




REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW #: 2013-0536-01

DATE: March 24, 2014

SUBJECT: Request for an Ordinance to vacate the entire alley shown in Baldwin's Addition, bounded by 36th St, Blake St, Walnut St, and Downing St., 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 Benjamin Broder, on behalf of Walblake 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 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 2013-0536-01-001 HERE

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

1. The width of this area is 30 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is minimally being used.
4. **Five** 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 February 20, 2014, and the 20-day period for protest has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on February 20, 2014.
10. No protests 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: aal

cc: Real Estate & Asset Management - Steve Wirth
City Councilperson - Judy Montero
City Council Staff - Gretchen Williams
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:

Walblake LLC
3535 Larimer St
Denver, CO 80205

Eagle Leather LLC
3535 Larimer St
Denver, CO 80205

Agent:

Benjamin Broder
Attorney at Law

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.*

Please mark one: Bill Request or Resolution Request

Date of Request: March 24, 2014

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.)

WALBLAKE Vacation: This is a request to vacate the entire alley shown in Baldwin's Addition, bounded by 36th St, Blake St, Walnut St, and Downing St.

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

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

***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:** 3600 Blake St
- d. **Affected Council 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.**

No comments, questions, or concerns were received during the public notification portion of this process.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2013-0536-01 Walblake Vacation at 3600 Blake St.

Description of Proposed Project: This is a request to vacate the entire alley shown in Baldwin's Addition, bound by 36th St, Blake St, Walnut St, and Downing St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This area is needed in order to accommodate the 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: No.

Will an easement be placed over a vacated area, and if so explain: Yes, a typical hard surface easement will be necessary.

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

Additional information: No comments, questions, or concerns were received during the public notification portion of this process.

2013-0536-01-001




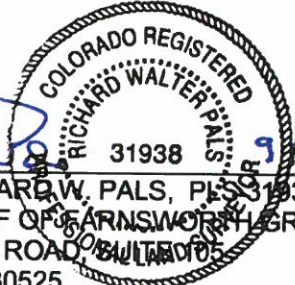
1612 Specht Point Road, Suite 105
Fort Collins, Colorado 80525-9770
p 970.484.7477 f 970.484.7488

www.f-w.com | www.greennavigation.com

PROPOSED ALLEY VACATION
BALDWIN'S ADDITION

A TRACT OF LAND, BEING THAT 16 FOOT WIDE ALLEY SHOWN ON BALDWIN'S ADDITION LYING SOUTHEAST OF BLAKE STREET, NORTHEAST OF 36TH STREET, NORTHWEST OF WALNUT STREET AND SOUTHWEST OF DOWNING STREET, SITUATED IN THE SOUTHWEST 1/4 OF SECTION 23 AND THE NORTHWEST ONE-QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 5,280 SQUARE FEET, MORE OR LESS.



 9/24/2013
 PREPARED BY RICHARD W. PALS, PLS 31938
 FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.
 1612 SPECHT POINT ROAD, SUITE 105
 FORT COLLINS, CO 80525

2013-0536-01-001

FARNSWORTH GROUP INC. AND THE SURVEYOR OF RECORD DO NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THIS DRAWING. THIS DRAWING DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



BLAKE STREET
80' WIDE PUBLIC RIGHT-OF-WAY

DOWNING STREET

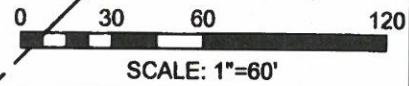
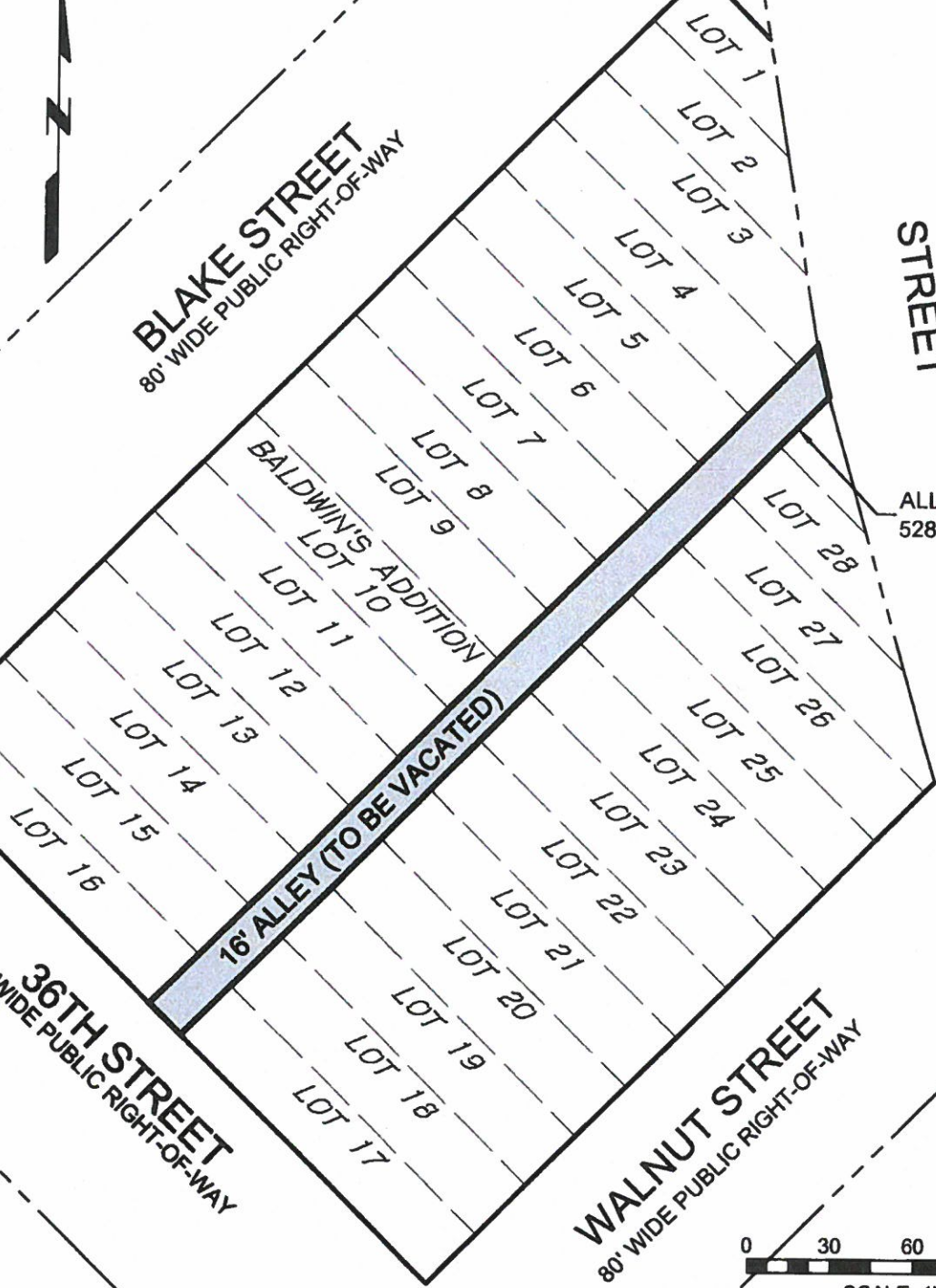
ALLEY VACATION
5280 SQ FT

36TH STREET
80' WIDE PUBLIC RIGHT-OF-WAY

WALNUT STREET
80' WIDE PUBLIC RIGHT-OF-WAY

16' ALLEY (TO BE VACATED)

BALDWIN'S ADDITION



P:\2013\0131226.00 - Baldwin's Addition Alley Vacation\Draw\0131226.00 - Alley Vacation Exhibit.dwg | 9/24/2013 3:30 PM |

Farnsworth GROUP
 1612 SPECHT POINT ROAD, SUITE 105
 FORT COLLINS, COLORADO 80525
 (970) 484-7477 / (970) 484-7488 Fax

EXDO LLC
DENVER, COLORADO
ALLEY VACATION
BALDWIN'S ADDITION
SEC. 23 & 26, T3S, R68W, 6TH P.M.

Project No: 0131226.00
Book No:
Drawn by: RWP
Reviewed: BRM
Date: 09-23-2013