


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 (May 11, 2023 05:18 MDT)

ROW #: 2022-VACA-0000012

DATE: May 4, 2023

SUBJECT: Request for an Ordinance to vacate a portion of N. Bannock Street between W. 14th Avenue and W. Colfax Avenue, 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 Greg Neitzke, dated March 11, 2022, on behalf of Denver Parks and Recreation for the subject right of way vacation.

This matter has been coordinated with Asset Management; Building Department; CenturyLink; Colorado Department of Transportation; City Councilperson Hinds, District #10; City Forester; Comcast; CPD Development Services; Office of Disability Rights; Denver Water; Denver Fire Department; Landmark; Metro Water Recovery; Office of Emergency Management; Development & Planning Services; Parks & Recreation; DOTI: DES Transportation & Wastewater, ER Transportation & Wastewater, Construction Engineering, Policy & Planning, Street Maintenance, Survey, TES Sign & Stripe, 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) 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-0000012-001 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 – 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

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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 4, 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 a portion of N. Bannock Street between W. 14th Avenue and W. Colfax Avenue, with reservations.

3. Requesting Agency: DOTI, Right-of-Way Services, 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 N. Bannock Street between W. 14th Avenue and W. Colfax Avenue, with reservations.

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

7. City Council District: Councilperson Chris Hinds, District 10

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-0000012 - Bannock Street Right-of-Way Vacation

Requestor's name: Denver Parks and Recreation

Description of Proposed Project: To vacate a portion of N. Bannock Street between W. 14th Avenue and W. Colfax Avenue, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The request to vacate Bannock Street is generated by the recently completed design concept plan "Civic Center Next 100 Vision". Activating Civic Center Park, maintaining a central open plaza area between the City and County Building. Providing a safe accessible gathering space with additional planting areas for all visitors with diverse events for individuals and families.

Area of proposed right-of-way vacation in square feet: 40,060 square feet

Number of buildings adjacent to proposed vacation area: 2

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

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

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

Were protests received from the Public and, if so, explain: Yes, two protests were received during the public notification. 1 protest addressing concerns with how the adjacent property/vacated sidewalk/street to the City and County Building was going to be maintained also with regards to homelessness in the newly vacated area was resolved as part of the public notification process. A 2nd protest addressing traffic congestion and it not being navigable, and the general navigation of downtown, remains outstanding, however, DOTI Executive Director and ROWS Director has approved this vacation to move forward to City Council.

Are all protests containing technical merit resolved to the satisfaction of DOTI: No

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

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Right-of-Way Services / Engineering & Regulatory
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VACATION EXECUTIVE SUMMARY

Will an easement be placed over a vacated area and, if so, explain: Yes

Is a request for an easement relinquishment expected at a later date and, if so, explain: No

Background: See explanation above.

Location Map: (Please see below)

VACATION EXECUTIVE SUMMARY

Location Map:



EXHIBIT A

Land Description

A parcel of land being a portion of Bannock Street as platted in the recorded subdivision plat of Evans Addition to the City of Denver, being located in the Northwest Quarter of Section 3, Township 4 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 Southeast corner of Block 9 in said subdivision plat of Evans Addition to the City of Denver; Thence N0°04'18"E, along the East line of said Block 9, a distance of 500.50 feet to the Northeast corner of said Block 9; Thence S89°47'42"E, departing said East line, a distance of 80.00 feet to the Northwest corner of Block 8 in said subdivision; Thence S0°04'18"W, along the West line of said Block 8, a distance of 501.00 feet to the Southwest corner of said Block 8; Thence N89°26'13"W, departing said West line, a distance of 80.00 feet to the Point of Beginning.

Said parcel contains 40,060 square feet or 0.92 acres more or less.

Bearings are based on the East line of Block 9 assumed to be N0°04'18"E.

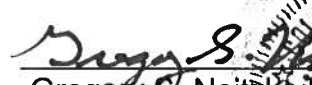

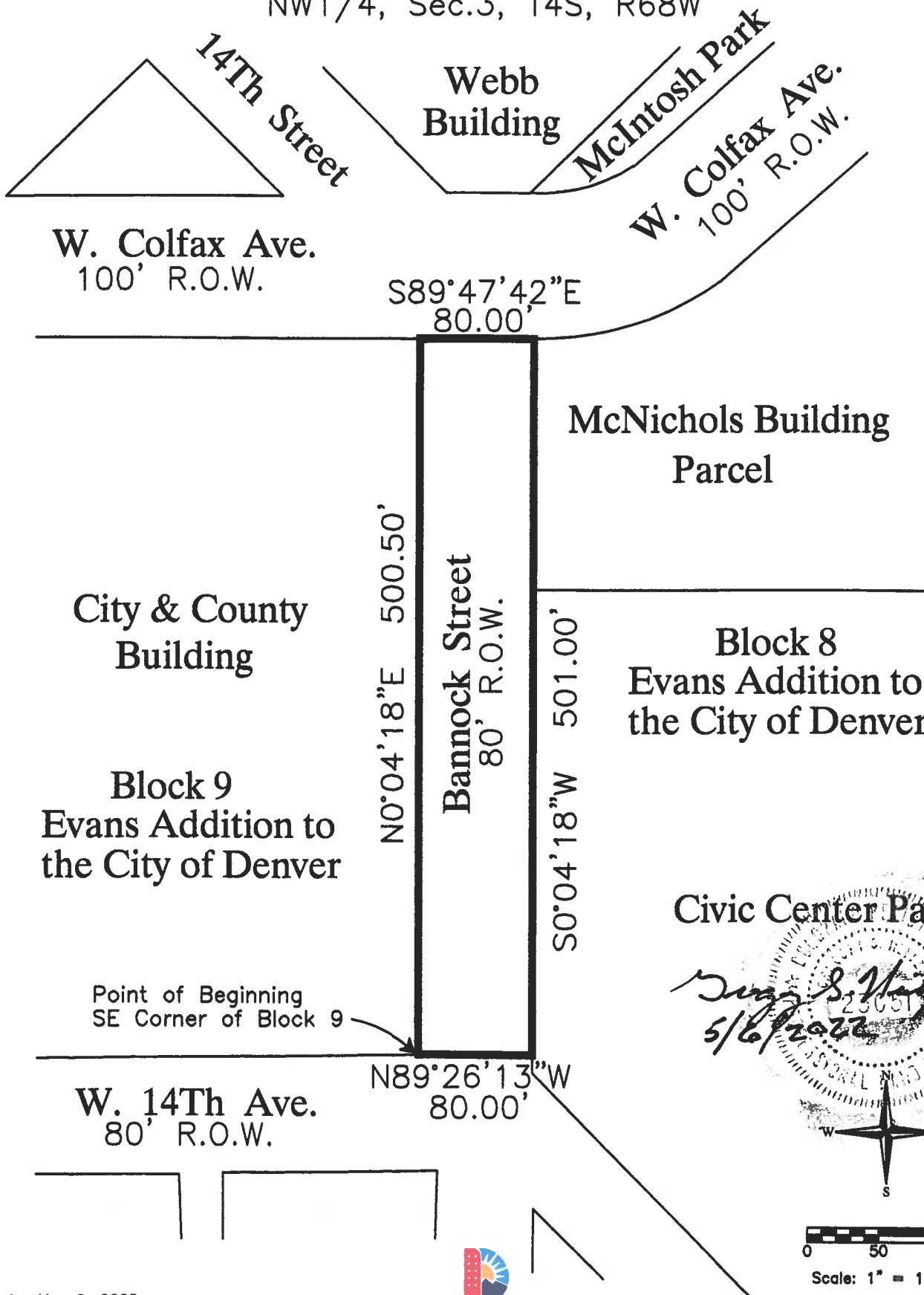

Gregory S. Neitzke: PLS 23051
For and on behalf of the City
and County of Denver
5/6/2022


EXHIBIT A

NW1/4, Sec.3, T4S, R68W



Date: May 6, 2022
By: Gregory S. Neitzke PLS



Bearings are based on the East line
of Block 9 assumed to be N0°04'18"E