



## REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2013-0153-01  
**DATE:** March 3, 2014  
**SUBJECT:** Request for an Ordinance to vacate right of way for the section of Beekman Pl west of Nepal St, with reservation.

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

This office has investigated the request of Layla Rosales, on behalf of Town Center Metropolitan District for granting of the above requested vacation. This matter has been field inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast Corporation; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; Councilperson Chris Herndon; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks & Recreation; Public Works – DES - Construction Engineering, DES Engineering – Transportation & Wastewater, DES Survey, IPP Infrastructure Engineering and Street Maintenance; Qwest Corporation; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have returned our questionnaires indicating 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:

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 portion of the vacated area as described below ("Easement Area") for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, 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 2013-0153-01-001 HERE**

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

1. The width of this area is 50 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. **0** buildings abut on 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 February 3, 2014, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on February 3, 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: bja

cc: Asset Management, Steve Wirth  
City Councilperson, Christopher Herndon & Aides  
City Council Staff, Gretchen Williams  
CPM, 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 Maint., William Kennedy,  
Project File #: 2013-0153-01

Property Owner:  
Town Center Metropolitan District  
c/o Jerry Jacobs  
4908 Tower Road  
Denver, CO 80249

Property Owner:  
City and County of Denver  
c/o John Lautenschlager  
201 W Colfax Ave., Dept 507  
Denver, CO 80202

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at  
daelene.mix@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: March 3, 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.)*

Request for an Ordinance to vacate right of way for the section of Beekman Pl west of Nepal St.

**3. Requesting Agency:** Public Works Survey

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

- **Name:** Beverly J Aragon
- **Phone:** 720-865-3125
- **Email:** [Beverly.Aragon@denvergov.org](mailto:Beverly.Aragon@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](mailto:nancy.kuhn@denvergov.org)

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

To vacate right of way for the section of Beekman Pl west of Nepal St.

**\*\*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:** Beekman Pl west of Nepal St
- d. **Affected Council District:** Christopher Herndon, District 11
- 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:** 2013-0153-01 Vacation Green Valley Ranch Filing 35, Beekman Pl west of Nepal St.

**Description of Proposed Project:** To vacate right of way for the section of Beekman Pl west of Nepal St.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Proposing to construct a private road at this location.

**Has a Temp MEP been issued, and if so, what work is underway:** No

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

**Will land be dedicated to the City if the vacation goes through:** N/A

**Will an easement be placed over a vacated area, and if so explain:** Yes. For access because there are existing sanitary, water and storm lines.

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

**Additional information:** N/A

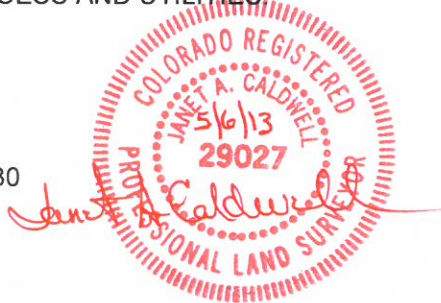
**EXHIBIT "A"**

**RIGHT OF WAY VACATION  
DATE: MAY 6, 2013  
DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF "GREEN VALLEY RANCH FILING NO. 35", A SUBDIVISION PLAT RECORDED AT RECEPTION NUMBER 2002124141 CITY AND COUNTY OF DENVER RECORDS LOCATED IN THE SOUTHEAST ONE-QUARTER (SE ¼) OF SECTION 14, AND THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE VACATION OF BEEKMAN PL. WEST OF NEPAL ST. AS RECORDED ON SAID "GREEN VALLEY RANCH FILING NO. 35". WITH A RESERVATION FOR ACCESS AND UTILITIES.

PREPARED BY: JANET A. CALDWELL, PLS 29027  
FOR AND ON BEHALF OF  
THE LUND PARTNERSHIP, INC.  
12265 WEST BAYAUD AVENUE, SUITE 130  
LAKEWOOD, COLORADO 80228



2013-0153-01-001

**SOUTH ONE-QUARTER CORNER**  
SEC. 14, T3S, R66W 6th P.M.  
FOUND 1" CAPPED PIPE  
N: 1711257.061  
E: 3212489.196

S. LINE SE 1/4 SECTION 14

SE 1/4  
SECTION 14  
T.3S., R.68W., 6TH P.M.

BECKMAN  
P.L.

TRACT E

TRACT F

TRACT F

TRACT U

TRACT E

GREEN VALLEY RANCH FILING NO. 35  
REC. NO. 2002124141  
CITY & COUNTY OF DENVER RECORDS

NEPAL ST

49TH PL

49TH AVE

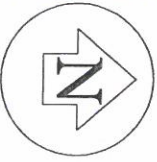
49TH AVE

48TH DR

NE 1/4  
SECTION 23  
T.3S., R.68W., 6TH P.M.



BECKMAN P.L. RIGHT OF WAY TO BE VACATED,  
ACCESS & UTILITY EASEMENT TO REMAIN



JOB NO.: 328-1203  
SCALE: 1" = 100'  
DATE: MAY 6, 2013  
PAGE: 2 OF 2  
DRAWN BY: JAC

**EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION**

A PART OF GREEN VALLEY RANCH FILING NO. 35  
LOCATED IN THE SOUTHEAST 1/4 SECTION 14  
AND THE NORTHEAST 1/4 OF SECTION 23  
TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6TH P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



P: 303.989.1461 F: 303.989.4094  
CIVIL ENGINEERING & SURVEYING

