

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2019-VACA-0000011

DATE: April 28, 2020

SUBJECT: Request for an Ordinance to vacate the East/West alley located North of 4455 West Colfax Avenue, and bounded by North Utica Street, North Tennyson Street, West Colfax Avenue and West 16th Avenue, without reservations.

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

This office has investigated the request submitted by 4455 W. Colfax, LLC c/o Paul Tamburello, dated November 1, 2019, on behalf of 4455 W. Colfax LLC for the subject 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, Amanda Sandoval; 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:

As a result of these investigations, it has been determined that there are no objections to vacating the area(s) without reservations.

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

INSERT PARCEL DESCRIPTION ROW 2019-VACA-0000011-001 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: **April 28, 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 the East/West alley located North of 4455 West Colfax Avenue, and bounded by North Utica Street, North Tennyson Street, West Colfax Avenue and West 16th Avenue, without reservations.

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 the East/West alley located North of 4455 West Colfax Avenue, and bounded by North Utica Street, North Tennyson Street, West Colfax Avenue and West 16th Avenue, without reservations.

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

Martin Plate

7. City Council District:

District 1, 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:

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: 2019-VACA-0000011 4455 – 4409 W. Colfax Ave.

Requestor's name: 4455 W. Colfax, LLC c/o Paul Tamburello

Description of Proposed Project: Request to vacate the East/West alley located North of 4455 West Colfax Avenue, and bounded by North Utica Street, North Tennyson Street, West Colfax Avenue and West 16th Avenue that was dedicated by the applicant through Resolution No. 0060, Series of 2019.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Applicant requests the proposed vacation indicating the subject public right-of-way was dedicated for the purposes of accommodating a new traffic design, of which also included a separate vacation of a portion of the north/south alley. The dedication of the subject east/west alley was approved in 2019 prior to the vacation of a portion of the north/south alley. The applicant has deemed the complimentary north/south alley vacation as infeasible and is now requesting the dedication be undone and land returned to the original property with this vacation.

Width of area in feet: Width of area varies and is between 16' and 50'

Number of buildings abut said area: 4

The 20-day period for protests has expired, the vacating notice was posted on: January 22, 2020

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: January 22, 2020

Protests sustained by the manager of Department of Transportation and Infrastructure: None, no protests were filed with DOTI.

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 Easement will be placed over the requested area.

Will an easement relinquishment be submitted at a later date: N/A

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

Background: A copy of the Resolution dedicating the subject property and the applicant's request for the subject vacation is enclosed for reference.

Public Notification: No protests were received.

Location Map:



EXHIBIT A
SW 1/4, SECTION 31, T3S, R68W, 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO

LEGAL DESCRIPTION FOR ALLEY VACATION

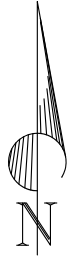
A parcel of land being part of Lots 18 and 19, Block 19, Harrison Resubdivision of Sloan Lake Subdivision, located in the SW 1/4 of Section 31, Township 3 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, and being more particularly described as follows: Beginning at the Northwest corner of Lot 18, of said Block 19; Thence East, along the North line of said Lot 18, a distance 125.00 feet, to the Northeast corner of said Lot 18; Thence South, along the East line of said Lots 18 and 19, a distance of 50.00 feet to the Southeast corner of said Lot 19; Thence West, along the South line of said Lot 19, a distance of 3.00 feet; Thence North and parallel with the East line of said Lot 19, a distance of 18.00 feet; Thence West and parallel to the North line of said Lot 18, a distance of 47.00 feet; Thence North 58°23'33" West a distance of 30.53 feet; Thence West and parallel with the North line of said Lot 18, a distance of 49.00 feet to a point on the West line of said Lot 18, Thence North, along the West line of said Lot 18, a distance of 16.00 feet to the Point Of Beginning. Said described parcel contains 3,062 square feet more or less.

I, Richard E. Heinz, a Professional Land Surveyor, Registered in the State of Colorado, do hereby certify that the above legal descriptions was prepared by me or under my direct supervision.

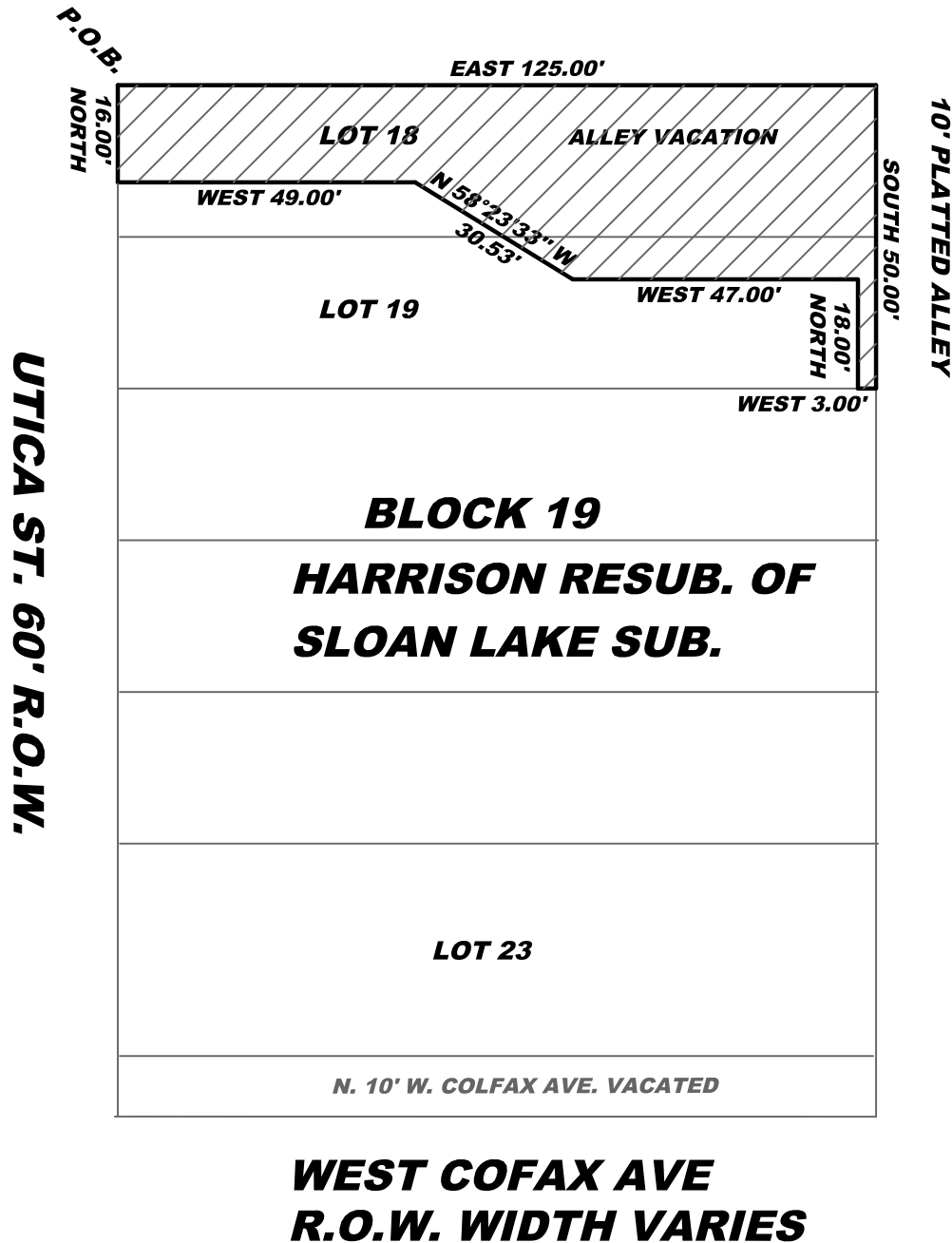


 Richard E. Heinz
 State of Colorado Professional Land Surveyor No. 16116
 For and on behalf of AAA Surveying Land Consultants, LLC

EXHIBIT A
SW 1/4, SECTION 31, T3S, R67W, 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO



Scale 1" = 30'



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS
 INTENDED ONLY TO DEPICT THE ABOVE PROPOSED ALLEY VACATION.

AAA SURVEYING LAND CONSULTANTS, LLC

P.O. BOX 2016 ELIZABETH, CO 80107
 303-519-7015/FAX 303-940-4927

JOB NO. 19-4555

PAGE 1 OF 2

DATE: 10/28/2019

PROPERTY ADDRESS: 4455 W. COFAX AVE.

SCALE 1"=30'

1 RESOLUTION 20190060

BY AUTHORITY

2 RESOLUTION NO. CR19-0060

COMMITTEE OF REFERENCE:

3 SERIES OF 2019

Land Use, Transportation & Infrastructure

4

A RESOLUTION

5 **Laying out, opening and establishing as part of the City street system a parcel**
6 **of land as a public alley bounded by West Colfax Avenue, North Utica Street,**
7 **West 16th Avenue and North Tennyson Street.**

8 **WHEREAS**, the Executive Director of Public Works of the City and County of Denver has
9 found and determined that the public use, convenience and necessity require the laying out, opening
10 and establishing as a public alley designated as part of the system of thoroughfares of the
11 municipality that portion of real property hereinafter more particularly described, and, subject to
12 approval by resolution has laid out, opened and established the same as a public alley;

13 **BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14 **Section 1.** That the action of the Executive Director of Public Works in laying out, opening
15 and establishing as part of the system of thoroughfares of the municipality the following described
16 portion of real property situate, lying and being in the City and County of Denver, State of Colorado,
17 to wit:

18 **PARCEL DESCRIPTION ROW NO. 2018-DEDICATION-0000137-001:**

19 Being that parcel of land conveyed by Special Warranty Deed to the City and County of Denver,
20 recorded on the 17th day of October 2018, at Reception No. 2018134638 in the City and County of
21 Denver Clerk and Recorder's Office, State of Colorado, being more particularly described as
22 follows:

23 A parcel of land being part of Lots 18 and 19, Block 19, Harrison Resubdivision of Sloan Lake
24 Subdivision, located in the SW 1/4 of Section 31, Township 3 South, Range 68 West of the 6th
25 Principal Meridian, City and County of Denver, State of Colorado, and being more particularly
26 described as follows: Beginning at the Northwest corner of Lot 18, of said Block 19; Thence East,
27 along the North line of said Lot 18, a distance 125.00 feet, to the Northeast corner of said Lot 18;
28 Thence South, along the East line of said Lots 18 and 19, a distance of 50.00 feet to the Southeast
29 corner of said Lot 19; Thence West, along the South line of said Lot 19, a distance of 3.00 feet;
30 Thence North and parallel with the East line of said Lot 19, a distance of 18.00 feet; Thence West
31 and parallel to the North line of said Lot 18, a distance of 47.00 feet; Thence North 58°23'33" West
32 a distance of 30.53 feet; Thence West and parallel with the North line of said Lot 18, a distance of
33 49.00 feet to a point on the West line of said Lot 18, Thence North, along the West line of said Lot
34 18, a distance of 16.00 feet to the Point Of Beginning. Said described parcel contains 3,062 square
35 feet more or less

be and the same is hereby approved and said real property is hereby laid out and established and declared laid out, opened and established as a public alley.

Section 2. That the real property described in Section 1 hereof shall henceforth be a public alley.

COMMITTEE APPROVAL DATE: January 29, 2019 by Consent

MAYOR-COUNCIL DATE: February 5, 2019

PASSED BY THE COUNCIL: February 11, 2019

- PRESIDENT

ATTEST: Debra Johnson
- CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: February 7, 2019

Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the Office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed resolution. The proposed resolution is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kristin M. Bronson, Denver City Attorney

BY: Kristin J. Bradford, Assistant City Attorney DATE: Feb 6, 2019

