



REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW NO.: 2008-0020-02

DATE: October 11, 2013

SUBJECT: Request for an Ordinance to vacate alley bounded by W. 37th Ave., between Wyandot St. and Vallejo St., without 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 Matt Dendorfer, on behalf of 2222 W. 37th Ave. 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:

OR As a result of these investigations, it has been determined that there is no objection to vacating the said area(s).

Therefore, you are requested to initiate Council action to vacate the following area:

INSERT PARCEL DESCRIPTION ROW 2008-0020-02-001 HERE

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

1. The width of this area is 20.67 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. 12 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 be required.
8. The vacating notice was posted on September 19, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on September 19, 2013.
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: Ira

cc: Asset Management, Steve Wirth
City Councilperson & Aides, 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 #: 2008-0020-02

Property Owner:
2222 W. 37th Ave., LLC
C/O Ata Katebini
4080 S. Allison St.
Lakewood, CO 80235

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ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at 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: October 10, 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 alley bounded by W. 37th Ave., between Wyandot St. and Vallejo St., without reservations.

3. Requesting Agency: Public Works, Right-of-Way Engineering Services

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3153
- **Email:** lisa.ayala@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:

Vacate alley bounded by W. 37th Ave., between Wyandot St. and Vallejo St.

****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:** NO
- b. **Duration:** Permanent
- c. **Location:** Alley bounded by W. 37th Ave., between Wyandot St. and Vallejo St.
- d. **Affected Council District:** # 9, Judy Montero
- 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: 2008-0020-02 Alley Vacation bounded by W. 37th Ave., between Wyandot St. and Vallejo St.

Description of Proposed Project: Vacate alley.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Development four single family tandem residences.

Has a Temp MEP been issued, and if so, what work is underway: NO

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: NO

Will an easement relinquishment be submitted at a later date: NO

Additional information: The alley is currently unimproved, unused, unpaved, and there are no utilities or easements in place. The proposed development will fit in aesthetically with the district. Owners initiated public meeting with: neighborhood organizations, Highlands United Neighbor Incorporated (HUNI), and adjacent landowners. In addition I copied Denver City Councilwoman, Judy Montero's Office with respect of owner's plan development.

ALLEY VACATION

A PART OF THE NW-1/4 OF SECTION 28, T. 3 S.,
 R. 68 W. OF THE 6th P.M.,
 CITY AND COUNTY OF DENVER, STATE OF COLORADO
 SHEET 2 OF 2

ALLEY VACATION

The alley between Lots 16 through 19, Block 29, and Lots 39 and 40, Block 29, WILSON RESUBDIVISION OF H. WITTERS NORTH DENVER ADDITION, located in the Northwest quarter of Section 28, Township 3 South, Range 68 West of the 6th P.M., City and County of DENVER, State of COLORADO, described more particularly as follows:


BEGINNING at the Southeast corner of said Lot 16; thence Westerly, along the South line of said Lots 16 through 19, a distance of 100.16 feet, to the Southwest corner of said Lot 19; thence Southeasterly, a distance of 20.67 feet, more or less, to the Northwest corner of said Lot 40; thence Easterly, along the North line of said Lots 40 and 39, a distance of 89.76 feet, to the Northeast corner of said Lot 39; thence Northeasterly, a distance of 20.65 feet, more or less, to the Southeast corner of said Lot 16, being the POINT OF BEGINNING, containing 1899 square feet or 0.04 acres, more or less.

George G. Haller
 George G. Haller, P.L. 25946
 for and on behalf of Metropolitan Surveyors, LLC.



NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within 3 years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

JOB NO. 37-2222-1B

REVISED		ALLEY VACATION		 <p>Metropolitan Surveyors, LLC. 3534 South Lincoln Street Englewood, Colorado 80113 Phone (303) 761-5607 Fax (303) 761-5166</p>
1		DRAWN BY:	J.F.B. DATE: 8/14/13	
2		CHECKED BY:	G.G.H. DATE: 8/14/13	
3		APPROVED BY:	DATE:	
4				
5				

ALLEY VACATION

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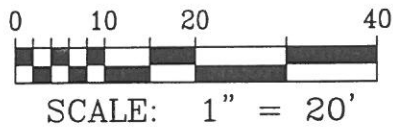
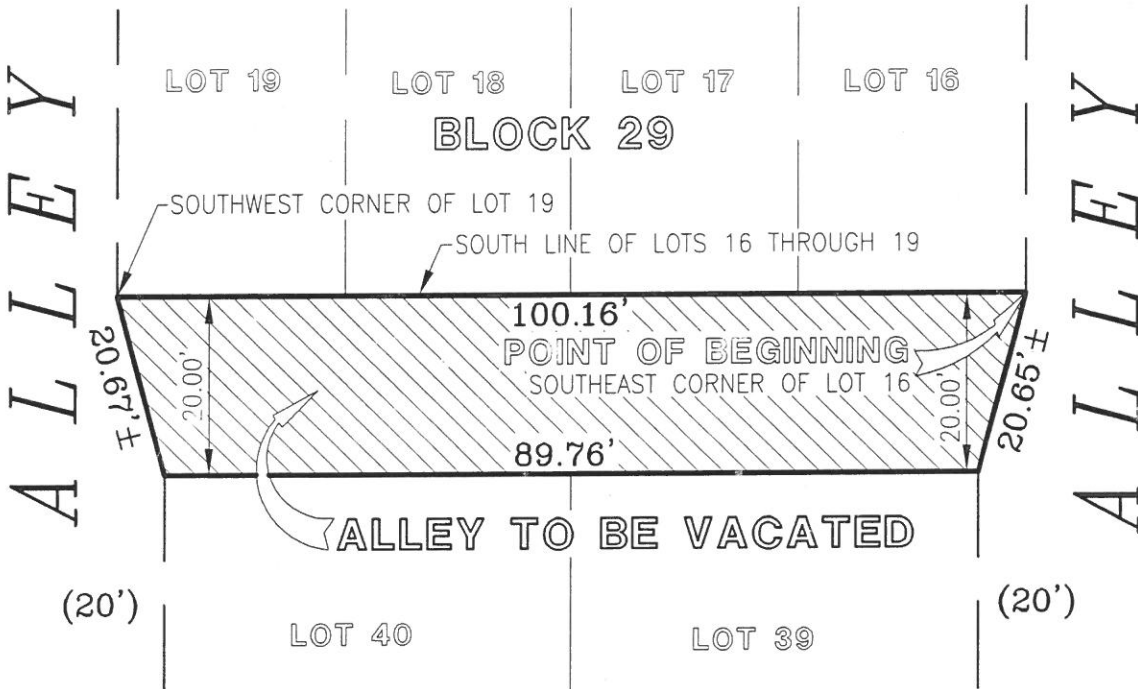
WEST 37th AVENUE

WYANDOT STREET

ALLEY

ALLEY

VALLEJO STREET



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JOB NO. 37-2222-1A

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