



**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:** Esther Vargas, City Attorney's Office

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

**ROW NO.:** 2011-0126-02

**DATE:** October 19, 2011

**SUBJECT:** Request for an Ordinance to vacate a portion of W. Mulberry Place at the intersection of Wyandot 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 **Kevin Hilton**, on behalf of **Mile High Ministries Inc** 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 Montero; 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 2011-0126-001 HERE**



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

1. The width of this area is 100.05 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is not being used.
4. 1 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 September 15, 2011, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on September 15, 2011.
10. Protests, sustained by the Manager of Public Works have not 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: VLH 

cc: Asset Management, Steve Wirth  
City Councilperson & Aides Montero  
City Council Staff, Gretchen Williams  
CPM, Mike Anderson,  
Department of Law, Arlene Dykstra  
Department of Law, Karen Aviles  
Department of Law, Esther Vargas  
Public Works, Manager's Office, Alba Castro  
Public Works, Manager's Office, Christine Downs  
Public Works, Manager's Office, Stacie Loucks  
Public Works Solid Waste, Mike Lutz  
Public Works Survey, Paul Rogalla  
Public Works Street Maint. William Kennedy,  
Project File #2011-0126-02

Property Owner:  
Mile High Ministries Inc  
c/o Kevin Hilton  
2330 W Mulberry Pl  
Denver Co 80216



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2011-0126-02 Joshua Station Expansion 2330 W. Mullberry Pl**

**Description of Proposed Project: Request for an Ordinance to vacate a portion of W. Mulberry Place at the intersection of Wyandot St, with Reservations**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: They are doing area improvements to the sidewalk, and want to have parking and to expand their building**

**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: Yes**

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

**Additional information: The owner would like to do site improvements. They will also be putting in a sidewalk, and parking as well as an expansion of their building.**

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Daelene Mix at [daelene.mix@denvergov.org](mailto:daelene.mix@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: October 19, 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 – 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 a portion of W. Mulberry Place at the intersection of Wyandot St, with Reservations

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

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

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** [vanessa.herman@denvergov.org](mailto:vanessa.herman@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:** Stacie Loucks
- **Phone:** 720-865-8720
- **Email:** [Stacie.loucks@denvergov.org](mailto:Stacie.loucks@denvergov.org)

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

To vacate only a portion of W. Mulberry Place that is not being used

**\*\*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:** W. Mulberry Pl and Wyandot St
- d. **Affected Council District:** Dist #9 Montero
- 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: \_\_\_\_\_

# Vacation for W. Mulberry Pl.

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4,  
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 3

A PARCEL OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONSIDERING THE WEST LINE OF BLOCK 10, FIRST ADDITION TO JEROME PARK TO BEAR SOUTH 00°44'17" EAST, A DISTANCE OF 200.06 FEET BETWEEN TWO FOUND #4 REBARS, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING COMMENCING AT THE NORTHWEST CORNER OF LOT 4, SAID BLOCK 10, THENCE SOUTH 86°39'51" EAST, A DISTANCE OF 125.31 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 10, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE NORTH 00°31'02" WEST, A DISTANCE OF 30.44 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT PARCEL DESCRIBED IN ORDINANCE 135, SERIES 1958; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY LINE NORTH 89°41'22" EAST, A DISTANCE OF 22.48 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID SOUTHERLY LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 114.33 FEET, AN ARC LENGTH OF 85.40 FEET, AN INCLUDED ANGLE OF 42°47'45" BEING SUBTENDED BY A CHORD BEARING SOUTH 68°54'46" EAST, A DISTANCE OF 83.43 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF WYANDOT STREET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN ORDINANCE 498, SERIES 1966; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°41'22" WEST, A DISTANCE OF 100.05 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 10, SAID POINT ALSO BEING THE POINT OF BEGINNING

SAID PARCEL CONTAINING 2,306 SQ.FT. OR 0.05 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 11-58,070

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

## Flatirons, Inc.

Surveying, Engineering & Geomatics

3825 IRIS AVE, STE 395  
BOULDER, CO 80301  
PH: (303) 443-7001  
FAX: (303) 443-9830



655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355

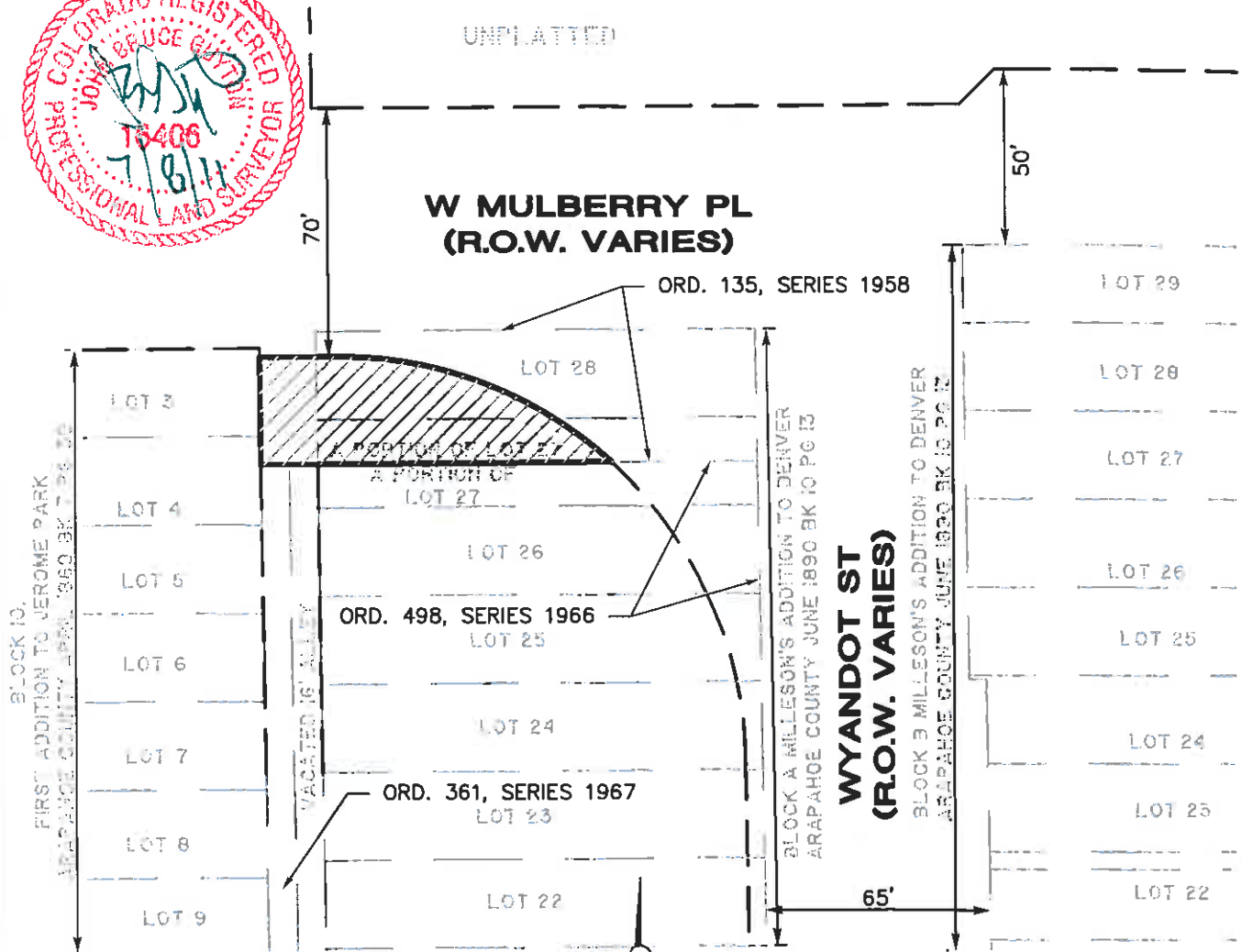
[www.FlatironsInc.com](http://www.FlatironsInc.com)

# EXHIBIT "A"

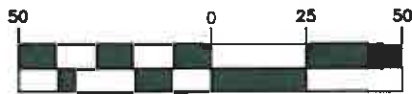
ROW PROJECT NO. 2011-0126  
DES PARCEL NO. 2011-0126-001

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4,  
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CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 3



## GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

FSI JOB NO. 11-58,070  
DRAWN BY: B. OELKE  
DATE: APRIL 19, 2011  
REV. JULY 8, 2011

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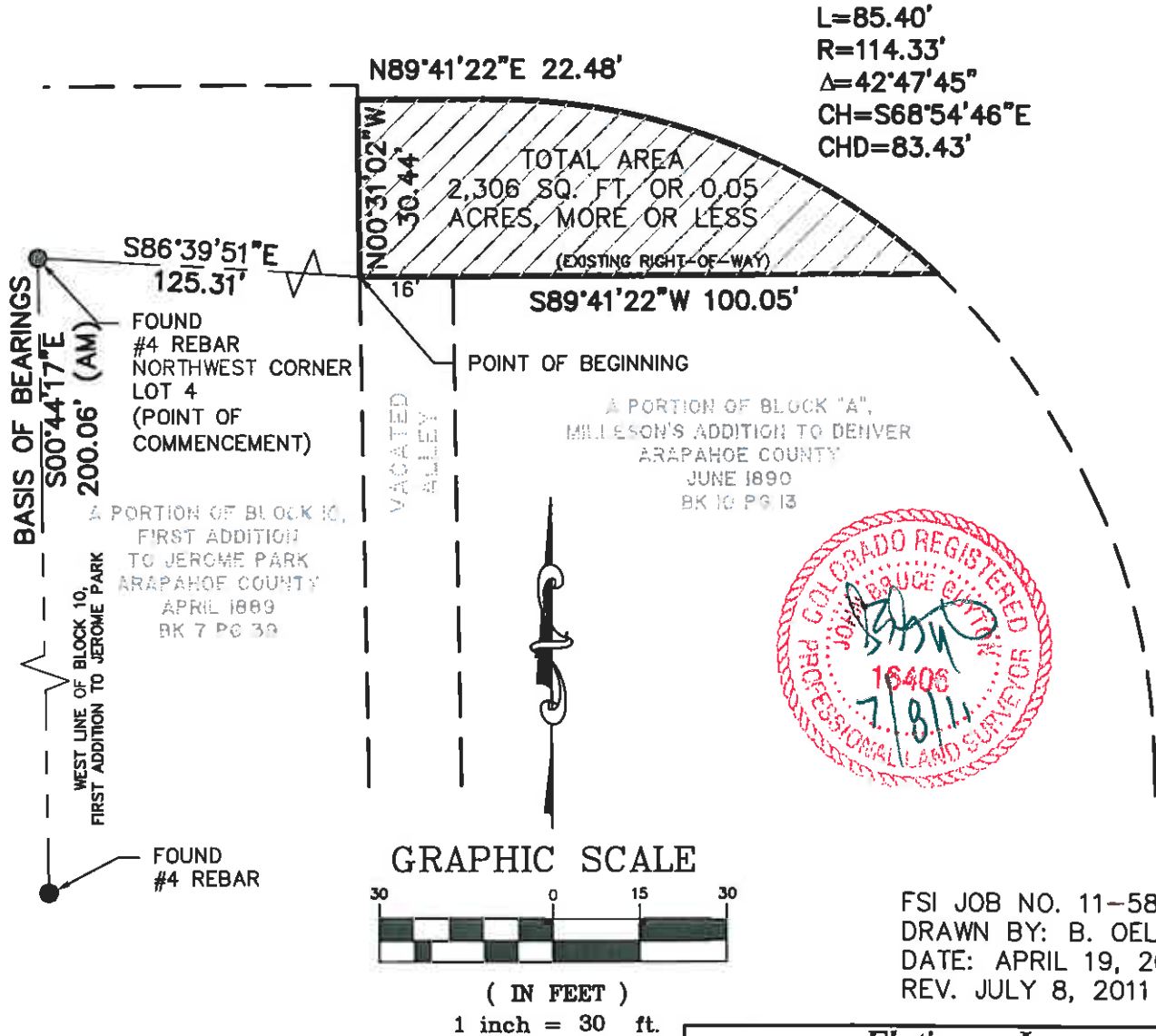
www.FlatironsInc.com

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DES PARCEL NO. 2011-0126-001

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SHEET 3 OF 3



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