


REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2020-VACA-0000014 - 2420 West 14th Ave

DATE: May 26, 2021

SUBJECT: Request for an Ordinance to vacate a 15,000 square foot portion of West 14th Avenue located at 2420 West 14th Avenue, with reservations.

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

This office has investigated the application of 1401 Zuni Investments, LLC c/o Susan Powers, dated November 17, 2020 for the above requested vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation; Comcast; Division of Disability Rights; Community Planning & Development: Building Inspections, Planning and Zoning; Landmark; City Councilperson Torres, District #3; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; City Forester; DOTI: Construction Engineering, Development Engineering Services – Transportation & Wastewater, ER Transportation & Wastewater, Survey, Policy and Planning, Street Maintenance, TES Sign & Stripe, CPM Wastewater, Solid Waste; CenturyLink; Regional Transportation District; Denver Water; 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) 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 2020-VACA-0000014-001 HERE

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



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

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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: May 26, 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 a 15,000 square foot portion of West 14th Avenue located at 2420 West 14th Avenue, with reservations.

3. Requesting Agency: DOTI, 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 15,000 square foot portion of West 14th Avenue located at 2420 West 14th Avenue, with reservations.

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

7. City Council District: Councilperson Torres, District 3

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</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<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: 2020-VACA-0000014 - 2420 West 14th Ave

Requestor's name: 1401 Zuni Investments, LLC c/o Susan Powers

Description of Proposed Project: Request for an ordinance to vacate a portion of West 14th Avenue located at 2420 West 14th Avenue, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The applicant requests that the subject right-of-way be vacated because this portion of West 14th Avenue is a dead-end street that terminates at their property, and it has not been utilized for public access, services, or as a roadway for many years. Additionally, the South Platte River runs to the west of the applicant's property line and the other side of the river is private property, hindering any future extension or use of West 14th Avenue. There are no impacts anticipated to the surrounding community or public at large.

Area of proposed right-of-way vacation in square feet: Approximately 15,000 sq. ft.

Number of buildings adjacent to proposed vacation area: Two adjacent buildings

Public Notice was posted at the proposed vacation area on: April 21, 2021

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: April 21, 2021

The 20-day period for protests expired on: May 11, 2021

Were protests received from the Public and, if so, explain: None were received.

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: Yes, a perpetual, non-exclusive easement will be held over the vacated area by the City and County of Denver.

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VACATION EXECUTIVE SUMMARY

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

Background: The adjacent vacant properties to the north, south and west of the proposed right of way vacation and the building at the northeast corner is owned by the applicant, 1401 Zuni Investments, LLC. The Regional Transportation District (RTD) owns a small, one-story building that is adjacent to the southeast corner of the vacation area; RTD's property access to public right of way is along N Zuni Street and will not be impacted by the vacation. The right of way to be vacated currently operates like a dead-end private drive that serves one property, 1401 Zuni Street, to access private parking.

Location Map:



EXHIBIT "A"
LAND DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF W. 14TH AVENUE ADJOINING BLOCKS 3 AND 4, BAKER'S SUBDIVISION, SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER AND STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, SAID BLOCK 4;
THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF W. 14TH AVENUE THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 89°59'30" WEST, A DISTANCE OF 80.00 FEET;
- 2) NORTH 00°00'30" WEST, A DISTANCE OF 6.00 FEET;
- 3) SOUTH 89°59'30" WEST, A DISTANCE OF 250.00 FEET TO THE NORTHWEST CORNER OF LOT 7, SAID BLOCK 4;

THENCE NORTH 00°00'30" WEST, A DISTANCE OF 44.00 FEET TO THE SOUTHWEST CORNER OF LOT 7, SAID BLOCK 3 AND THE NORTH RIGHT-OF-WAY LINE OF SAID W. 14TH AVENUE;
THENCE NORTH 89°59'30" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 330.00 FEET;
THENCE SOUTH 00°00'30" EAST, A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 15,000 SQUARE FEET OR 0.34 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF LOTS 3 THROUGH 7, SAID BLOCK 4, BAKER'S SUBDIVISION ASSUMED TO BEAR SOUTH 89°59'30" WEST.

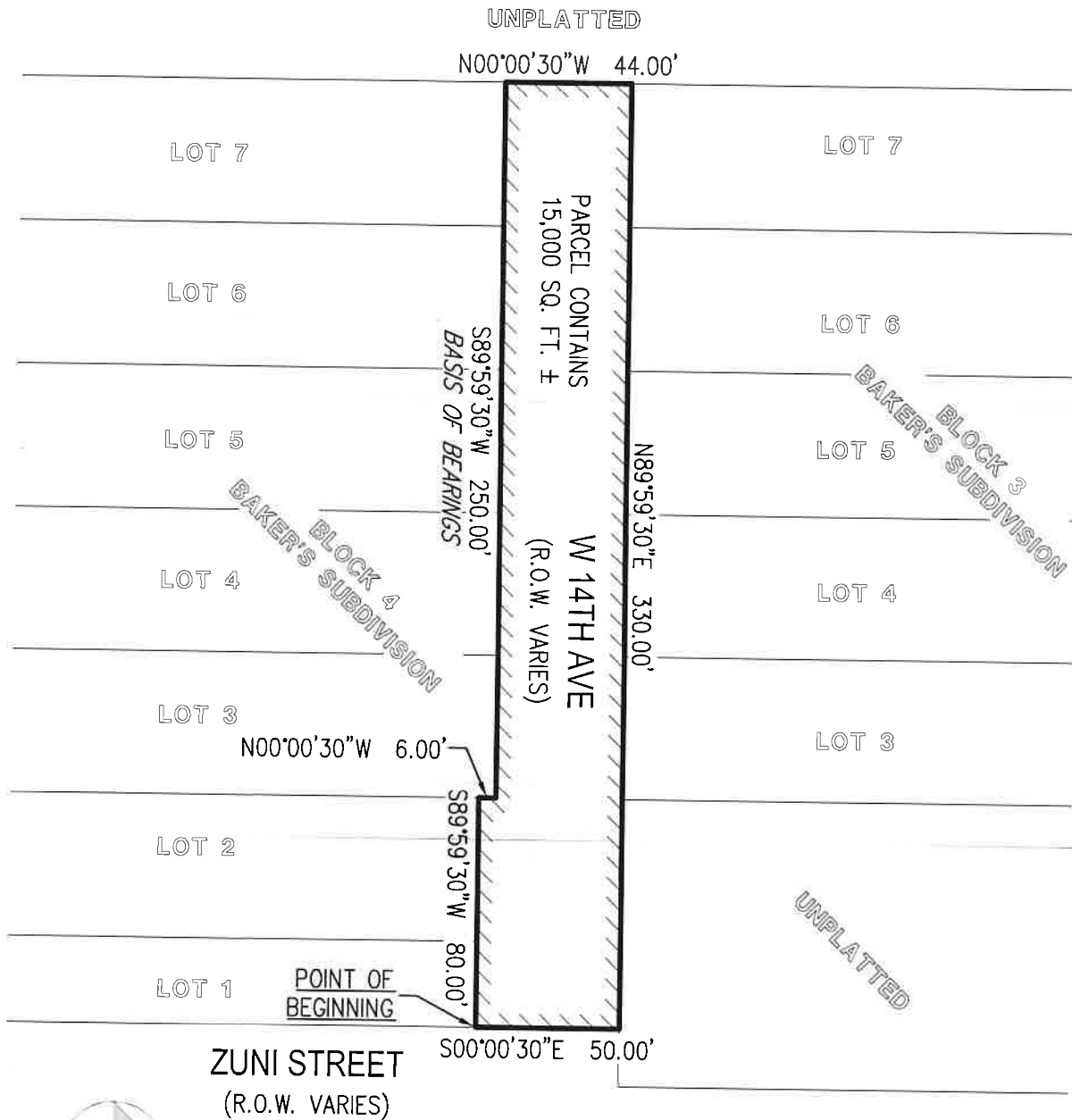
PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



EXHIBIT A ILLUSTRATION

SITUATED IN THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY AND COUNTY OF DENVER, STATE OF COLORADO



NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.



SCALE: 1" = 60'

NOTE:
THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

ISSUE DATE: 10-23-2020		PROJECT #: 201006
DATE	REVISION COMMENTS	
12-17-2020	REVISED PER CCD COMMENTS	



1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocher-Smith.com

ILLUSTRATION

PROJECT #: 201006
CHECKED BY: AWM
DRAWN BY: PTM
SHEET NUMBER

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