

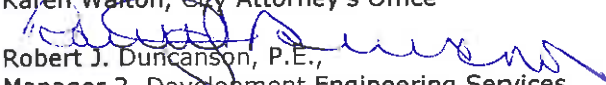


DENVER
THE MILE HIGH CITY

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: Karen Walton, City Attorney's Office

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

ROW NO.: 2010-0510-06

DATE: January 17, 2012

SUBJECT: Request for an Ordinance to vacate **the alley bounded by W. Colfax Ave, and W. 14th Ave, and Quitman St, and Perry 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 **Weylan Bryant with Atwood Associates**, on behalf of **McDonald's USA 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 Susan Shepherd; 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 2010-0510-06-001 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. **1** building abuts 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 December 20, 2011, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on December 20, 2011.
10. Protests, sustained by the Manager of Public Works, have been filled, and deemed without 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 & Aides Dist # 1 Susan Shepherd
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Karen Walton
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 #2010-0510-06

Property Owner:
McDonald's USA LLC
c/o Lisa Perman
4643 S Ulster St Suite 1300
Denver, Co 80237

Agent:
Atwood Associates
c/o Weylan Bryant
9674 Adelaide Circle
Highlands Ranch, Co 80130

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at 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: January 17, 2012

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 bounded by W. Colfax Ave, and W. 14th Ave, and Quitman St, and Perry 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

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

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

To vacate a portion of the alley bounded by W. Colfax Ave, and W. 14th Ave, and Quitman St, and Perry St, with reservations of a hard surface easement.

****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:** 4020 W Colfax Ave
- d. **Affected Council District:** Dist # 1 Susan Shepherd
- 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.**

There were 3 protest submitted, by Rob Duncanson deemed them to lack technical merit.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2010-0510-06, Vacation, McDonald's 4020 W Colfax Ave

Description of Proposed Project: Request for an Ordinance to vacate the alley bounded by W. Colfax Ave, and W. 14th Ave, and Quitman St, and Perry St, with reservations

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: They are redeveloping the McDonalds, and need this alley for the 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: N/A

Will an easement be placed over a vacated area, and if so explain: Yes

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

Additional information: This is only a partial alley vacation. McDonalds is providing the City an access easement from the current alley out on to Quitman St. This provides the appropriate "L" out alley, and stops the dead end alley. Protests were received, but were deemed to lack technical merit from Rob Duncanson.

EXHIBIT
15' ALLEY

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE SE ¼ OF SECTION 34, T.3S., R.68W., OF THE 6TH P.M., BEING A PART OF A 15' ALLEY LOCATED IN BLOCK 1, WEST COLFAX SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, SAID BLOCK 1, WEST COLFAX SUBDIVISION; THENCE S00°12'31"E ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 6.00 FEET TO A POINT LYING ON THE SOUTHERLY R.O.W. LINE OF WEST COLFAX AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE N89°59'47"E ALONG SAID SOUTHERLY R.O.W. LINE A DISTANCE OF 15.00 FEET TO A POINT ON THE WEST LINE OF LOT 48, SAID BLOCK 1; THENCE S00°12'31"E ALONG THE WEST LINE OF LOTS 44 THROUGH 48, SAID BLOCK 1 A DISTANCE OF 99.98 FEET; THENCE S89°48'16"W A DISTANCE OF 15.00 FEET TO THE EAST LINE OF LOT 5, SAID BLOCK 1; THENCE N00°12'31"W ALONG THE EAST LINE OF LOTS 1 THROUGH 5, SAID BLOCK 1 A DISTANCE OF 100.03 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (1,500 SQUARE FEET) 0.0344 ACRES.

DATE PREPARED: October 4, 2011
DATE OF LAST REVISION: December 5, 2011
PREPARED BY: CHARLES N. BECKSTROM, PLS NO. 33202
FOR AND ON BEHALF OF
ENGINEERING SERVICE COMPANY
1300 SOUTH POTOMAC STREET, SUITE 126
AURORA, COLORADO 80012
PHONE: (303) 337-1393

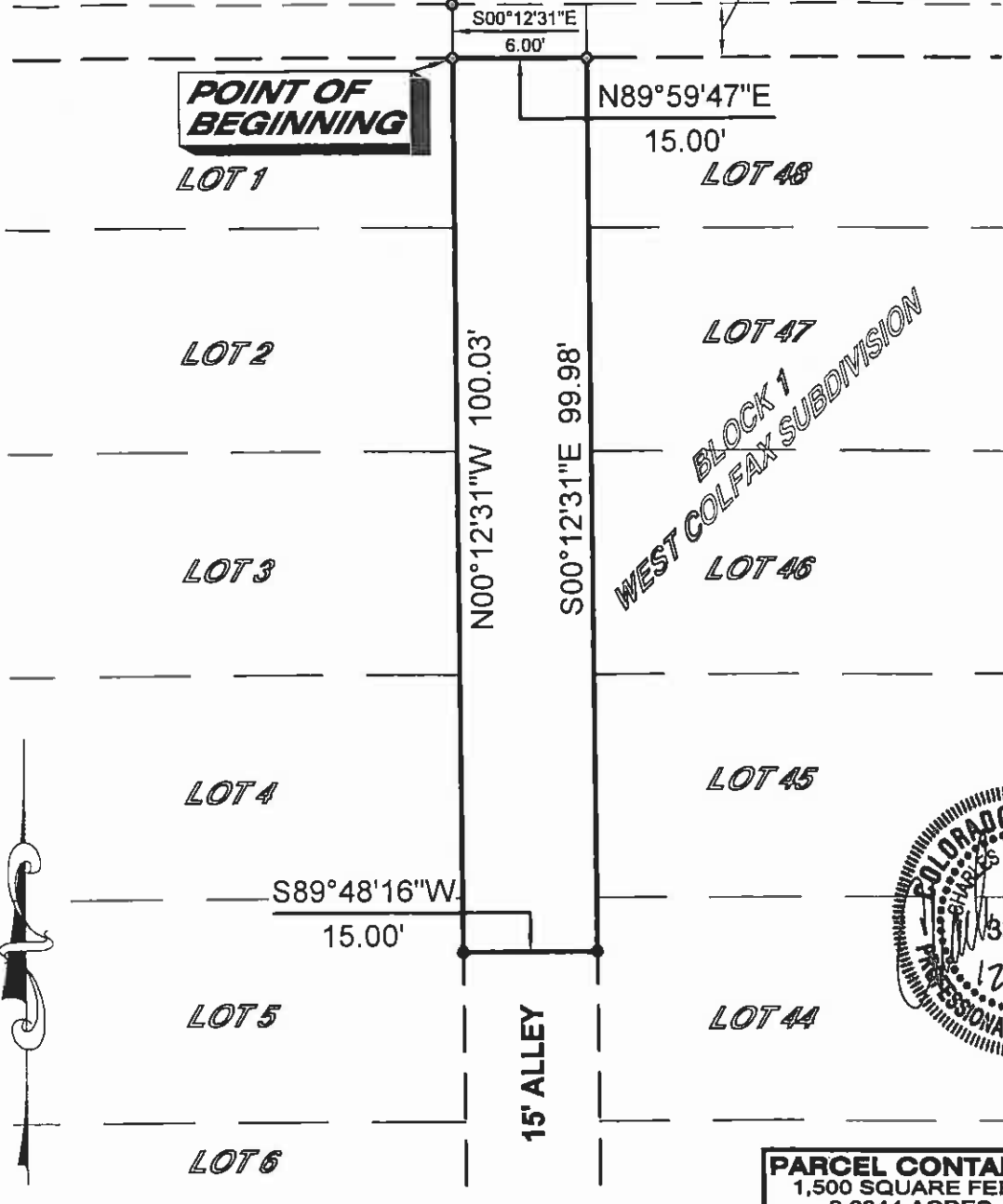


EXHIBIT

POINT OF COMMENCEMENT
NE CORNER OF LOT 1, BLOCK 1,
WEST COLFAX SUBDIVISION

WEST COLFAX AVENUE
(80' PUBLIC R.O.W.)

6' DEDICATED AS
PUBLIC RIGHT-OF-WAY



POINT OF BEGINNING

LOT 1

LOT 48

LOT 2

LOT 47

LOT 3

LOT 46

LOT 4

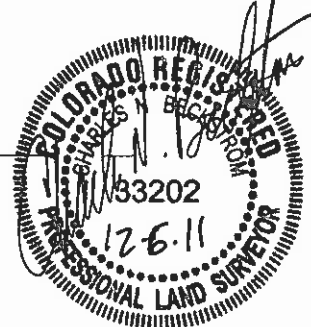
LOT 45

LOT 5

LOT 44

LOT 6

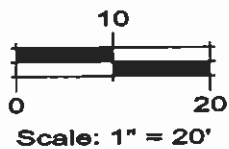
BLOCK 1
WEST COLFAX SUBDIVISION



PARCEL CONTAINS
1,500 SQUARE FEET
0.0344 ACRES

PREPARED BY:

ENGINEERING SERVICE COMPANY
1300 SOUTH POTOMAC STREET, SUITE 128
AURORA, COLORADO 80012



CITY & COUNTY OF DENVER

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

DRAWN BY: SAM	SCALE: 1"=20'	R.O.W. FILE#
CHECKED BY: CNB	DATE: 12/05/11	

15' ALLEY VACATION

A PART OF A 15' ALLEY, BLOCK 1, WEST COLFAX SUBDIVISION, SITUATED IN THE SE 1/4 OF SECTION 34, T.3S., R.68W., AND THE NE 1/4 OF SECTION 6, T.4S., R.68W., OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO