

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE
Director, Right of Way Services

ROW #: 2018-VACA-0000017

DATE: March 9, 2020

SUBJECT: Request for an Ordinance to vacate a portion of the public right-of-way, without reservations, directly under Interstate 70 and adjacent to 4665 North Fox Street, as originally dedicated in Ordinance No. 3, Series of 1962. Said vacation is of an area of 10,736 square feet and volume of 359,656 cubic feet based on an area of varying width, approximately 40 feet wide and an elevation-specific height of 33.5 feet, starting from 10 feet below BNSF Railway Company (BNSF) top of rail to 23.5 feet above BNSF top of rail.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Regional Transportation District (RTD), dated September 25, 2018, on behalf of BNSF for requesting the above requested vacation.

This matter has been inspected and has been coordinated with Asset Management; Colorado Department of Transportation; Comcast; Division of Disability Rights; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson, Albus Brooks; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – DES - Construction Engineering, DES Engineering – Transportation & Wastewater, Survey, DOTI – Policy and Planning; DOTI – 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:

As a result of these investigations, it has been determined that there is no objection to vacating the said right-of-way.

Therefore, you are requested to initiate Council action to vacate the following area:

INSERT PARCEL DESCRIPTION ROW 2018-VACA-0000017-001 HERE

MB: je

cc: City Councilperson & 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
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
Phone: 720-865-3003

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: **March 9, 2020**

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 the public right-of-way, without reservations, directly under Interstate 70 and adjacent to 4665 North Fox Street, as originally dedicated in Ordinance No. 3, Series of 1962. Said vacation is of an area of 10,736 square feet and volume of 359,656 cubic feet based on an area of varying width, approximately 40 feet wide and an elevation-specific height of 33.5 feet, starting from 10 feet below BNSF top of rail to 23.5 feet above BNSF top of rail.

3. Requesting Agency: Department of Transportation and Infrastructure 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: Jessica Eusebio	Name: Jason Gallardo
Email: Jessica.Eusebio@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 the public right-of-way, without reservations, directly under Interstate 70 and adjacent to 4665 North Fox Street, as originally dedicated in Ordinance No. 3, Series of 1962. Said vacation is of an area of 10,736 square feet and volume of 359,656 cubic feet based on an area of varying width, approximately 40 feet wide and an elevation-specific height of 33.5 feet, starting from 10 feet below BNSF top of rail to 23.5 feet above BNSF top of rail.

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

Martin Plate

7. City Council District:

Council District #9, Candi CdeBaca

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 (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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

VACATION EXECUTIVE SUMMARY

Project Title: 2018-VACA-0000017, RTD BNSF Valley Highway

Requestor's name: BNSF c/o Charlie Keitner

Description of Proposed Project: Request for an Ordinance to vacate a portion of the public right-of-way, without reservations, directly under Interstate 70 and adjacent to 4665 North Fox Street, as originally dedicated in Ordinance No. 3, Series of 1962. Said vacation is of an area of 10,736 square feet and volume of 359,656 cubic feet based on an area of varying width, approximately 40 feet wide and an elevation-specific height of 33.5 feet, starting from 10 feet below BNSF top of rail to 23.5 feet above BNSF top of rail.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: BNSF Railway Company (BNSF) will seek to relocate their tracks following allowing Regional Transport District (RTD) to construct the RTD Gold Line on BNSF property.

Width of area in feet: Approximately 40' (varies)

Total height of vacation in feet: 33.5'

Number of buildings abut said area: 1

The 20-day period for protests has expired, the vacating notice was posted on: December 9, 2019

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: December 9, 2019

Protests sustained by the manager of DOTI: Have not been filed

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: No

Will an easement relinquishment be submitted at a later date: Not that we are aware of.

Public Notification: No protests were received.

An aerial photograph of an industrial area in Lakewood, Colorado. The image shows several large industrial buildings, parking lots filled with trucks, and railroad tracks. A red arrow points from a white box with the text "Area under I-70 bridge to be vacated" to a specific area under the I-70 bridge. The area is bounded by W 48th Ave to the north and W 49th Pl to the south. Other streets visible include Fox St, W 48th Ave, and W 49th Pl. Buildings are labeled with names such as "700 W 48th Ave", "702 W 48th", "Creative Print Solutions", "Print Broker Digital", "Endpoint Direct", "Westech Mechanical", "Servpro of Lakewood", "Western Steel & Boiler", "Green Sol Chemical Corporation", "Fox Chemicals", and "Maintenance Resources Inc". The I-70 highway is visible at the bottom of the image.

EXHIBIT "A"
DESCRIPTION

A parcel of land being a portion of Interstate 70 as shown on Colorado Department of Transportation Right of Way Plans, Project No. IR 025-2(193) UNIT 1, dated March 27, 1989 and located in the Northwest Quarter of the Northwest Quarter of Section 22 Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being that portion and only that portion of the following described parcel lying above elevation 5206.97 feet (NAVD88) and below elevation 5240.47 feet (NAVD88), said parcel described as follows:

COMMENCING at the Northwest Corner of said Section 22 (as witnessed by a found 3-1/4" aluminum cap stamped "T3S R68W S16 S15 S21 S22 WC15FT 2000 PLS 34173"); WHENCE the West Sixteenth Corner of said Section 15 and said Section 22 (a found 3" aluminum cap stamped "WESTERN STATES SURVEYING INC. T3S R68W W1/16 S15 S22 2008 PLS 23516") bears S89°54'01"E a distance of 1320.82 feet (basis of bearing – assumed); THENCE S04°45'02"E a distance of 483.19 feet to the northerly Right of Way line of the I-70 State Highway and the POINT OF BEGINNING;

THENCE S70°18'00"E, coincident with said northerly Right of Way line, a distance of 16.16 feet;

THENCE S32°11'16"W a distance of 12.52 feet to the westerly line of the I-70 Bridge structure; THENCE coincident with said westerly line the following five (5) courses:

- 1) S35°35'19"E, non-tangent with the following described curve, a distance of 12.81 feet;
- 2) Along the arc of a curve to the left, having a central angle of 6°03'17", a radius of 759.34 feet, a chord bearing of S03°23'27"W a distance of 80.21 feet, and an arc distance of 80.24 feet;
- 3) S00°54'40"E, non-tangent with the last described curve, a distance of 36.48 feet;
- 4) S01°44'07"E a distance of 140.57 feet;
- 5) S38°53'33"E a distance of 32.06 feet to the southerly Right of Way line of the I-70 State Highway;


THENCE N68°55'34"W, coincident with said southerly Right of Way line, a distance of 67.03 feet to the easterly Right of Way of the Burlington Northern Railroad Company;

THENCE coincident with said easterly Right of Way line the following two (2) courses:

- 1) N00°05'57"E a distance of 212.55 feet;
- 2) N19°52'37"E a distance of 76.36 feet to the POINT OF BEGINNING.

Each plane contains 10,736 square feet, (0.246 Acres), more or less. The volume of the parcel contains 359,656 cubic feet, more or less.

BASIS OF ELEVATIONS: The lower plane elevation for this parcel has an elevation of 5206.97 feet based on CCD benchmark 598, having a published CCD elevation of 5164.48 feet NAVD88. The lower plane elevation is 10.00 feet lower than the top of the BNSF rail elevation located at the south side of the I-70 Highway bridge. The upper plane, being the same shape and directly overhead the lower plane, has an elevation of 5240.47 feet.

Prepared by: 
Kenneth W. Carlson PLS 24942 3/11/20
For and on behalf of Jacobs Engineering Group Inc.
707 17th Street #2500
Denver, CO 80202
303.820.5240

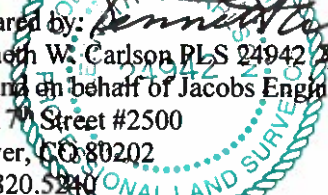


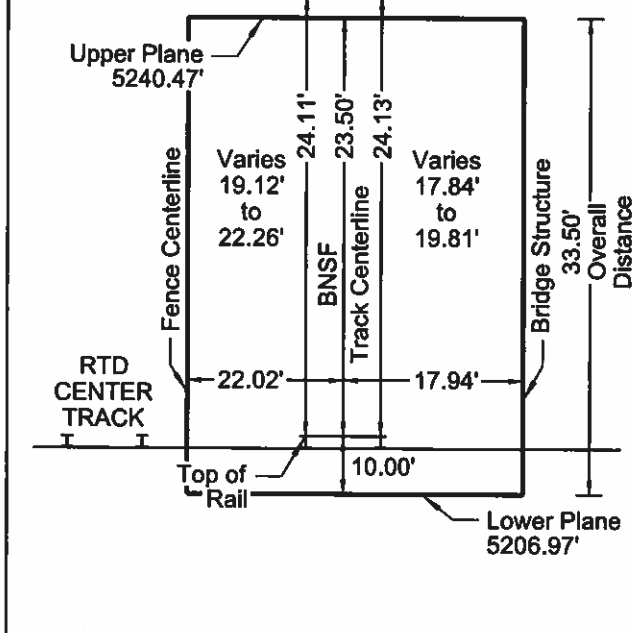
Exhibit "A"

POINT OF COMMENCEMENT
Northwest 1/4 Corner Section 22
As witnessed by a
Found 3-1/4" Aluminum Cap Stamped
"T3S R68W S16 S15 S21 S22
WC15FT 2000 PLS 34173

NE 1/4 Sec. 21

CROSS SECTION (NTS)

I-70 Bridge Looking North under
South side of the I-70 Bridge

**BENCHMARK NOTE:**

The benchmark utilized for the project was CCD BM 598 (Found 2" CCD Brass cap at the Southeast corner of 48th Ave and Lincoln St. in top back of curb stamped "DENVER CITY ENGINEER BM 598 2002") The published elevation for this benchmark is 5164.48 feet (NAVD88).

This exhibit does not represent a monumented survey and is intended only to depict the attached property description.

N68°55'34"W
67.03'

E'ly Line

BNSF TRACKS

N19°52'37"E 76.36'
N00°05'57"E 212.55'

Section 21
Section 22

S89°54'01"E 1320.82'
(Basis of Bearing - assumed)

West 1/16 Corner of Section 15 and
Section 22 Found 3" Aluminum Cap
Stamped "WESTERN STATES
SURVEYING INC. T3S R68W W1/16
S15 S22 2008 PLS 23516"

Point of Beginning

S70°18'00"E 16.16'

N'ly Line

NW 1/4 Sec. 22

S32°11'16"W 12.52'
S35°35'19"E 12.81'

**COLORADO DEPARTMENT
OF TRANSPORTATION
PROJECT No. IR 025-2(193) UNIT 1**

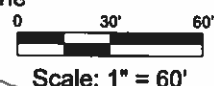
PLAN VIEW

S01°44'07"E 140.57'

S38°53'33"E
32.06'

See Cross Section

S'ly Line



Parcel
Area = 10,736 Sq.Ft.
0.246 Acres +/-
359,656 Cu. Ft. +/-

JACOBS PROJECT NO.	WXV7418
CLIENT PROJECT NO.	072120
REVISION DESCRIPTION	
DRAWN	DAM
DATE	7/19/2018
SCALE	1"=60'

JACOBS

707 17th Street 2400 Denver, CO. 80202
(303) 820-5240 Fax (303) 820-4842

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RTD CRMF Site Corridor Commuter Rail Project
City and County of Denver, Colorado
NW 1/4 NW 1/4 Sec. 22, T3S, R68W, 6th P.M.

TITLE:			Exhibit "A"	
			BNSF-170	
REVISION:	DRAWING NO.		SHEET NO.	
	BNSF-170.dgn		1 of 1	