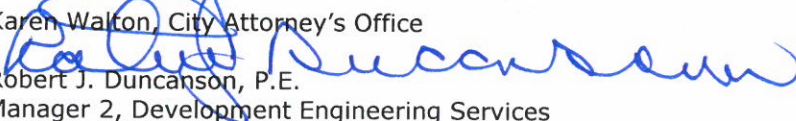




### REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office

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

**ROW #:** 2014-0596-03

**DATE:** November 3, 2014

**SUBJECT:** Request for an Ordinance to vacate an alley at W 38<sup>th</sup> Ave and N Lowell Blvd, with 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 Michael Moore, P.E. of Harris Kocher Smith, on behalf of multiple property owners 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, 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 2014-0596-03-001 HERE**

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

1. The width of this area varies.
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. Several 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 be required.
8. The vacating notice was posted on September 24, 2014, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on September 24, 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:  
Maple Multi-Family Land TX, LP  
Jeff Hoffman  
1400 16<sup>th</sup> St, Ste 400  
Denver, CO 80202

## 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: November 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.)*

2014-0596-03: Vacation of alley at W 38<sup>th</sup> Ave and N Lowell Blvd, with reservations.

**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](mailto:nancy.kuhn@denvergov.org)

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

This is a proposal to vacate the alley between W 38<sup>th</sup> Ave, W Clyde Pl, N Lowell Blvd, and Julian 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:** W 38<sup>th</sup> Ave and N Lowell Blvd
- d. **Affected Council District:** #1 - Shepherd
- 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.**

There was one letter concerning utilities in the area. There will be a standard utility easement in place if this vacation request is approved. If the utilities are rerouted, the applicant can request to have the easement relinquished. There are also monitoring wells in the area and the applicant / developer is in the process of remediation with the appropriate jurisdictional agencies.

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*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2014-0596-03 Vacation at 38<sup>th</sup> and Lowell.**

**Description of Proposed Project: This is a request for an Ordinance to vacate an alley at W 38th Ave and N Lowell Blvd, with reservations.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For overall lot 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: Yes, please see 2014-0596-06 Dedication of right-of-way.**

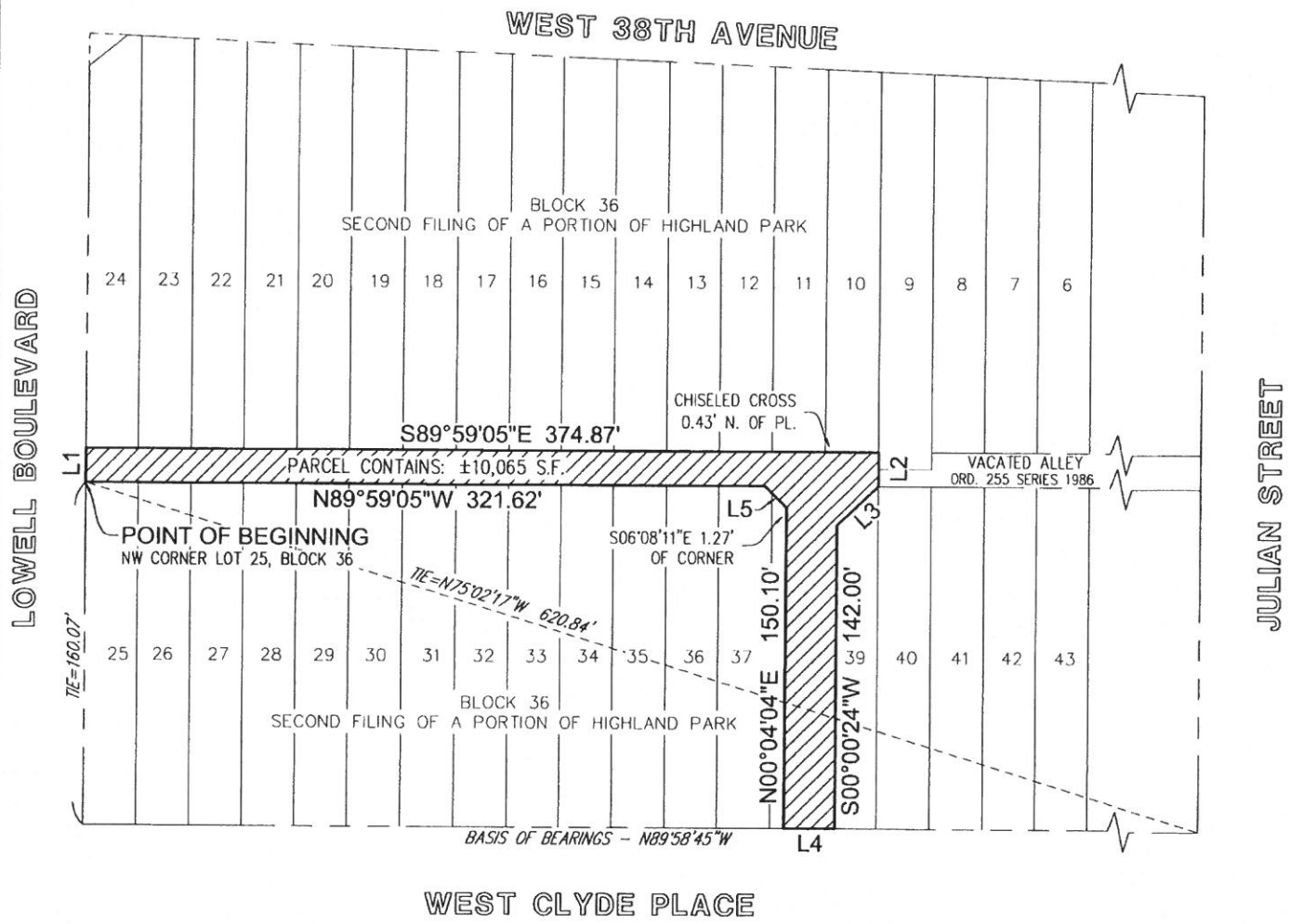
**Will an easement be placed over a vacated area, and if so explain: Yes, a typical hard surface easement is required at this time.**

**Will an easement relinquishment be submitted at a later date: If the utilities are rerouted, an easement relinquishment may be requested.**

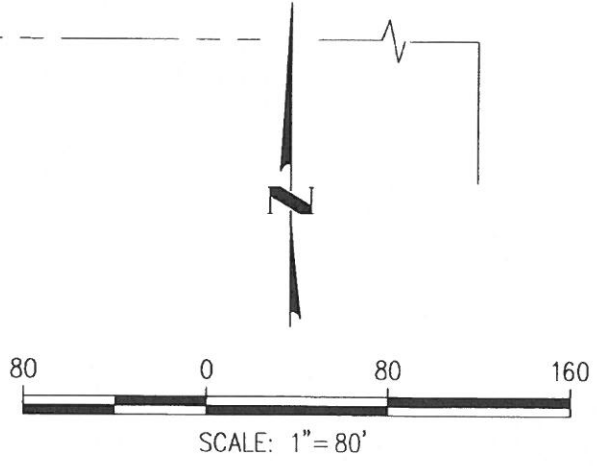
**Additional information: None.**

# EXHIBIT

SITUATED IN THE NORTHWEST QUARTER OF SECTION 29,  
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°01'51"E	16.00'
L2	S00°00'39"W	16.00'
L3	S46°53'41"W	26.49'
L4	N89°58'45"W	24.08'
L5	N44°57'30"W	14.14'



NOTE:  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.  
IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.  
NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

PREPARED BY: 131205/001/001/ALLEY VACATION DWG LAYOUT SHEET 1  
1.2017 3014-03-13-10000  
PUBLISHED: 06/03/17 17:52:41A BY: SCOTT INGMAN

ISSUE DATE:	
DATE	REVISION COMMENTS

ALLEY VACATION

LOWELL PROPERTY  
EXHIBIT

**HKS** HARRIS KOCHER SMITH  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: SCT JOB NUM: 131205
SHEET NO. <b>2</b> 2 of 2

# DESCRIPTION

SITUATED IN THE NORTHWEST QUARTER OF SECTION 29,  
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THAT ALLEY LOCATED IN BLOCK 36, SECOND FILING OF A PORTION OF HIGHLAND PARK, RECORDED IN BOOK 4 OF PLATS AT PAGE 43 OF THE ARAPAHOE COUNTY RECORDS AND ALL OF THAT ALLEY DESCRIBED IN ORDINANCE NO. 826 SERIES 1986, ALL SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, 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:

BEGINNING AT THE NORTHWEST CORNER OF LOT 25 SAID BLOCK 36 AND ASSUMING THE SOUTH LINE OF SAID BLOCK 36 TO BEAR NORTH 89°58'45" WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 00°01'51" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LOWELL BOULEVARD, A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF LOT 24 IN SAID BLOCK 36;

THENCE SOUTH 89°59'05" EAST ALONG THE SOUTH LINE OF LOTS 10 THROUGH 24 IN SAID BLOCK 36, A DISTANCE OF 374.87 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10;

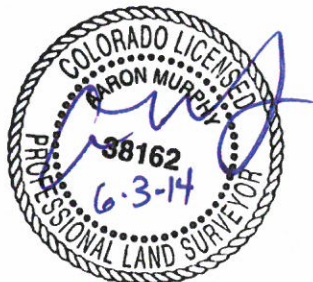
THENCE SOUTH 00°00'39" WEST, A DISTANCE OF 16.00 FEET TO THE NORTHWEST CORNER OF LOT 40 IN SAID BLOCK 36 AND THE NORTHEAST CORNER OF SAID ALLEY DESCRIBED IN ORDINANCE NO. 826 SERIES 1986;

THENCE ALONG THE PERIMETER OF SAID ALLEY FOR THE FOLLOWING FIVE (5) COURSES:

- 1) SOUTH 46°53'41" WEST, A DISTANCE OF 26.49 FEET;
- 2) SOUTH 00°00'24" WEST, A DISTANCE OF 142.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST CLYDE PLACE;
- 3) NORTH 89°58'45" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 24.08 FEET;
- 4) NORTH 00°04'04" EAST, A DISTANCE OF 150.10 FEET;
- 5) NORTH 44°57'30" WEST, A DISTANCE OF 14.14 FEET TO THE NORTH LINE OF LOT 37 IN SAID BLOCK 36;

THENCE NORTH 89°59'05" WEST ALONG THE NORTH LINE OF LOTS 25 THROUGH 37 IN SAID BLOCK 36, A DISTANCE OF 321.62 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING A CALCULATED AREA OF 10,065 S.F., OR 0.23 ACRES MORE OR LESS.



AARON MURPHY, PLS NO. 38162

FOR AND ON BEHALF OF:  
HARRIS KOCHER SMITH

FILED IN # 131205 SURVEY EXHIBIT ALLEY VACATION LAYOUT SHEET 1  
1. PLOT: 2014-05-18-10401  
PLOTTED: 06/03/14 1:52:32A BY: SCOTT HANCO

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

ISSUE DATE:	
DATE	REVISION COMMENTS

ALLEY VACATION

LOWELL PROPERTY  
EXHIBIT

**HKS HARRIS KOCHER SMITH**  
 1120 Lincoln Street, Suite 1000  
 Denver, Colorado 80203  
 P: 303-623-6300 F: 303-623-6311  
 HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: SCT JOB NUM: 131205
SHEET NO. <b>1</b> 1 OF 2