

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE *Matt R. Bryner*
Director, Right of Way Services Matt R. Bryner (Nov 1, 2021 10:38 MDT)

ROW #: 2020-VACA-0000015

DATE: October 29, 2021

SUBJECT: Request for an Ordinance to vacate a portion of an alley bounded by E. 16th Ave. and E. Colfax Ave., and N. Valentia St. and N. Verbena St., 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 Kuhl Brown, dated December 2, 2020, on behalf of MHMP 15 E Colfax LLLP (Mercy Housing Mountain Plains) for requesting the above subject 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 Herndon, District 8; Forestry; Fire Department; Metro Water Recovery; Office of Emergency Management; Parks & Recreation; DOTI: Construction Engineering, DES – Transportation & Wastewater, Survey, TES Sign & Stripe, CPM Wastewater, Policy and Planning, Street Maintenance, 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).

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

INSERT PARCEL DESCRIPTION ROW 2020-VACA-0000015-001 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
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: October 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 a portion of an alley bounded by E. 16th Ave. and E. Colfax Ave., and N. Valentia St. and N. Verbena St., 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: devin.price@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 an alley bounded by E. 16th Ave. and E. Colfax Ave., and N. Valentia St. and N. Verbena St., without reservations.

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

7. City Council District: Councilperson Herndon, District 8

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: 2020-VACA-0000015 - 8315 E. Colfax Ave.

Requestor's name: Kuhl Brown, Mercy Housing Mountains Plains

Description of Proposed Project: Proposed partial alley vacation is 16 feet in width by 109 feet in length of right-of-way adjacent to 8315 East Colfax Avenue.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The proposed partial alley vacation will allow for combining the two adjacent parcels and construction of an Early Childhood Education Center (ECE) over the described area. Additionally, there will be complimentary public alley right-of-way dedications that will occur with this project that will reconfigure and widen the existing alley to provide an 'L' configuration per City and County of Denver requirements.

Area of proposed right-of-way vacation in square feet: 1,744 sq. ft.

Number of buildings adjacent to proposed vacation area: 1 (planned for demolition)

Public Notice was posted at the proposed vacation area on: July 16, 2021

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: July 16, 2021

The 20-day period for protests expired on: August 5, 2021

Were protests received from the Public and, if so, explain: No protests 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: Yes

Will an easement be placed over a vacated area and, if so, explain: N/A

Is a request for an easement relinquishment expected at a later date and, if so, explain: N/A

Background: This is in part of the 8315 East Colfax Ave Mercy Housing Project.

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

Location Map:



EXHIBIT A
LAND DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, LOCATED IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING A PORTION OF THE 16-FOOT ALLEY IN BLOCK 3, EAST COLFAX SUBDIVISION, AS RECORDED DECEMBER 24, 1889 IN BOOK 8, PAGE 48 WITH THE CLERK AND RECORDER OF ARAPAHOE COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 19, OF SAID BLOCK 3, EAST COLFAX SUBDIVISION, WHENCE THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 33 BEARS S75°47'11"W, 714.36 FEET;

THENCE N00°01'52"E, 16.00 FEET TO THE SOUTHWEST CORNER OF LOT 18, OF SAID BLOCK 3, EAST COLFAX SUBDIVISION;

THENCE ALONG THE SOUTH LINE OF SAID LOT 18, N89°58'54"E, 108.99 FEET;

THENCE S00°01'43"W, 16.00 FEET TO A POINT ON THE NORTH LINE OF LOT 23, OF SAID BLOCK 3, EAST COLFAX SUBDIVISION;

THENCE ALONG THE NORTH LINE OF LOTS 19 THROUGH 23 INCLUSIVE, OF SAID BLOCK 3, EAST COLFAX SUBDIVISION, S89°58'54"W, 108.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,744 SQUARE FEET OR 0.040 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, T3S, R67W OF THE 6TH P.M., BEING N89°58'11"E AS MEASURED USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AND AS MONUMENTED ON THE WEST BY THE SOUTH 1/4 CORNER OF SECTION 33, A FOUND 3.5" ALUMINUM CAP PLS 11434 IN RANGE BOX PER MONUMENT RECORDED DATED 10-18-1995, AND AS MONUMENTED ON THE EAST BY THE SOUTHEAST CORNER OF SECTION 33, A 2.5" ALUMINUM CAP PLS 33202 IN RANGE BOX PER MONUMENT RECORDED DATED 7-21-2003.

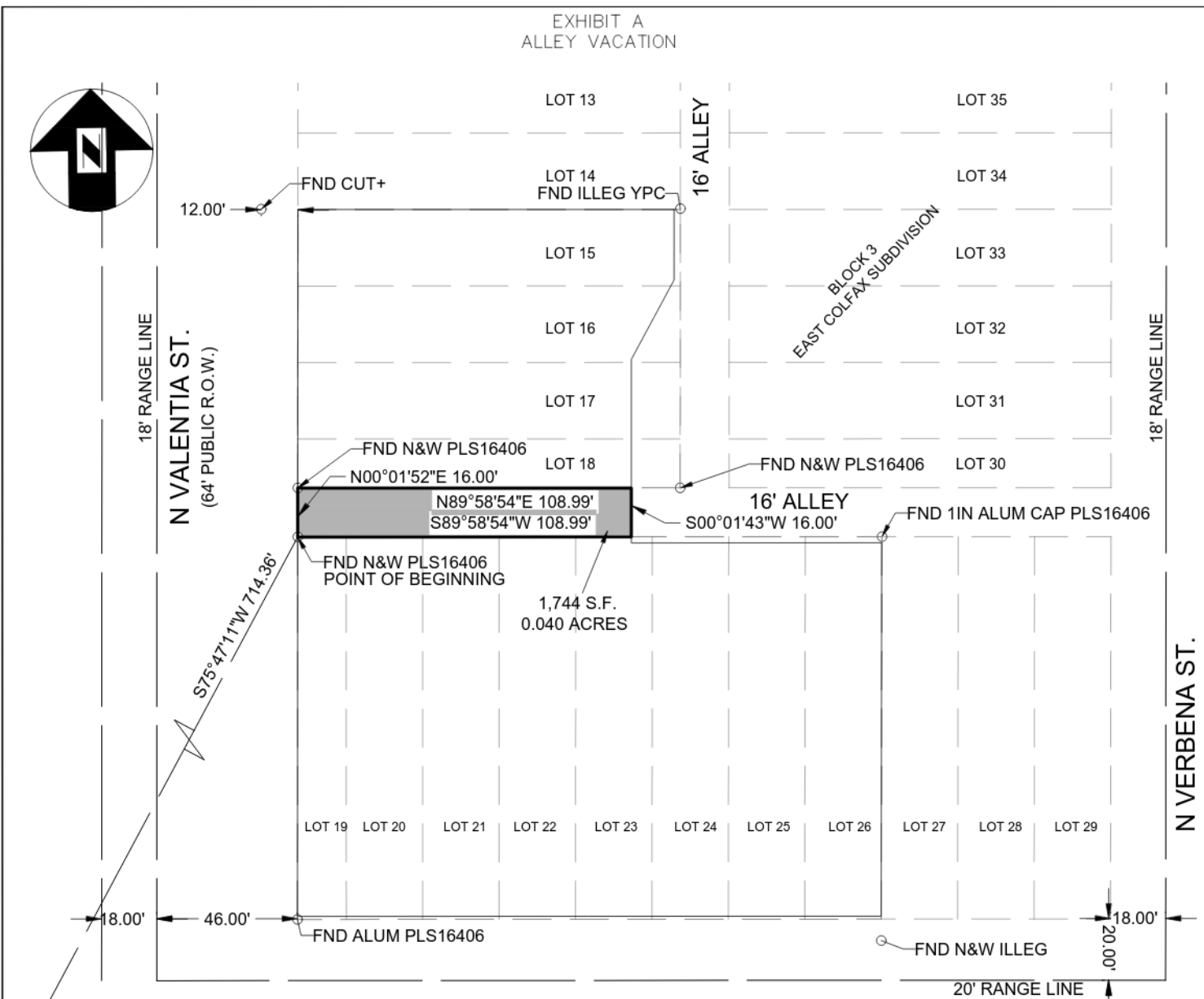
LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS H. ORT III, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

DOUGLAS H. ORT III, COLORADO PLS 37066
WILSON & COMPANY
1675 BROADWAY, SUITE 200
DENVER, CO 80202
DHORTIII@WILSONCO.COM
PH 303-501-1221



EXHIBIT A
ALLEY VACATION



SOUTH LINE OF THE SOUTH 1/4 OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 67 W OF THE 6TH P.M.

(BASIS OF BEARINGS)

FND 3.5IN ALUM CAP PLS11434
PER MONUMENT RECORDED DATED 10-18-1995
SOUTH 1/4 CORNER OF SECTION 33,
TOWNSHIP 3 SOUTH,
RANGE 67 WEST OF THE 6TH P.M.

N89°58'11"E 2638.71'
E COLFAX AVE.
(PUBLIC R.O.W.)

FND 2.5" ALUMINUM CAP 33202 IN RANGE BOX
PER MONUMENT RECORDED DATED 7-21-2003
SOUTHEAST CORNER OF SECTION 33,
TOWNSHIP 3 SOUTH,
RANGE 67 WEST OF THE 6TH P.M.

BASIS OF BEARINGS: BASIS OF BEARINGS: BEARINGS USED HEREIN ARE
BASED ON SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, T3S,
R67W OF THE 6TH P.M., BEING N89°58'11"E AS MEASURED USING THE CITY
AND COUNTY OF DENVER CONTROL COORDINATES, AND AS MONUMENTED ON
THE WEST BY THE SOUTH 1/4 CORNER OF SECTION 33, A FOUND 3.5"
ALUMINUM CAP PLS 11434 IN RANGE BOX PER MONUMENT RECORDED
DATED 10-18-1995, AND AS MONUMENTED ON THE EAST BY THE
SOUTHEAST CORNER OF SECTION 33, A 2.5" ALUMINUM CAP PLS 33202 IN
RANGE BOX PER MONUMENT RECORDED DATED 7-21-2003.

| | | | | | |
|--------------------|----------------------|----|--------------------|-------|-------|
| SHT. NO: 2 OF 2 | | | | | |
| SCALE: 1" = 50' | | | | | |
| DWN. BY: TJB | | | DATE: 1-25-2021 | | |
| CHK. BY: | | | | | |
| PROJ. MGR: DHO | | | DATE: 1-25-2021 | | |
| CLIENT APP: | | | | | |
| NO. | REVISION-DESCRIPTION | BY | DATE | CHK'D | APP'D |

WILSON & COMPANY 1675 Broadway Suite 200
Denver, CO 80202
Phone: 303-297-2976
Fax: 303-297-2693

EXHIBIT A
8315 E. COLFAX
DENVER CO, 80220
STATE OF COLORADO