



REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2016-VACA-0000021

DATE: May 15, 2020

SUBJECT: Request for an Ordinance to vacate a portion of 17th Street adjacent to 1695 Platte Street beginning at the west side of the current property line and extending 18.69' into the right-of-way, for a total area of 914 square feet, with the standard utility easement 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 The Denver Beer Company, LLC. c/o Charlie Berger dated July 29, 2016, on behalf of 1635-95 Platte, LLC. for requesting the subject vacation.

This matter has been coordinated with Asset Management; Comcast; Division of Disability Rights; Community Planning & Development – Building Inspections, Planning and Zoning; Landmark; City Councilperson, Amanda Sandoval; City Forester; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – ER Transportation & Wastewater, Construction Engineering, DES Transportation & Wastewater, Survey, Policy and Planning, Street Maintenance; CenturyLink; Regional Transportation District; Denver Water; 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 along with the standard utility easement reservations:

PARCEL DESCRIPTION ROW 2016-VACA-0000021-001 HERE

MB: vw

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: May 12, 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.)

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3. Requesting Agency: Department of Transportation and Infrastructure, 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: Vanessa West	Name: Jason Gallardo
Email: Vanessa.west@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 17th Street adjacent to 1695 Platte Street beginning at the west side of the current property line and extending 18.69' into the right-of-way, for a total area of 914 square feet, with the standard utility easement reservations.

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

7. City Council District: Council District 1, Amanda Sandoval

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

Key Contract Terms

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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 (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: 2016-VACA-0000021, Denver Beer Company, 1695 Platte Street

Requestor's name: 1635-95 Platte, LLC. c/o William J. Spicer and Charlie Burger

Description of Proposed Project: The applicant is requesting to vacate a portion of 17th Street adjacent to 1695 Platte Street, beginning at the west side of the current property line and extending 18.69' into the right-of-way, for a total area of 914 square feet, with the standard utility easement reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Denver Beer Company is requesting the vacation for additional space to expand their beer garden and outdoor eating area.

Width of area in feet: 29.20'

Number of buildings abut said area: Two (2)

Public Notifications: There were 2 rounds of public notification due to a change in requested vacation area occurring after the first public notification:

First posting was from April 7, 2017 – April 27, 2017

Second posting was from June 19, 2019 – July 9, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:

April 7, 2017 and June 10, 2019

Protests sustained by the manager of Public Works:

The first posting from April 7, 2019 received protests. Protests were determined to have technical merit and were addressed by the applicant by redefining the area of the requested vacation.

The second posting from June 10, 2019 did NOT sustain any protests.

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 standard utility easement will be held over the vacated area.

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

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/dotj
Phone: 720-865-3003

Background: The applicant has done everything CCD has requested of them, including replacing the curb and gutter, sidewalk, and a section of the storm inlet for this vacation to become feasible.

Location Map:



LEGAL DESCRIPTION
EXHIBIT A
RIGHT OF WAY VACATION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH END OF SAID 20' RANGE LINE, THENCE NORTH 68°28'18" WEST, A DISTANCE OF 21.73 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 44°33'03" WEST, RUNNING PARALLEL TO AND 20 FEET DISTANT FROM SAID 20 FOOT RANGE LINE OF PLATTE STREET, A DISTANCE OF 13.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 17TH STREET;

THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 45°26'44" WEST, A DISTANCE OF 50.01 FEET TO THE SOUTHEASTERLY CORNER OF VACATED 17TH STREET PER ORDINANCE 56-2014;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG SAID 17TH STREET VACATION, NORTH 44°33'03" EAST, A DISTANCE OF 18.69 FEET;

THENCE SOUTH 45°26'44" EAST, A DISTANCE OF 42.72 FEET;

THENCE SOUTH 07°28'18" EAST, A DISTANCE OF 9.25 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 914 SQUARE FEET OR 0.020 ACRE.

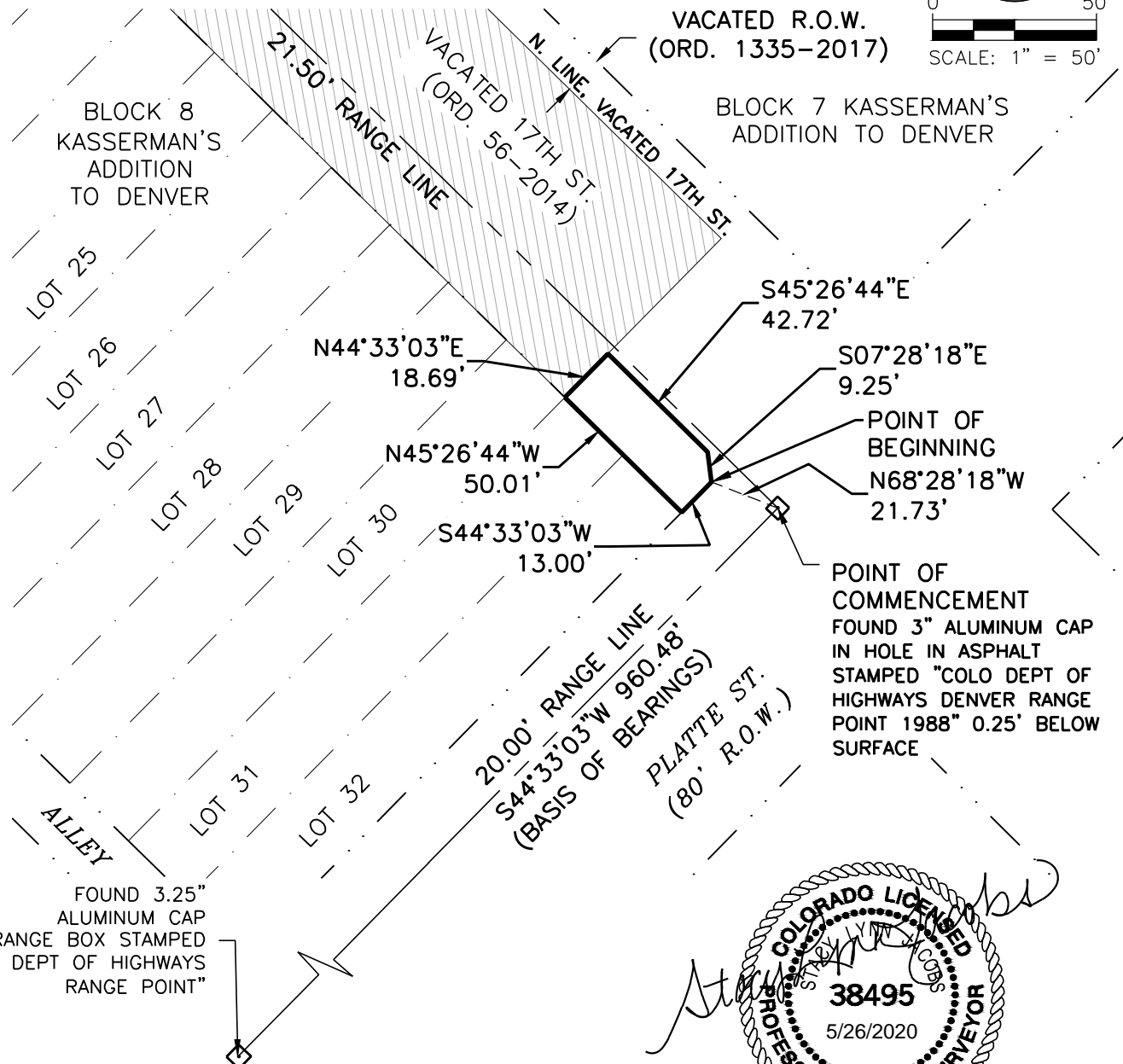
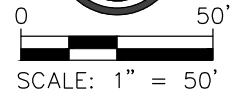
ALL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

BASIS OF BEARINGS: THE 20' RANGE LINE LOCATED IN PLATTE STREET LYING SOUTHEAST OF BLOCK 8, KASSERMAN'S ADDITION, IS ASSUMED TO BEAR SOUTH 44°33'03" WEST FOR 960.48 FEET BETWEEN THE NORTHEAST CORNER OF SAID 20' RANGE LINE, MONUMENTED WITH A 3" ALUMINUM CAP IN HOLE IN ASPHALT STAMPED "COLO DEPT OF HIGHWAYS DENVER RANGE POINT 1988" AND THE SOUTHWEST CORNER OF SAID 20' RANGE LINE, MONUMENTED WITH A 3.25" ALUMINUM CAP IN RANGE BOX STAMPED "COLO DEPT OF HIGHWAYS RANGE POINT", WITH ALL OTHER BEARINGS REFERENCED THERETO.

PREPARED BY:
STACY LYNN JACOBS, PLS #38495
FOR, AND ON BEHALF OF:
R&R ENGINEERS-SURVEYORS, INC.
1635 W. 13TH AVENUE SUITE 310
DENVER, COLORADO 80204
MAY 26, 2020

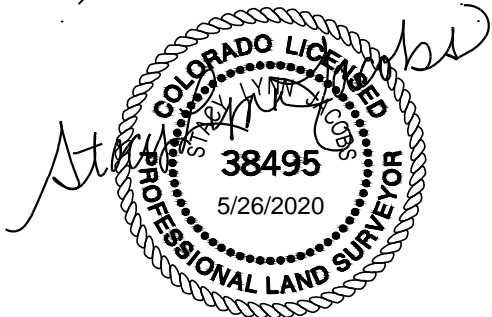


SW 1/4 SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO
EXHIBIT A



LEGEND

VACATED 17TH STREET PER ORDINANCE NO. 56 SERIES OF 2014, WITH RESERVATIONS RECORDED 1/24/14, RECEPTION NO. 2014008045



PARCEL CONTAINS 914 SQ. FT. OR 0.020 ACRE

VACATION EXHIBIT		Sheet 2 of 2	R&R ENGINEERS SURVEYORS	R&R ENGINEERS-SURVEYORS, INC. 1635 W. 13TH AVENUE, SUITE 310 DENVER, COLORADO 80204 PH: 303-753-6730 WWW.RRENINEERS.COM
NOTE THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.				
Date: 5/26/2020 Drawn: DF Checked: SLJ Job No.: DB16131				