



Department of Public Works  
Engineering Regulatory & Analytics  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
720-865-3003  
www.denvergov.org/pwpermits

## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

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

**ROW #:** 2017-VACA-0000019

**DATE:** March 1, 2018

**SUBJECT:** Request for an Ordinance to vacate a portion of Ulster Street from 40th Ave to Interstate-70, 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 Jay Beyer, dated November 18, 2018, on behalf of B&B RV Inc 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 of the vacated 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 2017-VACA-0000019-001 HERE**

TC: vw

cc: City Councilperson & Aides

City Council Staff – Zach Rothmier  
Department of Law – Shaun Sullivan  
Department of Law – Brad Beck  
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](mailto: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 1, 2018

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 a portion of Ulster St from 40th Ave to I-70, 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 a portion of Ulster Street from 40<sup>th</sup> Ave to Interstate 70.  
Please note, there is a land sale happening that is contingent on this vacation project.

**\*\*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 # 8, Herndon
- 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

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To be completed by Mayor's Legislative Team:

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

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



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2017-VACA-0000019, B&B RV Ulster Street and 40<sup>th</sup>.

**Requestor's name:** Jay Beyer, B&B RV

**Description of Proposed Project:** To vacate a portion of Ulster Street from 40<sup>th</sup> Ave to Interstate 70

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

**Width of area in feet:** 30

**Number of buildings abut said area:** 2

**The 20-day period for protests has expired, the vacating notice was posted on:** January 11, 2018

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** January 11, 2018

**Protests sustained by the manager of Public Works:** Have not been filed

**Will land be dedicated to the City if the vacation goes through:** No

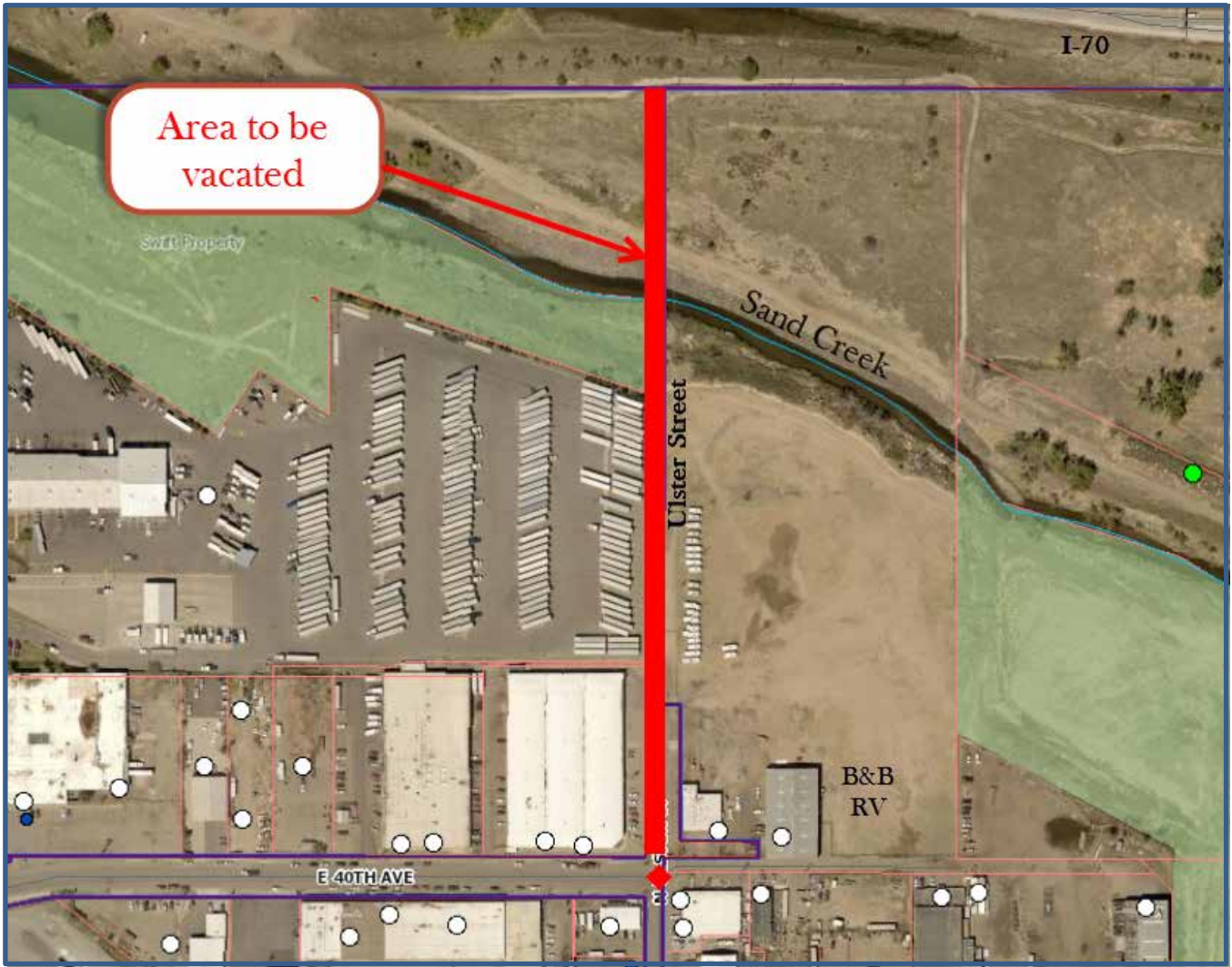
**Will an easement be placed over a vacated area, and if so explain:** Yes

**Will an easement relinquishment be submitted at a later date:** No

**Background:** There is also a land sale that is happening currently that is contingent on this vacation. The Land sale has already passed council.

**Public Notification:** No protests were sustained.

Location Map:



EXHIBIT

SHEET 1 OF 1

LAND DESCRIPTION

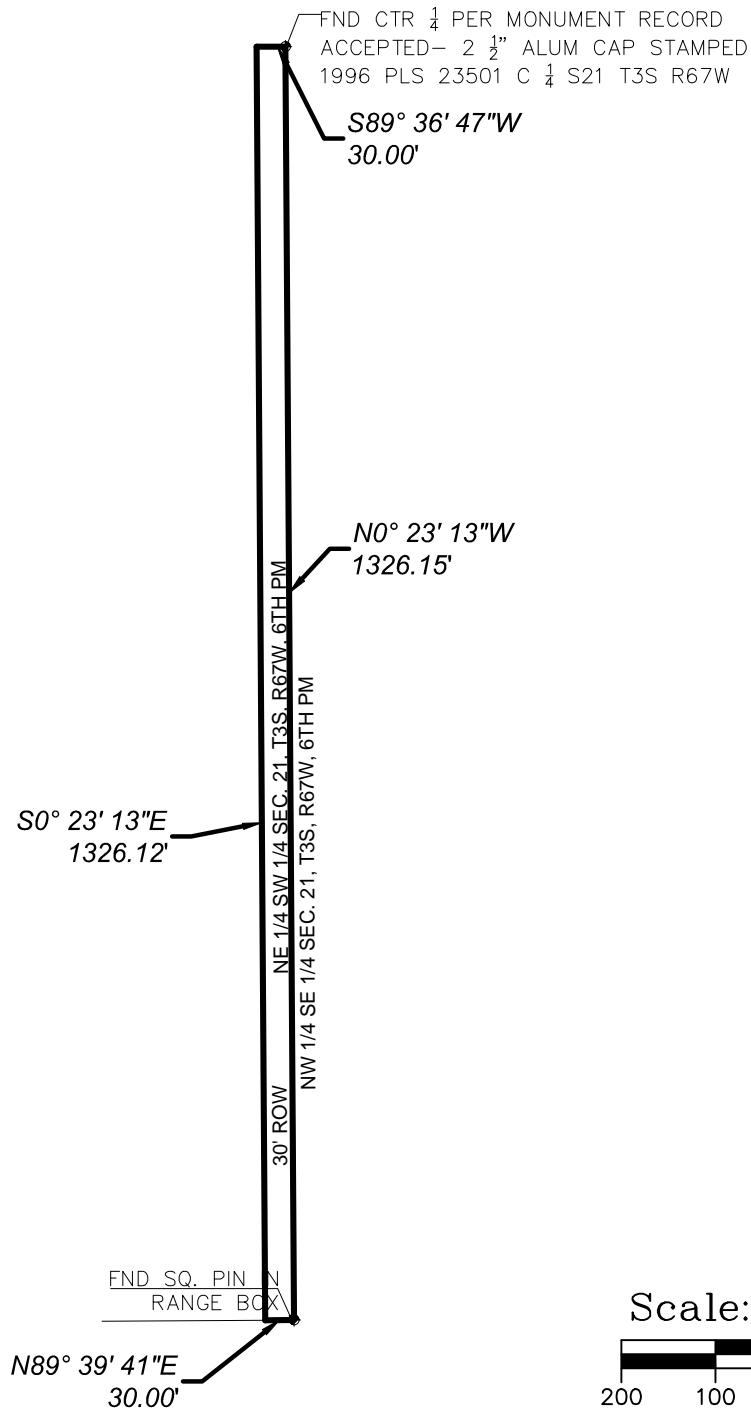
THE EAST 30 FEET OF THE NORTHEAST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 21, TOWNSHIP 3 SOUTH,  
RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., LYING NORTH OF 40<sup>TH</sup> AVENUE.



ROGER KELLEY PLS 24667

FOR AND ON BEHALF OF BASELINE LAND SURVEYING, INC.

# EXHIBIT SHEET 2 OF 2



**BASELINE LAND**  
**SURVEYING, INC.**

PROJECT # 10474  
5023 W. 120TH Ave. #153 Broomfield Co 80020 (303) 457-3964