



Department of Public Works
 Engineering Regulatory & Analytics
 201 W. Colfax Avenue, Dept. 507
 Denver, CO 80202
 720-865-3001
 www.denvergov.org/survey

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office
FROM: Robert J. Duncanson, P.E.
 Manager 2, Public Works Right of Way Services
ROW #: 2016-VACA-0000014
DATE: November 7, 2016
SUBJECT: Request for an Ordinance to vacate the Public Right of Way area lying west of Zuni Street, between West Colfax Avenue and West 14th Avenue with a partial easement.

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

This office has investigated the request of Cassie Wright, dated April 28th, 2016, on behalf of 1401 Zuni Investments, LLC 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; 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 over a portion 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 2016-VACA-0000014-001 HERE
INSERT PARCEL DESCRIPTION ROW 2016-VACA-0000014-002 HERE

cc: City Councilperson & Aides
City Council Staff – Shelley Smith
Department of Law – Shaun Sullivan
Department of Law – Brent Eisen
Public Works, Manager’s Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by 12:00 pm 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 7, 2016

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, contract amendment, municipal code change, supplemental request, etc.**)

Request for an Ordinance to vacate the Public Right of Way area lying west of Zuni Street, between West Colfax Avenue and West 14th Avenue, with a partial easement.

3. Requesting Agency: Public Works Engineering and Regulatory & Analytics

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

- Name: Chaunda Sinn
- Phone: 720-865-3036
- Email: chaunda.sinn@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: Angela Casias
- Phone: 720-913-8529
- Email: Angela.Casias@denvergov.org

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

Request for an Ordinance to vacate the Public Right of Way area lying west of Zuni Street, between West Colfax Avenue and West 14th Avenue, with a partial easement.

****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 – please do not leave blank.)

- a. Contract Control Number: N/A
- b. Contract Term: N/A
- c. Location: 1401 North Zuni Street
- d. Affected Council District: District 3, Paul Lopez
- e. Benefits: N/A
- f. Contract Amount (indicate amended amount and new contract total): 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: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000014 1401 Zuni St Side Alley Vacation

Owner name: 1401 Zuni Investments LLC

Description of Proposed Project: Request for an Ordinance to vacate the Public Right of Way area lying west of Zuni Street, between West Colfax Avenue and West 14th Avenue with a partial easement.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This vacation is being requested because it is unknown the use of the current Right of Way area and the irregular shape encumbers redevelopment and revitalization.

Width of area in feet: 25 feet/9 feet

Number of buildings abut said area: 2

The 20-day period for protests has expired, the vacating notice was posted on: October 5, 2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: October 5, 2016

Protests sustained by the manager of Public Works: Have not been filed

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 partial easement will be placed over a partial area over the vacated area.

Will an easement relinquishment be submitted at a later date: It is not known at this time.

Background: It is unclear what the use is of the Right of Way area at this location. Vacating it will allow for future redevelopment and revitalization.

Public Notification: There were no objections to this vacation request.

Location Map:



DESCRIPTION

SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO

A PARCEL OF LAND BEING AN ALLEY DEDICATED BY THE PLAT OF YOUNG'S RE-SUBDIVISION OF LOTS 1, 2 AND 3 OF BLOCK 7 BAKER'S VILLA, SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF WEST COLFAX AVENUE AND ZUNI STREET;
THENCE SOUTH 06°39'42" WEST, A DISTANCE OF 172.20 FEET TO THE NORTHEAST CORNER OF SAID ALLEY AND THE POINT OF BEGINNING;

THENCE ALONG THE PERIMETER OF SAID ALLEY THE FOLLOWING SIX (6) COURSES:

- 1) SOUTH 00°00'30" EAST, A DISTANCE OF 10.00 FEET;
- 2) SOUTH 89°59'30" WEST, A DISTANCE OF 125.00 FEET;
- 3) SOUTH 00°00'30" EAST, A DISTANCE OF 55.00 FEET;
- 4) SOUTH 89°59'30" WEST, A DISTANCE OF 25.00 FEET;
- 5) NORTH 00°00'30" WEST, A DISTANCE OF 65.00 FEET;
- 6) NORTH 89°59'30" EAST, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2,875 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE 20 FOOT RANGE LINE RUNNING NORTH AND SOUTH WITHIN ZUNI STREET BETWEEN WEST COLFAX AVENUE AND 14TH AVENUE ASSUMED TO BEAR NORTH 00°00'30" WEST.

PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



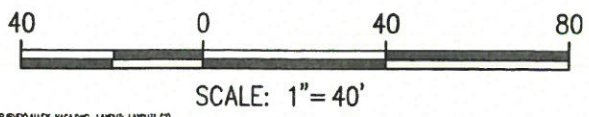
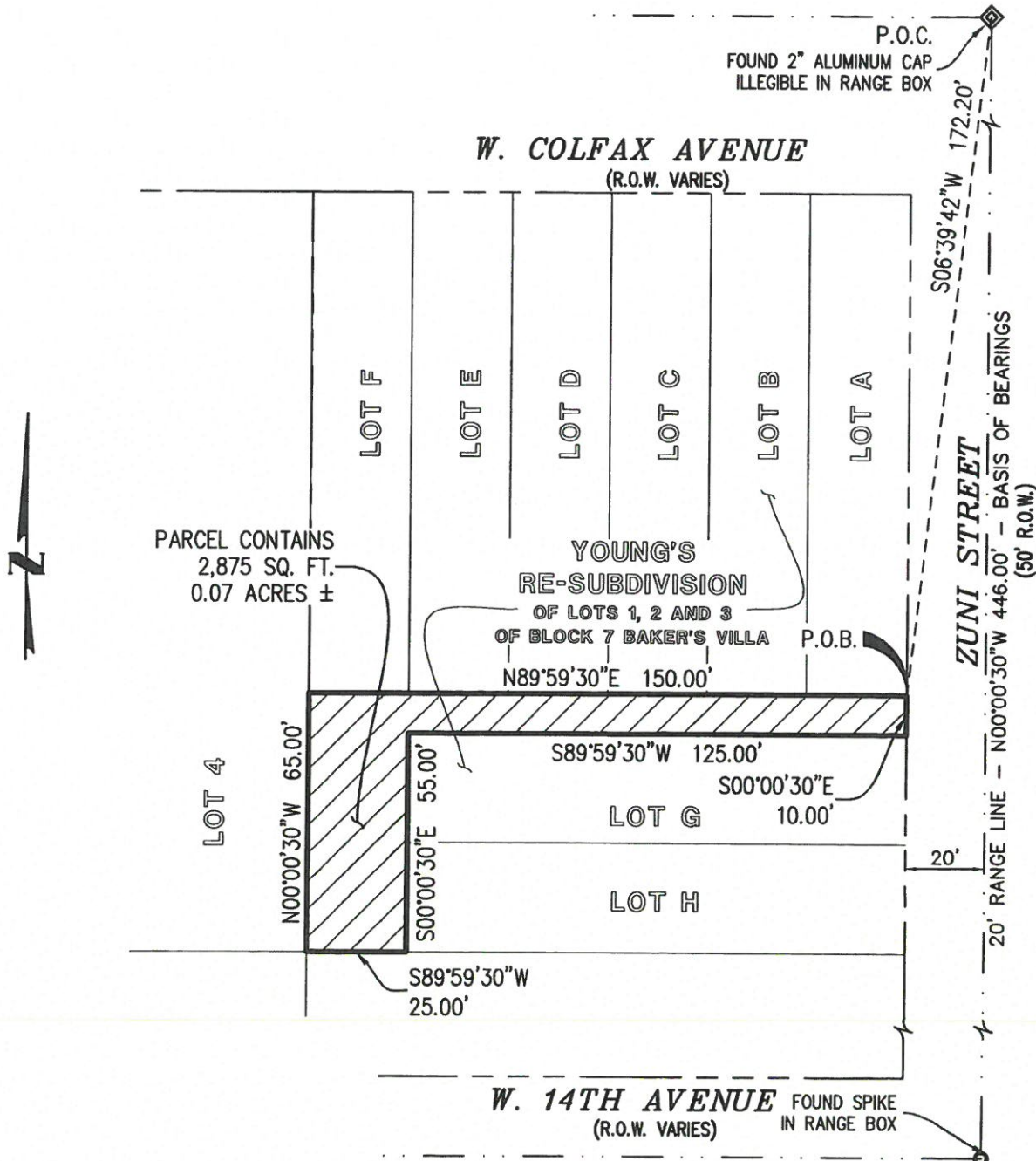
FILED IN P:\150902\BANKY\VALLEY-VACATING LOTS\150902
DATE: 4/5/2016 BY: BVS
PROJECT: 150902

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

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|-------------------------------------|----------------------------------|-------------|----------------|---|---|
| <small>ISSUE DATE: 4/5/2016</small> | <small>PROJECT #: 150902</small> | DESCRIPTION | ALLEY VACATION | <small>1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303.623.6300 F: 303.623.6311 HarrisKocherSmith.com</small> | <small>CHKD BY: AWM DRAWN BY: BVS</small> <small>SHEET NO.</small> <div style="font-size: 24pt; font-weight: bold; text-align: center;">1</div> <small>1 OF 2</small> |
| <small>DATE</small> | <small>REVISION COMMENTS</small> | | | | |
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EXHIBIT

SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO



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.

PREPARE: P:\150902\SURVEY\VALLEY-VACATING LAYOUT1 (2)
 PLOTTER: HP DesignJet 5000PS
 PLOTTED: 04/20/2016 10:04:51 AM BY: BVS

| DATE | REVISION COMMENTS |
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EXHIBIT

ALLEY VACATION

HKS HARRIS KOCHER SMITH
 1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303.623.6300 F: 303.623.6311
 HarrisKocherSmith.com

CHKD BY: AWM
 DRAWN BY: BVS

SHEET NO.
2

2 OF 2

DESCRIPTION

SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO

A PARCEL OF LAND BEING A PORTION OF THE ALLEY DEDICATED BY THE PLAT OF YOUNG'S RE-SUBDIVISION OF LOTS 1, 2 AND 3 OF BLOCK 7 BAKER'S VILLA, SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT A OF SAID SUBDIVISION;
THENCE SOUTH 00°00'30" EAST ALONG THE WEST LINE OF ZUNI STREET, A DISTANCE OF 10.00 FEET TO THE SOUTH LINE OF SAID ALLEY;
THENCE SOUTH 89°59'30" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 73.57 FEET;
THENCE NORTH 00°00'30" WEST, A DISTANCE OF 10.00 FEET TO THE NORTH LINE OF SAID ALLEY;
THENCE NORTH 89°59'30" EAST ALONG SAID NORTH LINE, A DISTANCE OF 73.57 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 736 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE 20 FOOT RANGE LINE RUNNING NORTH AND SOUTH WITHIN ZUNI STREET BETWEEN WEST COLFAX AVENUE AND 14TH AVENUE ASSUMED TO BEAR NORTH 00°00'30" WEST.

PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



PREPARED BY: YOUNG SURVEYING & ENGINEERING, L.P. (A PROFESSIONAL CORPORATION)
PLOTED: 09/01/16 10:10:00 AM BY: AARON MURPHY

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

| ISSUE DATE: 9-1-2016 | PROJECT #: 150902 |
|----------------------|-------------------|
| DATE | REVISION COMMENTS |
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DESCRIPTION

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

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| CHKD BY: AWM DRAWN BY: TWG |
| SHEET NO. 1 |
| 1 OF 2 |

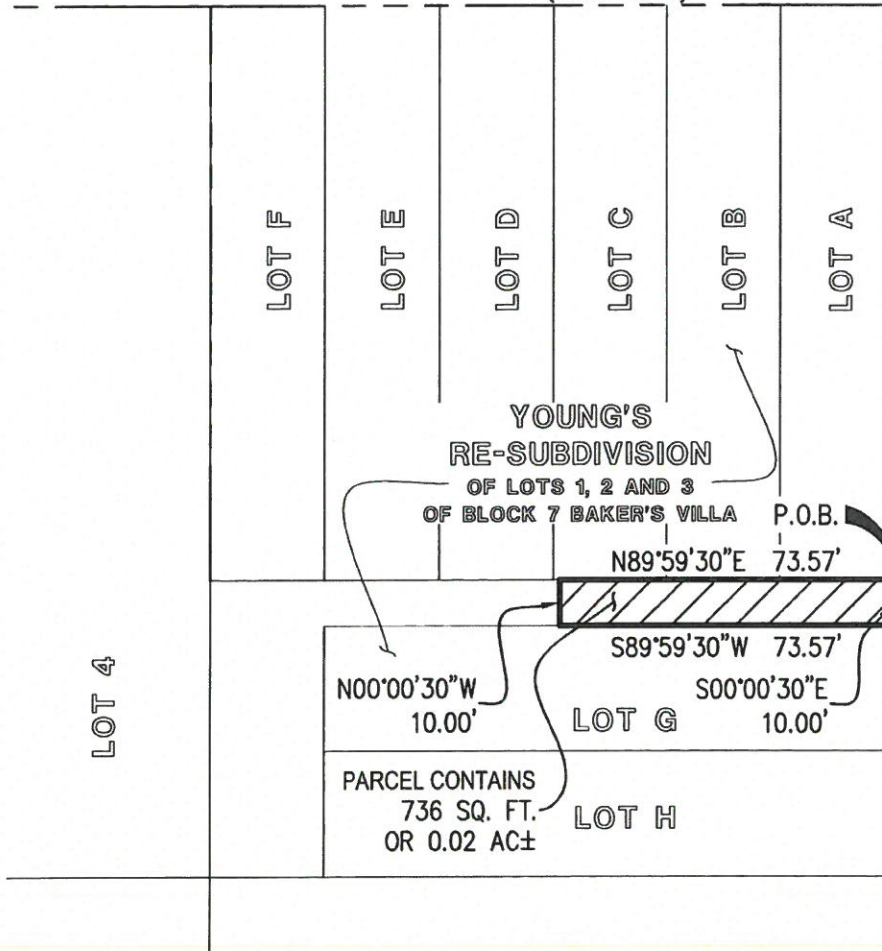
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CITY AND COUNTY OF DENVER, STATE OF COLORADO

P.O.C.
FOUND 2" ALUMINUM CAP
ILLEGIBLE IN RANGE BOX

W. COLFAX AVENUE
(R.O.W. VARIES)

ZUNI STREET
20' RANGE LINE -- N00°00'30"W 446.00' -- BASIS OF BEARINGS
(50' R.O.W.)



LOT 4

PARCEL CONTAINS
736 SQ. FT.
OR 0.02 AC±

W. 14TH AVENUE FOUND SPIKE
(R.O.W. VARIES) IN RANGE BOX



SCALE: 1" = 40'

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

FILED IN: N150902 (YOUNG'S RE-SUBDIVISION) - HOLLOWAY, LARRY D. (S)
P. 2016-1-21-16, P. 2016-1-21-16, P. 2016-1-21-16, P. 2016-1-21-16, P. 2016-1-21-16
FILED: 161 09/29/16 15:16:00 BY: TIGER WILSON

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| ISSUE DATE: 9-1-2016 | PROJECT #: 150902 |
| DATE | REVISION COMMENTS |
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EXHIBIT

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CHK'D BY: AWM
DRAWN BY: TWG

SHEET NO.

2

2 OF 2