



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.: 2011-0100-17
DATE: July 13, 2012
SUBJECT: Request for an Ordinance to vacate an alley bounded by W. 44th Ave., W. 43rd Ave., Jason St. and Inca 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 Matt Olley, on behalf of Regional Transportation District 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 Judy 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, but not limited to, storm drainage and 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 2011-0100-17-001 HERE



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

1. The width of this area is 16 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. No replacement area will be required.
8. The vacating notice was posted on June 20, 2012, and the 20-day period for protests has expired.
9. Adjoining Neighbor, Registered Neighborhood Organization and City Council notification was sent on June 20, 2012.
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: LRA

cc: Asset Management, Steve Wirth
City Councilperson & Aides Judy Montero
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Christine Downs
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 #2011-0100-17

Property Owner:
Regional Transportation District
C/O Greg Straight
1670 Broadway St. # 2700
Denver, CO 80202

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix 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: July 13, 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 alley bounded by W. 44th Ave., W. 43rd Ave., Jason St. and Inca St., with reservations.

3. **Requesting Agency:** Public Works, Right-of-Way Engineering Services

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3153
- **Email:** lisa.ayala@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:** 720-865-3911
- **Email:** nancy.kuhn@denvergov.org

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

Vacate Alley bounded by W. 44th Ave., W. 43rd Ave., Jason St., and Inca 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:** No
- b. **Duration:** Permanent
- c. **Location:** Alley bounded by W. 44th Ave., W. 43rd Ave., Jason St., and Inca St.
- d. **Affected Council District:** # 9, Judy 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: _____



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EXECUTIVE SUMMARY

Project Title: 2011-0100-17 Fastrack project requesting an alley vacation.

Description of Proposed Project: Vacating the alley bounded by W. 44th Ave., W. 43rd Ave., Jason St., and Inca St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The upsizing is required to serve the Traction Power substation which provides power to the RTD Commuter Rail Train.

Has a Temp MEP been issued, and if so, what work is underway: NO

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, there are existing utilities, overhead electric, overhead communications, and underground sanitary sewer, located within the alley.

Will an easement relinquishment be submitted at a later date: Yes, once the utilities have been relocated.

Additional information: RTD is requesting the alley vacation to accommodate the upsizing of the existing Public Service Company Argo Substation. The upsizing is required to serve the Traction Power substation which provides power to the RTD Commuter Rail Train. RTD understands an easement will be placed over the vacated alley, due to current utilities in that area. An easement relinquishment will be forthcoming once all utilities are relocated.

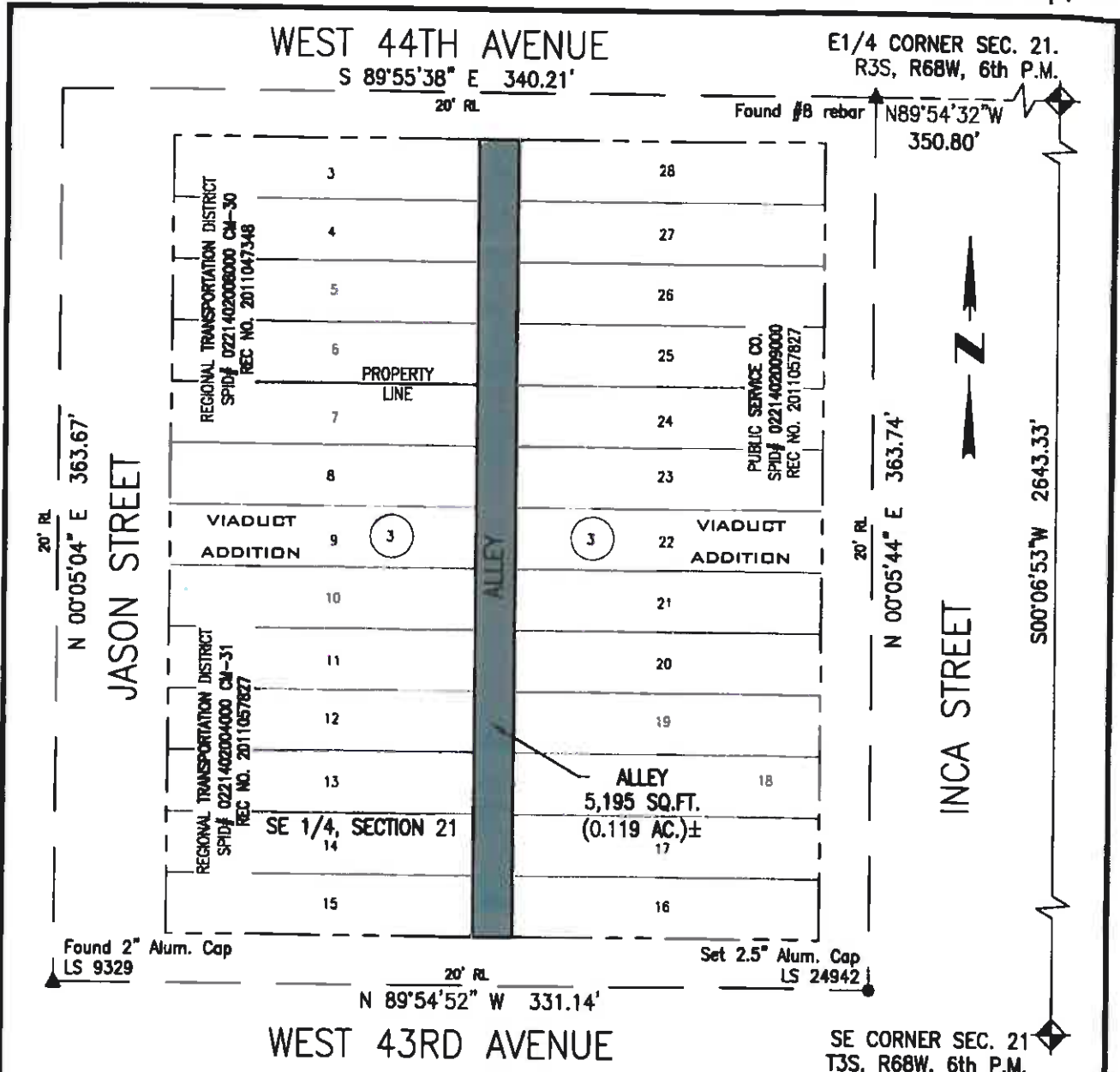
EXHIBIT "A"
Date: APRIL 5, 2012
DESCRIPTION FOR ALLEY VACATION
REVISION 1

That portion of the alley in Block 3, VIADUCT ADDITION lying between Lots 3 through 28, inclusive, as filed for record on October 8, 1887, located in the Southeast Quarter of Section 21, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado.

Containing 5,195 square feet, (0.119 Acres), more or less.


Prepared by
Kenneth W. Parsons
For and on behalf of Jacobs Engineering Group, Inc.
707 17th Street
Denver, CO 80202
303.820.5240





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



JACOBS PROJECT NO.			
CLIENT PROJECT NO.			
REVISION DESCRIPTION			
DRAWN	RRB/jek	DATE	1/4/2012
SCALE		1"=60'	
707 17th Street, Suite 2300, Denver CO 80202 <small>(303) 733-4240 Fax (303) 733-4230</small>			
<small>THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY JACOBS FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF JACOBS SHALL BE AT THE SOLE RISK OF THE USER.</small>			

EXHIBIT RTD FASTRACKS CRMF SITE CORRIDOR CITY AND COUNTY OF DENVER		
TITLE: ALLEY VACATION PARCEL SE1/4 SECTION 21, T3S, R68W, 6TH P.M.		
REVISION:	DRAWING NO. Alley-Vacation-REV1.DWG	SHEET NO. 2 of 2