

## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Matt Bryner  
Interim Director, Public Works Right of Way Services

**ROW #:** 2017-VACA-0000009

**DATE:** April 10, 2018

**SUBJECT:** Request for an Ordinance to vacate the northernmost, east-west alley bounded by West Conejos Place, West Colfax Avenue, North Lowell Boulevard and North King Street, with a three (3) foot partial easement 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 Chris Hudon, dated May 30, 2017, on behalf of 3520 W Conejos, LLC 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:

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, 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 2017-VACA-0000009-001 HERE**

With a partial easement (as described above) only over the following described easement area:

**INSERT PARTIAL EASEMENT DESCRIPTION ROW 2017-VACA-0000009-002 HERE**

MB: cs

cc: City Councilperson & Aides  
City Council Staff – Zach Rothmier  
Department of Law – Shaun Sullivan  
Department of Law – Brad Beck  
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 the Angela Casias

at [angela.casias@DenverGov.org](mailto:angela.casias@DenverGov.org) by **12:00pm on Monday**. Contact the her with questions

Date of Request: April 10, 2018

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 the northernmost, east-west alley bounded by West Conejos Place, West Colfax Avenue, North Lowell Boulevard and North King Street, with a three (3) foot partial easement reservation.

**3. Requesting Agency:** Public Works – Engineering, Regulatory, and Analytics

**4. Contact Person:**

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Chaunda Sinn	Name: Angela Casias
Email: <a href="mailto:Chaunda.sinn@denvergov.org">Chaunda.sinn@denvergov.org</a>	Email: <a href="mailto:angela.casias@denvergov.org">angela.casias@denvergov.org</a>

**5. General description or background of proposed request. Attach executive summary if more space needed:**

Request for an Ordinance to vacate the northernmost, east-west alley bounded by West Conejos Place, West Colfax Avenue, North Lowell Boulevard and North King Street, with a three (3) foot partial easement reservation.

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

N/A

**7. City Council District:**

District 3: Paul Lopez

**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: \_\_\_\_\_



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2017-VACA-0000009 3520 W Conejos Pl

**Requestor's name:** Rick Wells/3520 W Conejos, LLC

**Description of Proposed Project:** Request for an Ordinance to vacate the northernmost, east-west alley bounded by West Conejos Place, West Colfax Avenue, North Lowell Boulevard and North King Street, with a three (3) foot partial easement reservation.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** The customer would like to construct 14 rowhomes and needs to vacate/utilize the alley to make the land contiguous with the carriage lot to carry out this plan

**Width of area in feet:** 15 feet

**Number of buildings abut said area:** 2

**The 20-day period for protests has expired, the vacating notice was posted on:** March 7, 2018

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** March 7, 2018

**Protests sustained by the manager of Public Works:** Have not been filed

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

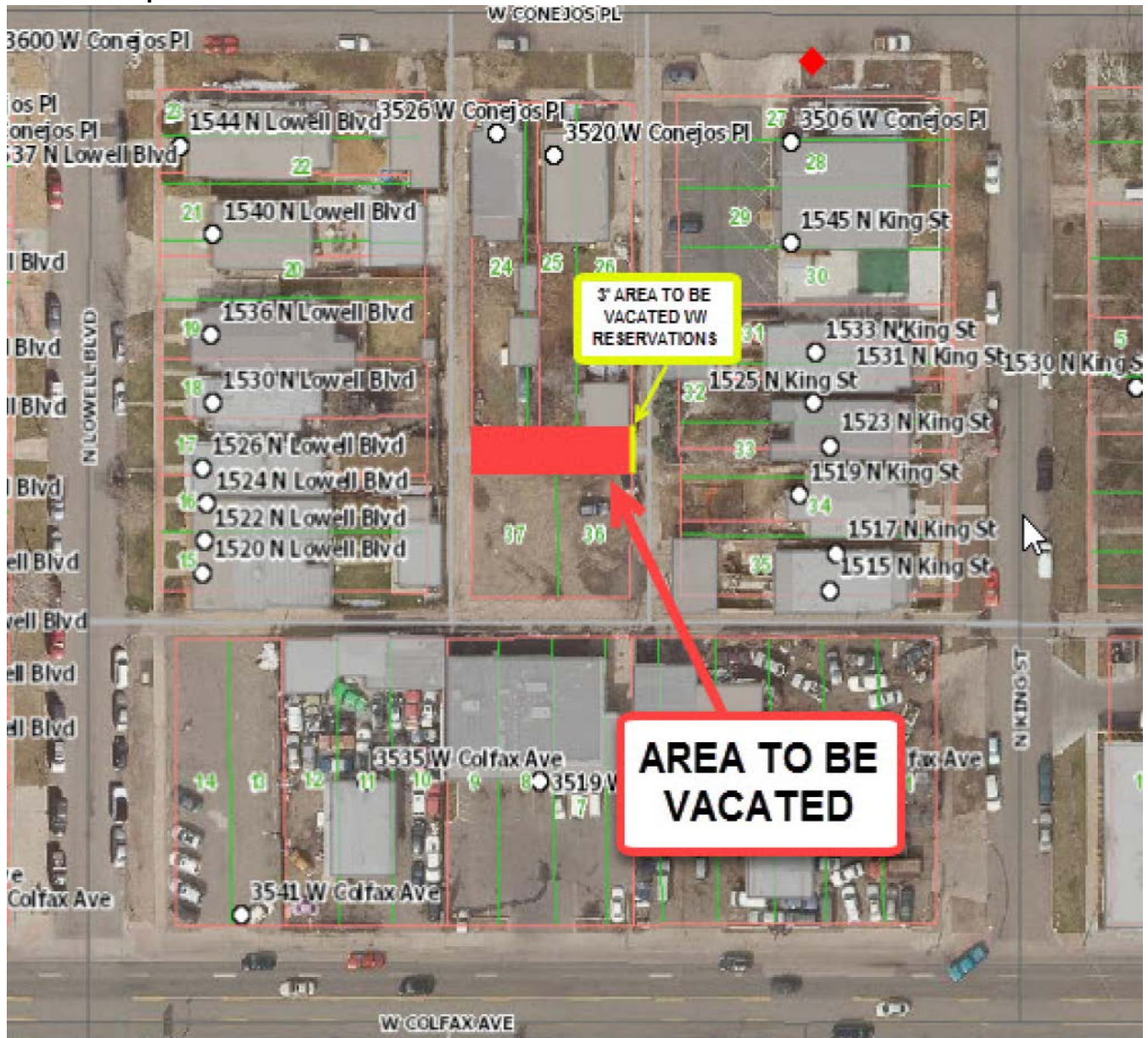
**Will an easement be placed over a vacated area, and if so explain:** Yes, an easement will be placed over the easternmost 3 feet of the vacated area

**Will an easement relinquishment be submitted at a later date:** unknown

**Background:** Customer would like to utilize the alley connecting the adjacent north and south lots to develop 14 rowhomes

**Public Notification:** No objections were sustained

**Location Map:**



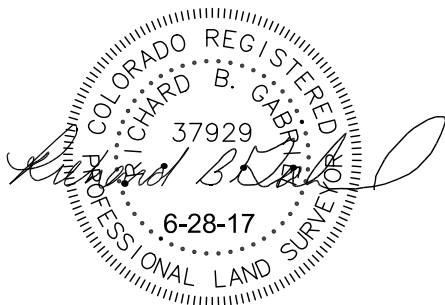
**EXHIBIT A**  
**"AREA TO BE VACATED"**  
 SHEET 1 OF 2  
 LAND DESCRIPTION

A PARCEL OF LAND BEING THE ALLEY TO THE SOUTH OF THE SOUTH LINE OF LOTS 24, 25 & 26 AND TO THE NORTH LINE OF LOTS 36 & 37 OF RESUBDIVISION OF BLOCK 31 CHELTENHAM HEIGHTS, ALSO LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED UPON A 20 FOOT RANGE LINE OF WEST CONEJOS PLACE BETWEEN LOWEL BOULEVARD AND KING STREET, SAID LINE IS ASSUMED TO BEAR SOUTH 89°53'09" EAST, A DISTANCE OF 390.01 FEET, MONUMENTED AT THE INTERSECTION OF LOWELL BOULEVARD AND WEST CONEJOS PLACE BY A FOUND 2.5" ALUMINUM CAP (IN RANGE BOX), STAMPED P.L.S #16116, AND AT THE INTERSECTION OF KING STREET AND WEST CONEJOS PLACE BY A FOUND 2.5" ALUMINUM CAP (IN RANGE BOX), STAMPED P.L.S #16116.

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24;  
 THENCE SOUTH 89°53'09" EAST, ALONG THE SOUTH LINE OF SAID LOTS 24, 25 AND 26, A DISTANCE OF 74.98 FEET TO THE SOUTHEAST CORNER OF SAID LOT 26;  
 THENCE SOUTH 00°02'06" WEST, ALONG THE WEST LINE OF A 12.5' WIDE PUBLIC ALLEY, A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 36;  
 THENCE NORTH 89°53'09" WEST, ALONG THE NORTH LINE OF SAID LOTS 36 AND 37, A DISTANCE OF 74.98 FEET TO THE NORTHWEST CORNER OF SAID LOT 37;  
 THENCE NORTH 00°01'32" EAST, ALONG THE WEST LINE OF A 12.5' WIDE PUBLIC ALLEY, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING ±1,125 SQ FT OR ±0.026 ACRES.



RICHARD BRUCE GABRIEL  
 COLORADO P.L.S. 37929

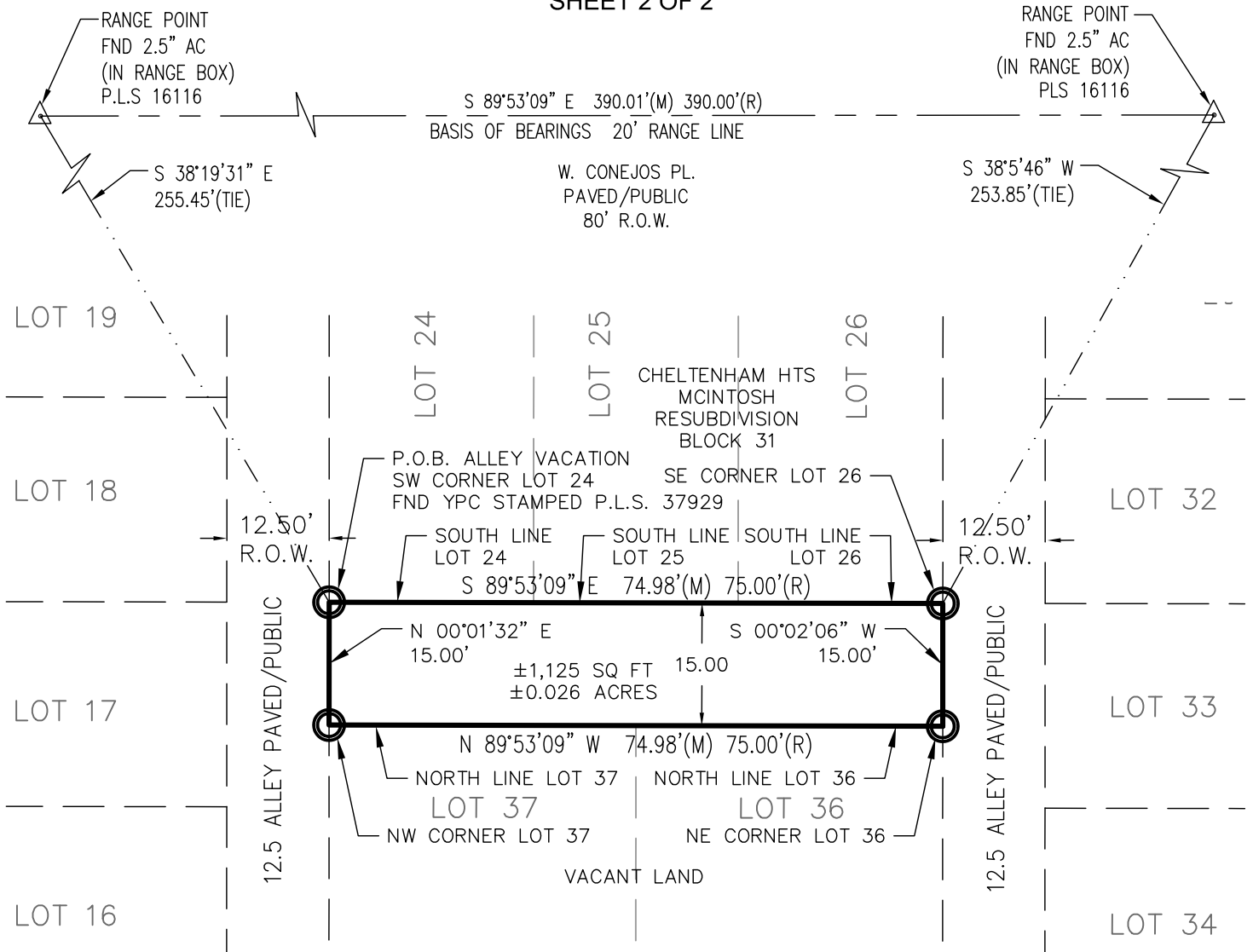


150 W. 84TH AVENUE  
 THORNTON, COLORADO 80260

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 FAX. 303-702-1488  
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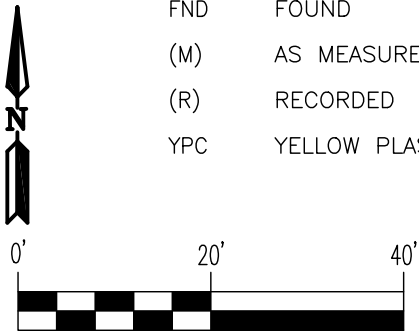
DRAWING BY: RBG      DATE: 6-28-17  
 PROJECT NO. 501-17-098

**EXHIBIT A**  
**"AREA TO BE VACATED"**  
**SHEET 2 OF 2**



**LEGEND:**

- FOUND RANGE POINT AS NOTED
- FOUND YELLOW PLASTIC CAP STAMPED P.L.S. 37929
- FND FOUND
- (M) AS MEASURED
- (R) RECORDED
- YPC YELLOW PLASTIC CAP



SCALE: 1' = 20'

SHEET 2 OF 2



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DRAWING BY: MRBG      DATE: 6-28-17  
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**EXHIBIT A**  
**"EASEMENT"**  
**SHEET 1 OF 2**  
**LAND DESCRIPTION**

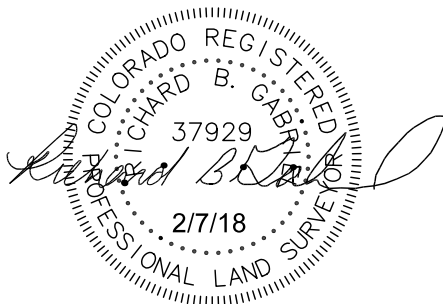
AN EASEMENT BEING A PORTION OF THE 15 FOOT VACATED ALLEY WITHIN THE RESUBDIVISION OF BLOCK 31 CHELTENHAM HEIGHTS, ALSO LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED UPON A 20 FOOT RANGE LINE WITHIN WEST CONEJOS PLACE BETWEEN LOWELL BOULEVARD AND KING STREET, SAID LINE IS ASSUMED TO BEAR SOUTH 89°53'09" EAST, A DISTANCE OF 390.01 FEET, MONUMENTED AT THE INTERSECTION OF LOWELL BOULEVARD AND WEST CONEJOS PLACE BY A FOUND 2.5" ALUMINUM CAP (IN RANGE BOX), STAMPED P.L.S #16116, AND AT THE INTERSECTION OF KING STREET AND WEST CONEJOS PLACE BY A FOUND 2.5" ALUMINUM CAP (IN RANGE BOX), STAMPED P.L.S #16116.

COMMENCING AT SAID 2.5" ALUMINUM CAP STAMPED PLS #16116 FOUND AT THE INTERSECTION OF KING STREET AND CONEJOS PLACE;  
 THENCE SOUTH 69°07'40" WEST A DISTANCE OF 167.53 TO THE NORTHEAST CORNER OF LOT 26, RESUBDIVISION OF BLOCK 31 CHELTENHAM HEIGHTS;  
 THENCE SOUTH 00°02'06" WEST, ALONG THE EAST LINE OF SAID LOT 26, A DISTANCE OF 140.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 26 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°02'06" WEST, A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF LOT 36, RESUBDIVISION OF BLOCK 31 CHELTENHAM HEIGHTS;  
 THENCE NORTH 89°53'09" WEST, ALONG THE NORTH LINE OF SAID LOT 36, A DISTANCE OF 3.00 FEET;  
 THENCE DEPARTING SAID NORTH LINE, NORTH 00°02'06" EAST, A DISTANCE OF 15.00 FEET TO THE SOUTH LINE OF SAID LOT 26;  
 THENCE SOUTH 89°53'09" EAST, ALONG THE SOUTH LINE OF SAID LOT 26, A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING.

CONTAINING ±45 SQ FT OR ±0.001 ACRES.



RICHARD BRUCE GABRIEL  
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 PROJECT NO. 501-17-098



RANGE POINT - FND 2.5" AC (IN RANGE BOX)  
 P.L.S 16116 - INTERSECTION LOWELL BLVD AND W. CONEJOS PL

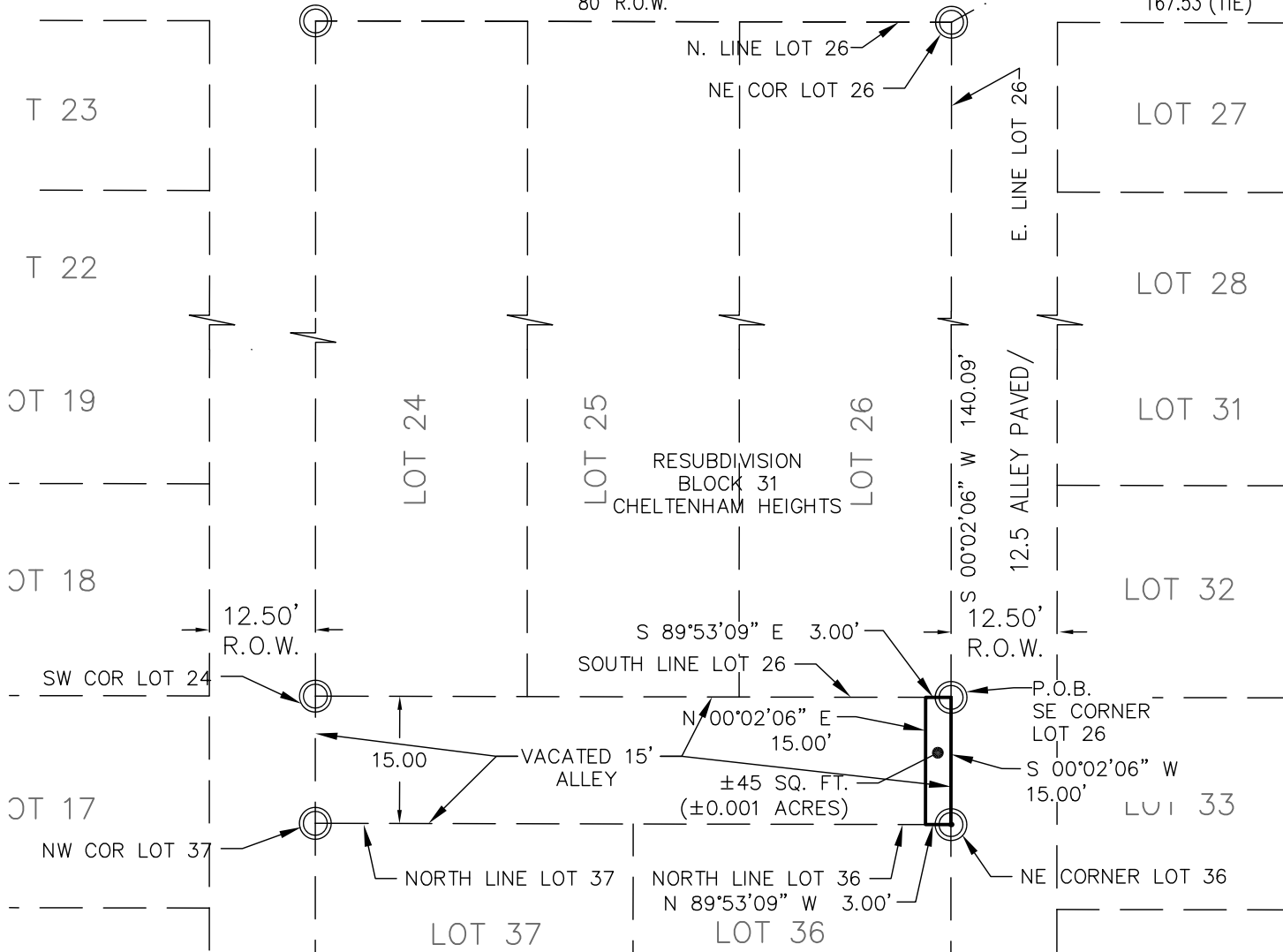
# EXHIBIT A "EASEMENT" EXHIBIT OF LEGAL DESCRIPTION SHEET 2 OF 2

POINT OF COMMENCEMENT - RANGE POINT  
 FND 2.5" AC (IN RANGE BOX)  
 PLS 16116  
 INTERSECTION KING STREET AND W. CONEJOS PL

S 89°53'09" E 390.01'(M) 390.00'(R)  
 BASIS OF BEARINGS 20' RANGE LINE

W. CONEJOS PL.  
 PAVED/PUBLIC  
 80' R.O.W.

S 69°07'40" W  
 167.53'(TIE)



**LEGEND:**

- FOUND RANGE POINT AS NOTED
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- FND FOUND
- (M) AS MEASURED
- (R) RECORDED
- YPC YELLOW PLASTIC CAP
- P.O.B. POINT OF BEGINNING



SCALE: 1' = 20'

SHEET 2 OF 2



Surveying Company, Inc.

Established 1948

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