



## REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.  
Manager 2, Development Engineering Services  
**ROW #:** 2013-0236-01  
**DATE:** June 16, 2014  
**SUBJECT:** Request for an Ordinance to vacate 14 feet along the northern property line at 4696 N Grove 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 John Willey of Willey Engineering & Surveying, Inc, on behalf of Carl Seader 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; the City Councilperson; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; 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 2013-0236-01-001 HERE**

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

1. The width of this area is 14 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 April 15, 2014, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on April 15, 2014.
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: Asset Management, Steve Wirth  
City Councilperson & Aides  
City Council Staff, Gretchen Williams  
Capital Projects Management, 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 Maintenance, Brian Roecker

Property Owner:  
Carl Seader  
401 E 43<sup>rd</sup> Ave  
Denver, CO 80216-2605

## 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: June 16, 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.)

2013-0236-01 Vacation at 4696 N Grove St.

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](mailto: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](mailto:nancy.kuhn@denvergov.org)

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

This is a request to vacate 14 feet along the northern property line of 4696 N Grove St, 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:** 4696 N Grove St
- d. **Affected Council District:** #1, Shepherd
- 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.

To be completed by Mayor's Legislative Team:

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

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



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2013-0236-01 Vacation at 4696 N Grove St**

**Description of Proposed Project: A proposal to vacate 14 feet along the northerly boundary of 4696 N Grove St.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For lot improvements.**

**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: N/A**

**Will an easement be placed over a vacated area, and if so explain: Yes, a typical hard surface easement has been requested by CenturyLink and Xcel.**

**Will an easement relinquishment be submitted at a later date: N/A.**

**Additional information: None.**



# EXHIBIT "A"

A PARCEL OF LAND LYING IN THE SE 1/4, NE 1/4, NW 1/4  
SECTION 20, T 3 S, R 68 W OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER  
STATE OF COLORADO.  
SHEET 1 OF 2

## LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SE 1/4, NE 1/4, OF THE NW 1/4 OF SECTION 20, T 3 S, R 68 W OF THE SIXTH PRINCIPAL MERICIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

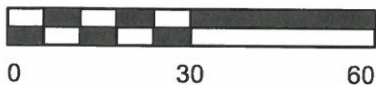
THE SOUTH 14 FEET OF WEST 47<sup>TH</sup> AVENUE LYING ADJACENT TO LOT 1, PARK VIEW ADDITION ACCORDING TO THE RECORDED PLAT THEREOF, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL CONTAINING 1,747.5 SQUARE FEET, MORE OR LESS.



BEARINGS ESTABLISHED BY  
STATE PLANE COORDINATES  
NAD 83, COLORADO CENTRAL ZONE  
BETWEEN EXISTING MONUMENTS AS  
NOTED HEREON ALL DISTANCES ARE  
GROUND

SCALE 1"=30'



PLEASE REFER TO BAR SCALE. DRAWING  
MAY HAVE BEEN REDUCED OR ENLARGED.  
SHEET SIZE - 8 1/2" X 11" (LETTER)

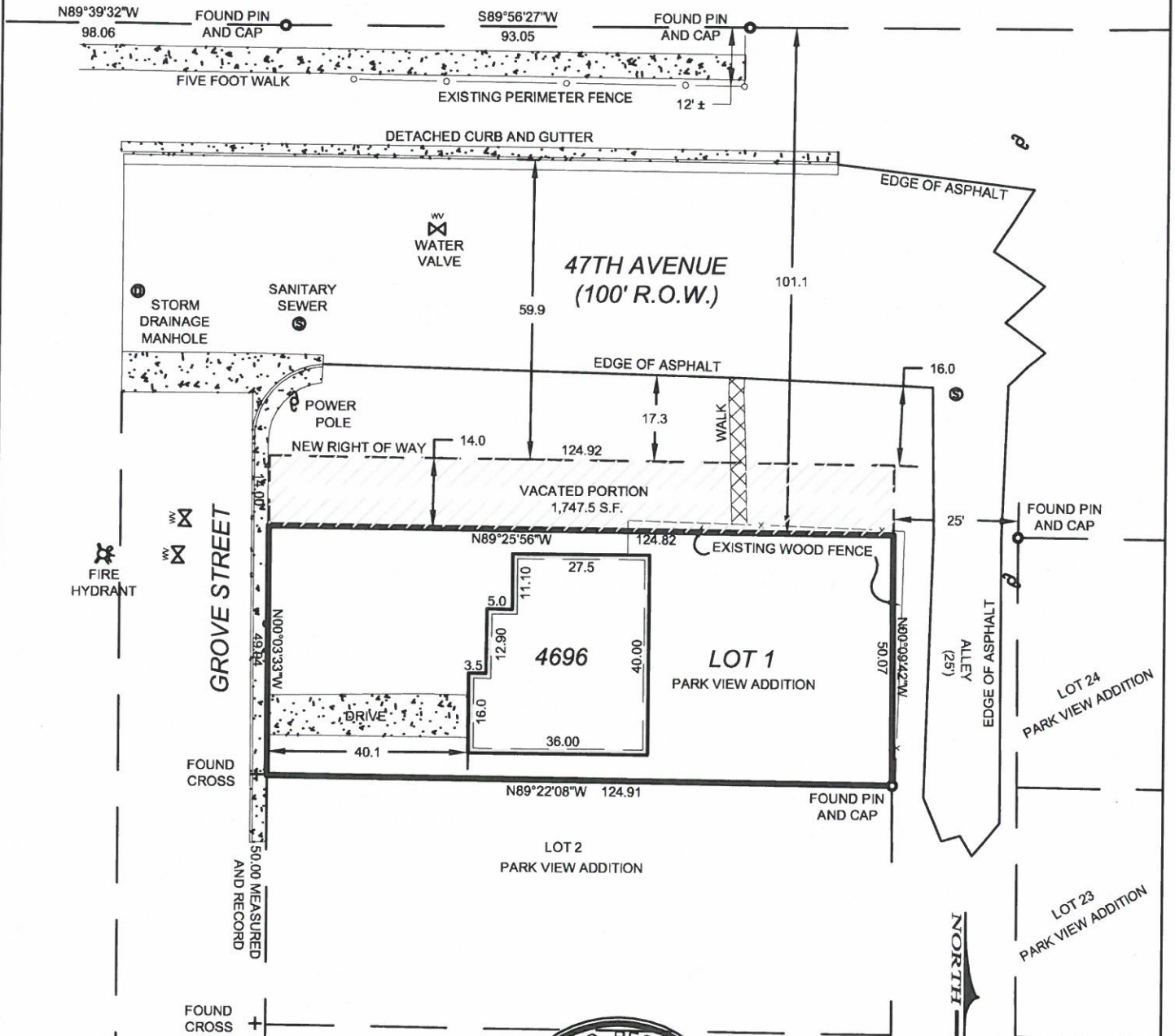


**ENGINEERING & SURVEYING, INC.**

11373 DECATUR COURT  
WESTMINSTER, CO. 80234  
PHONE 303 635-1673  
FAX 303 635-1674  
willeyrfsurveying.com

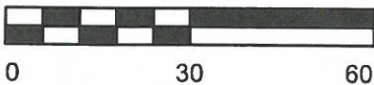
# EXHIBIT "A"

PW Project No. 2013-0236  
 Legal description No. 2013-0236-01-001



BEARINGS ESTABLISHED BY  
 STATE PLANE COORDINATES  
 NAD 83, COLORADO CENTRAL ZONE  
 BETWEEN EXISTING MONUMENTS AS  
 NOTED HEREON ALL DISTANCES ARE  
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**WILEY ENGINEERING & SURVEYING, INC.**

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