



**DENVER**  
THE MILE HIGH CITY

**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.:** 2012-0507-01  
**DATE:** January 25, 2013  
**SUBJECT:** Request for an Ordinance to vacate entire alley in Block 2, Norwood Addition, being the block bounded by S Kalamath St, S Santa Fe Dr, W Cedar Ave, and W Byers Pl., 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 Scott Moore, on behalf of Proximo Distillers, 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 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 2012-0507-01-001 HERE**

CT\2010s\2012\2012-0507\PWPRS\VACATION\2012-0507-01 Vacation 200 S Kalamath  
-dinance TEMPLATE.doc

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 being used.
4. Two 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 4, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on January 4, 2013.
10. Protests, sustained by the Manager of Public Works have 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: ACP

cc: Asset Management, Steve Wirth  
City Councilperson & Aide, D9: 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 # 2012-0507-01

Property Owner:  
Proximo Distillers, LLC  
333 Washington St., 4<sup>th</sup> Floor  
Jersey City, New Jersey 07302

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Nancy Kuhn at [daelene.mix@denvergov.org](mailto: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: January 25, 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 entire alley in Block 2, Norwood Addition, being the block bounded by S Kalamath St, S Santa Fe Dr, W Cedar Ave, and W Byers Pl., with reservations.

3. Requesting Agency: PW Plan Review Services

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

- Name: Adam Perkins
- Phone: 720.865.3036
- Email: Adam.Perkins@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:

An Ordinance to vacate entire alley in Block 2, Norwood Addition, being the block bounded by S Kalamath St, S Santa Fe Dr, W Cedar Ave, and W Byers Pl., 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.)*

- a. Contract Control Number: N/A
- b. Duration: Permanent
- c. Location: Block 2, Norwood Addition, being the alley in between the 200 blocks of S Kalamath St and S Santa Fe St.
- d. Affected Council District: District 9: Judy Montero
- e. Benefits: 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.
- f. Costs: None.

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.

Rackhouse Pub, LLC, the tenant of the requestor and adjacent landowner objects to the vacation. Public Works determined that the raised concerns do not constitute sufficient technical merit to deny granting of this Right-of-Way request.

To be completed by Mayor's Legislative Team:

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

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



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2012-0507-01 Proximo Alley Vacation**

**Description of Proposed Project: Request for an Ordinance to vacate entire alley in Block 2, Norwood Addition, being the block bounded by S Kalamath St, S Santa Fe Dr, W Cedar Ave, and W Byers Pl., with reservations.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: N/A - Vacating the public right-of-way**

**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: Yes, a perpetual, non-exclusive easement will be 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.**

**Will an easement relinquishment be submitted at a later date: Possibly**

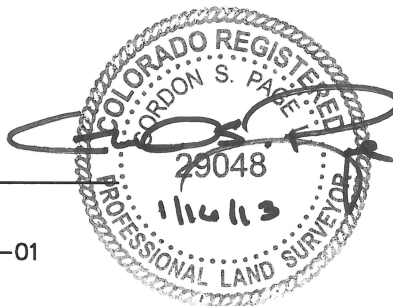
**Additional information: Rackhouse Pub, LLC, the tenant of the requestor and adjacent landowner objects to the vacation. Public Works determined that the raised concerns do not constitute sufficient technical merit to deny granting of this Right-of-Way request.**

**LEGAL DESCRIPTION: ALLEY WAY TO BE VACATED:**

A PARCEL OF LAND BEING THAT PARCEL OF LAND AS DEDICATED AS AN ALLEY WITHIN BLOCK 2, NORWOOD ADDITION AS RECORDED APRIL 13, 1888 IN BOOK 5 AT PAGE 29 IN THE OFFICES OF THE ARAPAHOE COUNTY CLERK AND RECORDERS, ALSO PER THE OFFICIAL CITY SURVEY OF NORWOOD ADDITION BY ORDINANCE 112 SERIES 1941, ALSO BEING A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF LOT 22, BLOCK 2, NORWOOD ADDITION, SAID POINT ALSO BEING A POINT OF THE SOUTHERLY RIGHT OF WAY LINE OF WEST CEDAR AVENUE; THENCE ALONG THE EASTERLY LINE OF LOTS 22 THROUGH 39, BLOCK 2, NORWOOD ADDITION, A DISTANCE OF 450.06 FEET TO THE SOUTHEASTERLY MOST CORNER OF LOT 39, BLOCK 2, NORWOOD ADDITION, SAID POINT ALSO BEING A POINT OF THE NORTHERLY RIGHT OF WAY LINE OF WEST BYERS PLACE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF WEST BYERS PLACE A DISTANCE OF 15.00 FEET, THENCE ON A LINE BEING 15.00 FEET EASTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOTS 22 THROUGH 39, BLOCK 2, NORWOOD ADDITION, SAID LINE ALSO BEING THE WESTERLY LINE OF LOTS 40 THROUGH 43, BLOCK 2 NORWOOD ADDITION, A DISTANCE OF 100.01 FEET TO A LINE COMMON WITH LOTS 43 AND 44, BLOCK 2 NORWOOD ADDITION; THENCE EASTERLY ALONG SAID COMMON LINE A DISTANCE OF 0.50 FEET TO A POINT ON THE EASTERLY LINE OF AN ALLEY DEDICATION, PER RECEPTION NUMBER 2009085403; THENCE ALONG SAID EASTERLY LINE OF SAID ALLEY DEDICATION AND ON A LINE BEING 15.50 FEET EASTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOTS 22 THROUGH 39, BLOCK 2, NORWOOD ADDITION, A DISTANCE OF 341.57 FEET TO A POINT ON THE SOUTHERLY LINE OF THE WEST CEDAR AVENUE RIGHT OF WAY DEDICATION PER RECEPTION NUMBER 2009085403; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID WEST CEDAR AVENUE, 17.66 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND TO BE VACATED CONTAINING 6,860.3 SQ.FT. / 0.16 ACRES MORE OR LESS.



GORDON S. PAGE III  
PLS 29048  
KURT LINN & ASSOCIATES JOB # 1212-01



1"=50'

# EXHIBIT BLOCK 2 NORWOOD ALLEY VACATION

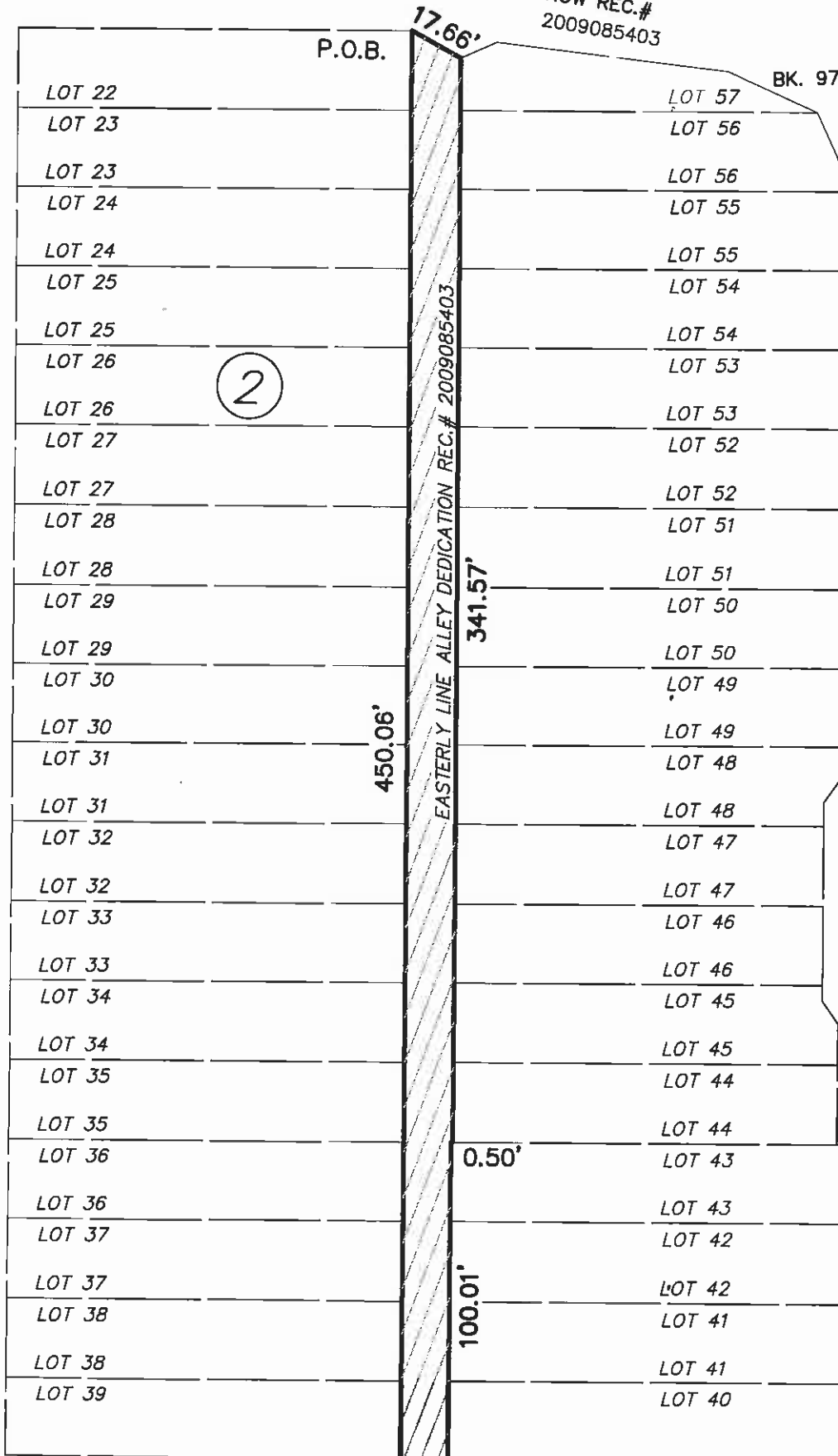
W. CEDAR AVE.

ROW REC.#  
2009085403

ROW  
BK. 9756 PG. 177

SO. KALAMATH ST.

SO. SANTA FE DRIVE



W. BYERS PL.