


## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

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

**ROW #:** 2020-VACA-0000017

**DATE:** April 29, 2021

**SUBJECT:** Request for an Ordinance to vacate 2 feet in width and approximately 119 feet in length of right-of-way adjacent to 351 West Vassar 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 of Roth Lang Engineering Group, LLC c/o Kevin Roth, dated December 27, 2020, on behalf of Pando Holdings, LLC, c/o Kiely Wilson for requesting the above requested vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast; Division of disability rights; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson Clark, District #7; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; DOTI – Development Engineering Services - Construction Engineering, Development Engineering Services 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 no objection.

As a result of these investigations, it has been determined that there is no objection to vacating said area(s)

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

### **INSERT PARCEL DESCRIPTION ROW 2020-VACA-0000017-01 HERE**

MB: dp

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

# ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo  
at [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

Date of Request: April 29, 2021

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 2 feet in width and approximately 119 feet in length of right-of-way adjacent to 351 West Vassar Avenue without reservations.

## 3. Requesting Agency: Department of Transportation and Infrastructure; 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: Devin Price	Name: Jason Gallardo
Email: <a href="mailto:devin.price@denvergov.org">devin.price@denvergov.org</a>	Email: <a href="mailto:Jason.Gallardo@denvergov.org">Jason.Gallardo@denvergov.org</a>

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

Request for an Ordinance to vacate 2 feet in width and approximately 119 feet in length of right-of-way adjacent to 351 West Vassar Avenue without reservations.

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

## 7. City Council District: Councilman Clark, District 7

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

## Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

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

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

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

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?

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

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

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



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2020-VACA-0000017 - 351 West Vassar Avenue

**Requestor's name:** Pando Holdings, LLC

**Description of Proposed Project:** 2 feet in width and approximately 119 feet in length of right-of-way adjacent to 351 West Vassar Avenue

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** An error was made on the surveyor's dedication description that included 2 feet more than what was requested by the City. The applicant would like to correct this to make the existing site plan accurate.

**Area of proposed right-of-way vacation in square feet:** 238 sq. ft.

**Number of buildings adjacent to proposed vacation area:** None

**Public Notice was posted at the proposed vacation area on:** March 24, 2021

**Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on:** March 24, 2021

**The 20-day period for protests expired on:** April 13, 2021

**Were protests received from the Public and, if so, explain:** DOTI did not receive any protests

**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:** No

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

**Background:** The right of way was recently dedicated with the development planning of this project. An error was made on the surveyors dedication description that dedicated two feet more than was requested by the City or shown on all of the other development plans. This excess dedication is not consistent with the proposed plans and the applicant would like to correct this error and subsequently make the existing Site Plan Submittal accurate.

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

Location Map:



**EXHIBIT A**  
**Land Description**

2020-VACA-0000017-001

A PORTION OF LOT 24 OF BLOCK 4 OF FISK'S BROADWAY ADDITION, ALSO BEING A PORTION OF A PARCEL OF LAND CONVEYED BY RESOLUTION No. 2020-1155, LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STREET PARCEL:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 24;  
THENCE NORTH 63°12'52" EAST, 4.47 FEET TO A POINT BEING THE INTERSECTION OF A LINE 4.00 EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 24 AND WITH A LINE 2.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT 24, AND BEING THE POINT OF BEGINNING;

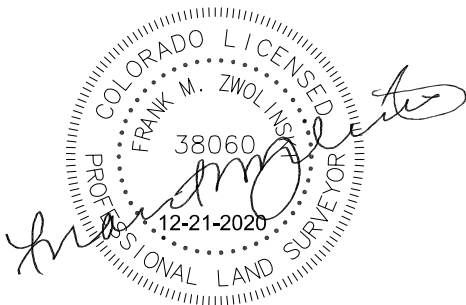
THENCE PARALLEL WITH SAID WEST LINE, NORTH 00°13'36" WEST, 2.00 FEET TO A POINT 4.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 24;  
THENCE PARALLEL WITH SAID SOUTH LINE, NORTH 89°46'52" EAST, 119.13 FEET TO A POINT 2.00 WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 24;  
THENCE PARALLEL WITH SAID EAST LINE, SOUTH 00°14'06" EAST, 2.00 FEET TO A POINT 2.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 24;  
THENCE PARALLEL WITH SAID SOUTH LINE, SOUTH 89°46'52" WEST, 119.13 FEET TO THE POINT OF BEGINNING.

Containing 238 Square Feet or 0.005 Acres of Land, more or less.

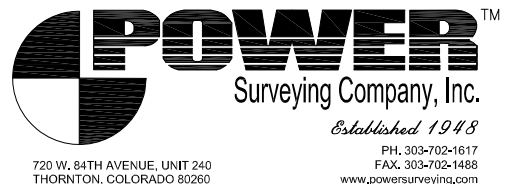
Basis of Bearings:

North 00°13'36" West, being the bearing of the west line of Block 4 of Fisk's Broadway Addition, as defined and measured between a found #5 rebar without cap at the southwest corner of Lot 24 of said Block 4 and a found 1-1/4" diameter yellow plastic cap, PLS 37929 at the northwest corner of Lot 17 of said Block 4.

End of Legal Description.



Frank M. Zwolinski, P.L.S.  
Colorado License #38060  
For and on behalf of Power Surveying Company, Inc.  
303-702-1617

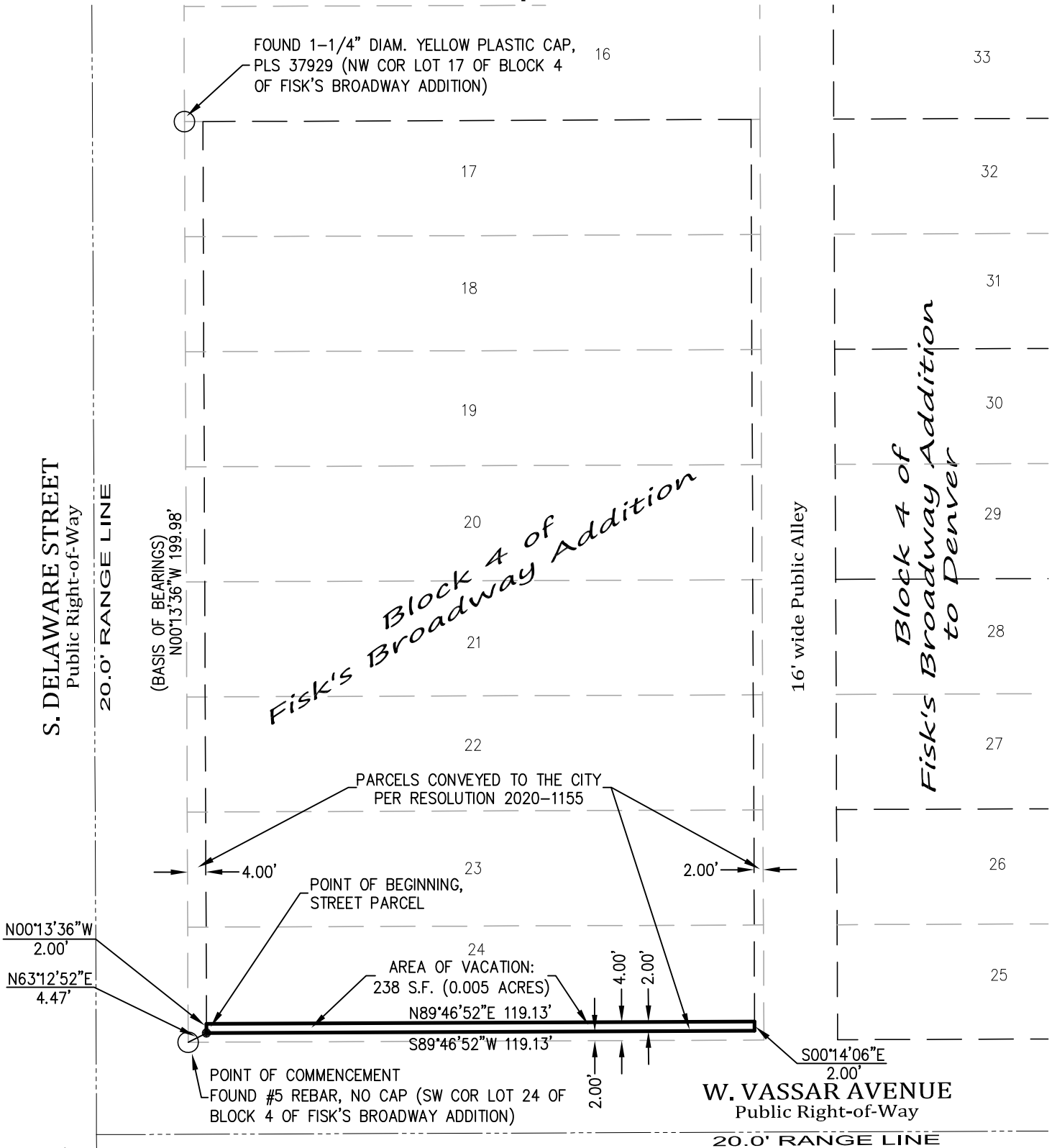


DRAWING BY: FMZ      DATE: 12-21-2020  
PROJECT NO.              501-19-008(B)

# EXHIBIT A

## Land Description Exhibit

2020-VACA-0000017-001



SCALE: 1" = 30'



30' 0 15' 30'



720 W. 84TH AVENUE, UNIT 240  
THORNTON, COLORADO 80260

PH. 303-702-1617  
FAX. 303-702-1488  
www.powersurveying.com

DRAWING BY: FMZ  
PROJECT NO.

DATE: 12-21-2020  
501-19-008(B)