




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: Ted Christianson
 Director, Public Works Right of Way Services 

ROW #: 2016-VACA-0000020 Elder Auto Alley vacation at 5555 E Evans Ave

DATE: February 23, 2017

SUBJECT: Request for an Ordinance to vacate the alley bounded by E. Pacific Place, E. Evans Avenue, and S. Hudson Street, S. Holly Street, 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 Ramon Elder, dated July 25, 2016, for requesting 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-0000020-001 HERE

TC: cs

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: February 23, 2017

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 alley bounded by E. Pacific Place, E. Evans Avenue, and S. Hudson Street, S. Holly Street, with reservations.

3. Requesting Agency: PW Right of Way Services
Agency Division: Engineering, 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 alley bounded by E. Pacific Place, E. Evans Avenue, and S. Hudson Street, S. Holly Street, with reservations.

****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:** 5555 E. Evans Avenue
- d. **Affected Council District:** Dist # 6, Paul Kashmann
- 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-0000020 Elder Auto Alley vacation at 5555 E Evans Ave

Owner name: Ramon Elder

Description of Proposed Project: Request for an Ordinance to vacate the alley bounded by E. Pacific Place, E. Evans Avenue, and S. Hudson Street, S. Holly Street, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The customer owns 4 adjacent properties and the alley has been used for private use for several decades.

Width of area in feet: 10 feet

Number of buildings abut said area: 7

The 20-day period for protests has expired, the vacating notice was posted on: January 20, 2017

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: January 20, 2017

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

Will an easement relinquishment be submitted at a later date: It is possible

Background: The owner owns 4 adjacent properties which is divided by the Public Right of Way alley.

Public Notification: There were no objections filed.

Location Map:



EXHIBIT A

BASIS OF BEARINGS: The following description is based on the assumed bearing of N 89°45'58" E along the north line and south line of the alley lying between South Hudson Street and South Holly Street in WALKER'S RE-SUBDIVISION OF BLOCKS 12 & 13 IN CHAMBERLINS UNIVERSITY TERRACE – EAST, City and County of Denver, State of Colorado.

The alley in WALKER'S RE-SUBDIVISION OF BLOCKS 12 & 13, in CHAMBERLINS UNIVERSITY TERRACE – EAST SUBDIVISION, City and County of Denver, State of Colorado between South Hudson Street and South Holly Street, more particularly described as:

Beginning at the southwest corner of Lot 49 of said Re-subdivision also being a point on the east ROW line of South Hudson Street; thence along the north line of said alley N 89°45'58" E 400.00' to the southeast corner of Lot 64 of said Re-subdivision also being a point on the west ROW line of South Holly Street; thence S 0°21'28" E, along said west ROW line, 10.00' to the south line of said alley and the northeast corner of Lot 1, of said Re-subdivision; thence S 89°45'58" W, along said south line, 399.98' to the northwest corner of Lot 16 of said Re-subdivision also being a point on the east ROW line of South Hudson Street; thence N 0°28'23" W, along said east ROW line, 10.00' to the Point of Beginning, containing 4,000 Square Feet (0.092 Acres).

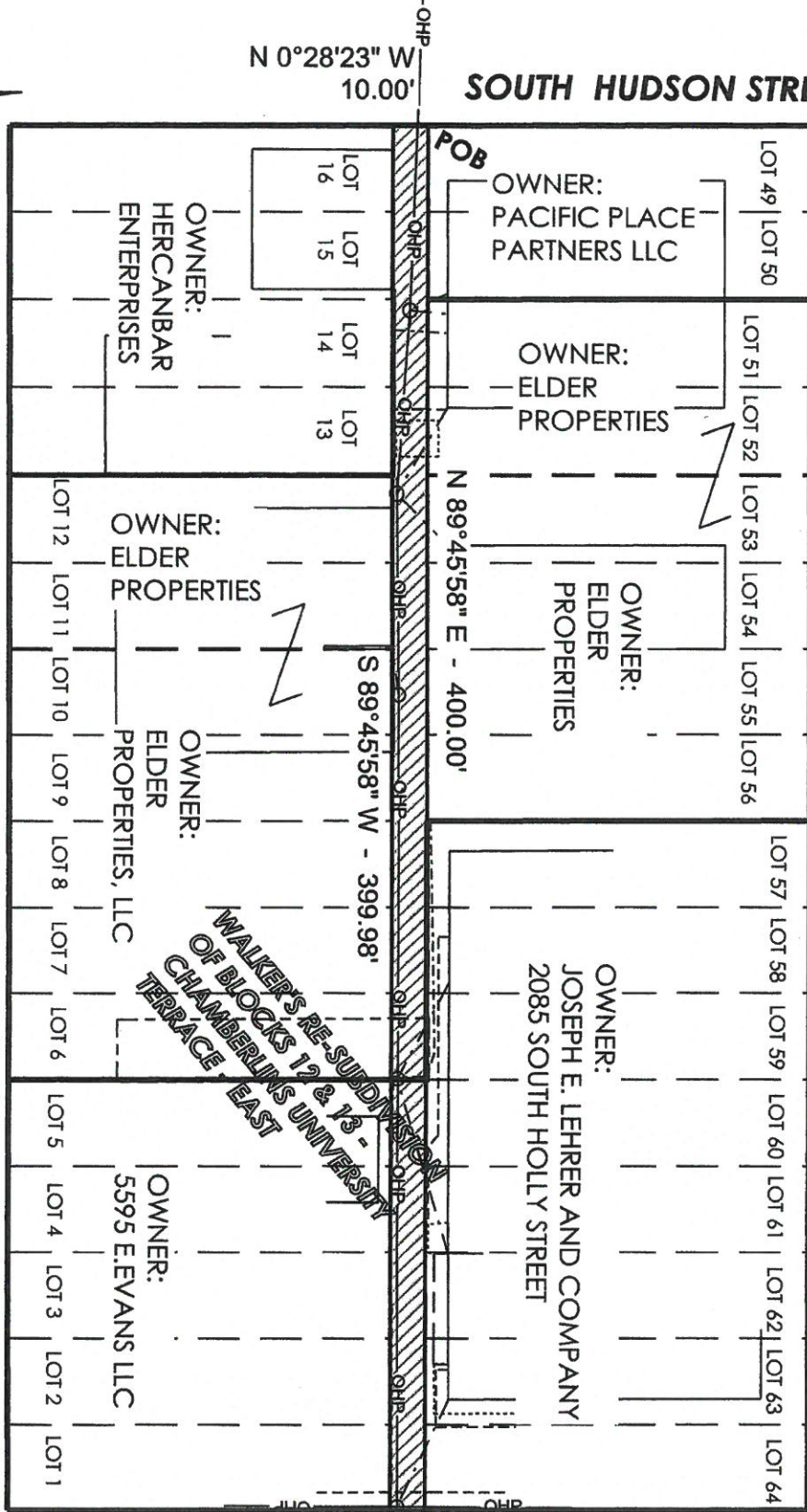
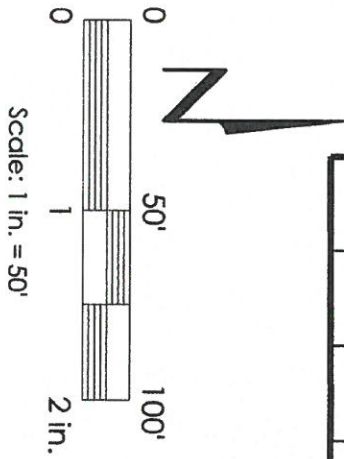
Description authored by:
Lawrence G. "Gus" Chambers,
Chambers Consulting Inc.
P.O. Box 339 Ph: 303-697-0650
Morrison, CO 80465-0339


12-14-16

EXHIBIT A

ALLEY VACATION DIAGRAM

2016-VACA-0000020-001



KEY:
 ———— OHP ————
 overhead power
 ———— UTILITY EASEMENT:
 TO BE DETERMINED BY OTHERS

S 0°21'28" E 10.00' **SOUTH HOLLY STREET**