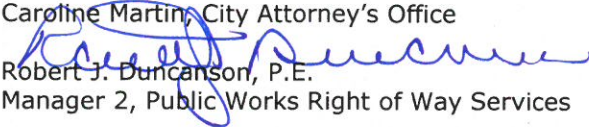




Department of Public Works
 Engineering Regulatory & Analytics
 201 W. Colfax Avenue, Dept. 507
 Denver, CO 80202
 720-865-3001
 www.denvergov.org/survey

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-0000003
DATE: November 17, 2016
SUBJECT: Request for an Ordinance to vacate the public alley bounded by 15th St., 16th St., and Welton St. and California 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 Kevin Roth, dated December 18, 2015, on behalf of Ephraim, LLC, c/o Barry Gilbert 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 2016-VACA-0000003-001 HERE

RJD: vw

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 17, 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 alley bounded by 15th St., 16th St., and Welton St. and California St., with reservations

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

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

- **Name:** Vanessa West
- **Phone:** 720-913-0719
- **Email:** Vanessa.west@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:**

Vacate the public alley bounded by 15th St., 16th St., and Welton St. and California St., with reservations and easements over the entire vacated area.

****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:** 15th St/16th St and Welton and California
- d. **Affected Council District:** Dist # 9 Brooks
- 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-0000003, Block 162, 16th and California

Owner name: Ephraim, LLC, c/o Barry Gilbert

Description of Proposed Project: Vacate the public alley bounded by 15th St., 16th St., and Welton St. and California St., with reservations

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: New development

Width of area in feet: 16 feet

Number of buildings abut said area: 2

The 20-day period for protests has expired, the vacating notice was posted on: October 24, 2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: October 24, 2016

Protests sustained by the manager of Public Works: None have been filed. 2 support letters were received

Will land be dedicated to the City if the vacation goes through: Not at this time, but an "L-out" alley will be dedicated at the time of development

Will an easement be placed over a vacated area, and if so explain: yes, the standard hard surface easement

Will an easement relinquishment be submitted at a later date: possibly?

Background: none

Public Notification: We did not receive any protest letters, but we did receive 2 letters supporting this vacation. 1 from the Denver Convention Center Hotel Authority and the owners/tenants of one of the buildings abutting the alley in question.

Location Map:

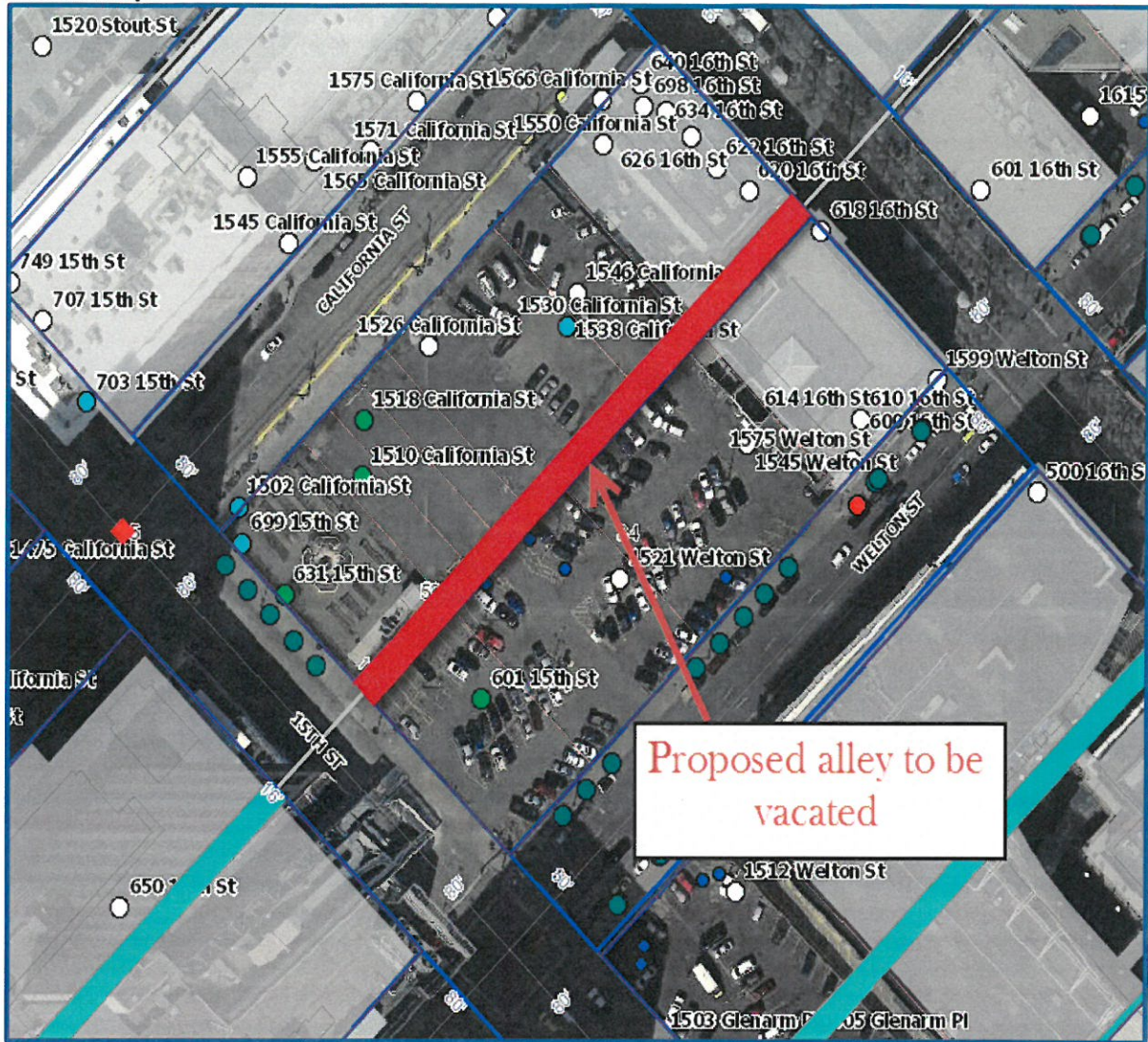


EXHIBIT A

A PARCEL OF LAND BEING ALL OF THE 16 FOOT WIDE ALLEY ADJACENT TO LOTS 1 THROUGH 32, INCLUSIVE, BLOCK 162, EAST DENVER; SAID PARCEL BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL CONTAINS 6405 SQUARE FEET, 0.147 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY:

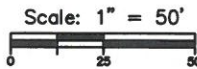
DON LAMBERT, PLS 30830
FOR AND ON BEHALF OF Esi land surveying, llc
3531 S. Logan St., Unit D-324
Englewood, CO 80113

SHEET 1 OF 2

*Esi land
surveying, llc*

*3531 S Logan St
Unit D-324
Englewood, CO 80113
Ph: 303-340-0113*

EXHIBIT A



16th STREET

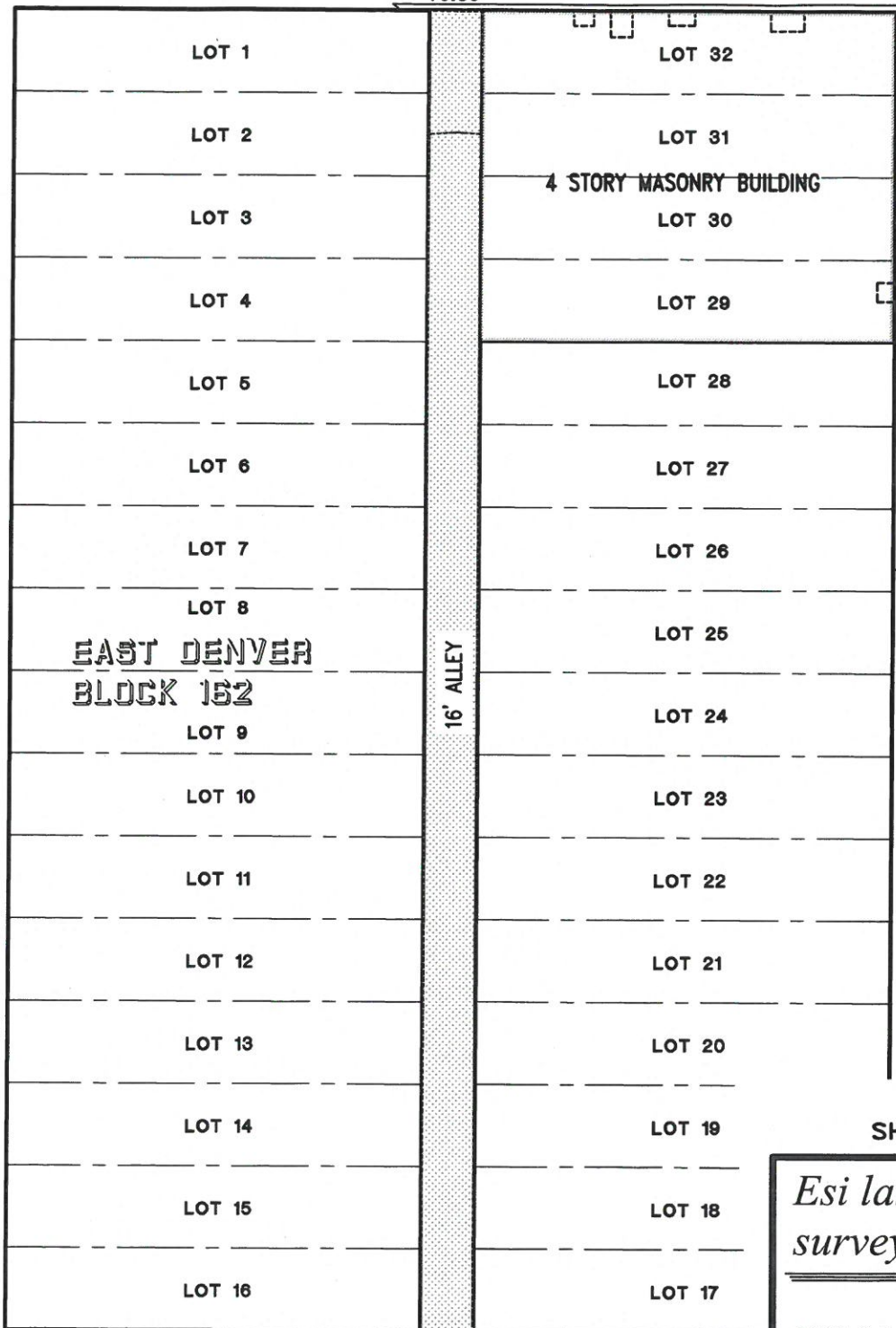
80' RIGHT OF WAY

FLOWLINE

16.00

CALIFORNIA STREET

80' RIGHT OF WAY



EAST DENVER
BLOCK 162

16' ALLEY

4 STORY MASONRY BUILDING

FLOWLINE

WELTON STREET

80' RIGHT OF WAY

16.00

15th STREET

80' RIGHT OF WAY

SHEET 2 OF 2

*Esi land
surveying, llc*

3531 S Logan St
Unit D-324
Englewood, CO 80113
Ph: 303-340-0113