



**Department of Public Works**  
 Engineering Regulatory & Analytics  
 201 W. Colfax Avenue, Dept. 507  
 Denver, CO 80202  
 720-865-3001  
[www.denvergov.org/survey](http://www.denvergov.org/survey)

**REQUEST FOR VACATION ORDINANCE**

**TO:** Caroline Martin, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.  
 Manager 2, Public Works Right of Way Services  
**ROW #:** 2016-VACA-0000011  
**DATE:** December 9, 2016  
**SUBJECT:** Request for an Ordinance to vacate the alley bounded by 26<sup>th</sup> Street and 27<sup>th</sup> Street, and Walnut Street and Larimer Street, 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 Jim Godwin, dated September 8, 2016, on behalf of Downtown Property Services, Inc. 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:

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 2016-VACA-0000011-001 HERE**

RJD: cs

cc: City Councilperson & Aides

City Council Staff – Shelley Smith  
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 Angela Casias  
at [angela.casias@DenverGov.org](mailto:angela.casias@DenverGov.org) by 12:00 pm 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: December 9, 2016

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, contract amendment, municipal code change, supplemental request, etc.**)

Request for an Ordinance to vacate the alley bounded by 26th Street and 27th Street, and Walnut Street and Larimer Street, with reservations.

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

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

- **Name:** Chaunda Sinn
- **Phone:** 720-865-3036
- **Email:** chaunda.sinn@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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@denvergov.org

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

Request for an Ordinance to vacate the alley bounded by 26th Street and 27th Street, and Walnut Street and Larimer Street, with reservations.

**\*\*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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** Walnut Street and 27<sup>th</sup> Street
- d. **Affected Council District:** District 9, Councilman Brooks
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. **Is there any controversy surrounding this ordinance?** (Groups or individuals who may have concerns about it?)  
Please explain.

There were 2 letters of objection received, however, they were deemed to have no technical merit by the Manager of Public Works, Rob Duncanson.

To be completed by Mayor's Legislative Team:

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

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



## VACATION EXECUTIVE SUMMARY

**Project Title:** 2016-VACA-0000011 Walnut St and Larimer St Alley Vacation

**Owner name:** Downtown Property Services Inc.

**Description of Proposed Project:** To vacate the alley bounded by Walnut Street & Larimer Street and 26<sup>th</sup> Street and 27<sup>th</sup> Street.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** The customer would like to improve the existing condition of the alley and to make it a place for events and business.

**Width of area in feet:** 16 feet

**Number of buildings abut said area:** 9

**The 20-day period for protests has expired, the vacating notice was posted on:** November 7, 2016

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** November 7, 2016

**Protests sustained by the manager of Public Works:** Have been filed but were deemed to have no technical merit per Rob Duncanson, Manager of Public Works.

**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 hard surface easement will be placed over the vacated area.

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

**Background:** The customer would like to improve this alley and make it a gathering area. Issues that currently occur in the street are icing problems and is in disrepair.

**Public Notification:** There were two objections that were sent to the Executive Director of Public Works. Objections without technical merit cannot be addressed by Public Works.

Location Map:



EXHIBIT A  
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A 16 FOOT ALLEY LOCATED IN BLOCK 28 OF CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 32, BLOCK 28 OF SAID CASE AND EBERT'S ADDITION TO THE CITY OF DENVER WHENCE THE RANGE POINT IN THE INTERSECTION OF 27TH STREET AND LARIMER STREET BEARS S52°51'07"E;

THENCE S45°00'05"W ALONG THE SOUTHEASTERLY LINE OF SAID 16 FOOT ALLEY, A DISTANCE OF 400.48 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF 26TH STREET;

THENCE N44°59'55"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID 26TH STREET, A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 16; BLOCK 28 OF SAID CASE AND EBERT'S ADDITION TO THE CITY OF DENVER;

THENCE N45°00'05"E ALONG THE NORTHWESTERLY LINE OF SAID 16 FOOT ALLEY, A DISTANCE OF 400.48 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF 27TH STREET;

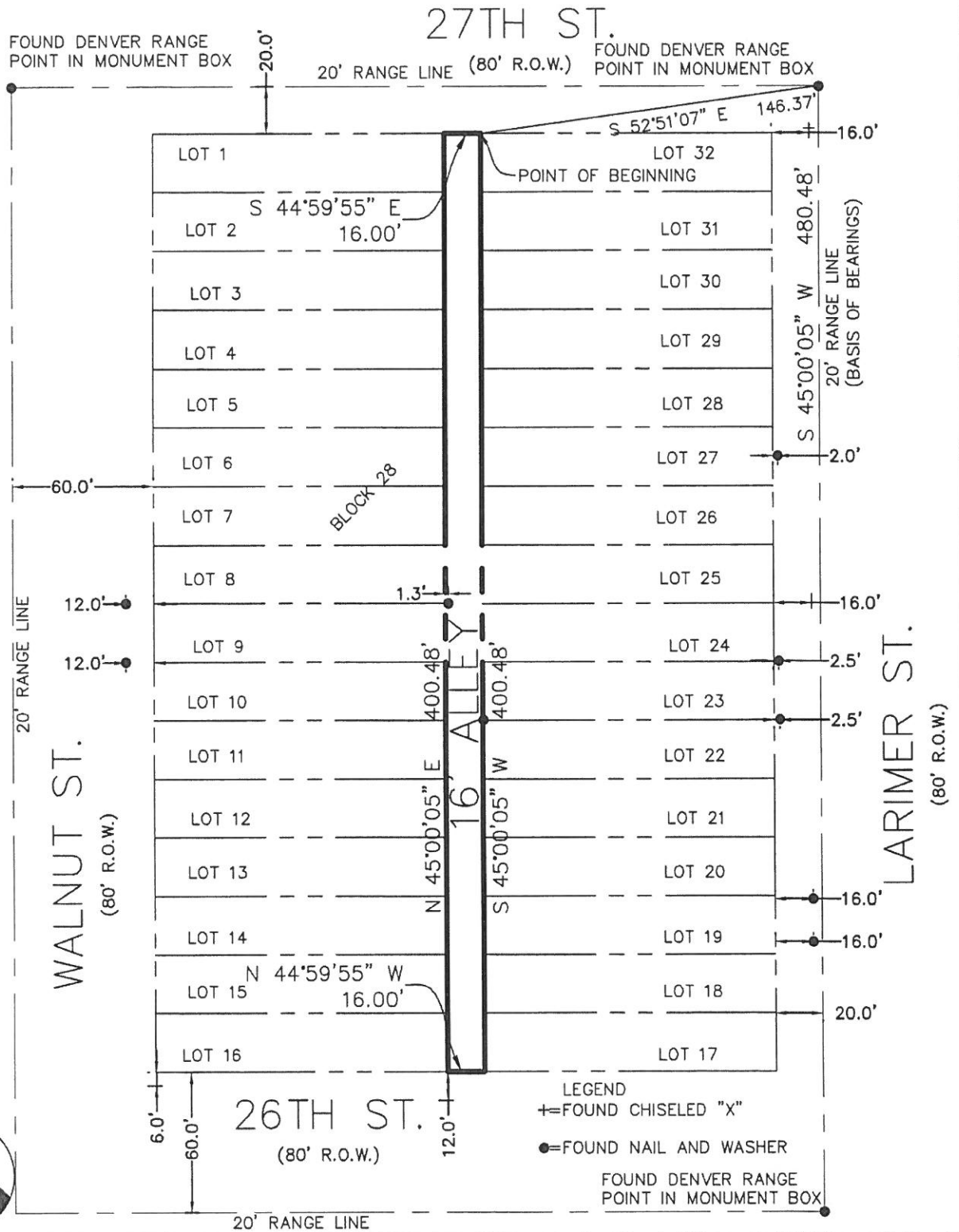
THENCE S44°59'55"E, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID 27TH STREET, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE 20 FOOT RANGE LINE ON LARIMER STREET, BETWEEN 26TH STREET AND 27TH STREET, BEING S45°00'05"W USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AS MONUMENTED AT THE SOUTHWEST AT 26TH STREET AND LARIMER STREET BY A FOUND RANGE POINT IN MONUMENT BOX AND MONUMENTED AT THE NORTHEAST AT 27TH STREET AND LARIMER STREET BY A FOUND RANGE POINT IN MONUMENT BOX.

PREPARED BY:  
DOUGLAS H. ORT III, PLS 37066  
MANHARD CONSULTING  
10835 DOVER STREET, SUITE 700  
WESTMINSTER, CO 80021



ALLEY VACATION  
 SE 1/4 OF SEC27, T3S, R66W OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO



LEGEND  
 ⊕=FOUND CHISELED "X"  
 ●=FOUND NAIL AND WASHER  
 ●=FOUND DENVER RANGE POINT IN MONUMENT BOX

14:24 Dwg Name: P:\Wildeco14\dwg\Surv\Find Drawings\Plot of Easement\WIL\_DECO14\_alley\_vacation.dwg Updated By: tbriscoe



**Manhard**  
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ALLEY VACATION		SHEET	
CITY AND COUNTY OF DENVER		1 OF 1	
STATE OF COLORADO		WIL.DECO14	
PROJ. MGR.:	DHO		
DRAWN BY:	TJB		
DATE:	2-29-16		
SCALE:	1"=80'		