


REQUEST FOR VACATION ORDINANCE

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

FROM: Matt R. Bryner, PE
Director, Right of Way Services 
Matt R. Bryner (Aug 31, 2022 06:42 MDT)

ROW #: 2022-VACA-0000006

DATE: August 12, 2022

SUBJECT: Request for an Ordinance to vacate a portion of West 29th Avenue right-of-way located at the corner of West 20th Avenue and Chestnut Place, 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 Martin/Martin Consulting Engineers, dated December 26, 2021, on behalf of Chestnut Place, LLC for the subject 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 and Construction Services, Planning Services, and Zoning & Development Review; Historic Preservation/Landmark; City Councilperson CdeBaca, District 9; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; City Forester; Parks & Recreation; DOTI: Construction Engineering, DES Transportation & Wastewater, Survey, Policy & Planning, Street Maintenance, Survey, TES Signing & Striping, Solid Waste, Street Maintenance; CPM Wastewater; Century Link/Lumen; Regional Transportation District; Denver Water Department; 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)

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

INSERT PARCEL DESCRIPTION ROW 2022-VACA-0000006-001 HERE

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

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

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: **August 12, 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 a portion of West 29th Avenue right-of-way located at the corner of West 20th Avenue and Chestnut Place, without reservations.

3. Requesting Agency: Department of Transportation & Infrastructure, Engineering & 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 West 29th Avenue right-of-way located at the corner of West 20th Avenue and Chestnut Place, without 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>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</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-0000006 - 2099 Chestnut Place Vacation

Requestor's name: Chestnut Place, LLC

Description of Proposed Project: Request for an Ordinance to vacate a portion of West 29th Avenue right-of-way located at the corner of West 20th Avenue and Chestnut Place, without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Requestor is looking to develop the area and the vacation will allow the proposed building to be designed and constructed to compliment proposed improvements at this corner.

Area of proposed right-of-way vacation in square feet: Approximately 348 square feet

Number of buildings adjacent to proposed vacation area: 2

Public Notice was posted at the proposed vacation area on: June 24, 2022

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: June 24, 2022

The 20-day period for protests expired on: July 14, 2022

Were protests received from the Public and, if so, explain: None 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: No easement will be placed over the vacated area.

Is a request for an easement relinquishment expected at a later date and, if so, explain: N/A

Background: The requestor is seeking to design and construct a building and this vacation, if approved will allow them to develop this area.

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

Location Map:



EXHIBIT A
SHEET 1 OF 2

2022-VACA-0000006-001

LAND DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF WEST 29TH AVENUE RIGHT-OF-WAY ADJACENT TO LOT 15, BLOCK 6, HOYT & ROBINSON'S ADDITION TO DENVER LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE 28 FOOT RANGE LINE IN INCA STREET AND THE 20 FOOT RANGE LINE IN WEST 29TH AVENUE; THENCE S10°59'29"E A DISTANCE OF 40.71 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF DIVISION ST. EXTENDED, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF DIVISION ST. EXTEND, S14°44'40"E A DISTANCE OF 20.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 15, THENCE ALONG THE NORTHERLY LINE OF SAID LOT 15 ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 29TH AVENUE, S89°44'10"W A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF THE RIGHT-OF-WAY VACATION FOR A PORTION OF WEST 29TH AVENUE BY ORDINANCE 207 SERIES 1960 RECORDED AT BOOK 8549 AT PAGE 361;

THENCE ALONG THE EASTERLY LINE OF SAID RIGHT-OF-WAY VACATION, N00°15'50"W A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY VACATION;

THENCE ALONG THE NORTHERLY LINE OF SAID RIGHT-OF-WAY VACATION EXTENDED, N89°44'10"E A DISTANCE OF 14.83 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 0.008 ACRES OR 348 SQUARE FEET MORE OR LESS.

ALL LINEAR DIMENSIONS ARE IN U.S. SURVEY FEET.

BEARINGS ARE BASED ON THE 20' RANGE LINE IN WEST 29TH AVENUE ASSUMED TO BEAR N89°44'10"E BEING MONUMENTED BY A FOUND #8 REBAR IN RANGE BOX AT THE INTERSECTION OF 28' RANGE LINE IN INCA STREET AND THE 20' RANGE LINE OF WEST 29TH AVENUE AND A FOUND 2-1/2" ALUMINUM CAP PLS # ILLEGIBLE AT THE INTERSECTION OF THE 10' RANGE LINE IN HURON STREET AND 20' RANGE LINE IN WEST 29TH AVENUE.

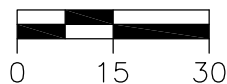
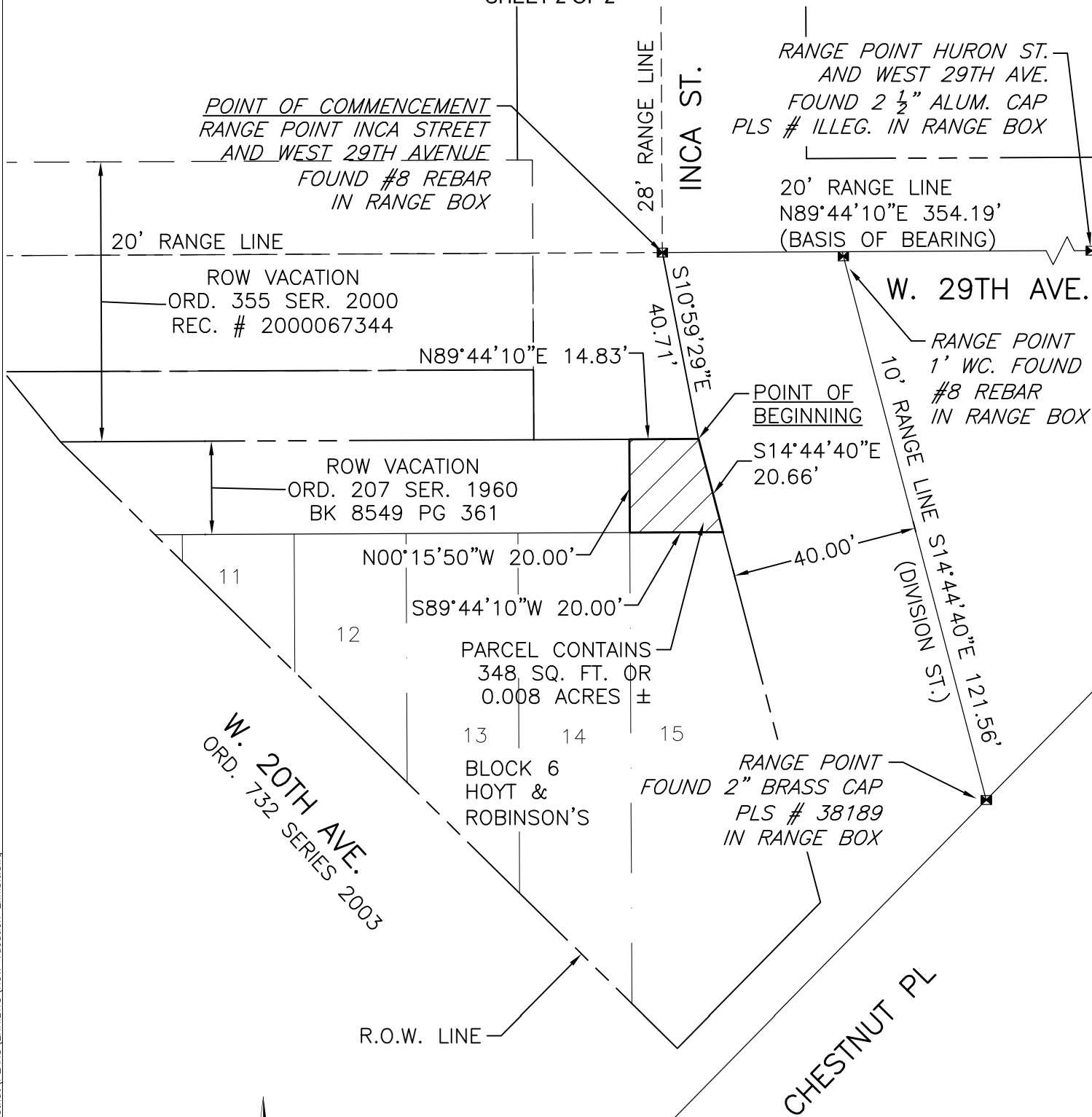
PREPARED BY RICHARD A. NOBBE, PLS #23899
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
303-431-6100
APRIL 28, 2022



ILLUSTRATION OF EXHIBIT "A"

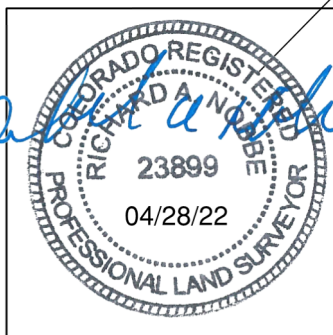
2022-VACA-0000006-001

SHEET 2 OF 2



SCALE: 1"=30'

ALL LINEAL
 DIMENSIONS ARE IN
 U.S. SURVEY FEET



APRIL 28, 2022

MARTIN/MARTIN
 CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
 303.431.6100 MARTINMARTIN.COM

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