



## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

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

**ROW #:** 2009-0424-02

**DATE:** May 8, 2015

**SUBJECT:** Request for an Ordinance to vacate a portion of W Wells Place 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 Greg Neitzke, on behalf of City and County of Denver – Parks and Recreation for granting of 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:

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 portion of the vacated area as described below ("Easement 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. 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 2009-0424-02-001 HERE**

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

1. The width of this area is approximately 60 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. No buildings abut 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 April 7, 2015, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on April 7, 2015.
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: aal

cc: City Councilperson & Aides  
City Council Staff – Shelley Smith  
Capital Projects Management – Mike Anderson  
Department of Law – Shaun Sullivan  
Department of Law – Karen Aviles  
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 Angela Casias  
at [Angela.Casias@DenverGov.org](mailto:Angela.Casias@DenverGov.org) by **12:00 pm on Monday.**

Date of Request: May 8, 2015

Please mark one:  Bill Request or  Resolution Request

Is this request:  A new contract\*  A contract amendment\* or  Neither

**\*If this request is a contract or an amendment, is it:**

A revenue agreement or  An expenditure agreement

**Contract Control Number:**

**Contract Terms/Dates:**

**Costs (if this is a contract amendment please include the original cost, additional cost and new total. *Failure to provide this information may delay processing*):**

**1. Bill Description for the City Council Agenda:** (please give a one sentence description of the ordinance request. Describe if the request is a contract, amendment, lease, grant, change to code, rezoning, etc. and any other information that Council needs to approve the request)

2009-0424-02: This is a request to vacate a remnant portion of right-of-way that was unintentionally omitted from the previous application (2009-0424-01). It is the portion of W Wells PI between Tennyson St and Utica St.

**2. Requesting Agency:** Public Works - Survey

**3. Contact Person:** (Subject Matter Expert on the request)

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** [Adrienne.Lorantos@denvergov.org](mailto:Adrienne.Lorantos@denvergov.org)

**4. Contact Person:** (Please list the person who will read this item at Mayor Council and attend first and second reading to answer questions)

- **Name:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** [Angela.Casias@denvergov.org](mailto:Angela.Casias@denvergov.org)

**5. Background on the request:**

This is part of Lakewood Gulch Park. Nothing will be changed on the ground – this is to correct City maps and records.

**6. Please complete the following fields:**

- A. Location:** Lakewood Gulch Park
- B. Affected Council District:** District #1
- C. Benefits:** N/A

**7. Is there any controversy surrounding this ordinance? Please explain.**

No.

*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



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## EXECUTIVE SUMMARY

**Project Title: 2009-0424-02 - Vacation at Lakewood Gulch Park**

**Description of Proposed Project: This is a request to vacate a remnant portion of right-of-way that was unintentionally omitted from the previous application (2009-0424-01). It is the portion of W Wells PI between Tennyson St and Utica St. This is part of Lakewood Gulch Park. Nothing will be changed on the ground – this is to correct City maps and records.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: It is already being used as Lakewood Gulch Park.**

**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, a standard hard surface easement is required.**

**Will an easement relinquishment be submitted at a later date: N/A**

**Additional information:None.**

2009-0424-02-001

## W. Wells Pl. Right-of-Way Vacation

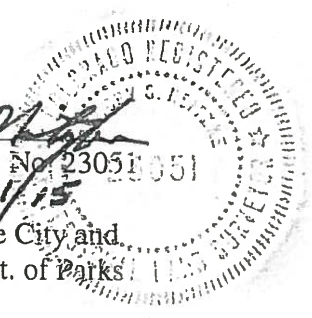
### Legal Description

A portion of W. Wells Pl. right-of-way lying in Knox Addition to Denver Subdivision and Pleasant Hill Subdivision located in the SE1/4 of the NW1/4 of Section 6, Township 4 South, Range 68 West of the 6<sup>TH</sup> Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

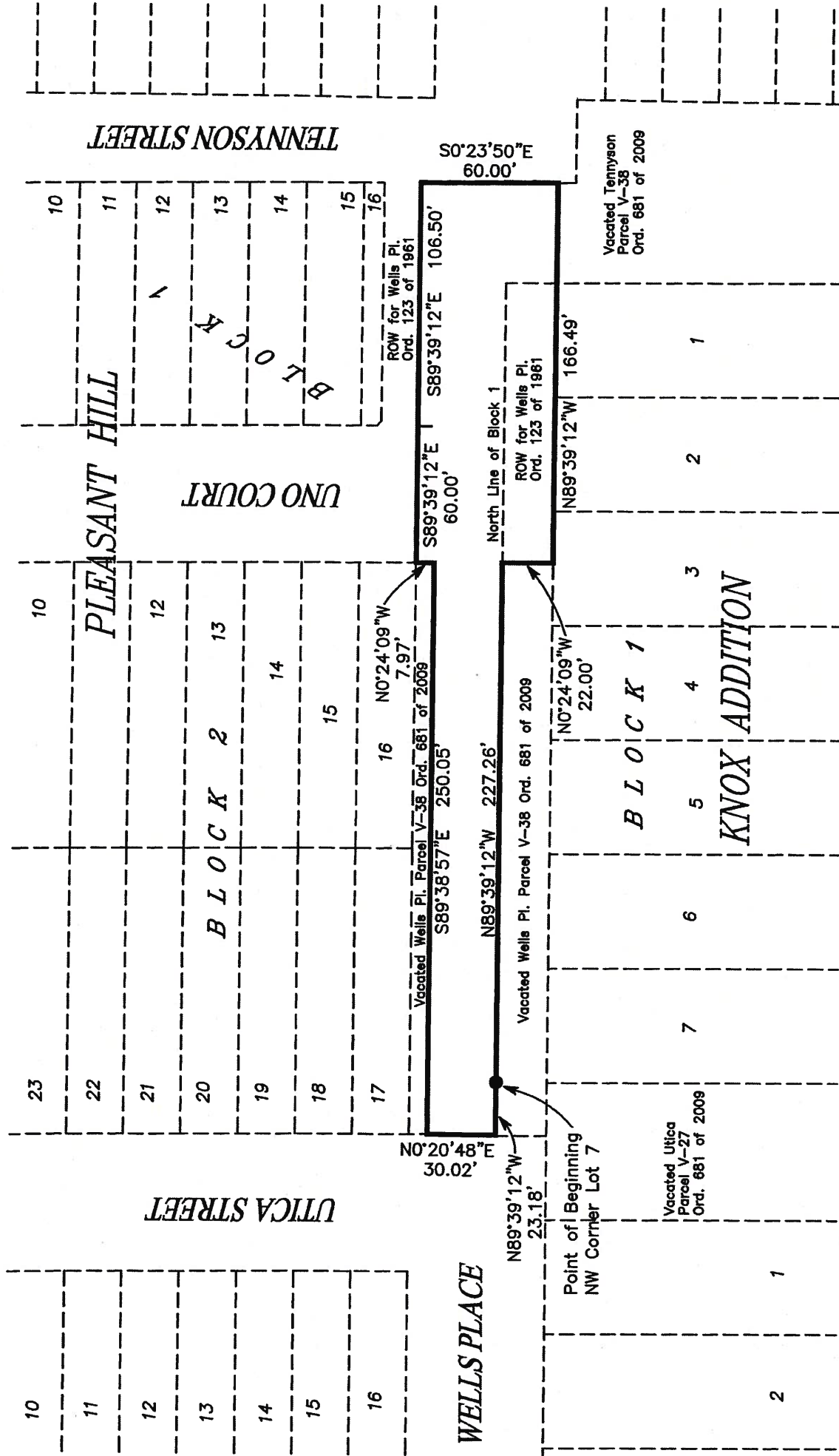
Beginning at the Northwest corner of Lot 7, Block 1, of said Knox Addition to Denver Subdivision; Thence N89°39'12"W, along a Westerly extension of the North line of said Block 1, a distance of 23.18 feet to a point of intersection with the Southerly extension of the West line of Block 2, of said Pleasant Hill Subdivision; Thence N0°20'48"E, along said Southerly extension, a distance of 30.02 feet to a point of intersection with the South line of said Pleasant Hill Subdivision; Thence S89°38'57"E, along said South line, a distance of 250.05 feet to a point of intersection with the Southerly extension of the East line of said Block 2; Thence N0°24'09"W, along said Southerly extension, a distance of 7.97 feet to the Southeast corner of said Block 2; Thence S89°39'12"E, a distance of 60.00 feet to the Southwest corner of Block 1, Pleasant Hill Subdivision; Thence S89°39'12"E, along the South line of said Block 1, a distance of 106.50 feet to the East line of said Block 1; Thence S0°23'50"E, along a Southerly extension of said East line of Block 1, a distance of 60.00 feet to a point of intersection with an Easterly extension of the South right-of-way line of W. Wells Pl. as described in Ordinance No. 123 of 1961; Thence N89°39'12"W, along said Easterly extension, a distance of 166.49 feet to the East line of Parcel V- 38 as described in Ordinance No. 681 of 2009; Thence N0°24'09"W, along said East line, a distance of 22.00 feet to a point on the North line of said Block 1, Knox addition to Denver Subdivision; Thence N89°39'12"W, along said North line, a distance of 227.26 feet to the Point of Beginning.

  
Gregory S. Netzke PLS No. 230510051

5/11/15  
For and on behalf of the City and  
County of Denver, Dept. of Parks  
and Recreation



# W. Wells Pl. Right-of-Way Vacation



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DRAWN BY: Gregory S. Neitzke PLS  
 DATE: April 6, 2015  
 PLOTTED: April 6, 2015





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Denver Parks and Recreation  
Planning Design and Construction

201 W. Colfax Ave. Dept. 613  
Denver, CO 80202  
[www.denvergov.org/parksandrecreation](http://www.denvergov.org/parksandrecreation)

To: Public Works Right-of-Way Engineering Services

From: Greg Neitzke, Denver Parks and Recreation  
201 W. Colfax Ave., Dept. 613  
Denver, CO 80202  
Ph: 720-913-0726, Email: [greg.neitzke@denvergov.org](mailto:greg.neitzke@denvergov.org)

Subject: Vacation of a portion of W. Wells Place between Tennyson and Utica

Date: April 6, 2015

On behalf of the Denver Parks and Recreation Department I am requesting the right-of-way vacation of a portion of W. Wells Pl. between Tennyson Street and Utica Street. This portion of W. Wells Pl. has never been constructed as a roadway and even more recently has been improved and constructed as part of Lakewood Gulch Park. Certain portions of W. Wells Pl. between Tennyson St. and Utica St. have already been vacated by Ordinance No. 681 of 2009; however there is a remaining portion of W. Wells Pl. right-of-way that is still in existence. A perpetual, non-exclusive easement will be reserved for existing utilities lying in this section of W. Wells Pl. so relocation will not be necessary.

In the Parks Departments effort to designate Lakewood Gulch Park it is our desire to include this section as part of the designated park. Since this section of W. Wells Pl. has not been developed as a roadway and is not necessary for use as a public road; and since it has been developed as part of Lakewood Gulch Park I am requesting the vacation of the aforementioned section of W. Wells Pl.