



REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office
FROM: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
ROW #: 2013-VACA-0046202
DATE: June 18, 2015
SUBJECT: Request for an Ordinance to vacate 34 feet along S Monaco St Parkway, without 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 Aaron Murphy of Harris Kocher Smith, on behalf of Cedar Metropolitan 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, it has been determined that there is no objection to vacating the said area.

Therefore, you are requested to initiate Council action to vacate the following area:

INSERT PARCEL DESCRIPTION ROW 2013-0462-02-001 HERE

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

1. The width of this area is 34 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is not being used.
4. One building abuts 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, 2015, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on February 20, 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 the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**. For any questions please contact Skye Stuart.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: June 18, 2015

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.**)

2013-VACA-0046202: Proposal to vacate 34 feet along S Monaco St Parkway, without reservations.

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:** 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:**

This is a proposal to vacate a portion of the street in order to expand the area of the adjacent lot.

****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:** 195 S Monaco St Parkway
- d. **Affected Council District:** #5 – Mary Beth Susman
- 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.

There were several objections about vacating this area due to the potential development of this lot. The proposal was placed on hold for 90 days at the request of Councilwoman Mary Beth Susman. The potential development of the land was determined not to constitute technical merit for rejecting the right-of-way vacation request.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title:

2013-VACA-0046202: Proposal to vacate 34 feet along S Monaco St Parkway, without reservations.

Description of Proposed Project:

This is a proposal to vacate a portion of the street in order to expand the area of the adjacent lot.

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

This is requested in order to have additional land area for 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:

No.

Will an easement relinquishment be submitted at a later date:

No.

Additional information:

There were several objections about vacating this area due to the potential development of this lot. The proposal was placed on hold for 90 days at the request of Councilwoman Mary Beth Susman. The potential development of the land was determined not to constitute technical merit for rejecting the right-of-way vacation request.



DESCRIPTION

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PORTION OF SOUTH MONACO PARKWAY ADJACENT TO LOTS 24 THROUGH 43, INCLUSIVE, BLOCK 8, EASTERN CAPITOL HILL 3RD FILING, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 24;
 THENCE NORTH 00°10'20" WEST ALONG THE EAST LINE OF SAID BLOCK 8, A DISTANCE OF 500.08 FEET TO THE NORTHEAST CORNER OF SAID LOT 43;
 THENCE NORTH 89°32'20" EAST ALONG THE NORTH LINE OF SAID LOT 43 EXTENDED EASTERLY, A DISTANCE OF 34.00 FEET;
 THENCE SOUTH 00°10'20" EAST PARALLEL WITH THE EAST LINE OF SAID BLOCK 8, A DISTANCE OF 500.08 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 24 EXTENDED EASTERLY;
 THENCE SOUTH 89°32'24" WEST ALONG SAID SOUTH LINE EXTENDED, A DISTANCE OF 34.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,003 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF BLOCK 8, EASTERN CAPITOL HILL 3RD FILING, ASSUMED TO BEAR NORTH 00°10'20" WEST.

PREPARED BY: AARON MURPHY
 PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
 1120 LINCOLN STREET, SUITE 1000
 DENVER, CO 80203
 303-623-6300



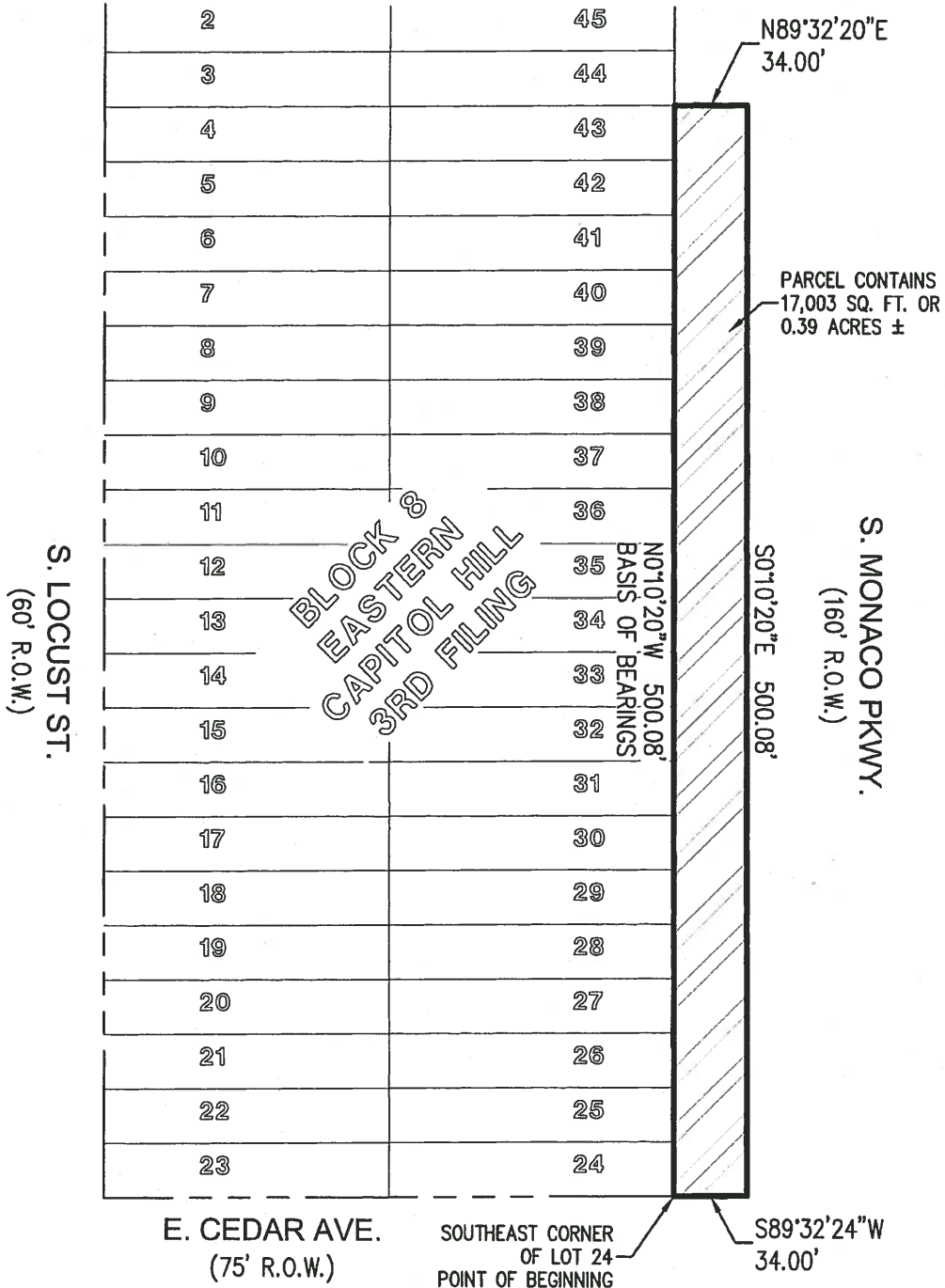
FLUPAIN P:\144403\SURVEY\RAW VACADHC LAYOUT SHEET 1
 NO. 00073
 PLOTTED: MON 10/20/14 2:32:47P BY: AARON MURPHY

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

<small>ISSUE DATE: 10-20-14</small>	<small>PROJECT #: 140402</small>	DESCRIPTION	S. MONACO PKWY. R.O.W. VACATION	HKS HARRIS KOCHER SMITH <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: AWM</small>
<small>DATE</small>	<small>REVISION COMMENTS</small>				<small>SHEET NO.</small> 1

EXHIBIT

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



SCALE: 1" = 80'

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.

FILED IN P:\140402\SURVEY\RAY VACATING LAYOUT SHEET 3
NO. SHEET
PLOTTED: MON 10/20/14 11:08:21A BY: AMON MURPHY

ISSUE DATE: 10-20-14	PROJECT #: 140402
DATE	REVISION COMMENTS

EXHIBIT

S. MONACO PKWY.
R.O.W. VACATION

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303-623-6300 F: 303-623-6311
HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: AWM
SHEET NO. 2 2 OF 2