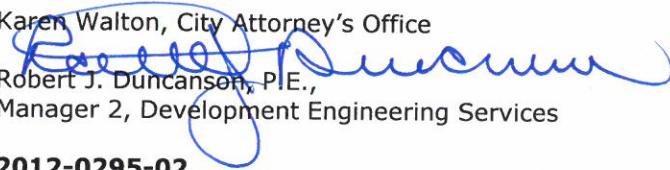




REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

PROJECT #: 2012-0295-02

DATE: April 14, 2014

SUBJECT: Request for an Ordinance to vacate a portion of an alley between S Garfield St, S Monroe St, E Dakota Ave and E Alameda 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 Otten Johnson Robinson Neff + Ragonetti, on behalf of SJR, LLC and SJ Monroe St, LLC 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 Jeanne Robb; 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 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 2012-0295-02-001 HERE

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

1. The width of this area is 15 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. Zero 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 January 30, 2014, and the 20-day period for protest has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on January 30, 2014.
10. Protests, sustained by the Manager of Public Works have been filed, but have been found to have no technical merit.
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: Asset Management, Steve Wirth
City Councilperson & Aides
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
Property Owner

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
Nancy.Kuhn@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: April 14, 2014

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 a portion of an alley between S Garfield St, S Monroe St, E Dakota Ave and E Alameda Ave, with 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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** Nancy.Kuhn@denvergov.org

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

***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:** N/A
- b. **Duration:** Permanent
- c. **Location:** 360 S Monroe St
- d. **Affected Council District:** Jeanne Robb #10
- 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.

There were complaints about traffic and the overdevelopment of this area. Those complaints were found to have no technical merit relating to the vacation of the alley.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2012-0295-02 360 S Monroe St Vacation

Description of Proposed Project: Request for an Ordinance to vacate a portion of an alley between S Garfield St, S Monroe St, E Dakota Ave, and E Alameda Ave, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: It is necessary to vacate this area in order to accommodate the 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: Yes, temporarily. Please see 2012-0295-04.

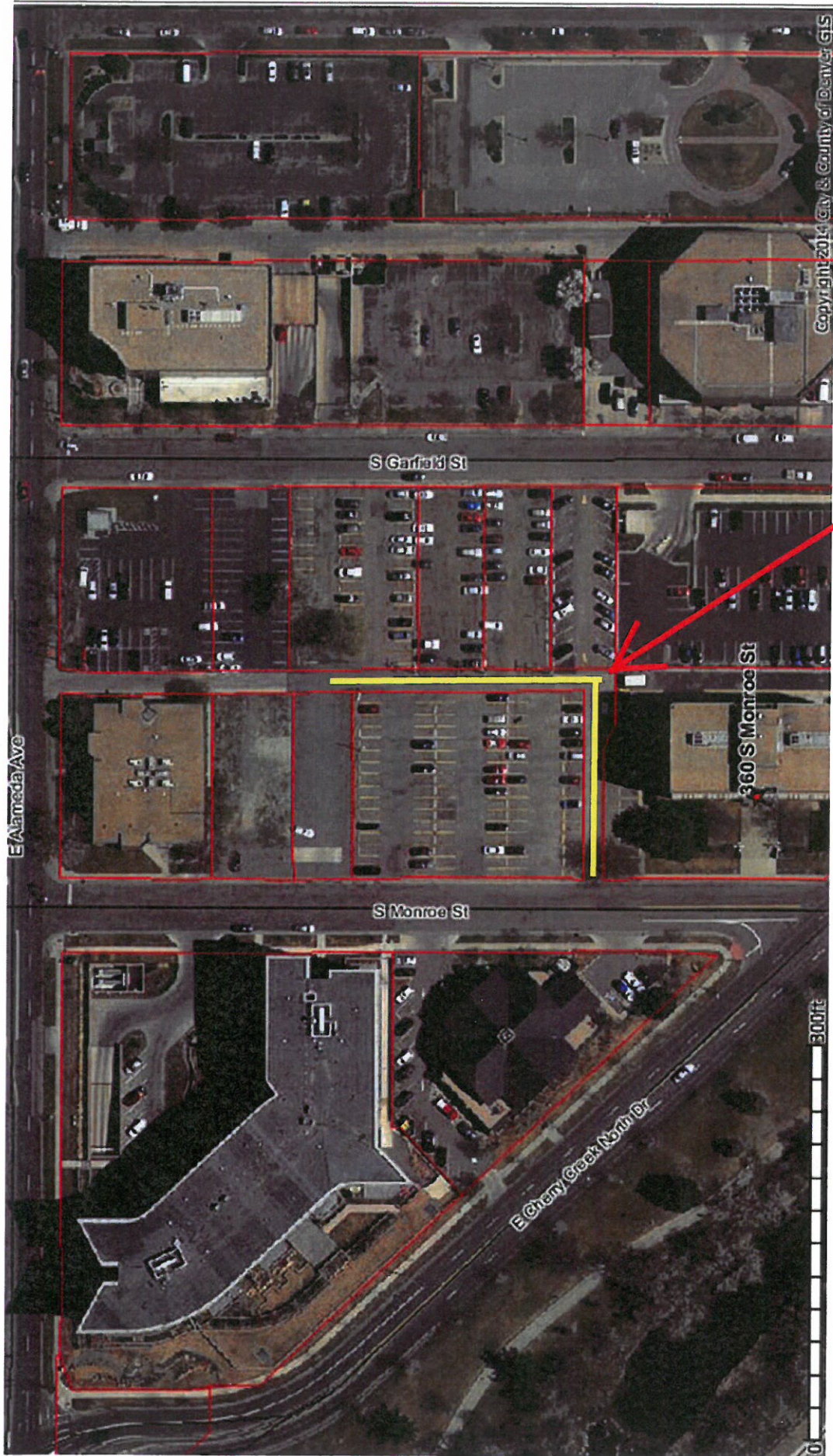
Will an easement be placed over a vacated area, and if so explain: Yes, a typical hard surface easement will be necessary.

Will an easement relinquishment be submitted at a later date: Yes.

Additional information: An application for an easement relinquishment is expected for the land to the south of the area proposed to be vacated. A temporary dedication is being proposed for the land to the north of this area so that a dead-end alley is not created by this vacation proposal.



PROPOSED ALLEY VACATION NORTH OF 360 S MONROE ST



Vacation proposed in yellow.

2012-0295-02-001

LAND DESCRIPTION

PAGE 1 OF 2

A PARCEL OF LAND BEING A PORTION OF THE ALLEY AS DEDICATED BY PLAT IN BLOCK 4 OF BURNSDALE AS RECORDED IN BOOK 18 PAGE 45 TOGETHER WITH THAT PORTION OF ALLEY DEDICATED BY ORDINANCE 436 OF 1971 LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

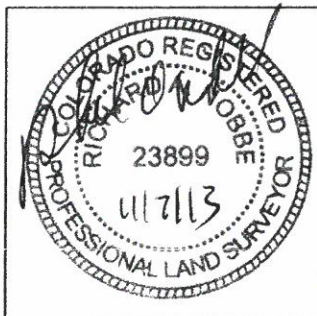
COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 12 OF SAID BLOCK 4, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N89°56'02"E A DISTANCE OF 125.07 FEET ALONG THE NORTHERLY LINE OF SAID LOT 12 TO A POINT ON THE EASTERLY LINE OF LOT 11; THENCE N00°02'40"W, A DISTANCE OF 189.97 FEET ALONG THE EASTERLY LINE OF LOTS 4 THROUGH 11 TO A POINT THAT LIES 10.19' S00°02'40"E FROM THE SOUTHEASTERLY CORNER OF LOT 4; THENCE N89°56'07"E, A DISTANCE OF 15.00 FEET TO A POINT ON THE WESTERLY LINE OF LOT 47, BLOCK 4; THENCE S00°02'40"E, A DISTANCE OF 214.99 FEET ALONG THE WESTERLY LINE OF LOTS 39 THROUGH 47 TO THE SOUTHWESTERLY CORNER OF LOT 39; THENCE S89°56'02"W, A DISTANCE OF 15.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 12; THENCE S89°56'02"W, A DISTANCE OF 25.00 FEET ALONG THE SOUTHERLY LINE OF LOT 12; THENCE N59°09'44"W, A DISTANCE OF 17.56 FEET; THENCE S89°56'02"W, A DISTANCE OF 85.00 FEET TO A POINT ON THE WESTERLY LINE OF LOT 12, BLOCK 4; THENCE N00°02'40"W, A DISTANCE OF 16.00 FEET ALONG THE WESTERLY LINE OF LOT 12 TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5,520 SQUARE FEET (0.127 ACRES) MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON AN ASSUMED BEARING OF S00°02'40"E ALONG THE EASTERLY LINE OF BLOCK 4, BURNSDALE BETWEEN THE NORTHEAST CORNER OF LOT 50 AND THE NORTHEAST CORNER OF LOT 44 AND BEING MONUMENTED BY A FOUND 17 FOOT WITNESS CORNER BEING A CHISELED CROSS AT THE NORTHEAST CORNER OF LOT 50 AND A FOUND 17 FOOT WITNESS CORNER BEING A CHISELED CROSS AT THE NORTHEAST CORNER OF LOT 40.

PREPARED BY RYAN JOHNSON
REVIEWED BY RICHARD A. NOBBE PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN INC.
12499 W. COLFAX AVE.
LAKEWOOD, CO. 80215
(303) 431-6100
(303) 431-4028 FAX



REV. NOVEMBER 07, 2013
REV. SEPTEMBER 26, 2013
REV. JANUARY 18, 2013
NOVEMBER 08, 2012



MARTIN / MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVE.
LAKEWOOD, CO 80215
303.431.6100
FAX 303.431.4028

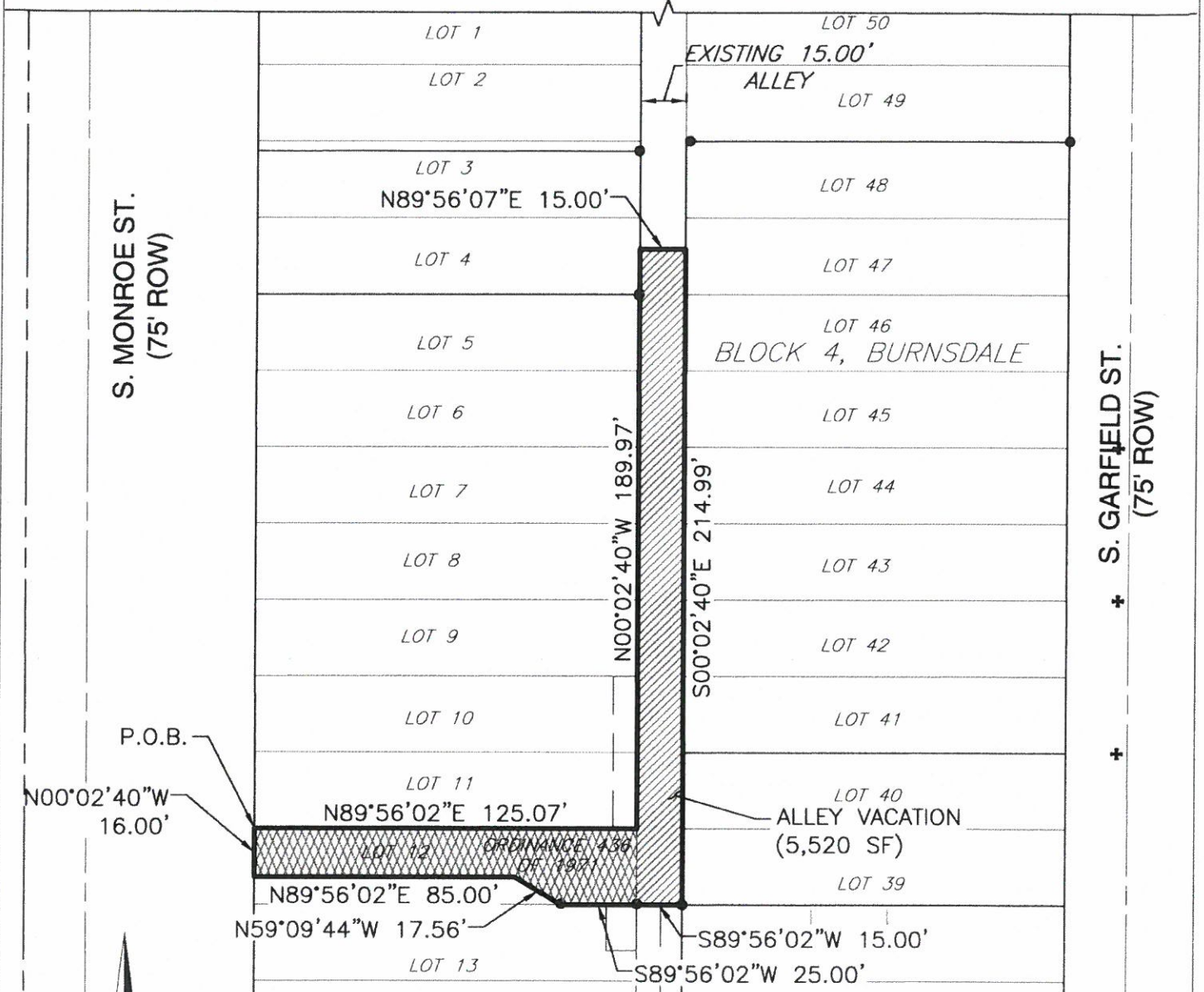
EXHIBIT A

PW PROJECT NO. 2012-0295
PW LAND DESCRIPTION 2012-0295-02-001

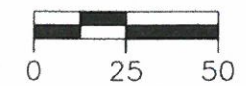
PAGE 2 OF 2

2012-0295-02-001

BURLINGTON CAPITAL HILL ADDITION



DRAWING LOCATION: G:\HORN\23971_Monroe St. Apt's\PLANS\EXHIBITS\ALLEY VACATION.dwg



SCALE: 1"=50'
ALL DIMENSIONS ARE
U.S. SURVEY FEET



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