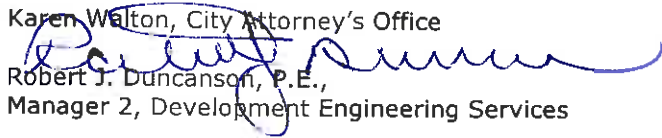




Department of Public Works  
Permit Operations and Right of Way Enforcement  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
P: 720-865-2782  
F: 720-865-3280  
www.denvergov.org/pwprs

## REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office  
**FROM:**   
Robert J. Duncanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2012-0223-03  
**DATE:** February 21, 2013  
**SUBJECT:** Request for an Ordinance to vacate the alley at 250 S. Jackson 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 Mackenzie Jellum, on behalf of Broadstone Cherry Creek, 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 Jeanne Robb; 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, but not limited to, storm drainage and 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 2012-0223-03-001 HERE**



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

1. The width of this area is 15 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. 2 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 January 4, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on January 4, 2013.
10. Protests, sustained by the Manager of Public Works have 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: LRA

cc: Asset Management, Steve Wirth  
City Councilperson & Aides Jeanne Robb  
City Council Staff, Gretchen Williams  
CPM, Mike Anderson,  
Department of Law, Shaun Sullivan  
Department of Law, Karen Aviles  
Department of Law, Brent Eisen  
Department of Law, Karen Walton  
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 # 2012-0223-03

Property Owner:  
Broadstone Cherry Creek, LLC  
C/O Andy Clay  
Alliance Residential Company  
2000 S. Colorado Blvd. Ste. # 1-10500  
Denver, CO 80222

**ORDINANCE/RESOLUTION REQUEST**  
Please email requests to Nancy Kuhn at  
[Nancy.khun@denvergov.org](mailto:Nancy.khun@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: February 21, 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 the alley at 250 S. Jackson St., with 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](mailto: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](mailto:nancy.kuhn@denvergov.org)

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

Vacate alley bounded by E. Cedar Ave/S. Jackson St., E. Alameda Ave. and S. Harrison 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:** 250 S. Jackson St. vacate alley bounded by E. Cedar Ave/S. Jackson St., E. Alameda Ave. and S. Harrison St.
- d. **Affected Council District:** # 10, Jeanne Robb
- 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: 2012-0223-03 vacate alley at 250 S. Jackson St.**

**Description of Proposed Project: Request for an Ordinance to vacate the alley at 250 S. Jackson St., with reservations**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Commence construction on two apartment buildings at this location in order to secure the properties after hours and create a walkable amenity space for the residents to enjoy.**

**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: Yes, utility, CenturyLink has facilities in place.**

**Will an easement relinquishment be submitted at a later date: No, the utilities will remain in place per the owner's acknowledgement.**

**Additional information: None**

# EXHIBIT A

GREENHOUSE PHASE II & III

DES PROJECT # 2010-D00204

DES PARCEL #2012-0223-03-001

## LEGAL DESCRIPTION

THE 15 FOOT WIDE PUBLIC ALLEY ADJACENT TO  
LOTS 1 THROUGH 18, INCLUSIVE, AND LOTS 23 THROUGH 40, INCLUSIVE,  
BLOCK 44,  
BURLINGTON CAPITOL HILL ADDITION,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 40; THENCE SOUTHERLY ALONG THE  
WEST LINE OF LOTS 23 THROUGH 40, INCLUSIVE, A DISTANCE OF 450.07 FEET TO THE  
SOUTHWEST CORNER OF SAID LOT 23; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF  
90°02'18" A DISTANCE OF 15.00 FEET TO THE SOUTHEAST CORNER OF SAID 18; THENCE ON  
A DEFLECTION ANGLE TO THE RIGHT OF 89°57'42", ALONG THE EAST LINE OF LOTS 1  
THROUGH 18, INCLUSIVE, A DISTANCE OF 450.06 FEET TO THE NORTHEAST CORNER OF SAID  
LOT 1; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 89°59'39" A DISTANCE OF 15.00  
FEET TO THE POINT OF BEGINNING;


SAID PARCEL CONTAINS 6750 SQUARE FEET, 0.155 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY:

DON LAMBERT, PLS 30830  
FOR AND ON BEHALF OF FRONTIER SURVEYING, INC.  
352 NORFOLK STREET, AURORA, CO 80011



SHEET 1 OF 2 *JB*

  
**FRONTIER  
SURVEYING, INC.**  
352 Norfolk Street  
Aurora, CO 80011  
Ofc. 303-340-0113  
Fax. 303-340-0114

Scale: 1" = 60'

# EXHIBIT A

## GREENHOUSE PHASE II & III

### EAST CEDAR AVENUE

17.5' RANGE LINE

75' RIGHT OF WAY

89°59'39"

15.00'

15' PUBUC ALLEY

20' RANGE LINE

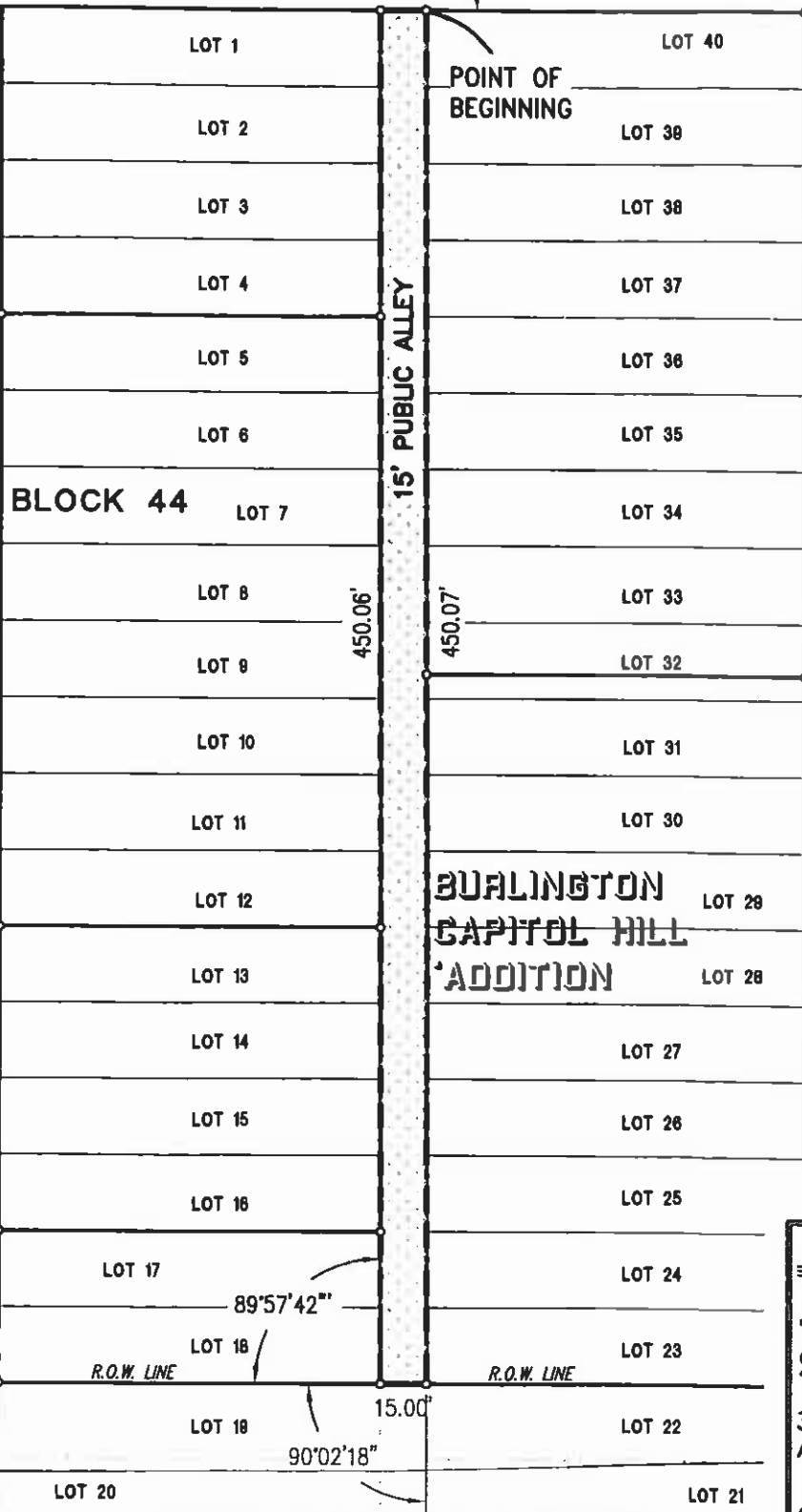
SOUTH HARRISON STREET

75' RIGHT OF WAY

SOUTH JACKSON STREET

75' RIGHT OF WAY

20' RANGE LINE



BLOCK 44 LOT 7

BURLINGTON  
CAPITOL HILL  
'ADDITION

SHEET 2 OF 2

**FRONTIER SURVEYING, INC.**  
 352 Norfolk Street  
 Aurora, CO 80011  
 Ofc. 303-340-0113  
 Fax. 303-340-0114

### EAST ALAMEDA AVENUE

VARIABLE WIDTH RIGHT OF WAY