




DENVER
THE MILE HIGH CITY

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: Melinda Olivarez, City Attorney's Office

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

ROW NO.: 2010-0262-03

DATE: April 8, 2011

SUBJECT: Request for an Ordinance to vacate a portion of the North/South Alley, and the East/West alley, both bounded by N. Saint Paul Street, N. Steele St, and E. 2nd Ave, and E. 1st 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 **Meahgan Turner with Kimley-Horn & Associates**, on behalf of **100 Saint Paul LLC, David Cross** 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 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 storm drainage and sanitary sewer 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 2010-0262-002 HERE



CT\2010s\2010\2010-0262\PWPRS\VACATION\2010-0262-03 Vacation-access
.t For Ordinance .doc

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. **6** 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 1/20/2011, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 1/20/2011.
10. Protests, sustained by the Manager of Public Works have been filled, and were determined had no technical merit.
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: **VLH**



cc: Asset Management, Steve Wirth
City Councilperson Robb
City Council Aides,
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Melinda Olivarez
Public Works, Manager's Office, Daelene Mix
Public Works, Manager's Office, Christine Downs
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy,
Public Works ROWE, Lindsey Strudwick
Project File #2010-0262-03

Property Owner:
100 Saint Paul LLC
David Cross
270 Saint Paul St
Denver, Co 80206

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by NOON on Tuesday.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: April 8, 2011

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 - 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 a portion of the North/South Alley, and the East/West alley, both bounded by N. Saint Paul Street, N. Steele St, and E. 2nd Ave, and E. 1st St. With reservations.

3. **Requesting Agency:** PW Right of Way Engineering Services

4. **Contact Person:** (with actual knowledge of proposed ordinance)

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** vanessa.herman@denvergov.org

5. **Contact Person:** (with actual knowledge of proposed ordinance who will present the item at Mayor-Council and who will be available for first and second reading, if necessary)

- **Name:** Debra Baca
- **Phone:** 720-865-8712
- **Email:** debra.baca@denvergov.org

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

vacate a portion of the North/South Alley, and the East/West alley, both bounded by N. Saint Paul Street, N. Steele St, and E. 2nd Ave, and E. 1st St. With reservations.

Please include the following:

- a. **Duration:** permanent
- b. **Location:** E. 1st Ave and N. Saint Paul St.
- c. **Affected Council District:** Dist #10 Robb
- d. **Benefits:** N/A
- e. **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: _____

Ordinance Request Number: _____

Date: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2010-0262-03, 100 Saint Paul St.

Description of Proposed Project: Vacate a portion of the North/South Alley, and the East/West alley, both bounded by N. Saint Paul Street, N. Steele St, and E. 2nd Ave, and E. 1st St. With reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: They are looking at a redevelopment.

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: There will be an Access and Utility easement provided in a new area over their property

Will an easement be placed over a vacated area, and if so explain: Yes, our typical hard surface easement.

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

Additional information: The City is in the process of getting deeds to the Access and Utility easement that will be recorded with the Clerk and Recorders, after the vacation Ordinance has passed. This easement will provide access to all of the public, as well as utility companies that will need access to it as well.

EXHIBIT 'A'
DESCRIPTION FOR PUBLIC ALLEY VACATION

ALL OF THE PUBLIC ALLEY AS DESCRIBED BY ORDINANCE NO. 178, SERIES OF 1959, SITUATED IN A PORTION OF BLOCK C, COLODEN MOOR SUBDIVISION, TOGETHER WITH A PORTION OF THE 15.00 FOOT WIDE PUBLIC ALLEY IN BLOCK 72, HARMAN'S SUBDIVISION, IN A PORTION OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS - ASSUMED ALONG THE NORTH LINE OF THE EAST ½ OF BLOCK 72, HARMAN'S SUBDIVISION BETWEEN THE NORTHWEST AND NORTHEAST CORNERS, BOTH BEING A CROSS AND DISK LS 25375. S89°56'26"E 125.04'

BEGINNING AT THE NORTHEAST CORNER OF BLOCK C OF SAID COLODEN MOOR, SAID POINT BEING THE NORTHEAST CORNER OF SAID ORDINANCE NO. 178, SERIES OF 1959 AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°01'33" WEST ALONG THE EAST LINE OF SAID BLOCK C, COLODEN MOOR AND THE WEST RIGHT-OF-WAY LINE OF STEELE STREET A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF SAID ORDINANCE NO. 178, SERIES OF 1959; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTH LINE OF SAID ORDINANCE NO. 178, SERIES OF 1959:

1. THENCE NORTH 89°56'23" WEST A DISTANCE OF 60.00 FEET;
2. THENCE SOUTH 65°03'02" WEST A DISTANCE OF 33.11 FEET;
3. THENCE NORTH 89°56'23" WEST A DISTANCE OF 25.00 FEET;
4. THENCE NORTH 45°01'32" WEST A DISTANCE OF 35.41 FEET;

THENCE NORTH 00°01'53" EAST ALONG THE WEST LINE OF SAID ORDINANCE NO. 178, SERIES OF 1959 AND THE WEST LINE OF SAID 15.00 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 224.96 FEET TO THE NORTHEAST CORNER OF THE SOUTH 66 2/3 FEET OF PLOT 2, BLOCK 72 OF SAID HARMAN'S SUBDIVISION; THENCE SOUTH 89°57'44" EAST A DISTANCE OF 7.50 FEET; THENCE SOUTH 00°01'53" WEST A DISTANCE OF 16.64 FEET; THENCE SOUTH 89°57'48" EAST A DISTANCE OF 7.50 FEET TO A POINT ON THE EAST LINE OF SAID 15.00 FOOT WIDE PUBLIC ALLEY; THENCE SOUTH 00°01'53" WEST ALONG THE EAST LINE OF SAID 15.00 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 203.33 FEET TO THE SOUTHWEST CORNER OF PLOT B ½, BLOCK 72 OF SAID HARMAN'S SUBDIVISION, SAID POINT BEING ON THE NORTH LINE OF SAID ORDINANCE NO. 178, SERIES OF 1959; THENCE SOUTH 89°56'23" EAST ALONG THE SOUTH LINE OF BLOCK 72 OF SAID HARMAN'S SUBDIVISION AND ALONG THE NORTH LINE OF SAID ORDINANCE NO. 178, SERIES OF 1959 A DISTANCE OF 125.08 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 6,014 SQUARE FEET OR 0.1381 ACRES.

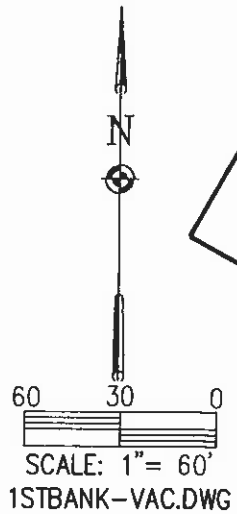
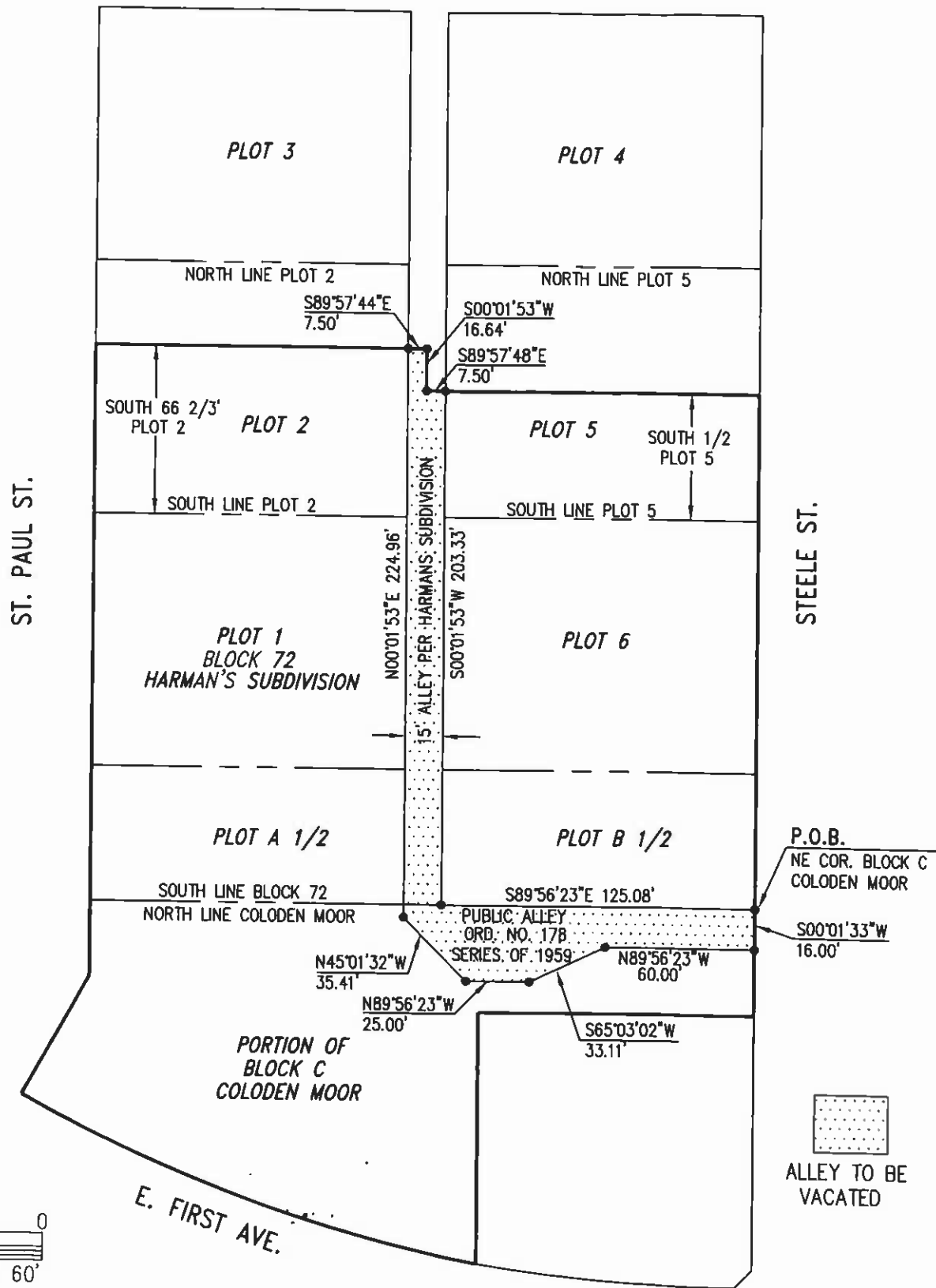


AUTHORED BY:
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303-422-1918

2010 - 0262 - 002

EXHIBIT FOR PUBLIC ALLEY VACATION
IN A PORTION OF SEC. 12, T4S, R68W, 6TH P.M.

E. SECOND AVE.



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

2010-0262-002