

REQUEST FOR VACATION ORDINANCE

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Matt R. Bryner, PE *Matt R. Bryner*
Director, Right of Way Services Matt R. Bryner (Jun 9, 2022 14:47 MDT)

ROW #: 2022-VACA-0000002

DATE: June 2, 2022

SUBJECT: Request for an Ordinance to vacate the alley right of way bounded by Larimer Street and Lawrence Street and 26th Street and 27th Street, 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 Tom Kiler, dated December 17, 2021, on behalf of Volunteers of America of Colorado and 2644 Five Points RINO, LLC for requesting the above requested 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 CdeBaca, District #9; Fire Department; Forester; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – Construction Engineering, CPM Wastewater, DES Transportation & Wastewater, ER Transportation & Wastewater; Survey, Policy and Planning, Solid Waste, Street Maintenance, TES Sign & Stripe; 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 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 2022-VACA-0000002-001 HERE

MB: dp

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: **June 2, 2022**

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.)

Request for an Ordinance to vacate the alley right of way bounded by Larimer Street and Lawrence Street and 26th Street and 27th Street, with reservations.

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: Devin Price	Name: Jason Gallardo
Email: devin.price@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 the alley right of way bounded by Larimer Street and Lawrence Street and 26th Street and 27th Street, with reservations.

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>	<i>Additional Funds</i>	<i>Total Contract Amount</i>
<i>(A)</i>	<i>(B)</i>	<i>(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: 2022-VACA-0000002 - 2600 Larimer St Alley Vacation

Requestor's name: Volunteers of America of Colorado and 2644 Five Points RINO, LLC

Description of Proposed Project: Proposing to vacate the alley right of way bounded by Larimer Street and Lawrence Street and 26th Street and 27th Street, with reservations. Located at 2600 Larimer Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Applicant is requesting this vacation area for future redevelopment of the block with multi-use buildings.

Area of proposed right-of-way vacation in square feet: Approximately 6,408 square feet

Number of buildings adjacent to proposed vacation area: 6

Public Notice was posted at the proposed vacation area on: April 1, 2022

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: April 1, 2022

The 20-day period for protests expired on: April 21, 2022

Were protests received from the Public and, if so, explain: 25 responses were received during Public Notification, all of which did not provide sufficient technical justification to deny submitting this request to Council.

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, to accommodate existing utilities

Is a request for an easement relinquishment expected at a later date and, if so, explain: Yes, if applicant chooses to relocate utilities and build over the area in which the easement is reserved.

Background: In addition to the vacation request, the applicant is separately seeking approval of rezoning of the real property immediately adjacent to the alley, together with other real property adjacent to portions of Lawrence Street and south and west of 26th Street to a planned unit development zone district PUD G-28.

Location Map:



EXHIBIT A
SHEET 1 OF 2
LAND DESCRIPTION

THE 16-FOOT ALLEY IN BLOCK 58, CURTIS AND CLARKE'S ADDITION TO DENVER, AND BLOCK 30, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER; SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, 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 SOUTH CORNER OF LOT 16, SAID BLOCK 58;
THENCE NORTHEASTERLY, ALONG THE NORTHWEST LINE OF SAID 16-FOOT ALLEY, 400.53 FEET TO THE EAST CORNER OF LOT 1, SAID BLOCK 30;
THENCE SOUTHEASTERLY ALONG THE SOUTHWEST RIGHT OF WAY LINE OF 27TH STREET, 16.00 FEET TO THE NORTH CORNER OF LOT 32, SAID BLOCK 30;
THENCE SOUTHWESTERLY, ALONG THE SOUTHEAST LINE OF SAID 16-FOOT ALLEY, 400.54 FEET TO THE WEST CORNER OF LOT 17, SAID BLOCK 58;
THENCE NORTHWESTERLY ALONG THE NORTHEAST RIGHT OF WAY LINE OF 26TH STREET, 16.00 FEET TO THE **POINT OF BEGINNING.**

PREPARED BY: AARON MURPHY
PLS 38162

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



EXHIBIT A ILLUSTRATION

BLOCK 30
CASE AND EBERT'S
ADDITION TO THE
CITY OF DENVER

27TH ST
(80' PUBLIC R.O.W.)

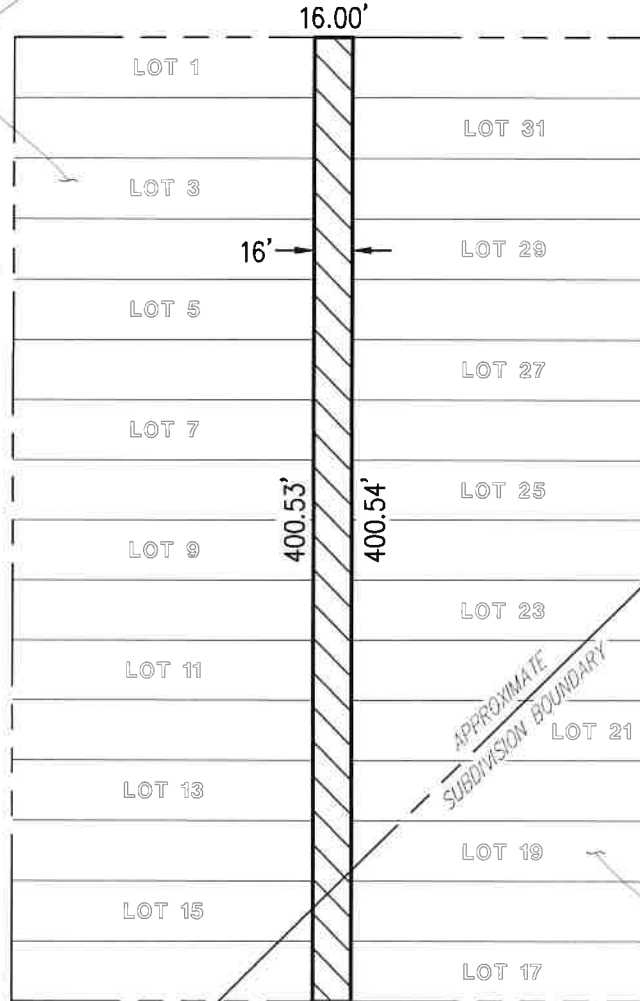
LARIMER ST
(80' PUBLIC R.O.W.)

LAWRENCE ST
(80' PUBLIC R.O.W.)

POINT OF BEGINNING

26TH ST
(80' PUBLIC R.O.W.)

BLOCK 58,
CURTIS AND CLARKE'S
ADDITION TO DENVER



SCALE: 1" = 80'

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

HKS **HARRIS
KOCHER
SMITH**

1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

ILLUSTRATION

PROJECT #: 201138

CHECKED BY: AWM

DRAWN BY: TWG

SHEET NUMBER

2

2 OF 2