

**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 (Jan 10, 2023 12:14 MST)

**ROW #:** 2022-VACA-0000003

**DATE:** January 4, 2023

**SUBJECT:** Request for an Ordinance to vacate 190 square feet of alley bounded by 40<sup>th</sup> Street and East 40<sup>th</sup> Avenue and Walnut Street at 4003 Walnut Street, 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 GWS Owner LLC, dated December 22, 2021.

This matter has been coordinated with Asset Management; Building Department; CenturyLink; Colorado Department of Transportation; City Councilperson CdeBaca, District #9; City Forester; Comcast; CPD Development Services; Office of Disability Rights; Denver Water; Denver Fire Department; Landmark; Metro Water Reclamation District; Office of Emergency Management; Development & Planning Services; Parks & Recreation; DOTI: DES Transportation & Wastewater, Construction Engineering, Policy & Planning, Street Maintenance, Survey, TES Signing & Striping, CPM Wastewater, Solid Waste; Regional Transportation District; 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-0000003 HERE**

MB: bw

- cc: City Councilperson & Aides
- City Council Staff – Luke Palmisano
- 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](http://www.denvergov.org/doti)  
Phone: 720-865-3003

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Jason Gallardo

at [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

Date of Request: **January 3, 2023**

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 190 square feet of alley bounded by 40th Street and East 40th Avenue and Walnut Street at 4003 Walnut Street, without 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: Brianne White	Name: Jason Gallardo
Email: <a href="mailto:Brianne.white@denvergov.org">Brianne.white@denvergov.org</a>	Email: <a href="mailto:Jason.Gallardo@denvergov.org">Jason.Gallardo@denvergov.org</a>

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

Request for an Ordinance to vacate 190 square feet of alley bounded by 40th Street and East 40th Avenue and Walnut Street at 4003 Walnut Street, 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> (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:** 2022-VACA-0000003 - 4003 Walnut St Alley Vacation

**Requestor's name:** GWS Owner LLC

**Description of Proposed Project:** Proposing to vacate approximately 190 square feet of the alley bounded by 40th Street and E 40th Avenue and Walnut Street. Located at 4003 Walnut Street.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Applicant is requesting this vacation area to redevelop the site into a five-story, 120,000 square foot office building.

**Area of proposed right-of-way vacation in square feet:** Approximately 190 square feet.

**Number of buildings adjacent to proposed vacation area:** 0

**Public Notice was posted at the proposed vacation area on:** December 8, 2022

**Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on:** December 8, 2022

**The 20-day period for protests expired on:** December 30, 2022

**Were protests received from the Public and, if so, explain:** No objections were received.

**Are all protests containing technical merit resolved to the satisfaction of DOTI:** N/A

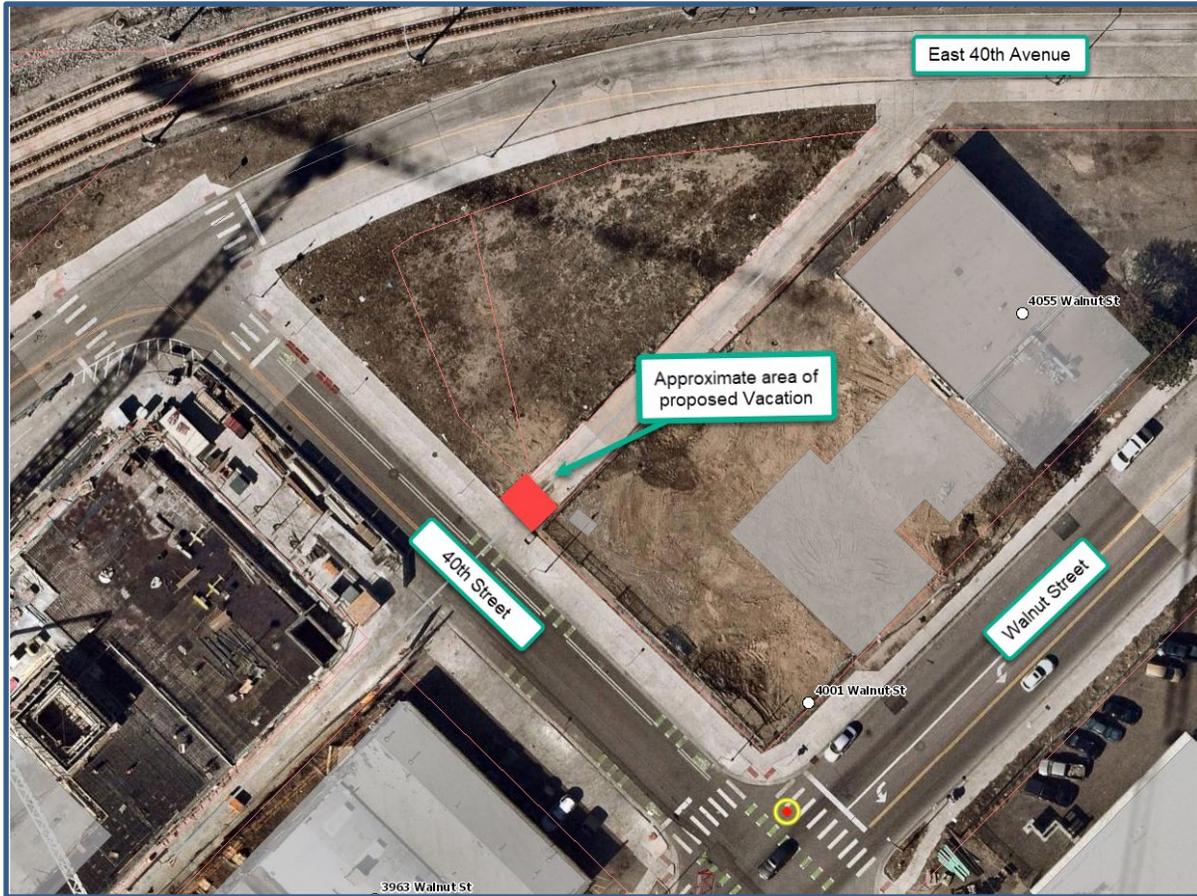
**Will land be dedicated to the City if the vacation is approved:** No

**Will an easement be placed over a vacated area and, if so, explain:** No

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

**Background:** The remainder of the alley was previously vacated by City Council Ordinance No. 20190590 and all the utilities that dead end in the alley have been removed.

**Location Map:**



**EXHIBIT A  
LAND DESCRIPTION – ROW PARCEL  
SHEET 1 OF 2**

A PORTION OF THE ALLEY WITHIN BLOCK 23, RIVERSIDE ADDITION TO DENVER, AS RECORDED IN BOOK 1 AT PAGE 18 ON JANUARY 31, 1871 IN THE COUNTY OF ARAPAHOE CLERK AND RECORDER'S OFFICE (ARCHIVED WITH THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE), AND BEING LOCATED IN THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE MOST SOUTHERLY CORNER OF LOT 16, SAID BLOCK 23, ALSO BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF 40<sup>TH</sup> STREET;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 16, N44°04'47"E, A DISTANCE OF 13.73 FEET;

THENCE S32°48'43"E, A DISTANCE OF 16.43 FEET TO THE NORTHWESTERLY LINE OF LOT 17, SAID BLOCK 23;

THENCE ALONG SAID NORTHWESTERLY LINE, S44°04'47"W, A DISTANCE OF 10.00 FEET TO THE MOST WESTERLY CORNER OF LOT 17;

THENCE N45°55'13"W, A DISTANCE OF 16.00 FEET ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 190 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE 20' RANGE LINE WITHIN 40TH STREET MONUMENTED BY A DENVER RANGE POINT BEING A 4" STONE IN A RANGE BOX LOCATED AT THE INTERSECTION OF BLAKE STREET AND 40<sup>TH</sup> STREET AND BY A 3-1/4" ALUMINUM CAP IN A RANGE BOX STAMPED LUCHETTI SURVEYING PLS 36053 IN THE INTERSECTION OF 40<sup>TH</sup> STREET AND WALNUT STREET AND IS ASSUMED TO BEAR S45°55'13"E.

CHRISTOPHER BROOKS,  
COLORADO PLS 38063  
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.



# Exhibit A

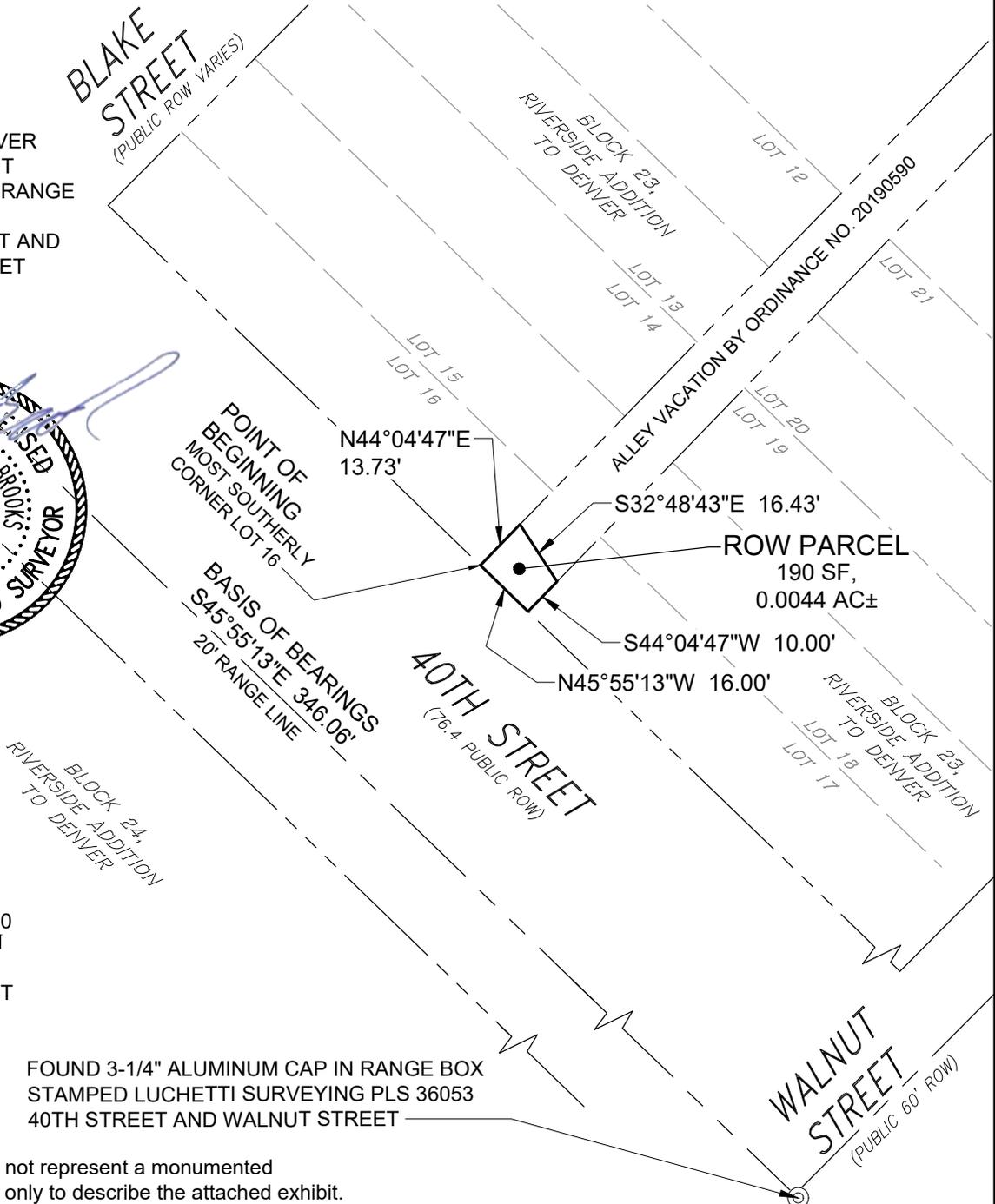
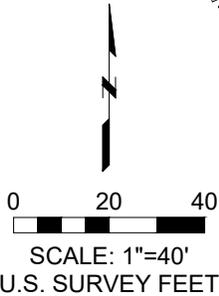
2022-VACA-000003-001

## Exhibit for Land Description - ROW Parcel

SHEET 2 OF 2

J:\2021\0210486.00 - GWS Redevelopment\Survey\07\_Drawings\Legal Descriptions\ESMT-DENVER PARCEL 2 - 0210486.00.dwg | 6/18/2021 11:18 AM

FOUND DENVER RANGE POINT  
4" STONE IN RANGE BOX  
40TH STREET AND BLAKE STREET



FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX  
STAMPED LUCHETTI SURVEYING PLS 36053  
40TH STREET AND WALNUT STREET

**General Note:**  
This description does not represent a monumented survey. It is intended only to describe the attached exhibit.



5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, COLORADO 80111  
(303) 692-8838 / info@f-w.com

GWS REDEVELOPMENT  
ROW PARCEL - LAND DESCRIPTION

A PORTION OF BLOCK 23, RIVERSIDE ADDITION TO DENVER,  
LOCATED IN SE 1/4 SECTION 23, T.3 S., R.68 W. OF THE 6TH P.M.,  
CITY & COUNTY OF DENVER, COLORADO

Project No: 0210468.00  
Drawn by: JAN  
Approved: CAB  
Date: 2021.06.15  
Revised: