




Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3001
www.denvergov.org/survey

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Ted Christianson
Director, Public Works Right of Way Services 

ROW #: 2016-VACA-0000030

DATE: March 23, 2017

SUBJECT: Request for an Ordinance to vacate the alley at by W. 4th Ave, Kalamath 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 Nicholas Sutcliffe, dated 12/6/2016, on behalf of Farhad Asgari for requesting 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; City Councilperson; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; 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 2016-VACA-0000030-001 HERE

TC: vw

cc: City Councilperson & Aides

City Council Staff – Shelley Smith
Department of Law – Shaun Sullivan
Department of Law – Brent Eisen
Public Works, Manager’s Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm 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: March 23, 2017

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, contract amendment, municipal code change, supplemental request, etc.**)

Request for an Ordinance to vacate the alley at by W. 4th Ave, Kalamath St, with reservations.

3. **Requesting Agency:** PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Vanessa West
- **Phone:** 720-913-0719
- **Email:** Vanessa.west@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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** angela.casias@denvergov.org

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

To vacate the alley at by W. 4th Ave, Kalamath 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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:**
- d. **Affected Council District:** Dist # 7, Jolon Clark
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000030, 337 Kalamath St.

Owner name: Farhad Asgari

Description of Proposed Project: Vacated the alley at W. 4th Ave and Kalamath St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:
Redevelopment

Width of area in feet: 20 feet

Number of buildings abut said area: 0

The 20-day period for protests has expired, the vacating notice was posted on: February 9, 2017

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: February 9, 2017

Protests sustained by the manager of Public Works: have been filed, and deemed to hold no technical merit.

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

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

Background: Without this vacation, the redevelopment is not possible.

Public Notification: There was 1 protest that was deemed to have no technical merit by the Director or Right of Way Engineering.

Location Map:



EXHIBIT "A" LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING THE 20 FOOT WIDE ALLEY WITHIN BLOCK 12 OF SUMNER'S ADDITION TO DENVER FILED FOR RECORD MAY 21, 1872 DULY RECORDED IN ARAPAHOE COUNTY BOOK OF PLATS, PAGE 35.

S:\JOBS\2016\161002\DWG\EXHIBIT\161002_ALLEY-EXHIBIT.dwg


PREPARED BY: 
JEFFREY J. MACKENNA P.L.S. 34183 DATE: 01/10/2017
FOR FALCON SURVEYING, INC.

ILLUSTRATION FOR EXHIBIT

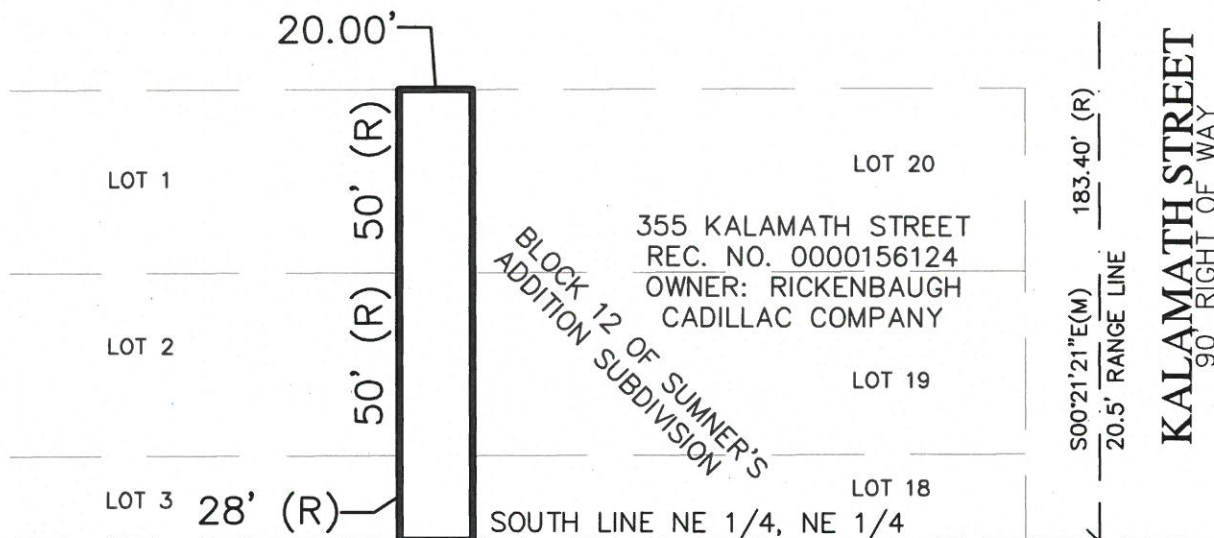
SITUATED IN THE NE 1/4, SECTION 9, T4S, R68W, OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO

BLOCK 5 OF SUMNER'S
ADDITION SUBDIVISION
424 LIPAN STREET
REC. NO. 2014129410
OWNER: BADA KONASANA
LLC

BLOCK 5 OF SUMNER'S
ADDITION SUBDIVISION
401 KALAMATH STREET
REC. NO. 0000011675
OWNER: ROCKY MOUNTAIN JOE INC

20.5' RANGE LINE 360'(R) N89°39'21"E(M)

WEST 4TH AVENUE
80' RIGHT OF WAY



LOT 1 LOT 20

LOT 2 LOT 19

LOT 3 LOT 18

20.00' SOUTH LINE NE 1/4, NE 1/4

20.00'

337 KALAMATH STREET

355 KALAMATH STREET
REC. NO. 0000156124
OWNER: RICKENBAUGH
CADILLAC COMPANY

355 KALAMATH STREET
REC. NO. 0000174561
OWNER: C A WALKER FAMILY
LIMITED PARTNERSHIP

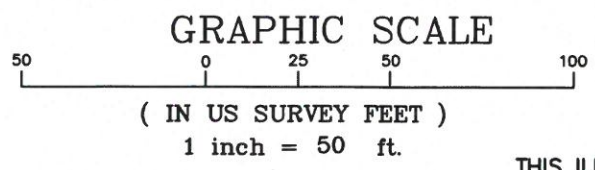
20' RANGE LINE
N00°21'05"W(M)
580.50(R)

183.40' (R)

S00°21'21"E(M)
20.5' RANGE LINE

396.23' (R)

KALAMATH STREET
90' RIGHT OF WAY



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