

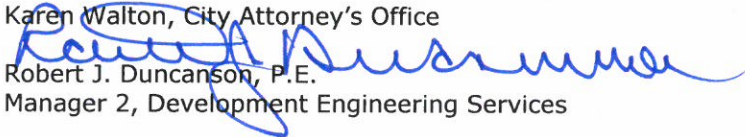


Denver Public Works
Right-of-Way Services

201 W Colfax Ave, Dept. 507
Denver, CO 80202
720.865.3001
Denver.ROW@denvergov.org
www.denvergov.org/survey

REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

ROW #: 2014-0597-02

DATE: October 27, 2014

SUBJECT: Request for an Ordinance to vacate the air space right-of-way for the Research Bridge at E 9th Ave and N Colorado Blvd, 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 Frank Cannon of Continuum Partners, LLC, on behalf of the University of Colorado for granting of the above requested vacation. This matter has been inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast; Commission for People with Disabilities; Community Planning & Development - Building Inspections, Planning and Zoning; City Councilperson; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; 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, it has been determined that there is no objection to vacating the said area.

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

INSERT PARCEL DESCRIPTION ROW 2014-0597-02-001 HERE

The following information, pertinent to this request action, is submitted:

1. The width of this area is 72 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is being used.
4. Three buildings abut said area.
5. The owner of the contiguous area would benefit by being able to make more effective use of their ground; the City would benefit by reduced maintenance responsibility.
6. Grades and drainage are not adversely affected by this action.
7. Replacement area will not be required.
8. The vacating notice was posted on October 20, 2014.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on October 20, 2014.
10. Protests, sustained by the Manager of Public Works, have not been filed.
11. Ordinance action by the City Council is considered to be necessary because the Council is the only City body authorized by the Charter to dispose of City property.

RJD: aal

cc: Asset Management, Steve Wirth
City Councilperson & Aides
City Council Staff, Shelley Smith
Capital Projects Management, Mike Anderson
Department of Law, Shaun Sullivan
Department of Law, Karen Aviles
Department of Law, Karen Walton
Department of Law, Brent Eisen
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Nancy Kuhn
Public Works, Solid Waste, Mike Lutz
Public Works, Survey, Paul Rogalla
Public Works, Street Maintenance, Brian Roecker

Property Owner:
Regents of the University of Colorado
4111 E 9th Ave
Denver, CO 80220-3718

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
Nancy.Kuhn@denvergov.org by **NOON on Monday.**

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: October 27, 2014

Please mark one: **Bill Request** or **Resolution Request**

1. Has your agency submitted this request in the last 12 months?

Yes **No**

If yes, please explain:

2. Title: *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

2014-0597-02: Air rights vacation at 9th and Colorado.

3. Requesting Agency: Public Works Survey

4. Contact Person: *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@denvergov.org

5. Contact Person: *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- **Name:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** nancy.kuhn@denvergov.org

6. General description of proposed ordinance including contract scope of work if applicable:

This is a request for an Ordinance to vacate the air space right-of-way for the Research Bridge at E 9th Ave and N Colorado Blvd, without reservations.

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** E 9th Ave and N Colorado Blvd
- d. **Affected Council District:** #10 – Jeanne Robb and #5 – Mary Beth Susman
- e. **Benefits:** N/A
- f. **Costs:** N/A

7. Is there any controversy surrounding this ordinance? *(Groups or individuals who may have concerns about it?)* **Please explain.**

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2014-0597-02 - Air rights vacation at 9th and Colorado.

Description of Proposed Project: This is a request for an Ordinance to vacate the air space right-of-way for the Research Bridge at E 9th Ave and N Colorado Blvd, without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For overall area redevelopment.

Has a Temp MEP been issued, and if so, what work is underway: N/A

What is the known duration of an MEP: N/A

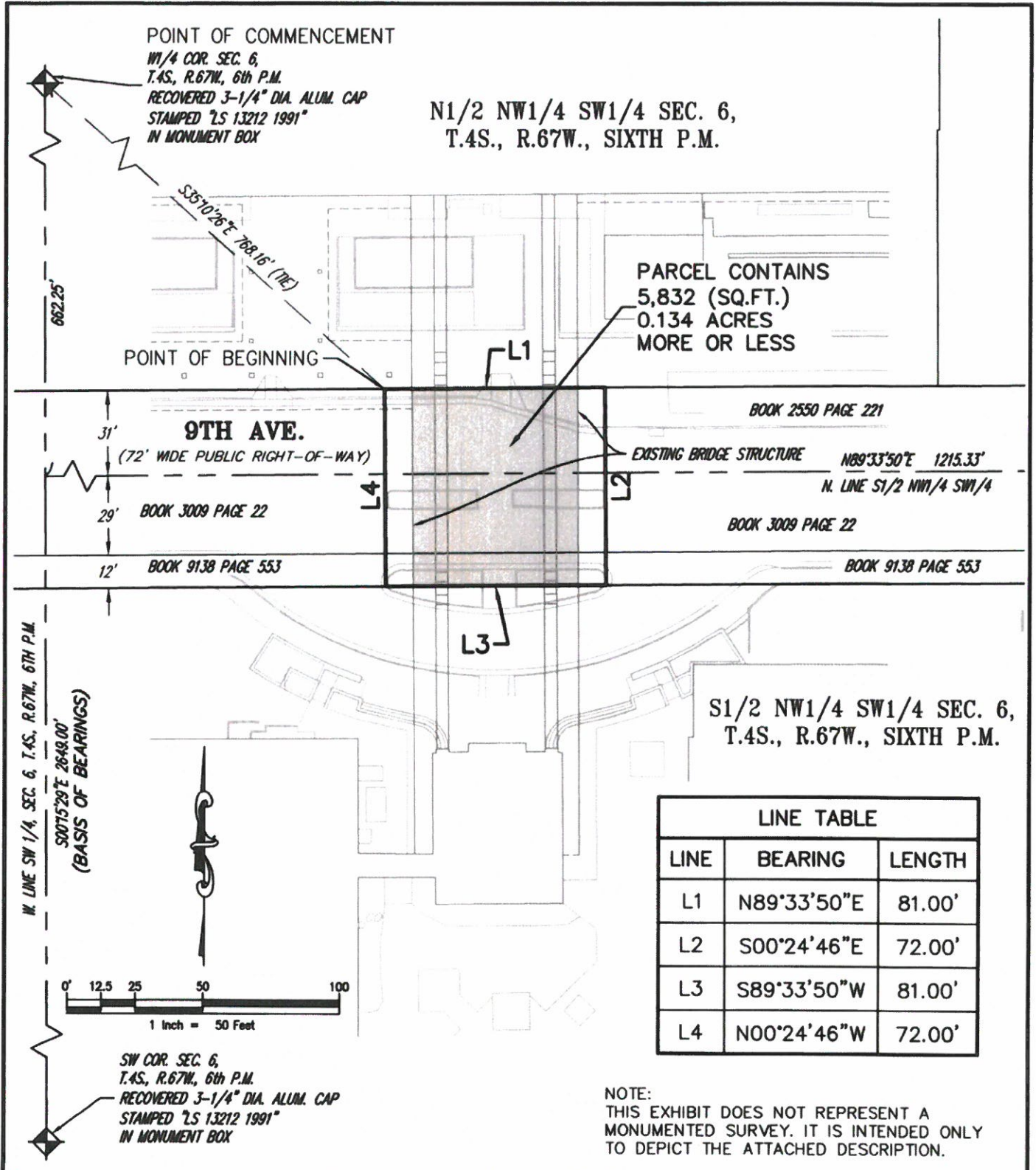
Will land be dedicated to the City if the vacation goes through: No.

Will an easement be placed over a vacated area, and if so explain: No.

Will an easement relinquishment be submitted at a later date: No.

Additional information: None.

ILLUSTRATION TO EXHIBIT A



PATH: V:\87614-01\DWG
 DWG NAME: 9TH AVE AIR SPACE.DWG
 DWG: DSB CHK: JRW
 DATE: 10/03/2014
 SCALE: 1" = 50'

AZTEC
 CONSULTANTS, INC.
 300 East Mineral Avenue
 SUITE 1
 Littleton, Colorado 80122
 Phone: (303)713-1898
 Fax: (303)713-1897
 www.aztecconsultants.com

AIR SPACE VACATION
 9TH AVENUE
 CITY AND COUNTY OF DENVER

2014-0597-02-001

EXHIBIT A
LEGAL DESCRIPTION OF THE AIR SPACE RIGHT-OF-WAY

9TH AVENUE AIR RIGHTS VACATION

ALL THAT PART OF 9TH AVENUE RIGHT-OF-WAY LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 5342.39' (NAVD) AND LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF 5440.37' (NAVD) AND LYING WITHIN THE FOLLOWING HORIZONTAL BOUNDARIES:

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 6 BEARS SOUTH 00°15'29" EAST, A DISTANCE OF 2649.00 FEET, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 35°10'26" EAST, A DISTANCE OF 768.16 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF 9TH AVENUE AS DESCRIBED IN BOOK 2550 AT PAGE 221 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 89°33'50" EAST, A DISTANCE OF 81.00 FEET;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY, SOUTH 00°24'46" EAST, A DISTANCE OF 72.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 9TH AVENUE AS DESCRIBED IN BOOK 9138 AT PAGE 553, IN SAID RECORDS;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 89°33'50" WEST, A DISTANCE OF 81.00 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, NORTH 00°24'46" WEST, A DISTANCE OF 72.00 FEET TO THE **POINT OF BEGINNING**.

2014-0597-02-001

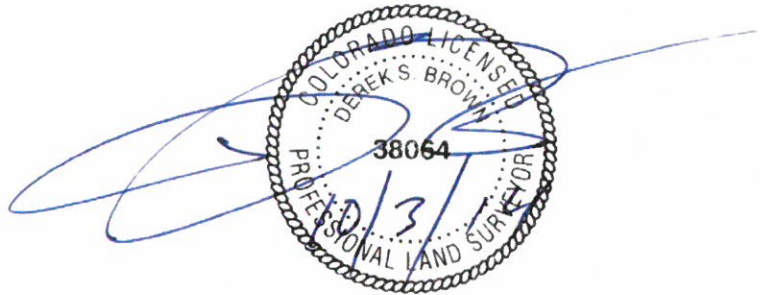
CONTAINING AN AREA OF 0.134 ACRES, (5,832 SQUARE FEET), MORE OR LESS.

THE AIR SPACE DESCRIBED HEREIN LIES NOT LESS THAN 16.00' ABOVE THE CURRENT ASPHALT ROADWAY SURFACE LYING WITHIN THE SAME HORIZONTAL BOUNDARIES.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

BASIS OF BEARINGS: BEARINGS ARE GRID BEARINGS COLORADO COORDINATE SYSTEM NAD 83 CENTRAL ZONE FROM GPS OBSERVATIONS AND ARE BASED UPON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEARING S00°15'29"E AS MONUMENTED AT THE WEST QUARTER CORNER BY A 3-1/4" DIAMETER ALUMINUM CAP STAMPED "LS 13212 1991" IN MONUMENT BOX AND AT THE SOUTHWEST CORNER BY A 3-1/4" DIAMETER ALUMINUM CAP STAMPED "LS 13212 1991" IN MONUMENT BOX.

BENCHMARK: CITY AND COUNTY OF DENVER BENCHMARK NO. 220C BEING A BRASS CAP AT THE INTERSECTION OF COLORADO BOULEVARD AND 11TH AVENUE WITH AN ELEVATION OF 5315.88 NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88).



DEREK S. BROWN, PLS NO. 38064
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN ST., SUITE 201, LITTLETON, CO 80122
303-713-1898