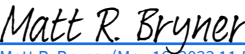


REQUEST FOR VACATION ORDINANCE

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

FROM: Matt R. Bryner, PE
Director, Right of Way Services 
Matt R. Bryner (May 16, 2023 11:59 MDT)

ROW #: 2022-VACA-0000004

DATE: 5/12/2023

SUBJECT: Request for an Ordinance to vacate the 16-foot alley bounded by 33rd St and 34th St and Blake St and Walnut St located at 3300 Blake 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 Harris Kocher Smith, dated December 29, 2021, on behalf of CP VII Blake, LLC for the subject right of way vacation.

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 Recovery; Office of Emergency Management; Development & Planning Services; Parks & Recreation; DOTI: DES 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-0000004-001 HERE

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



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

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311 | POCKETGOV.COM | DENVERGOV.ORG | DENVER 8 TV

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Please mark one: ☒ Bill Request or ☐ Resolution Request

Date of Request: May, 12 2023

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 16-foot alley bounded by 33rd St and 34th St and Blake St and Walnut St located at 3300 Blake Street, 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: Brianne White	Name: Jason Gallardo
Email: Brianne.white@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 16-foot alley bounded by 33rd St and 34th St and Blake St and Walnut St located at 3300 Blake 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>(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-0000004 - 3300 Blake St Alley Vacation

Requestor's name: Harris Kocher Smith

Description of Proposed Project: Request for an Ordinance to vacate the 16-foot alley bounded by 33rd St and 34th St and Blake St and Walnut St located at 3300 Blake Street, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The applicant is requesting to vacate the existing alley to allow for future development of the site.

Area of proposed right-of-way vacation in square feet: 6,400 square feet

Number of buildings adjacent to proposed vacation area: 2

Public Notice was posted at the proposed vacation area on: April 19, 2023

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: April 19, 2023

The 20-day period for protests expired on: May 10, 2023

Were protests received from the Public and, if so, explain: No

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: no

Background: The alley is currently an unused alley.

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:

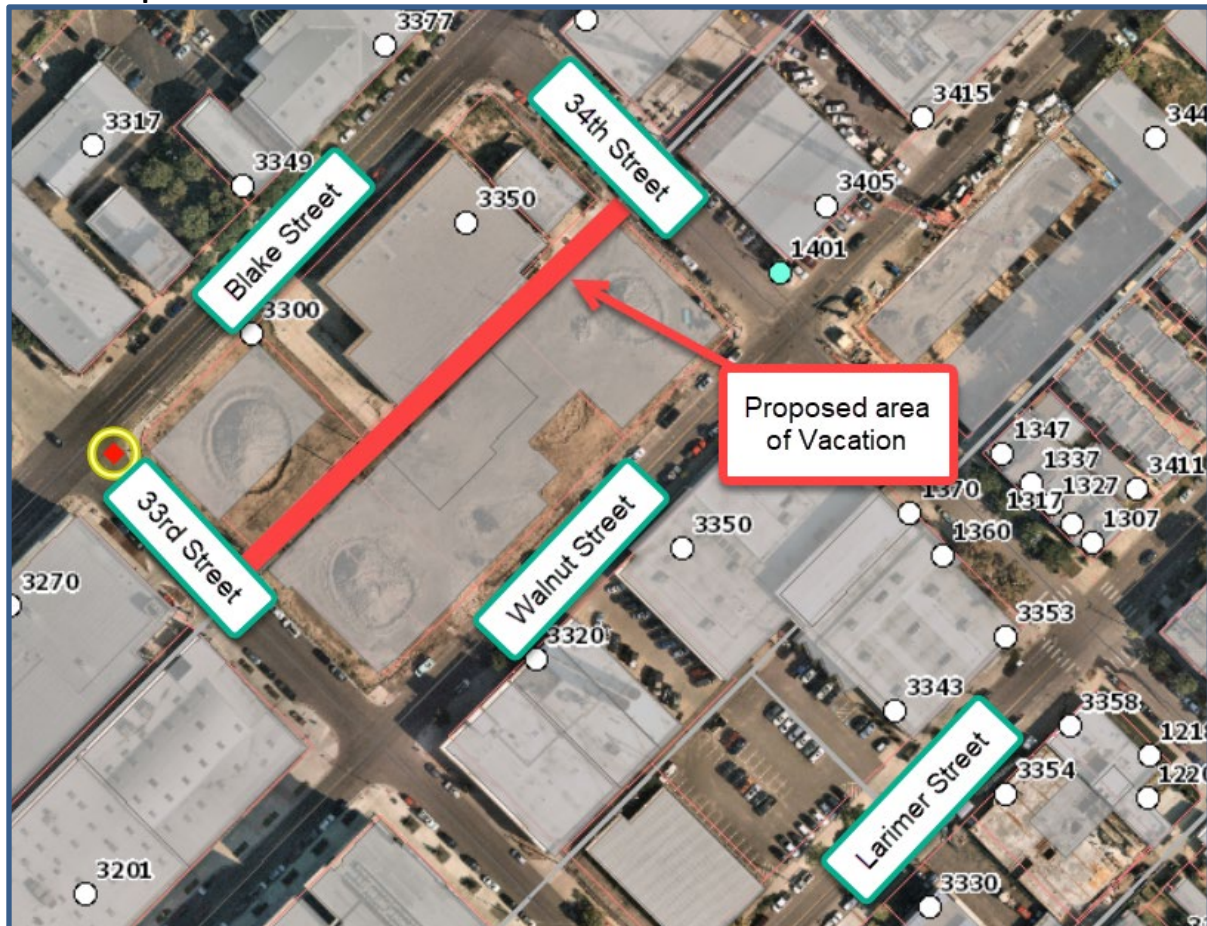


EXHIBIT A

LAND DESCRIPTION

A PARCEL OF LAND BEING A PART OF BLOCK 3, H. WITTER'S ADDITION TO DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH-SOUTH RANGE LINE ON BLAKE STREET, BETWEEN 33RD STREET AND 34TH STREET, AS BEARING NORTH 45°08'13" EAST, WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO;

COMMENCING AT THE NORTHERLY CORNER OF SAID BLOCK 3, POINT ALSO BEING THE NORTH CORNER OF LOT 1, OF SAID BLOCK 3 WHICH IS SOUTH 21°52'21" EAST, A DISTANCE OF 65.17 FROM THE SAID RANGE POINT AT THE INTERSECTION OF BLAKE STREET AND 34TH STREET;

THENCE SOUTH 44°43'07" EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 AND BLOCK 3, A DISTANCE OF 124.89 FEET TO THE EASTERLY CORNER OF SAID LOT 1, POINT ALSO BEING THE NORTHERLY CORNER OF THE ALLEY IN SAID BLOCK 3, POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 44°43'07" EAST CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 3 AND SAID ALLEY, A DISTANCE OF 16.00 FEET TO THE EASTERLY CORNER OF SAID ALLEY, POINT ALSO BEING THE NORTHERLY CORNER OF LOT 32 OF SAID BLOCK 3;

THENCE SOUTH 45°07'45" WEST ALONG THE NORTHWESTERLY LINE OF LOTS 17 THROUGH 32 OF SAID BLOCK 3, LINE ALSO BEING THE SOUTHEASTERLY LINE OF SAID ALLEY, A DISTANCE OF 400.00 FEET TO THE SOUTHERLY CORNER OF SAID ALLEY, POINT ALSO BEING THE WESTERLY CORNER OF SAID LOT 17;

THENCE NORTH 44°52'41" WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 3 AND SAID ALLEY, A DISTANCE OF 16.00 FEET TO THE WESTERLY CORNER OF SAID ALLEY, POINT ALSO BEING THE SOUTHERLY CORNER OF LOT 16 OF SAID BLOCK 3;

THENCE NORTH 45°07'45" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 1 THROUGH 16, LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID ALLEY, A DISTANCE OF 400.04 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 6,400 SQUARE FEET OR 0.15 ACRES, MORE OR LESS.

I, SHAWN D. CLARKE, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND EXHIBIT ALONG WITH THE SURVEY UPON WHICH IT WAS BASED, WAS PREPARED UNDER MY SUPERVISION, AND IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.

SHAWN D. CLARKE, PLS
CO #38061
FOR AND BEHALF OF HARRIS KOCHER SMITH
SCLARKE@HKSENG.COM



NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THIS CERTIFICATE SHOWN HEREON.

Plotted: FRI 02/17/23 12:38:22P By: Shawn Clarke Filepath: k:\201030\survey\valley vacation.dwg Layout: description

