



Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3003
www.denvergov.org/pwpermits

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Ted Christianson
Director, Public Works Right of Way Services

ROW #: 2017-VACA-0000017

DATE: February 13, 2018

SUBJECT: Request for an Ordinance to vacate a portion of the alleyway bounded by N. Eliot Street, N. Decatur Street, W. 36th Avenue, and W. 37th 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 Carlos Castillo, dated August 31, 2017, for requesting 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; 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, hereby approved and the described area is hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

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

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

INSERT PARCEL DESCRIPTION ROW 2017-VACA-0000017-001 HERE

TC: cs

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Shaun Sullivan
Department of Law – Brent Eisen
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm 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: February 13, 2018

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, contract amendment, municipal code change, supplemental request, etc.**)

Request for an Ordinance to vacate a portion of the alleyway bounded by N. Eliot Street, N. Decatur Street, W. 36th Avenue, and W. 37th Avenue, without reservations.

3. Requesting Agency: PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Chaunda Sinn
- **Phone:** 720-865-3036
- **Email:** Chaunda.sinn@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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** angela.casias@denvergov.org

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

Request for an Ordinance to vacate a portion of the alleyway bounded by N. Eliot Street, N. Decatur Street, W. 36th Avenue, and W. 37th Avenue, 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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** 3624 N Eliot St
- d. **Affected Council District:** Dist # 1, Espinoza
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

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

Yes, a group of neighbors have sent objection letters that ultimately were determined to have no technical merit.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2017-VACA-0000017 3624 N Eliot St

Requestor's name: Carlos Castillo

Description of Proposed Project: Request for an Ordinance to vacate a portion of the alleyway bounded by N. Eliot Street, N. Decatur Street, W. 36th Avenue, and W. 37th Avenue, without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This area has been utilized as private property for over 33 years which includes a garden area and mature vegetation.

Width of area in feet: 30.2 feet

Number of buildings abut said area: 1

The 20-day period for protests has expired, the vacating notice was posted on: 12/20/17

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: 12/20/17

Protests sustained by the manager of Public Works: Have been filed

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

Background: This area has been utilized as private property for over 33 years which includes a garden area and mature vegetation.

Public Notification: There were several objections that were sent to the Executive Director of Public Works. All objections were deemed to have no technical merit. Letters of explanation was sent to all citizens who objected.

Location Map:



"EXHIBIT A"
PROPERTY DESCRIPTION
SHEET 1 OF 2

PROPERTY DESCRIPTION:

THAT PART OF THE 35 FOOT WIDE ALLEY ADJOINING LOTS 19 & 20, RESUBDIVISION OF LOT 3, BLOCK 8, POTTER HIGHLANDS, SITUATE IN THE NE 1/4 OF SECTION 29, T.3.S., R.68.W. OF THE SIXTH P.M., CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 20; THENCE S45°00'55"E, A DISTANCE OF 14.14 FEET; THENCE S00°00'55"E, ALONG A LINE 10 FOOT EASTERLY OF & PARALLEL WITH THE EASTERLY LINE OF LOTS 19 & 20, A DISTANCE OF 30.02 FEET; THENCE S44°59'05"W, A DISTANCE OF 14.14 FEET TO THE SOUTHEASTERLY CORNER OF LOT 19; THENCE N00°00'55"W, ALONG THE EASTERLY LINE OF LOTS 19 & 20, ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF THE 35 FOOT WIDE ALLEY, A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 400 SQ. FT., +/-.

BASIS OF BEARINGS:

AN ASSUMED BEARING OF N00°00'56"W FOR THE WESTERLY LINE OF BLOCK 8, AS SHOWN.

RECORD INFORMATION:

THIS EXHIBIT IS BASED UPON A 19 JULY 2017 "LAND SURVEY PLAT" OF THE SUBJECT PROPERTY, BY TRISTATE SURVEYING, INC.

SURVEYOR'S STATEMENT:

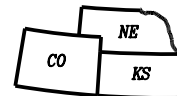
I, BRADLEY D. PETERSON, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS "EXHIBIT" WAS GENERATED BY ME & IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF & OPINION.

 BRADLEY D. PETERSON, P.L.S. NO. 28660
 FOR & ON BEHALF OF TRISTATE SURVEYING, INC.

 DATE



TRISTATE SURVEYING, INC.
Bradley D. Peterson, PLS



7371 S. DELAWARE STREET LITTLETON, CO 80120-4220
 303-995-9072 brad@tristatesurveying.com

DRAWN BY: BDP DATE: 01 NOV 17

CHECKED BY: JLT DRAWING NO.: 201763_EXH A

JOB NO.: 201763 SHEET 1 OF 2

NOTICE 13-80-105(3)(a): ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

