



REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW NO.: 2013-0133-03

DATE: July 25, 2013

SUBJECT: Request for an Ordinance to vacate portions of the alleys in the three blocks between S Lincoln St and S Sherman St, south of E Mississippi Ave and north of E Arizona Ave, more specifically the northerly 276.56 feet portion of the alley in Block 7, and the northerly 60.71 feet of the alleys in both Block 6 and 5, Sherman Subdivision, 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 Kevin Roth, on behalf of Platt Park North, 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 Chris Nevitt; 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 areas:

INSERT PARCEL DESCRIPTION ROW 2013-0133-01-001 HERE
INSERT PARCEL DESCRIPTION ROW 2013-0133-01-002 HERE
INSERT PARCEL DESCRIPTION ROW 2013-0133-01-003 HERE

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

1. The width of this area is 12 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. **Zero** 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 June 10, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on June 10.
10. No protests were sustained by the Manager of Public Works.
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: acp

cc: Asset Management, Steve Wirth
City Councilperson & 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 # 2013-0133-03

Property Owner:
Platt Park North, LLC
295 Clayton St, Ste 203
Denver, CO 80206
Keily Wilson -303.601.1997
kiely@pandoholdings.com
Lance Gutsh - 720.810.1302
lance@pandoholdings.com

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: July 25, 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.)

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3. **Requesting Agency:** Public Works Plan Review Services

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

- **Name:** Adam Perkins
- **Phone:** 720.865.3036
- **Email:** adam.perkins@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:**

Ordinance to vacate portions of the alleys in the three blocks between S Lincoln St and S Sherman St, south of E Mississippi Ave and north of E Arizona Ave, more specifically the northerly 276.56 feet portion of the alley in Block 7, and the northerly 60.71 feet of the alleys in both Block 6 and 5, Sherman Subdivision, with reservation.

****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:** Near E Mississippi St and S Lincoln St
- d. **Affected Council District:** Chris Nevitt, D7
- e. **Benefits:** None
- f. **Costs:** None

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: 2013-0133-03 Platt Park Development

Description of Proposed Project: Ordinance to vacate portions of the alleys in the three blocks between S Lincoln St and S Sherman St, south of E Mississippi Ave and north of E Arizona Ave, more specifically the northerly 276.56 feet portion of the alley in Block 7, and the northerly 60.71 feet of the alleys in both Block 6 and 5, Sherman Subdivision, with reservation.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: To make better use of developable land, to allow for parkland and open space, and to meet requests based on proposed site planning.

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

Will an easement be placed over a vacated area, and if so explain: Yes, a non-exclusive utility easement.

Will an easement relinquishment be submitted at a later date: No, not to my knowledge.

Additional information: There are three partial alley vacations in this request, one in each of the three blocks between S Lincoln St and S Sherman St, south of E Mississippi Ave and north of E Arizona Ave.

EXHIBIT A

**Part of NE1/4, Section 22, T 4 S, R 68 W, of the 6th P.M.
CITY and COUNTY OF DENVER, STATE OF COLORADO**

SHEET 1 of 2

VACATED R.O.W. LEGAL DESCRIPTION :

A PORTION OF BLOCK 5, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK & RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:

FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH LINE OF SAID BLOCK 5 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH YELLOW PLASTIC CAP (OR NAIL & TAG), LS24968 AND ASSUMED TO BEAR NORTH 89°54'07" EAST;

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 5, THENCE NORTH 89°54'07" EAST, ALONG THE NORTH LINE OF SAID BLOCK 5, FOR 125.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°54'07" EAST, FOR 12.00 FEET TO THE NW CORNER OF LOT 48; THENCE SOUTH 00°05'59" EAST, FOR 60.71 FEET; THENCE SOUTH 89°54'07" WEST, FOR 12.00 FEET; THENCE NORTH 00°05'59" WEST, FOR 60.71 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 729 SF, (0.017 ACRES MORE OR LESS)

PREPARED BY **WLR SERVICES**
13609 COUNTY RD. 94
ELBERT, COLORADO 80106
(303) 648-9755
FAX (303) 648-9757



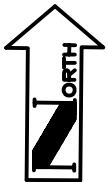
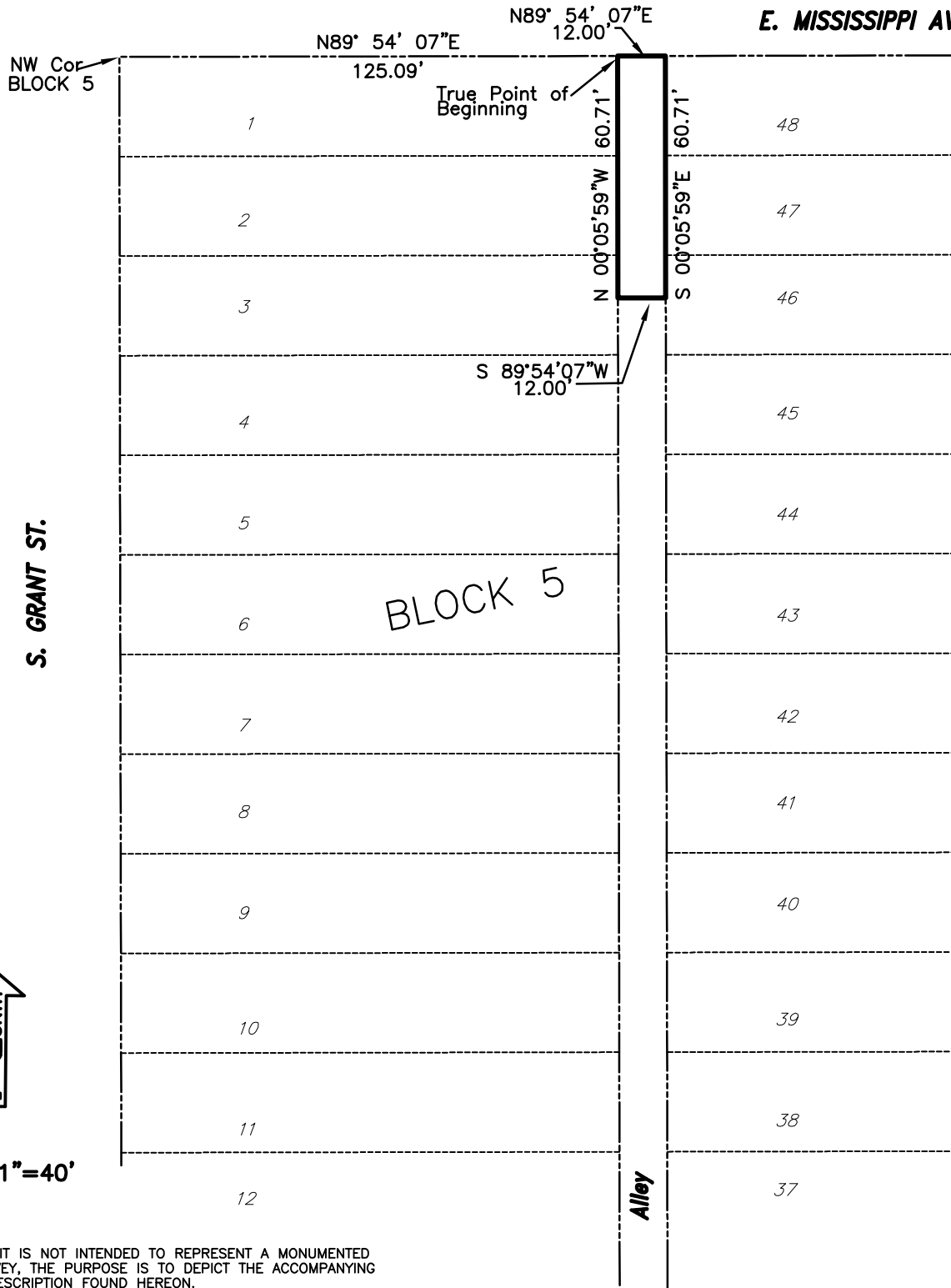
DATE: 5/16/2013
WLR NO.: 120901
DRAWN: C.K.R.
CHECKED: G.L.R.

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SHEET 2 of 2

E. MISSISSIPPI AVE.



SCALE 1"=40'

THIS EXHIBIT IS NOT INTENDED TO REPRESENT A MONUMENTED
LAND SURVEY, THE PURPOSE IS TO DEPICT THE ACCOMPANYING
WRITTEN DESCRIPTION FOUND HEREON.

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COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 6, THENCE NORTH 89°54'07" EAST, ALONG THE NORTH LINE OF SAID BLOCK 6, FOR 121.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°54'07" EAST, FOR 12.00 FEET TO THE NW CORNER OF LOT 48; THENCE SOUTH 00°05'47" EAST, FOR 60.71 FEET; THENCE SOUTH 89°54'07" WEST, FOR 12.00 FEET; THENCE NORTH 00°05'47" WEST, FOR 60.71 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 729 SF, (0.017 ACRES MORE OR LESS)

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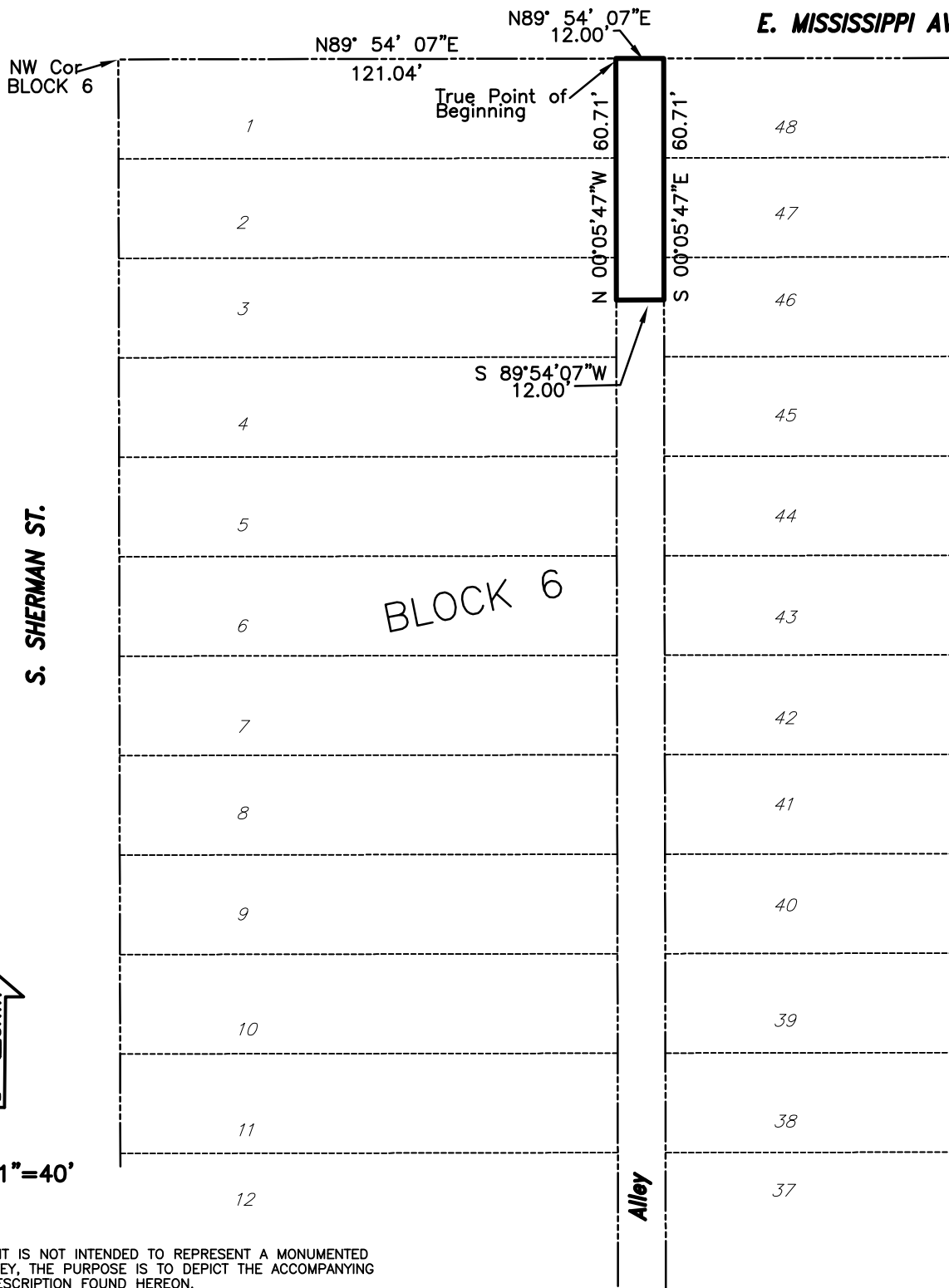
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A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK & RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:

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COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7, THENCE NORTH 89°54'07" EAST, ALONG THE NORTH LINE OF SAID BLOCK 7, FOR 125.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°54'07" EAST, FOR 12.00 FEET TO THE NW CORNER OF LOT 48; THENCE SOUTH 00°06'05" EAST, FOR 276.56 FEET; THENCE SOUTH 89°54'07" WEST, FOR 12.00 FEET; THENCE NORTH 00°06'05" WEST, FOR 276.56 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 3,319 SF, (0.076 ACRES MORE OR LESS)

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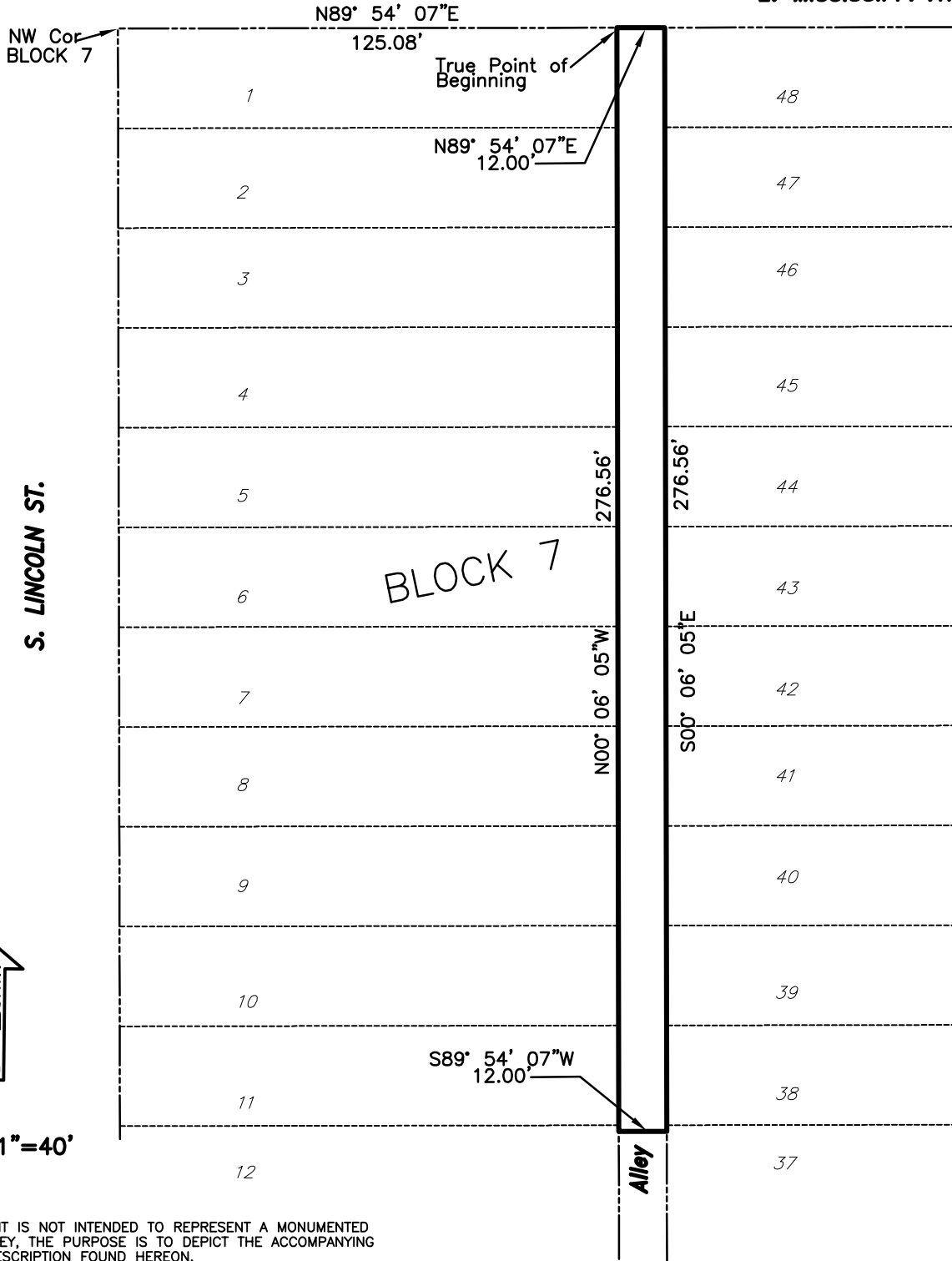
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