



REQUEST FOR VACATION ORDINANCE
*****This is a unique project, please read carefully*****

TO: Karen Walton, City Attorney's Office

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

ROW NO.: 2013-0167-01

DATE: July 24, 2013

SUBJECT: Request for an Ordinance to vacate a portion of an alley in the block bounded by W 19th Ave, W 18th Ave, N Grove St, and N Hooker St; located in Kittredge's Resubdivision of Block 11, Cheltenham Heights near 3120 W 19th Ave, with reservations on east three (3) feet.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Nathan Adams, on behalf of 3120 Developers, 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 Susan Shepherd; 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 on the east three (3) feet of the vacated area:

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 2013-0133-03-001 HERE

With reservations over the following area:

INSERT PARCEL DESCRIPTION ROW 2013-0133-03-002 HERE

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

1. The width of this area is 15 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. One building abuts 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 May 28, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on May 28, 2013.
10. There were no protests 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 #2013-0167-01

Property Owner:
3120 Developers, LLC
Nathan Adams
2899 N Speer Blvd, Unit 101
Denver, CO 80211
303.997.4001

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 24, 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 a portion of an alley in the block bounded by W 19th Ave, W 18th Ave, N Grove St, and N Hooker St; located in Kittredge's Resubdivision of Block 11, Cheltenham Heights near 3120 W 19th Ave, with reservations on east three (3) feet.

****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: 3120 W 19th Ave
- d. Affected Council District: 1
- 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: _____

EXHIBIT "A"

SHEET 1 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN KITTREDGE'S RESUBDIVISION OF BLOCK 11, CHELTENHAM HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 33, KITTREDGE'S RESUBDIVISION OF BLOCK 11, CHELTENHAM HEIGHTS AND CONSIDERING THE NORTH LINE OF SAID KITTREDGES RESUBDIVISION OF BLOCK 11 TO BEAR NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO; THENCE SOUTH 00 DEGREES 02 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 33, AN AS MEASURED DISTANCE OF 145.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 33 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 02 MINUTES 06 SECONDS EAST, A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST LINE OF LOT 36 OF SAID KITTREDGE'S RESUBDIVISION OF BLOCK 11; THENCE NORTH 44 DEGREES 59 MINUTES 05 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 36, A DISTANCE OF 14.14 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 36; THENCE SOUTH 89 DEGREES 59 MINUTES 43 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 36, A DISTANCE OF 60.09 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 36; THENCE SOUTH 45 DEGREES 00 MINUTES 28 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 36, A DISTANCE OF 14.15 FEET TO A POINT ON THE EAST LINE OF SAID LOT 36; THENCE NORTH 00 DEGREES 01 MINUTES 13 SECONDS WEST AND PARALLEL WITH THE EAST LINE OF SAID LOT 36, A DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF LOT 35, KITTREDGE'S RESUBDIVISION OF BLOCK 11, CHELTENHAM HEIGHTS; THENCE NORTH 89 DEGREES 59 MINUTES 43 SECONDS WEST ALONG THE SOUTH LINE OF LOTS 35, 34 AND 33, KITTREDGE'S RESUBDIVISION OF BLOCK 11, CHELTENHAM HEIGHTS, A DISTANCE OF 80.09 FEET TO THE POINT OF BEGINNING.

(CONTAINING 1,301 SQUARE FEET MORE OR LESS)

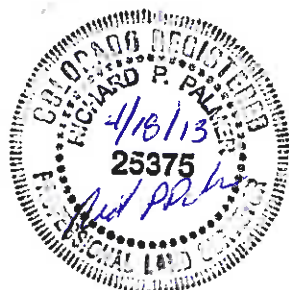
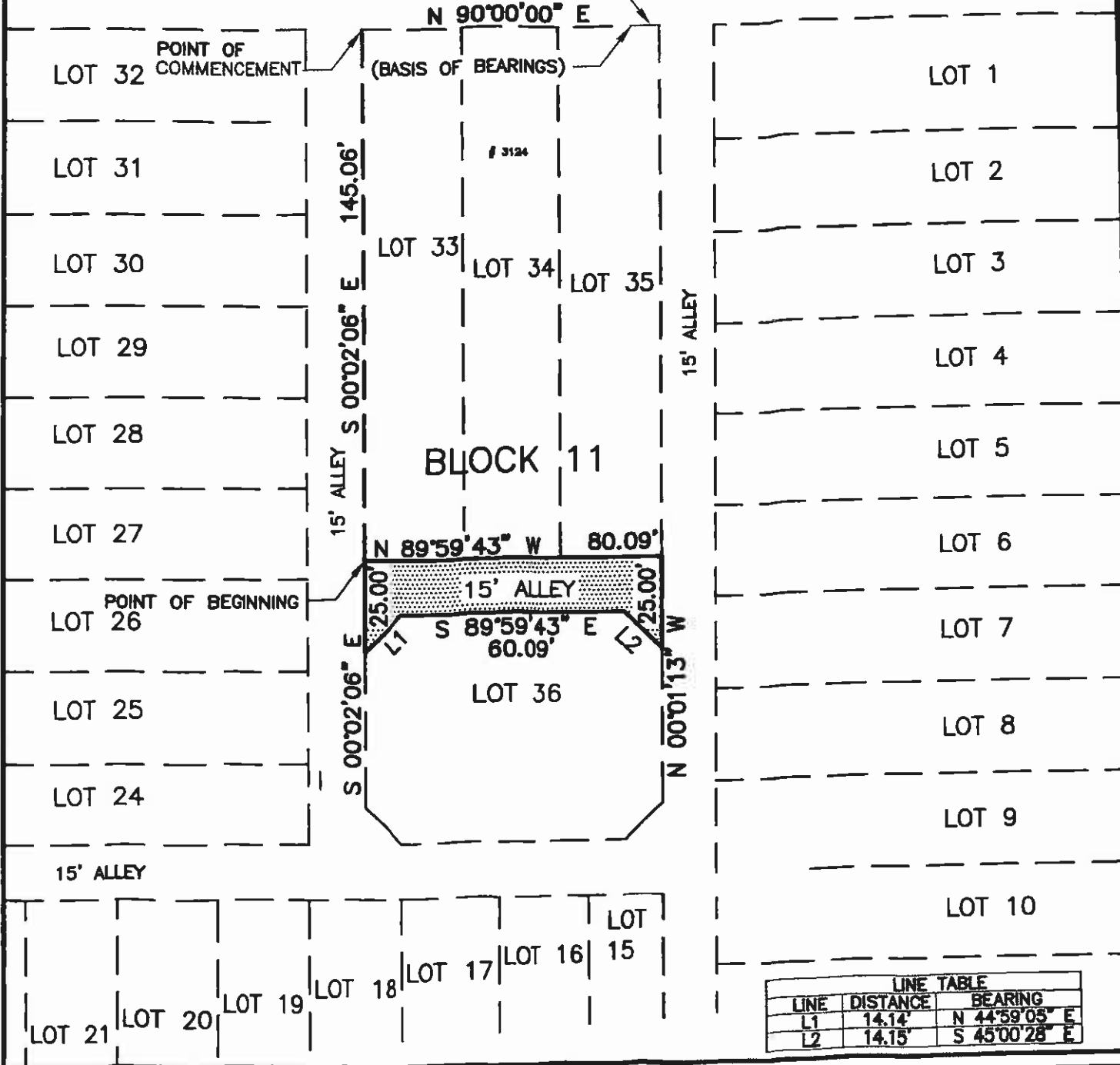
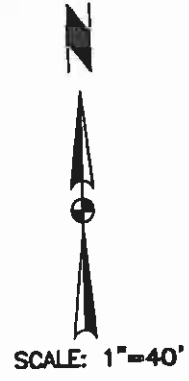


EXHIBIT "A"

SHEET 2 OF 2

WEST 19TH AVENUE
(80' RIGHT-OF-WAY)

NORTH LINE OF KITTREDGE'S RESUBDMISION OF BLOCK 11,
CHELTENHAM HEIGHTS



LINE TABLE		
LINE	DISTANCE	BEARING
L1	14.14'	N 44°59'05" E
L2	14.15'	S 45°00'28" E

UTILITY EASEMENT

SHEET 1 OF 2

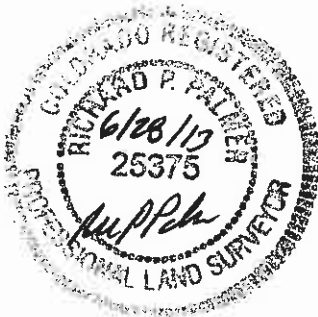
LEGAL DESCRIPTION

THE EAST 3.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND LOCATED IN KITTREDGE'S RESUBDIVISION OF BLOCK 11, CHELTENHAM HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 33, KITTREDGE'S RESUBDIVISION OF BLOCK 11, CHELTENHAM HEIGHTS AND CONSIDERING THE NORTH LINE OF SAID KITTREDGES RESUBDIVISION OF BLOCK 11 TO BEAR NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO; THENCE SOUTH 00 DEGREES 02 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 33, AN AS MEASURED DISTANCE OF 145.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 33 AND THE POINT OF BEGINNING;

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UTILITY EASEMENT

SHEET 2 OF 2

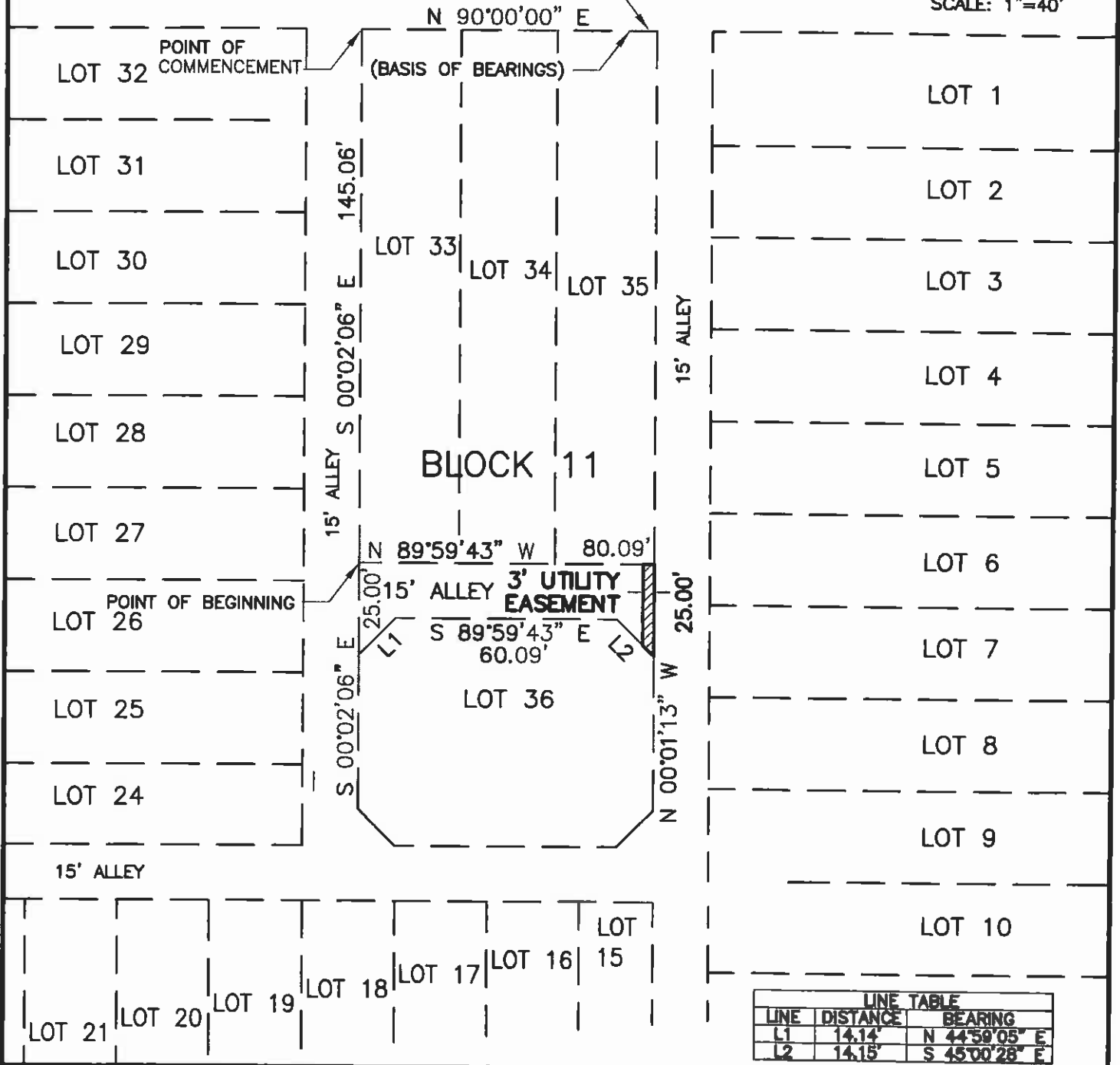
WEST 19TH AVENUE

(80' RIGHT-OF-WAY)

NORTH LINE OF KITTREDGE'S RESUBDIVISION OF BLOCK 11,
CHELTENHAM HEIGHTS



SCALE: 1"=40'



LINE TABLE		
LINE	DISTANCE	BEARING
L1	14.14'	N 44°59'05" E
L2	14.15'	S 45°00'28" E