



Department of Public Works  
Permit Operations and Right of Way Enforcement  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
P: 720-865-2782  
F: 720-865-3280  
www.denvergov.org/pwprs

## REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2011-0174-04  
**DATE:** August 16, 2013  
**SUBJECT:** Request for an Ordinance to vacate an alley at E. 42<sup>nd</sup> Ave., and Monroe 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 Nicholas Dial, on behalf of Regional Transportation District 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 Judy 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 vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including storm drainage and sanitary sewer 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 2011-0174-04-001 HERE**



CT\2010s\2011\2011-0174\FASTRACK\2011-0174-04 Vacate Colorado Station E 42nd Ordinance.doc

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

1. The width of this area is 16.04 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. 0 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 July 23, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on July 24, 2013.
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: LRA

cc: Asset Management, Steve Wirth  
City Councilperson/Aides, Judy Montero  
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 # 2011-0174-04

Property Owner:  
Regional Transportation District  
C/O Greg Straight  
1560 Broadway, Ste. # 700  
Denver, CO 80202

## 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:** August 16, 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.)*

Request for an Ordinance to vacate an alley at E. 42nd Ave. and Monroe St.

**3. Requesting Agency:** Public Works, Right-of-Way Engineering Services

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3153
- **Email:** [lisa.ayala@denvergov.org](mailto:lisa.ayala@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](mailto:nancy.kuhn@denvergov.org)

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

Vacate an alley at E. 42<sup>nd</sup> Ave., and Monroe St.

**\*\*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:** NO
- b. Duration:** Permanent
- c. Location:** Alley at E. 42<sup>nd</sup> Ave., and Monroe 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. None

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*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



## EXECUTIVE SUMMARY

**Project Title:** 2011-0174-04 Vacate an alley

**Description of Proposed Project:** Vacate an alley at E. 42<sup>nd</sup> Ave., and Monroe St.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Vacate for the Colorado Station patron access and parking area.

**Has a Temp MEP been issued, and if so, what work is underway:** NO

**What is the known duration of an MEP:** N/A

**Will land be dedicated to the City if the vacation goes through:** N/A

**Will an easement be placed over a vacated area, and if so explain:** Yes, there are existing water line and sanitary sewer line to remain in place.

**Will an easement relinquishment be submitted at a later date:** NO

**Additional information:** RTD is requesting to vacate the above mentioned alley for the Colorado Station.

**EXHIBIT "A"**  
**Alley Vacation**  
**Date: March 28, 2013**  
**DESCRIPTION**

Alley Vacation of the RTD East Corridor Commuter Rail Project, being the alley in Block 1, Swansea Heights recorded December 20, 1889 in Book 8 at Page 44 and per the Official City Survey adopted by Ordinance 136 of 1949, both in in the City and County of Denver Clerk and Recorder's Office, except the southerly 10.20 feet thereof, located in the Southeast Quarter of Section 24, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, more particularly described as follows:

COMMENCING at the 17.80 foot by 20.10 foot Range Point at 42<sup>nd</sup> Avenue and Monroe Street (a chiseled "X") WHENCE the 17.80 foot by 20.00 foot Range Point at 42<sup>nd</sup> Avenue and Jackson Street (a 1" square iron rod) bears S89°53'59"E a distance of 637.33 feet (basis of bearing – assumed);  
 THENCE N79°10'39"E a distance of 147.77 feet to the westerly line of said alley right-of-way 10.20 feet northerly of the southeast corner of Lot 12 of said Block 1 and the POINT OF BEGINNING;

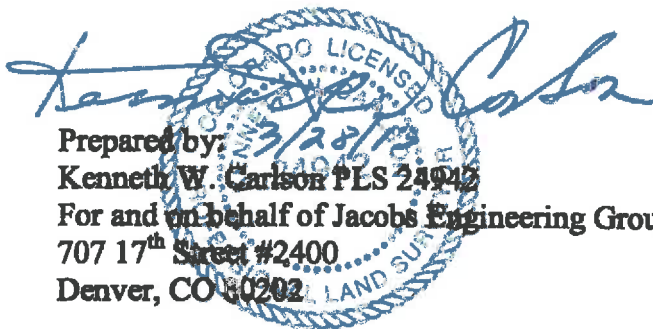
THENCE N00°04'22"W coincident with said westerly right-of-way line a distance of 254.09 feet;

THENCE N86°06'05"E coincident with the southerly line of the Union Pacific Railroad Company right-of-way a distance of 16.04 feet;

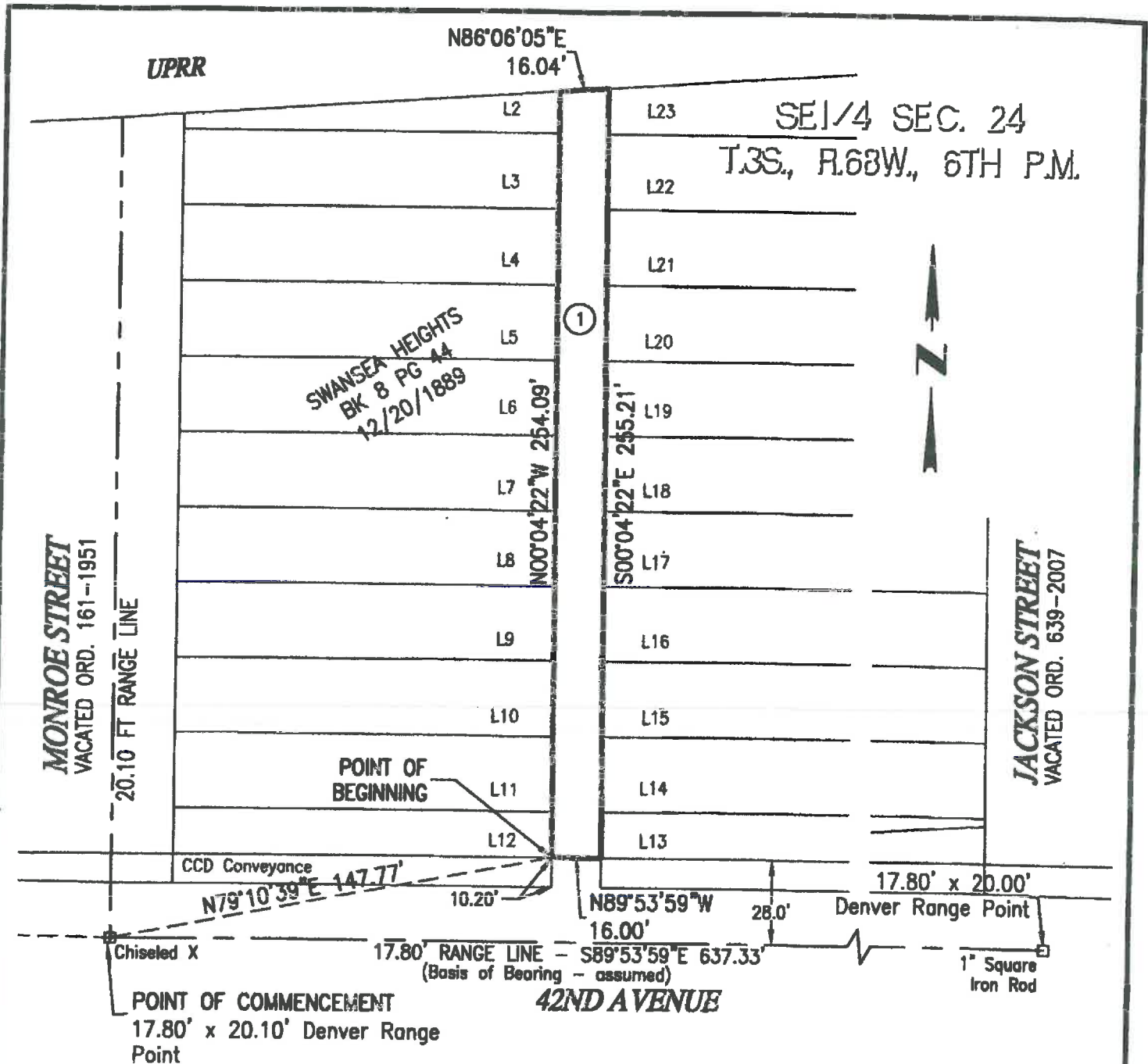
THENCE S00°04'22"E coincident with the easterly line of said alley right-of-way a distance of 255.21 feet;

THENCE N89°53'59"W a distance of 16.00 feet to the POINT OF BEGINNING.

Containing 4,074 square feet, (0.094 Acres), more or less.



Prepared by:  
 Kenneth W. Carlson PLS 24942  
 For and on behalf of Jacobs Engineering Group Inc.  
 707 17<sup>th</sup> Street #2400  
 Denver, CO 80202



THIS EXHIBIT DOES NOT REPRESENT A  
MONUMENTED LAND SURVEY. IT IS ONLY TO  
DEPICT THE ATTACHED PROPERTY DESCRIPTION.



SUBJECT PARCEL AREA=  
4,074 SQ.FT., 0.094 ACRES±

JACOBS PROJECT NO.	WV7411 18.098
CLIENT PROJECT NO.	072120
REVISION DESCRIPTION	
DRAWN	JKL DATE 3/28/13 SCALE 1"=50'

**JACOBS**

707 17th Street, Suite 2400, Denver CO 80202  
(303) 638-4140 Fax (303) 638-2919

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EXHIBIT "B"

RTD EAST CORRIDOR COMMUTER RAIL PROJECT  
ALLEY VACATION - Block 1, Swansea Heights

CITY AND COUNTY OF DENVER, COLORADO  
SE 1/4 Sec. 24, T3S, R68W, 6th P.M.

REVISION:

DRAWING NO.

AlleyVac\_Blk1SwanseaHts.dwg

SHEET NO.

1 of 1