




REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

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

ROW #: 2014-1052-01

DATE: May 8, 2015

SUBJECT: Request for an Ordinance to vacate a portion of the alley north of 3525 W 22nd Ave, 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 Patrick Mackay 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:

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 2014-1052-01-001 HERE

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

1. The width of this area is 40 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. Two buildings abut 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 March 24, 2015, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on March 25, 2015.
10. Protests sustained by the Manager of Public Works have not 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: City Councilperson & Aides
City Council Staff – Shelley Smith
Capital Projects Management – Mike Anderson
Department of Law – Shaun Sullivan
Department of Law – Karen Aviles
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.**

Date of Request: May 8, 2015

Please mark one: Bill Request or Resolution Request

Is this request: A new contract* A contract amendment* or Neither

***If this request is a contract or an amendment, is it:**

A revenue agreement or An expenditure agreement

Contract Control Number:

Contract Terms/Dates:

Costs (if this is a contract amendment please include the original cost, additional cost and new total. *Failure to provide this information may delay processing*):

1. Bill Description for the City Council Agenda: (please give a one sentence description of the ordinance request. Describe if the request is a contract, amendment, lease, grant, change to code, rezoning, etc. and any other information that Council needs to approve the request)

2014-1052-01: This is a request to vacate a 40 by 13 foot portion of the alley to the north of 3525 W 22nd Avenue.

2. Requesting Agency: Public Works - Survey

3. Contact Person: (Subject Matter Expert on the request)

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@denvergov.org

4. Contact Person: (Please list the person who will read this item at Mayor Council and attend first and second reading to answer questions)

- **Name:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@denvergov.org

5. Background on the request:

This is a proposal to vacate a portion of a rectangular alley area between Lowell, King, W 22nd and W 23rd.

6. Please complete the following fields:

- A. Location:** 3525 W 22nd Ave
- B. Affected Council District:** District #1 – Susan Shepherd
- C. Benefits:** N/A

7. Is there any controversy surrounding this ordinance? Please explain.

There was one objection that was not deemed to have technical merit.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2014-1052-01: Partial alley vacation at 3525 W 22nd Ave.

Description of Proposed Project: This is a request to vacate a 40 by 13 foot portion of the alley to the north of 3525 W 22nd Ave.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: It is undetermined what impact this vacation will have, if approved. It unknown who will end up with the vacated land.

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 placed over the area.

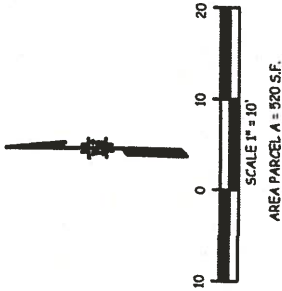
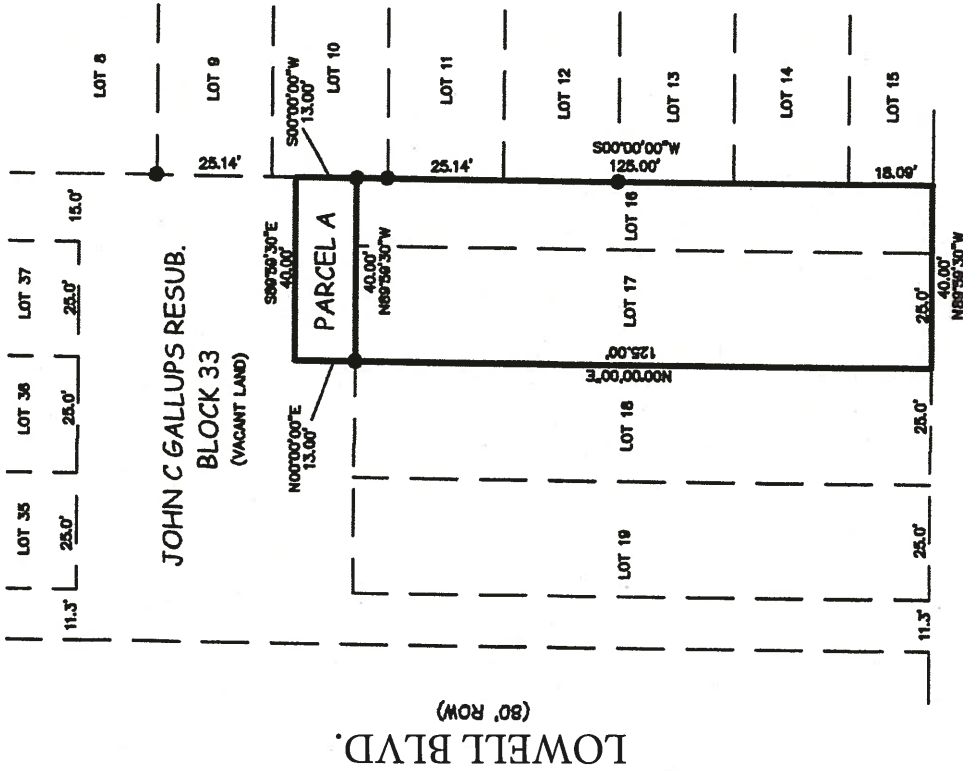
Will an easement relinquishment be submitted at a later date: No.

Additional information: There was one objection but it was determined to not have technical merit.

"DESCRIPTION" AND "EXHIBIT"

Part of the NW 1/4 Sec. 32, T.3S., R.88W. of the 6th P.M.

PW Project No. 2014-1052-01
Parcel Legal Description No. 2014-1052-01-001



LOWELL BLVD. (80' ROW)

KING STREET (80' ROW)

WEST 22ND AVENUE
(80' ROW)

Proposed Legal Description of Area to be Vacated

PARCEL A:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 16,
THENCE N89°59'30"W A DISTANCE OF 40.00 FEET TO THE
NORTHWEST CORNER OF SAID LOT 17;
THENCE N00°00'00"E A DISTANCE OF 13.00 FEET;
THENCE S89°59'30"E A DISTANCE OF 40.00 FEET;
THENCE S00°00'00"W A DISTANCE OF 13.00 FEET TO THE POINT OF BEGINNING,
CONTAINING 520 S.F.

CITY AND COUNTY OF DENVER
STATE OF COLORADO

FOR AND ON BEHALF OF
DOHERTY LAND SURVEYING, INC.



LEGEND

- - FOUND #5 REBAR W/L/S 27283
- ⊕ - FOUND CHISELED CROSS 22.50' OFFSET ON FRONT CURB
- - SET #5 REBAR W/L/S 27827

2014-1052-01-001

DOHERTY LAND SURVEYING
4840 S. KALAMATH ST. 303-981-4222
ENGLEWOOD, CO 80110