

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner
Director, Public Works Right of Way Services

ROW #: 2016-VACA-0000002

DATE: May 31, 2019

SUBJECT: Request for an ordinance vacating the alley bounded by 40th Street, Blake Street, 40th Avenue and Walnut 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 Invent Development Partners, LLC, dated December 22, 2015, on behalf of GWS Land, LLC for requesting the above requested vacation.

This matter has been inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson Brooks of District 9; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; Public Works – DES - Construction Engineering, DES Engineering – Transportation & Wastewater, Survey, Public Works – Policy and Planning; Public Works – Street Maintenance; CenturyLink; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have indicated their agreement.

As a result of these investigations, hereby approved and the described area is hereby vacated and declared vacated; 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 of 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 2016-VACA-0000002-01 HERE

MB: kr

cc: City Councilperson Brooks & 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
Public Works, Manager’s Office – Alba Castro
Public Works, Legislative Services – Jason Gallardo
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

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 31, 2019

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.)

Invent Development Partners, LLC on behalf of GWS Land, LLC requests for an ordinance vacating the alley bounded by 40th Street, Blake Street, 40th Avenue and Walnut Street, with reservations.

3. Requesting Agency: Public Works; Engineering & Regulatory Dept.

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Katie Ragland	Name: Jason Gallardo
Email: Katie.Ragland@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 vacating the alley bounded by 40th Street, Blake Street, 40th Avenue and Walnut Street, with reservations.

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

7. City Council District: Council District 9 – Albus Brooks

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

N/A

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: 2016-VACA-0000002 40th & Walnut St Alley Vacation

Requestor's name: GWS Land, LLC

Description of Proposed Project: Request for an ordinance vacating the alley bounded by 40th Street, Blake Street, 40th Avenue and Walnut Street, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Redevelopment

Width of area in feet: 16'

Number of buildings abut said area: three (3)

The 20-day period for protests has expired, the vacating notice was posted on: April 8, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: April 8, 2019

Protests sustained by the manager of Public Works: N/A; none to file.

Will land be dedicated to the City if the vacation goes through: No

Will an easement be placed over a vacated area, and if so explain: Yes, a perpetual, non-exclusive easement will be reserved due to existing Xcel and CenturyLink facilities, as well as for the existing sanitary, in the vacated area.

Will an easement relinquishment be submitted at a later date: Yes, the applicant intends to masterplan both sides of the alley for a large mixed-use development.

Background: N/A

Public Notification: No objections were received.

Location Map:



EXHIBIT "A"

SHEET 1 OF 2

2016-VACA-0000002-01

LAND DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING A PORTION OF A DEDICATED ALLEY LOCATED IN BLOCK 23, RIVERSIDE ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 17, BLOCK 23, RIVERSIDE ADDITION TO DENVER: THENCE N44°33'37"E ALONG THE NORTHWESTERLY LINE OF SAID LOT 17, 10.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N33°29'35"W, 16.35 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 16, BLOCK 23, RIVERSIDE ADDITION TO DENVER BEING 13.60 FEET NORTHEASTERLY OF THE MOST SOUTHERLY CORNER OF SAID LOT 16; THENCE N44°33'37"E ALONG THE SOUTHEASTERLY LINE OF SAID LOT 16 AND SAID LINE EXTENDED, 192.66 FEET TO A POINT ON THE SOUTHERLY LINE OF 40TH AVENUE BEING THAT TRACT OF LAND DESCRIBED IN ORDINANCE NO. 47 OF SERIES 1956; THENCE N89°45'51"E ALONG SAID SOUTHERLY LINE, 22.55 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 25, BLOCK 23, RIVERSIDE ADDITION TO DENVER; THENCE S44°33'37"E ALONG SAID NORTHWESTERLY LINE OF SAID LOT 25 AND SAID LINE EXTENDED, 211.93 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 3,237 SQUARE FEET OR 0.0743 ACRES MORE OR LESS.

BASIS OF BEARINGS: AN ASSUMED BEARING OF S44°33'37"W BEING A 20' RANGE LINE LOCATED IN WALNUT STREET BETWEEN TWO FOUND RANGE POINT MONUMENTS 1048.50 FEET APART; ONE BEING A 3.25" DIAMETER ALLOY CAP IN CONCRETE FOUND AT THE INTERSECTION OF 40TH AVENUE AND WALNUT STREET AND THE OTHER BEING AN AXLE IN A RANGE BOX AT THE INTERSECTION OF WALNUT STREET AND 38TH STREET.

DAMIEN CAIN PLS 38284
FOR AND ON BEHALF OF
39 NORTH ENGINEERING AND SURVEYING LLC
4495 HALE PARKWAY
SUITE 302
DENVER, CO 80220

PREPARED BY:
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SUITE 302
DENVER, CO 80220
PH: 303-325-5071
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EXHIBIT "A"

SHEET 2 OF 2

40TH AVENUE

R.O.W. VARIES

RANGE POINT
FOUND CHISELD
CROSS ON 4"
SQUARE STONE
IN RANGE BOX

