


## REQUEST FOR ORDINANCE TO VACATE PUBLIC RIGHT-OF-WAY

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

**FROM:** Glen Blackburn, PE, Director, Right-of-Way Services 

**PROJECT NO.:** 2022-VACA-0000024

**DATE:** July 3, 2024

**SUBJECT:** Request for an Ordinance to vacate a portion of alley between West 34<sup>th</sup> Avenue and West 33<sup>rd</sup> Avenue and between North Wyandot Street and North Zuni 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 Naomi Salzman, dated December 9, 2022, for the subject right-of-way vacation.

This matter has been coordinated with Asset Management; CPD: Building Department; CenturyLink/Lumen; Colorado Department of Transportation; City Council District 1; City Forester; Comcast; CPD DS Project Coordinator; DOTI ROWS DES Transportation & Wastewater; DOTI ROWS ER Transportation & Wastewater; Office of Disability Rights; Denver Water; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Office of Emergency Management; CPD Development and Planning Services; Parks and Recreation; DOTI ROWS Construction Engineering; DOTI Policy and Planning; DOTI Street Maintenance; DOTI ROWS Survey; DOTI TES Sign and Stripe; DOTI CPM Wastewater Review; Regional Transportation District; DOTI Solid Waste; Xcel Energy; CPD Zoning Administration, all of whom have indicated no objection.

**As a result of these investigations, it has been determined that there is no objection to vacating the subject right-of-way area(s) PROVIDED, HOWEVER, said right-of-way 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 right-of-way area(s):

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/rowplanreview](http://www.denvergov.org/rowplanreview)  
Phone: (720) 865-3003



**INSERT PARCEL DESCRIPTION ROW 2022-VACA-000024-001 HERE**

GB: 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 – Nicholas Williams  
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 the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by 9 **a.m. Friday**. Contact the Mayor's Legislative team with questions

Date of Request: July 3, 2024

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 alley between West 34th Avenue and West 33rd Avenue and between North Wyandot Street and North Zuni 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 (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Brianne White	Name: Nicholas Williams
Email: <a href="mailto:Brianne.white@denvergov.org">Brianne.white@denvergov.org</a>	Email: <a href="mailto:Nicholas.Williams@denvergov.org">Nicholas.Williams@denvergov.org</a>

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

Request for an Ordinance to vacate a portion of alley between West 34th Avenue and West 33rd Avenue and between North Wyandot Street and North Zuni Street, with reservations.

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

## 7. City Council District: District 1; Councilperson Amanda Sandoval

## 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 (including any dba's):

Contract control number (legacy and new):

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 (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (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?

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## **RIGHT-OF-WAY VACATION EXECUTIVE SUMMARY**

**Application Title:** 2022-VACA-0000024 - Alley Vacation 3325 Wyandot St

**Applicant's Name:** Naomi Salzman

**Description of Proposed Right-of-Way (ROW) Vacation:** Request for an Ordinance to vacate a portion of alley between West 34th Avenue and West 33rd Avenue and between North Wyandot Street and North Zuni Street, with reservations.

**Applicant's explanation of why the ROW is needed to accomplish their proposed project:** The applicant owns the property to the east and the two carriage lots to the west of the ROW Vacation area. The 838 square feet (SF) of dead-end alley will be used to complete a zone lot amendment to combine their three properties. A zone lot amendment is required before they can complete work on existing garages on the carriage lots.

**Area of proposed ROW vacation in square feet (SF):** 838 square feet

**Number of buildings adjacent to proposed ROW vacation area:** 2

**Public Notice was posted at the proposed ROW vacation area on:** May 16, 2024

**Notification letters were sent to property owners and Registered Neighborhood Organizations (RNOs) within 200 feet of the proposed ROW vacation area on:** May 16, 2024

**The 20-day period for public comment expired on:** June 6, 2024

**Were public comments received and, if so, explain:** No public comments were received.

**Are all comments with technical merit resolved to the satisfaction of DOTI:** N/A

**Has land been dedicated to the city as a condition of the ROW vacation and, if so, explain:** No

**Will a utility easement be reserved over the vacated ROW area and, if so, explain:** Yes, to accommodate existing utilities.

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



**Additional Information:** The subject ROW is the only ROW frontage to the property to the north, 3343 N. Wyandot St. Every property must have legal access to ROW and 3343 N. Wyandot St. must have another means of access to ROW, such as an access easement, for this ROW Vacation to be viable. The property owner provided documentation of an access easements for 3343 N. Wyandot St. providing ROW access to remaining alley and N. Wyandot St. ROW. Additionally, property owners of 3325 and 3343 N. Wyandot St., being the only properties abutting the subject ROW, provided a signed affidavit acknowledging relinquishment of the ROW access. The access easements and affidavit make this ROW Vacation request viable.

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**Location Map:**



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# EXHIBIT A

## SHEET 1 OF 2

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4, SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, BEING A PORTION OF THAT 20' ALLEY IN BLOCK 7, WILSON'S RE-SUBDIVISION OF PART OF H. WITTERS NORTH DENVER ADDITION, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 37, SAID BLOCK 7, MONUMENTED BY A #4 REBAR AND YELLOW CAP STAMPED 34183, AND A 1-1/2" IRON PIPE, FROM WHICH THE SOUTHWEST CORNER OF LOT 38, SAID BLOCK 7, BEARS S89°15'49"W, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE N00°50'10"W, A DISTANCE OF 41.88 FEET, ON THE EAST LINE OF SAID LOT 37, TO THE NORTHEAST CORNER OF SAID LOT 37;  
THENCE N89°10'31"E, A DISTANCE OF 20.00 FEET, ON THE SOUTH LINE OF LOT 4, SAID BLOCK 7;  
THENCE S00°50'10"E, A DISTANCE OF 41.91 FEET, ON THE WEST LINE OF LOTS 6, 7, AND 8, SAID BLOCK 7;  
THENCE S89°15'49"W, A DISTANCE OF 20.00 FEET, ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 37, TO THE POINT OF BEGINNING.

CONTAINING 838± SQUARE FEET (0.019± ACRES)

*THIS IS NOT A MONUMENTED LAND SURVEY, IMPROVEMENT SURVEY PLAT OR IMPROVEMENT LOCATION CERTIFICATE. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.*

# Gillians

GILLIANS LAND CONSULTANTS  
P.O. BOX 375  
BENNETT, CO 80102  
303-972-6640 [www.gillianslc.com](http://www.gillianslc.com)

JOB NO.: 22266  
DRAWN: DRH  
ISSUE DATE: 06-22-2023  
FILE: 22266 ISP

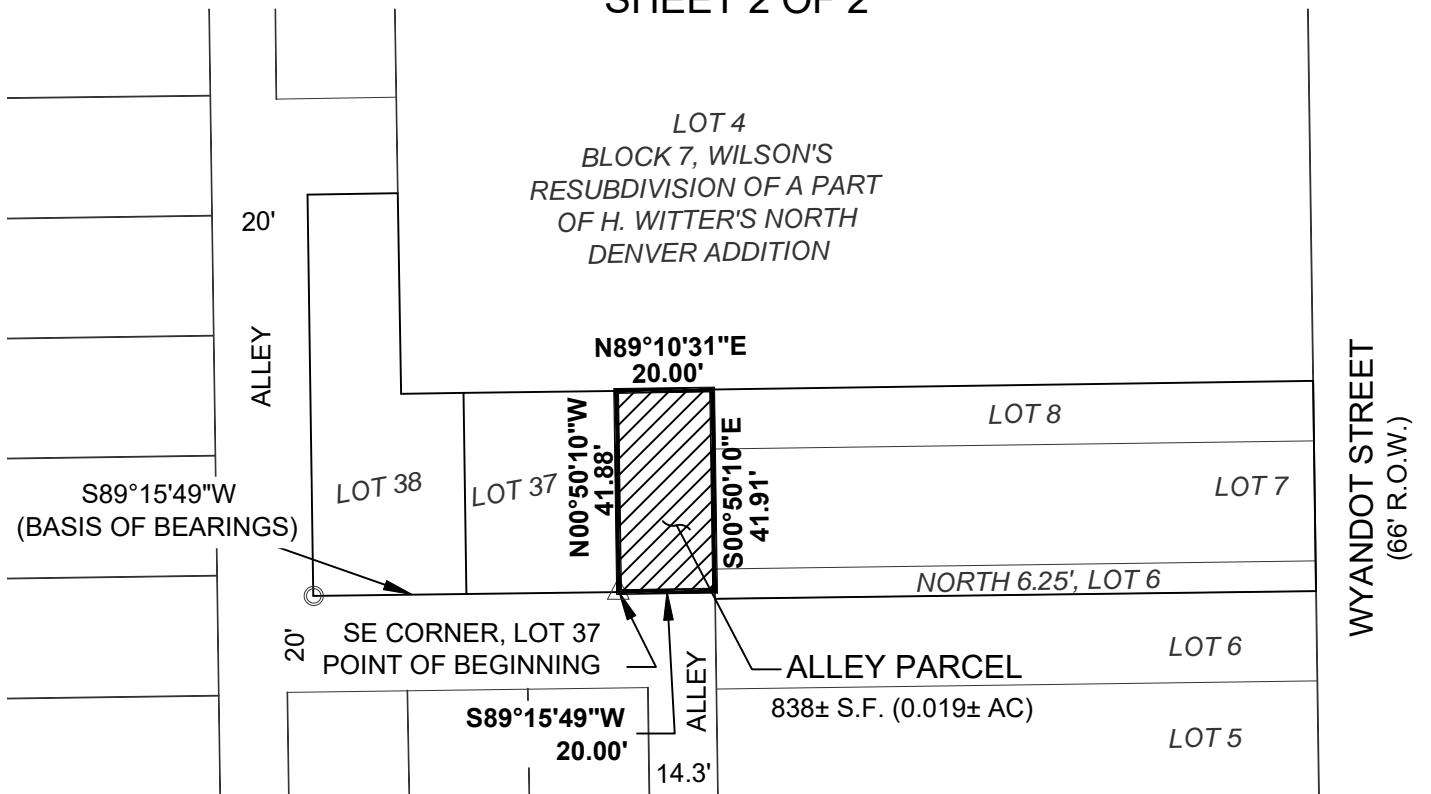
ROBERT E. HARRIS  
COLORADO P.L.S. 37601  
FOR & ON BEHALF OF  
GILLIANS LAND CONSULTANTS



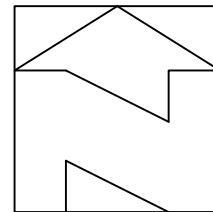


# EXHIBIT A

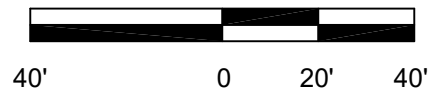
SHEET 2 OF 2



- FOUND 1 1/2" IRON PIPE
- △ FOUND #4 REBAR & YELLOW CAP STAMPED 34183



SCALE: 1" = 40 US SURVEY FEET



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P.O. BOX 375  
BENNETT, CO 80102  
303-972-6640 www.gillianslc.com

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DRAWN: DRH  
ISSUE DATE: 01-11-2023  
FILE: 22266 ISP

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COLORADO P.L.S. 37601  
FOR & ON BEHALF OF  
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