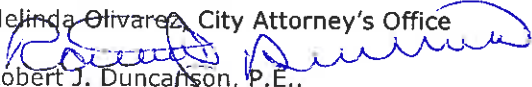




DENVER
THE MILE HIGH CITY

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: Melinda Olivarez, City Attorney's Office
FROM: 
 Robert J. Duncan, P.E.,
 Manager 2, Development Engineering Services
ROW NO.: 2009-0593-01
DATE: August 12, 2010
SUBJECT: Request for an Ordinance to vacate 9 feet of 43rd Ave at 43rd Ave and Delaware 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 with Willey RLS, Inc**, on behalf of **Karl Seader** 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 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 2009-0593-001 HERE



CT\2000s\2009\2009-0593\PWPRS\Vacation\2009-0593-01\Request For Ordinance

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

1. The width of this area is 9 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is not and is being used by property owner.
4. **1** 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 7/13/2010, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 7/13/2010.
10. Protests, sustained by the Manager of Public Works have not been filled.
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: **VLH**

cc: Asset Management, Steve Wirth
City Councilperson Montero
City Council Aides,
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Melinda Olivarez
Public Works, Manager's Office, Daelene Mix
Public Works, Manager's Office, Christine Downs
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy,
Public Works ROWE, Lindsey Strudwick
Project File #2009-0593-01

Property Owner:
Karl Seader
401 W. 43rd Ave
Denver, Co 80216

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by NOON on Tuesday.

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

Date of Request: _____

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 - 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 **9 feet of 43rd Ave at 43rd Ave and Delaware St., with reservations.**

3. **Requesting Agency:** PW Right of Way Engineering Services

4. **Contact Person:** *(with actual knowledge of proposed ordinance)*

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** vanessa.herman@denvergov.org

5. **Contact Person:** *(with actual knowledge of proposed ordinance who will present the item at Mayor-Council and who will be available for first and second reading, if necessary)*

- **Name:** Daelene Mix
- **Phone:** 720-865-8720
- **Email:** Daelene.mix@denvergov.org

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

Request to vacate a 9 foot portion of 43rd Ave in front of a business, for safety reasons. Property/business owner will also provide right of way improvements to the area.

Please include the following:

- a. **Duration:** N/A
- b. **Location:** 43rd Ave and Delaware St
- c. **Affected Council District:** Dist # 9 Montero
- d. **Benefits:** N/A
- e. **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: _____

Ordinance Request Number: _____

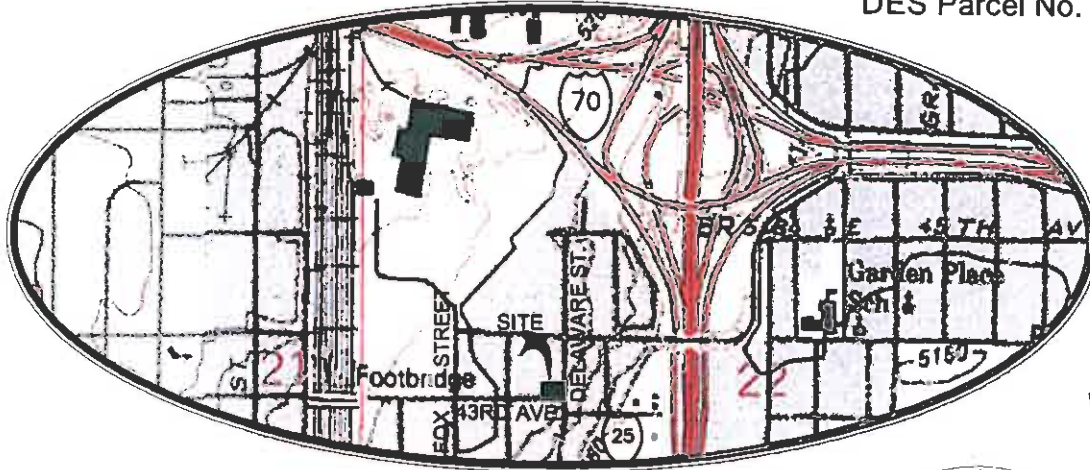
Date: _____

EXHIBIT "A"
VACATION EXHIBIT
 401 W. 43RD AVE.
 CITY AND COUNTY OF DENVER
 STATE OF COLORADO

WILLEY  **RLS, INC.**
 11373 DECATUR COURT
 WESTMINSTER, CO 80234
 willeyrlls surveying .com
BUSINESS DEVELOPMENT ENGINEERING SURVEYING
 PHONE 303 635-1673 FAX 303 635-1674

JOB NO. 09769

DES Project No. 20090593
 DES Parcel No. 20090593-001



VICINITY MAP
 N.T.S.

LEGAL DESCRIPTION PROPOSED R.O.W. VACATION:

ALL THAT PORTION OF WEST 43RD AVENUE
 LYING 9.00 FEET ADJACENT TO THE SOUTH
 LINE OF LOT 16, BLOCK 8
 VIADUCT ADDITION TO THE CITY OF DENVER,
 CITY AND COUNTY OF DENVER,
 STATE OF COLORADO.

CONTAINING 1,336.50 SQUARE FEET, MORE OR LESS.



JOHN D. WILLEY, COLORADO L.S.#23528
 Date of Certificate: **JAN. 12, 2010**

