 0.0229 ACRES MORE OR LESS.

BASIS OF BEARINGS: AN ASSUMED BEARING OF S00°00'00"W BETWEEN TWO MONUMENTS 149.66 FEET APART BEING THE EAST LINE OF LOT 35, BLOCK 17, A.H. GLASPELL'S RESUBDIVISION OF BLOCK 17, CHELTENHAM HEIGHTS, ONE MONUMENT BEING A NO. 5 REBAR W/ 1.25" DIAMETER ORANGE CAP STAMPED P.E. & L.S. #9489 AT THE NORTHEAST CORNER OF LOT 35 OF SAID BLOCK 17 AND THE OTHER BEING A NO. 5 REBAR W/ 1.25" DIAMETER ORANGE CAP STAMPED P.E. & L.S. #9489 AT THE SOUTHEAST CORNER OF LOT 35 OF SAID BLOCK 17.

PREPARED BY:



MICHAEL S. CHESSNOE, P.E. & L.S.
 C/O CHESSNOE AND ASSOCIATES
 4101 EAST WESLEY AVENUE, SUITE 2
 DENVER, CO 80222
 TELEPHONE: 303-722-3267
 FEBRUARY 15, 2018

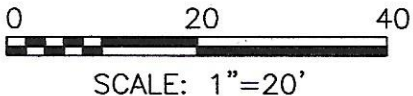
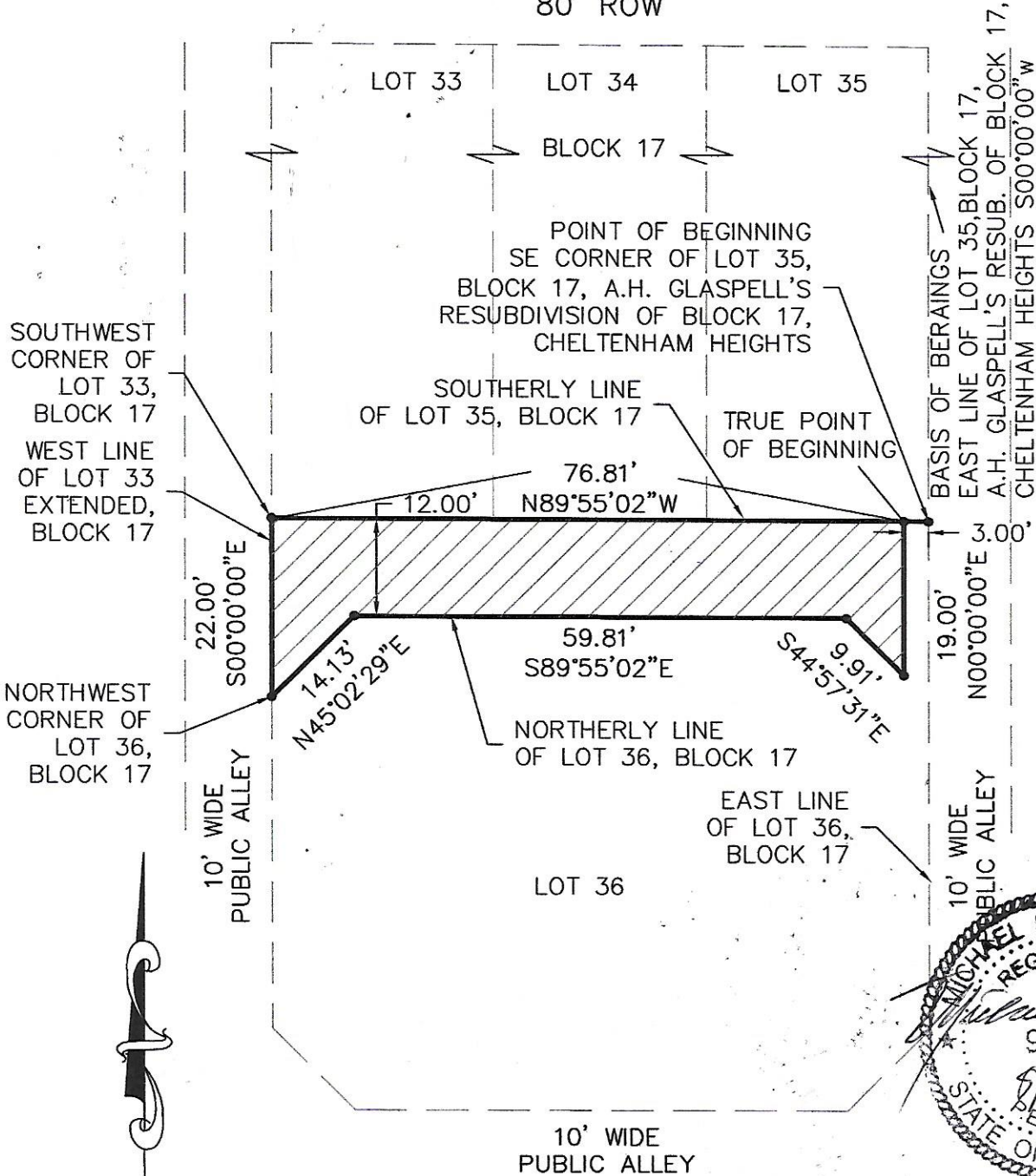
△ REVISED MAY 15, 2018

△ AUGUST 17, 2018- REVISED LEGAL DESCRIPTION

EXHIBIT A

PARCEL SITUATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

WEST 18TH AVENUE
80' ROW



△ REVISED MAY 15, 2018
△ REVISED AUGUST 17, 2018

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