



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

Please note unique easement reservation language underlined

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner
Interim Director, Public Works Right of Way Services

ROW #: 2017-VACA-0000002

DATE: April 4, 2018

SUBJECT: Request for an Ordinance to vacate the alley bounded by Cedar Ave, S. Birch St, and Leetsdale Dr., with a partial *special* 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 Foster Graham Milstein & Calisher LLP, dated 1/30/2017, on behalf of David and Sue White 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 over a partial portion of vacated area:

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. Except for such improvements existing as of the date of this easement, including, existing landscaping (pavers, rock/mulch, shrubs/bushes and small brush tree), a small rock wall, an Xcel transformer and transformer pad on top of rock wall, 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-0000002-001 HERE

With a partial easement (as described above) only over the following described easement area:

INSERT PARTIAL EASEMENT DESCRIPTION ROW 2017-VACA-0000002-002 HERE

MB: vw

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Shaun Sullivan
Department of Law – Brent Eisen
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 the Angela Casias

at angela.casias@DenverGov.org by **12:00pm on Monday**. Contact the her with questions

Date of Request: April 4, 2018 _____

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
 Dedication/Vacation Appropriation/Supplemental DRMC Change
 Other:

2. **Title:** (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Request for an Ordinance to vacate the alley bounded by Cedar Ave, S. Birch St, and Leetsdale Dr., with a partial *special* reservation.

3. **Requesting Agency:** Public Works Engineering, Regulatory & Analytics

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Vanessa West	Name: Angela Casias
Email: Vanessa.west@denvergov.org	Email:angela.casias@denvergov.org

5. **General description or background of proposed request. Attach executive summary if more space needed:**

To request an Ordinance to vacate the alley bounded by Cedar Ave, S. Birch St, and Leetsdale Dr., with a partial *special* reservation. The special Reservations have been approved through the CAO's office, to accommodate for items already in the vacated area

6. **City Attorney assigned to this request (if applicable):**

Brad Beck

7. **City Council District:**

Dist 5 - Susman

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

N/A

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2017-VACA-0000002 Vacation of alley bounded by Leetsdale, Birch and Cedar

Owner name: David and Sue White

Description of Proposed Project: To request an Ordinance to vacate the alley bounded by Cedar Ave, S. Birch St, and Leetsdale Dr., with a partial *special* reservation. The special Reservations have been approved through the CAO's office, to accommodate for items already in the vacated area

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: It is not being utilized by the city currently, and has been taken over by the neighbors for years for upkeep.

Width of area in feet: Various widths, currently 7325 sq feet total.

Number of buildings abut said area: 6 houses

The 20-day period for protests has expired, the vacating notice was posted on: April 6, 2017

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: April 6, 2017

Protests sustained by the manager of Public Works: Have been filled, and found to lack technical merit

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: N/A

Public Notification: There were several objections that were sent to the Executive Director of Public Works. All objections were deemed to lack technical merit by Ted Christianson, previous Director of PW ROW.

Location Map:



EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH,
RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2

THE ALLEYWAY WITHIN BLOCK 1, BURNS PARK ADDITION, RECORDED AT BOOK 18, PAGE 94, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTHERLY LINE OF BLOCK 1, BURNS PARK ADDITION TO BEAR N89°30'36"E, A DISTANCE OF 341.00 FEET BETWEEN A FOUND #3 REBAR, NO CAP, AT THE NORTHWESTERLY CORNER OF LOT 3, SAID BLOCK 1, AND A FOUND #4 REBAR, NO CAP, AT THE NORTHEASTERLY CORNER OF LOT 7, SAID BLOCK 1, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID NORTHEASTERLY CORNER OF BLOCK 1, BURNS PARK ADDITION; THENCE ALONG SAID NORTHERLY LINE OF BLOCK 1 S89°30'36"W, A DISTANCE OF 225.00 FEET TO THE NORTHWESTERLY CORNER OF LOT 5, SAID BLOCK 1, BEING THE POINT OF BEGINNING;

THENCE ALONG THE WESTERLY LINE OF LOTS 5 AND 10 THE FOLLOWING TWO (2) COURSES: , S00°24'24"E, A DISTANCE OF 125.00 FEET; THENCE S34°07'19"E, A DISTANCE OF 90.08 FEET TO THE SOUTHWESTERLY CORNER OF LOT 10, SAID BLOCK 1; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 10, N89°30'36"E, A DISTANCE OF 50.00 FEET; THENCE ALONG THE WESTERLY LINE OF LOTS 11 AND 12, SAID BLOCK 1, S00°24'24"E, A DISTANCE OF 75.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 16, SAID BLOCK 1; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 16, S89°30'36"W, A DISTANCE OF 30.00 FEET; THENCE ALONG THE EASTERLY LINE OF LOTS 17, 18 AND 19, SAID BLOCK 1, N30°15'16"W, A DISTANCE OF 172.80 FEET TO SOUTHEASTERLY CORNER OF LOT 4, SAID BLOCK 1; THENCE ALONG THE EASTERLY LINE OF SAID LOT 4, N00°24'24"W, A DISTANCE OF 125.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 4; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 4 EXTENDED, N89°30'36"E, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING. CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 7,325 SQUARE FEET OR 0.17 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. 16-68,756

JOB NUMBER: 16-68,756
DRAWN BY: M. LUND
DATE: JANUARY 27, 2017

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.

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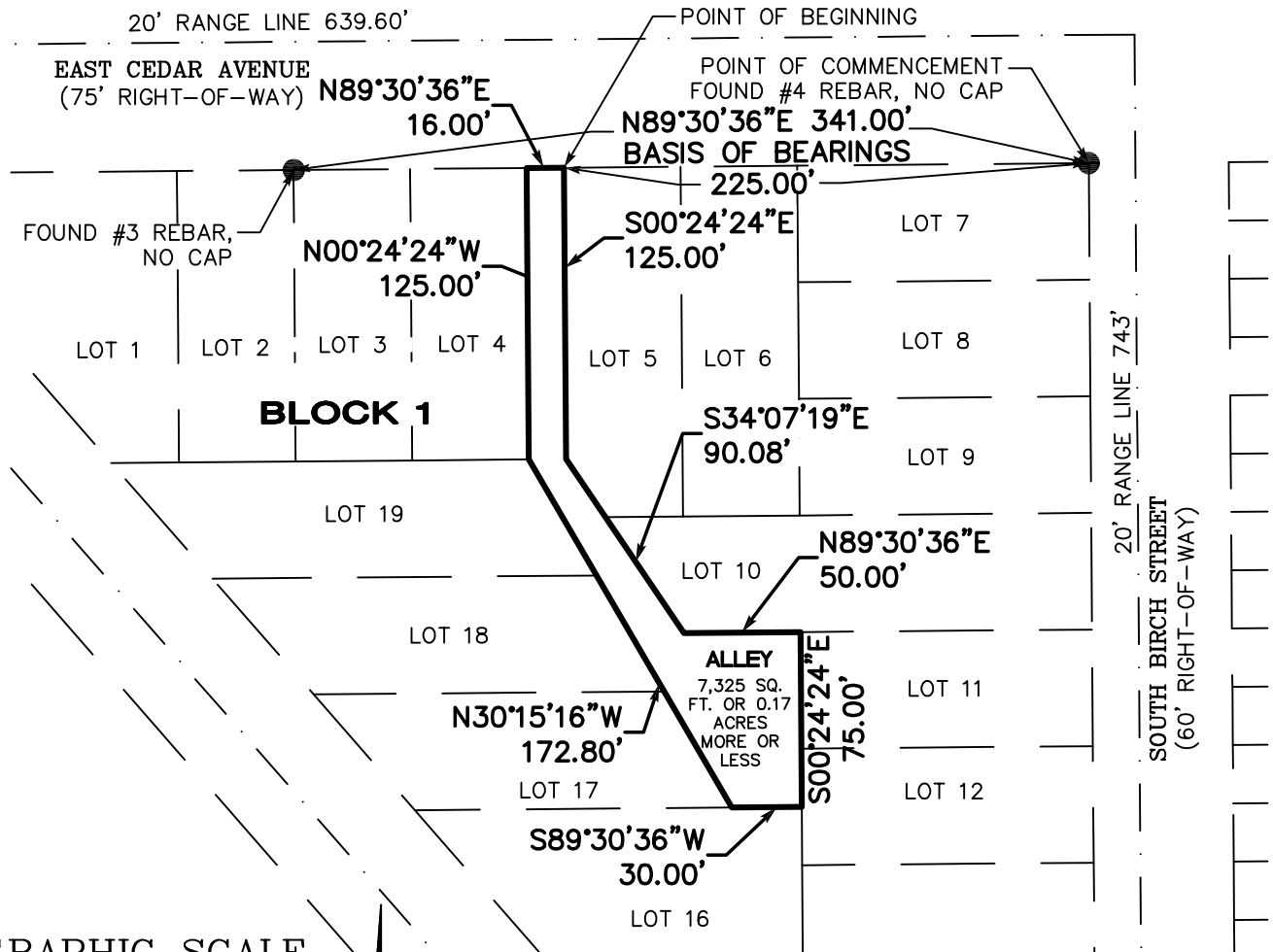


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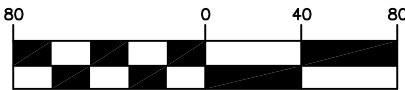
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 CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2



GRAPHIC SCALE



(IN FEET)
 1 inch = 80 ft.



JOB NUMBER: 16-68,756
 DRAWN BY: M. LUND
 DATE: JANUARY 27, 2017

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SHEET 1 OF 2

A PORTION OF THE ALLEYWAY WITHIN BLOCK 1, BURNS PARK ADDITION, RECORDED AT BOOK 18, PAGE 94, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTHERLY LINE OF BLOCK 1, BURNS PARK ADDITION, RECORDED AT BOOK 18, PAGE 94, TO BEAR N89°30'36"E, A DISTANCE OF 341.00 FEET BETWEEN A FOUND #3 REBAR, NO CAP, AT THE NORTHWESTERLY CORNER OF LOT 3, SAID BLOCK 1, AND A FOUND #4 REBAR, NO CAP, AT THE NORTHEASTERLY CORNER OF LOT 7, SAID BLOCK 1, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID NORTHEASTERLY CORNER OF LOT 7; THENCE ALONG SAID NORTHERLY LINE OF BLOCK 1, SOUTH 89°30'36" WEST, A DISTANCE OF 233.00 FEET, TO THE CENTERLINE OF SAID ALLEYWAY AND THE POINT OF BEGINNING;

THENCE PARALLEL TO, AND 4 FEET EASTERLY FROM, AN EXISTING ELECTRICAL LINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 00°24'24" EAST, A DISTANCE OF 121.89 FEET;
- 2) SOUTH 42°59'29" EAST, A DISTANCE OF 32.03 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF LOT 5, SAID BLOCK 1;

THENCE ALONG SAID SOUTHWESTERLY LINE AND THE SOUTHWESTERLY LINE OF LOT 10, SAID BLOCK 1, SOUTH 34°07'19" EAST, A DISTANCE OF 17.37 FEET; THENCE SOUTH 47°00'31" WEST, A DISTANCE OF 7.57 FEET; THENCE NORTH 42°59'29" WEST, A DISTANCE OF 12.50 FEET; THENCE NORTH 47°00'31" EAST, A DISTANCE OF 2.25 FEET TO A POINT 4 FEET SOUTHWESTERLY OF SAID ELECTRICAL LINE; THENCE PARALLEL TO, AND 4 FEET WESTERLY FROM, SAID ELECTRICAL LINE THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 42°59'29" WEST, A DISTANCE OF 39.80 FEET TO THE SOUTHEASTERLY CORNER OF LOT 4, SAID BLOCK 1;
- 2) NORTH 00°24'24" WEST, ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 125.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 4; THENCE NORTH 89°30'36" EAST, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,399 SQUARE FEET OR 0.03 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. 17-70,396

JOB NUMBER: 17-70,396
DRAWN BY: M. LUND
DATE: FEBRUARY 28, 2018



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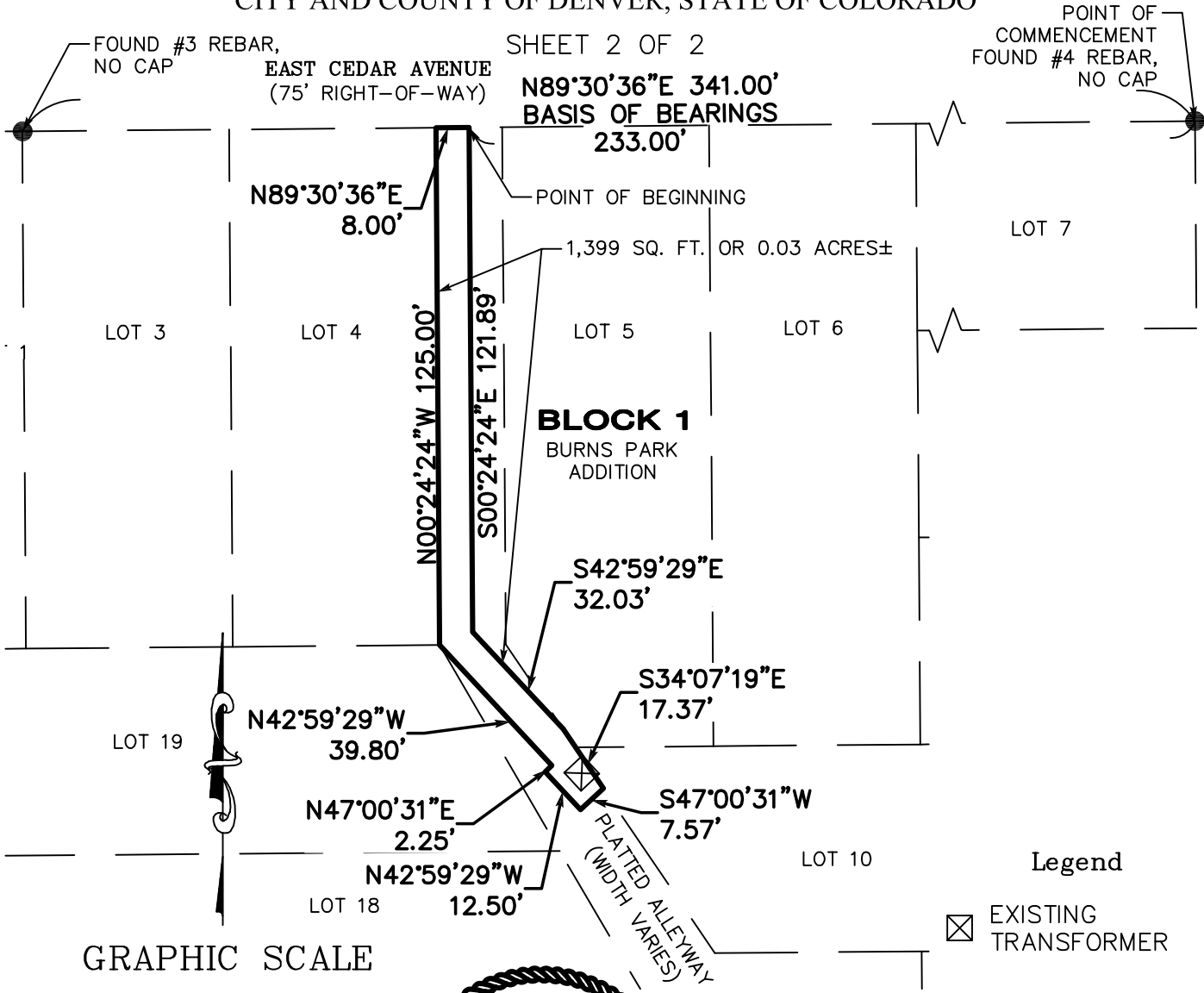


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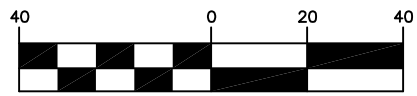
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CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



JOB NUMBER: 17-70,396
DRAWN BY: M. LUND
DATE: FEBRUARY 28, 2018

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BY:MLUND FILE:70396 DSC - CEDAR AVE ALLEY.DWG DATE:2/28/2018 12:22 PM