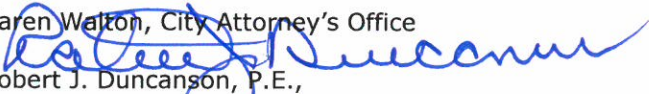




## REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office

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

**ROW NO.:** 2013-0123-05

**DATE:** March 27, 2014

**SUBJECT:** Request for an Ordinance to vacate the west half of the east/west alley from the westerly line of the north/south alley to Corona St. Said alley bounded by Colfax Ave., 14<sup>th</sup> Ave., Downing St., and Corona St., with reservation.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Aaron Murphy, Harris Kocher Smith, on behalf of SSP Colfax Marketplace 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 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 2013-0123-05-001 HERE**

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

1. The width of this area is 10 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. **One** building 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 10/08/2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 10/09/2013.
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: BLV

cc: Asset Management, Steve Wirth  
City Councilperson Jeanne Robb & Aides  
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 # 2013-0123-05

Property Owner:  
SSP Colfax Marketplace LLC  
4701 E Mississippi Ave  
Glendale, CO 80246-8206  
303-328-0008

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Nancy Kuhn at  
Nancy.Kuhn@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: March 27, 2014

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 west half of the east/west alley from the westerly line of the north/south alley to Corona St. Said alley bounded by Colfax Ave., 14th Ave., Downing St., and Corona St., with reservation

3. **Requesting Agency:** Public Works Survey

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

- **Name:** Barbara Valdez
- **Phone:** 720-865-3153
- **Email:** Barbara.valdez@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:**

To vacate west portion of alley bounded by Colfax Ave., 14th Ave., Downing St., and Corona 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:** N/A
- b. **Duration:** Permanent
- c. **Location:** West portion of east/west alley by Colfax Ave., 14th Ave., Downing St., and Corona St
- d. **Affected Council District:** Jeanne Robb, District 10
- 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: \_\_\_\_\_





**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title:2013-0123-05 Vacation Colfax Marketplace**

**Description of Proposed Project: To vacate the west half of the east/west alley from the westerly line of the north/south alley to Corona St. Said alley bounded by Colfax Ave., 14th Ave., Downing St., and Corona St., with reservation**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: To facilitate future re-development of the property which the alley passes through.**

**Has a Temp MEP been issued, and if so, what work is underway:N/A**

**What is the known duration of an MEP:N/A**

**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:No**

**Will an easement relinquishment be submitted at a later date:N/A**

**Additional information:N/A**

PW Legal Description 2013-0123-05-001

A PARCEL OF LAND BEING A PORTION OF THE 10-FOOT ALLEY IN BLOCK 104, BREWER'S ADDITION TO THE CITY OF DENVER LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, SAID BLOCK 104, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID 10-FOOT ALLEY;  
THENCE SOUTH 89°16'23" EAST ALONG SAID NORTH LINE, A DISTANCE OF 125.17 FEET TO THE SOUTHEAST CORNER OF LOT 5, SAID BLOCK 104;  
THENCE SOUTH 00°12'36" WEST, A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF LOT 6, SAID BLOCK 104, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 10-FOOT ALLEY;  
THENCE NORTH 89°16'23" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 125.16 FEET TO THE NORTHWEST CORNER OF SAID LOT 6;  
THENCE NORTH 00°10'37" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,252 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

# DESCRIPTION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PORTION OF THE 10-FOOT ALLEY IN BLOCK 104, BREWER'S ADDITION TO THE CITY OF DENVER LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, SAID BLOCK 104, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID 10-FOOT ALLEY;  
THENCE SOUTH 89°16'23" EAST ALONG SAID NORTH LINE, A DISTANCE OF 125.17 FEET TO THE SOUTHEAST CORNER OF LOT 5, SAID BLOCK 104;  
THENCE SOUTH 00°12'36" WEST, A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF LOT 6, SAID BLOCK 104, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 10-FOOT ALLEY;  
THENCE NORTH 89°16'23" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 125.16 FEET TO THE NORTHWEST CORNER OF SAID LOT 6;  
THENCE NORTH 00°10'37" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,252 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF LOT 1, BLOCK 104, BREWER'S ADDITION TO THE CITY OF DENVER, RECORDED MARCH 23, 1887, ASSUMED TO BEAR NORTH 00°10'37" EAST.

PREPARED BY: AARON MURPHY, PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



FILEPATH: P:\130312\SURVEY\SETUP\DWG\_LAYOUT\_ALLEY\_VACA\_DESC  
PLOTED: 05/31/13 4:09:36P BY: AARON MURPHY

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 05-31-13	
DATE	REVISION COMMENTS

COLFAX MARKETPLACE

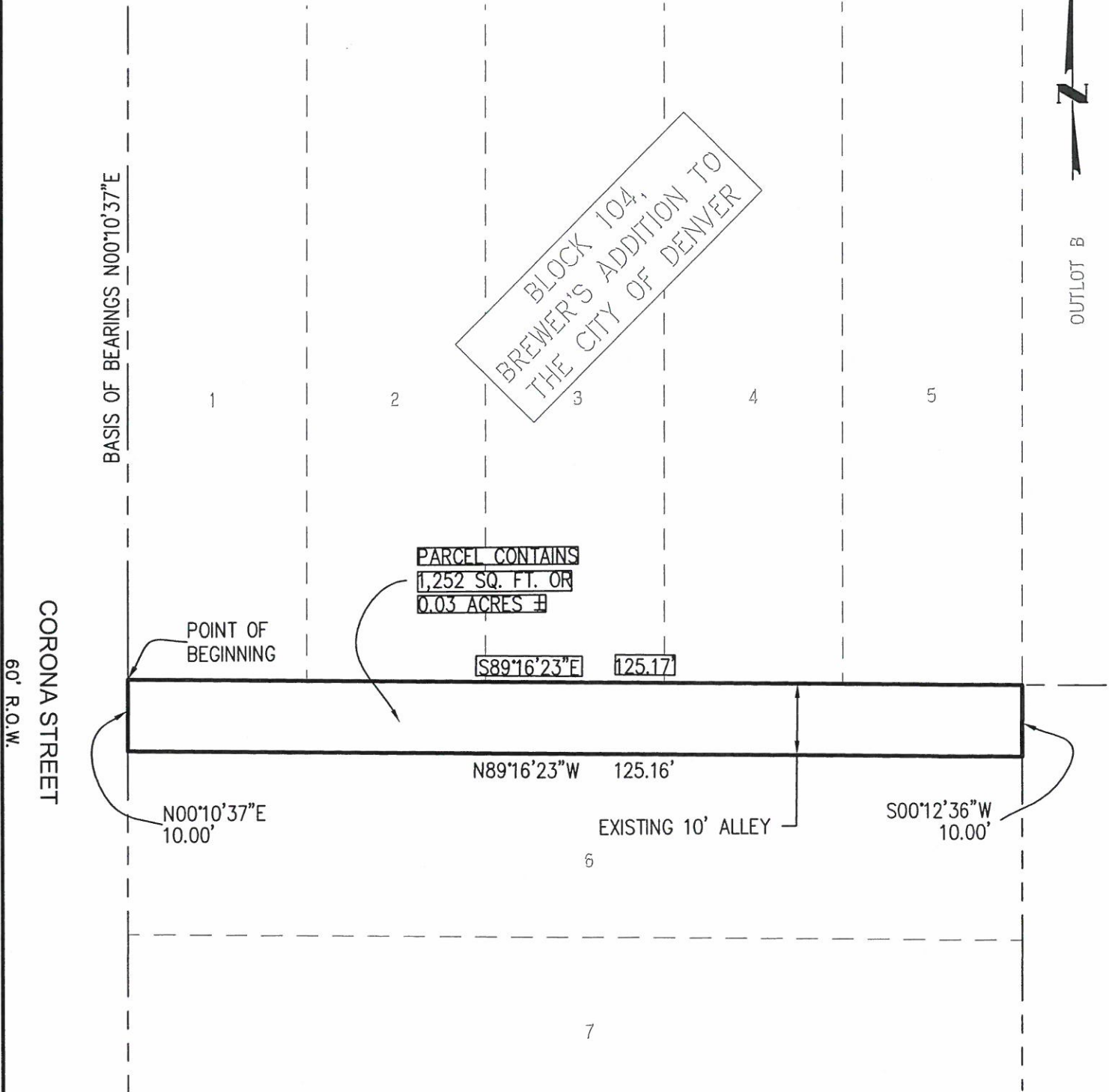
ALLEY VACATION  
DESCRIPTION

**HKS** HARRIS KOCHER SMITH  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

CHKD BY: AWM DRAWN BY: KDW JOB NUM: 130312
SHEET NO. <b>1</b> 1 OF 2

# EXHIBIT

SITUATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



PARCEL CONTAINS  
1,252 SQ. FT. OR  
0.03 ACRES ±

S89°16'23\"/>E 125.17'

N89°16'23\"/>W 125.16'

N00°10'37\"/>E  
10.00'

EXISTING 10' ALLEY

S00°12'36\"/>W  
10.00'



SCALE: 1" = 20'

**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

FILEPATH: P:\130312\SURVEY\ESHS15.DWG LAYOUT: ALLEY VACA EXHIBIT  
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ISSUE DATE: 05-31-13	
DATE	REVISION COMMENTS

COLFAX MARKETPLACE

ALLEY VACATION  
EXHIBIT

**HKS** HARRIS  
KOCHER  
SMITH  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

CHK'D BY: AWM  
DRAWN BY: KDW  
JOB NUM: 130312

SHEET NO.

2

2 OF 2