



Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
ROW NO.: 2013-0060-01
DATE: September 11, 2013
SUBJECT: Request for an Ordinance to vacate alley bounded by Blake Street, Walnut Street, 28th Street, and 29th Street, 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 John Beldock, on behalf of Beldock Real Estate LLC 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 Judy Montero; 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 2013-0060-01-001 HERE

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

1. The width of this area is 16 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. 5 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 July 25th, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on July 25th, 2013.
10. Protests, sustained by the Manager of Public Works have 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:BVS

cc: Asset Management, Steve Wirth
City Councilperson Judy Montero & 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 #2013-0060-01

Property Owner: Beldock Real Estate LLC
c/o John Beldock
2855 Walnut Street
Denver, CO 80205

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: September 11th, 2013

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 alley bounded by Blake Street, Walnut Street, 28th Street, and 29th Street.

3. Requesting Agency: Public Works Right-of-Way Engineering Services

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

- **Name:** Beverly Van Slyke
- **Phone:** 720-865-3125
- **Email:** beverly.vanslyke@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:

To vacate alley bounded by Blake Street, Walnut Street, 28th Street, and 29th Street.

***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:** Blake Street, Walnut Street, 28th Street, and 29th Street
- d. **Affected Council District:** District #9, Judy Montero
- 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2013-0060-01 Vacation - an alley

Description of Proposed Project: Vacate alley bounded by Blake Street, Walnut Street, 28th Street, and 29th Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The alley has been a constant source of aggravation for many years; non residents litter, illegally dumping, graffiti, vandalism and used as a temporary shelter for non residents. Since 1999 to present the Beldocks have acted as caretakers and owner of the aley and requesting this alley to be vacated to ensure it remain a clean, safe and hazard free area for the tenants of surrounding buildings.

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: Yes, to maintain rights to the existing and future utilities in the alley.

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

Additional information: None

EXHIBIT "A"

A 16' ALLEY WITHIN BLOCK 4, CASE & EBERT'S ADDITION TO THE CITY OF DENVER,
CITY AND COUNTY OF DENVER, STATE OF COLORADO
SHEET 1 OF 2

A PLATTED 16 FOOT ALLEY, LOCATED IN BLOCK 4, CASE AND EBERTS ADDITION TO THE CITY OF DENVER, IN THE EAST 1/2 OF SECTION 27, 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:

CONSIDERING A 15.75 FOOT OFFSET LINE TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF BLAKE STREET, ALONG SAID BLOCK 4, TO BEAR NORTH 45°00'00" EAST (ASSUMED), A DISTANCE OF 400.80 FEET, BETWEEN TWO FOUND CHISELED CROSSES, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT A FOUND CHISELED CROSS, BEING A 15.75 FOOT PERPENDICULAR OFFSET INTO BLAKE STREET TO THE MOST NORTHERLY CORNER OF LOT 1, SAID BLOCK 4; THENCE SOUTH 45°00'00" EAST, A DISTANCE OF 15.75 FEET, TO THE MOST NORTHERLY CORNER OF SAID LOT 1; THENCE CONTINUING SOUTH 45°00'00" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 125.08 FEET, TO THE MOST EASTERLY CORNER OF SAID LOT 1, AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHEASTERLY LINES OF LOTS 1 TO 16, SAID BLOCK 4, SOUTH 45°00'00" WEST, A DISTANCE OF 400.80 FEET, TO THE RIGHT OF WAY OF 28TH STREET; THENCE ALONG SAID RIGHT OF WAY OF 28TH STREET, SOUTH 45°00'00" EAST, A DISTANCE OF 16.00 FEET, TO THE MOST NORTHWESTERLY CORNER OF LOT 17, SAID BLOCK 4; THENCE ALONG THE NORTHWESTERLY LINES OF LOTS 17 TO 32, SAID BLOCK 4, NORTH 45°00'00" EAST, A DISTANCE OF 400.80 FEET, TO THE RIGHT OF WAY OF 29TH STREET; THENCE ALONG SAID RIGHT OF WAY OF 29TH STREET, NORTH 45°00'00" WEST, A DISTANCE OF 16.00 FEET, TO THE MOST EASTERLY CORNER OF SAID LOT 1, AND THE POINT OF BEGINNING. SAID PARCEL CONTAINING 6,413 SQ.FT., MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS

FSI JOB NO. 13-59,912

DRAWN BY: K. ERNSTBERGER
DATE: 4-22-13

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.

Surveying, Engineering & Geomatics

3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830

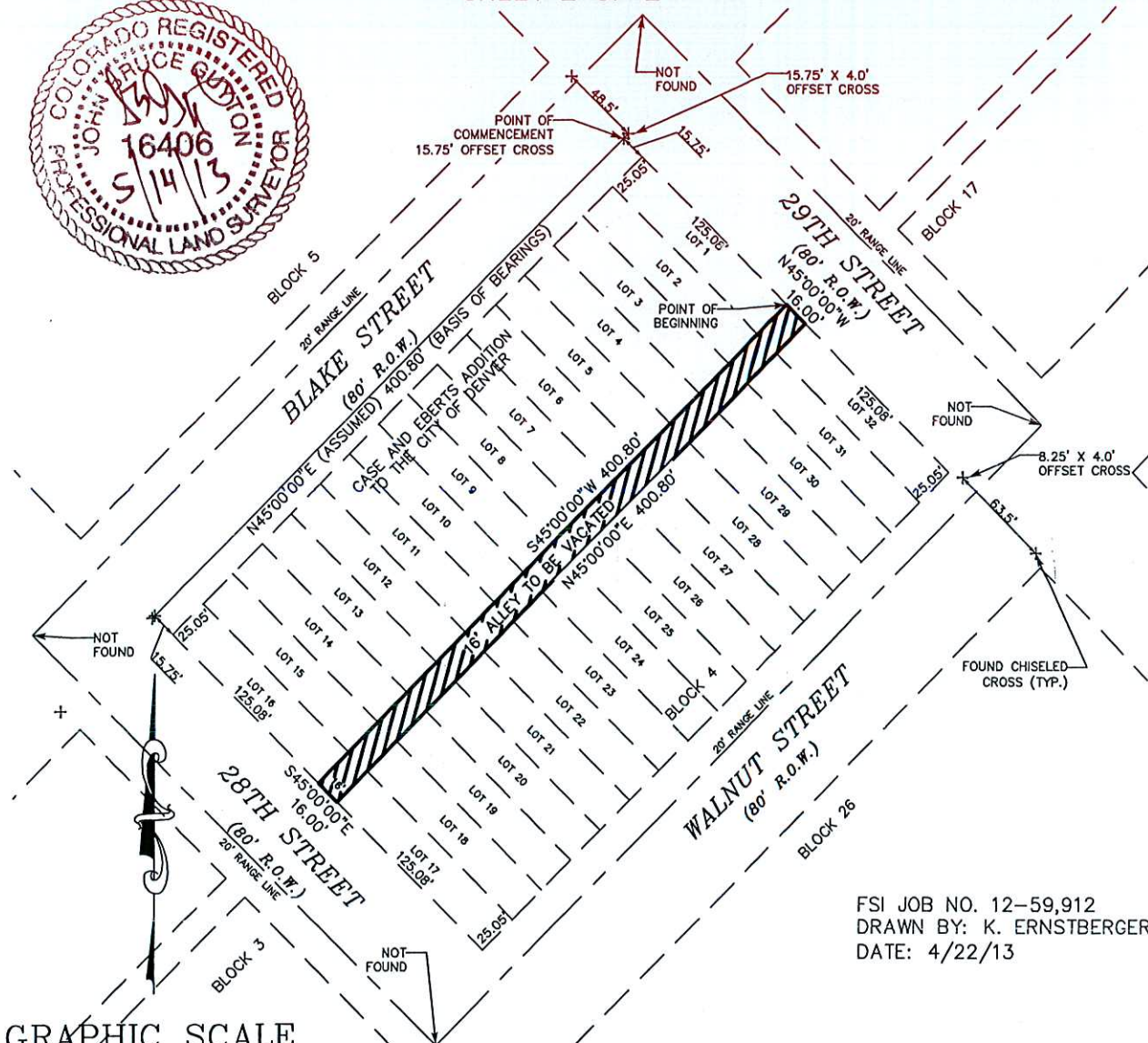


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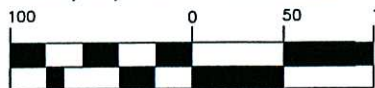
EXHIBIT "A"

A 16' ALLEY WITHIN BLOCK 4, CASE & EBERT'S ADDITION TO THE CITY OF DENVER,
CITY AND COUNTY OF DENVER, STATE OF COLORADO
SHEET 2 OF 2



FSI JOB NO. 12-59,912
DRAWN BY: K. ERNSTBERGER
DATE: 4/22/13

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

NOTE; NO IMPROVEMENTS OR UTILITIES ARE SHOWN ON THIS EXHIBIT. PREVIOUS SURVEYS/MAPS HAVE SHOWN A SANITARY SEWER LINE WITHIN THE ALLEY. NO RESEARCH HAS BEEN DONE CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. THIS EXHIBIT IS INTENDED TO DEPICT THE ACCOMPANYING PARCEL DESCRIPTIONS. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

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