



REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW #: 2013-0239-02

DATE: December 16, 2013

SUBJECT: Request for an Ordinance to vacate a portion of 17th Street, lying between I-25 and Platte 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 Opus Development Company, on behalf of Bellio 17th Street Holdings LLP 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 Montero; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks & Recreation; Public Works - DES - Construction Engineering, DES Engineering - Transportation & Recreation; 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 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 2013-0239-02-001 HERE

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

1. The width of this area is 68 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. **Two** buildings 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. Replacement area will not be required.
8. The vacating notice **was** posted on October 25, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on October 25, 2013.
10. Protests, sustained by the Manager of Public Works have 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: Asset Management, Steve Wirth
City Councilperson Montero & Aides
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Shaun Sullivan
Department of Law, Karen Aviles
Department of Law, Karen Walton
Department of Law, Brent Eisen
Public Works, Manager's Office, Alba Castro
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

Property Owner:

Bellio 17th St Holdings LLP
30676 Whiteface Ct
Evergreen, CO 80439

Agent:

Opus Development Company
Celeste Tanner
999 18th St, Suite 2110S
Denver, CO 80202

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn 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: December 16, 2013

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 a portion of 17th Street at 2420 17th St, with reservations.

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

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

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@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:** 720-865-8720
- **Email:** nancy.kuhn@denvergov.org

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

A proposal to vacate a portion of 17th Street between I-25 and Platte Street in order to provide an outdoor amenity area for a mixed-use office building.

****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:** Adjacent to 2420 17th Street
- 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.**

Public Works has received 3 objections to this proposal and were determined to have no technical merit.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2013-0239-02 Vacation at 2420 17th St

Description of Proposed Project: This is a request to vacate a portion of 17th St, lying between I-25 and Platte Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: To provide an outdoor amenity area for a mixed-use office building.

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 typical hard surface easement will be necessary.

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

Additional information: Three letters of protest were received. Rob Duncanson has determined that they have no technical merit.

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF 17TH STREET, LYING BETWEEN BLOCKS 7 & 8 OF KASSERMAN'S ADDITION TO DENVER. LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE 20' RANGE LINE IN PLATTE STREET BETWEEN 16TH AND 17TH STREETS, MONUMENTED AT THE NORTH END BY A 3.0" ALUMINUM CAP STAMPED "COLORADO DEPT. OF HIGHWAYS DENVER RANGE POINT 1988" AND MONUMENTED AT THE SOUTH END BY A 3.25" ALUMINUM CAP STAMPED "COLORADO DEPT. OF HIGHWAYS RANGE POINT", WITH THE LINE BEARING S44°33'03"W PER COLORADO STATE PLANE COORIDINATE SYSTEMS, CENTRAL ZONE, NAD 83.

COMMENCING AT THE NORTH END OF SAID RANGE LINE; THENCE N62°31'01"W, A DISTANCE OF 73.24 FEET TO THE MOST EASTERLERY CORNER OF SAID LOT 30 AND THE **POINT OF BEGINNING**;

THENCE N45°26'44"W ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LOTS 26 THROUGH 30, A DISTANCE OF 125.00 FEET; THENCE THE FOLLOWING TWO COURSES ALONG THE CITY AND COUNTY OF DENVER RIGHT-OF-WAY PER ORDINANCE NO. 3 SERIES OF 1962:

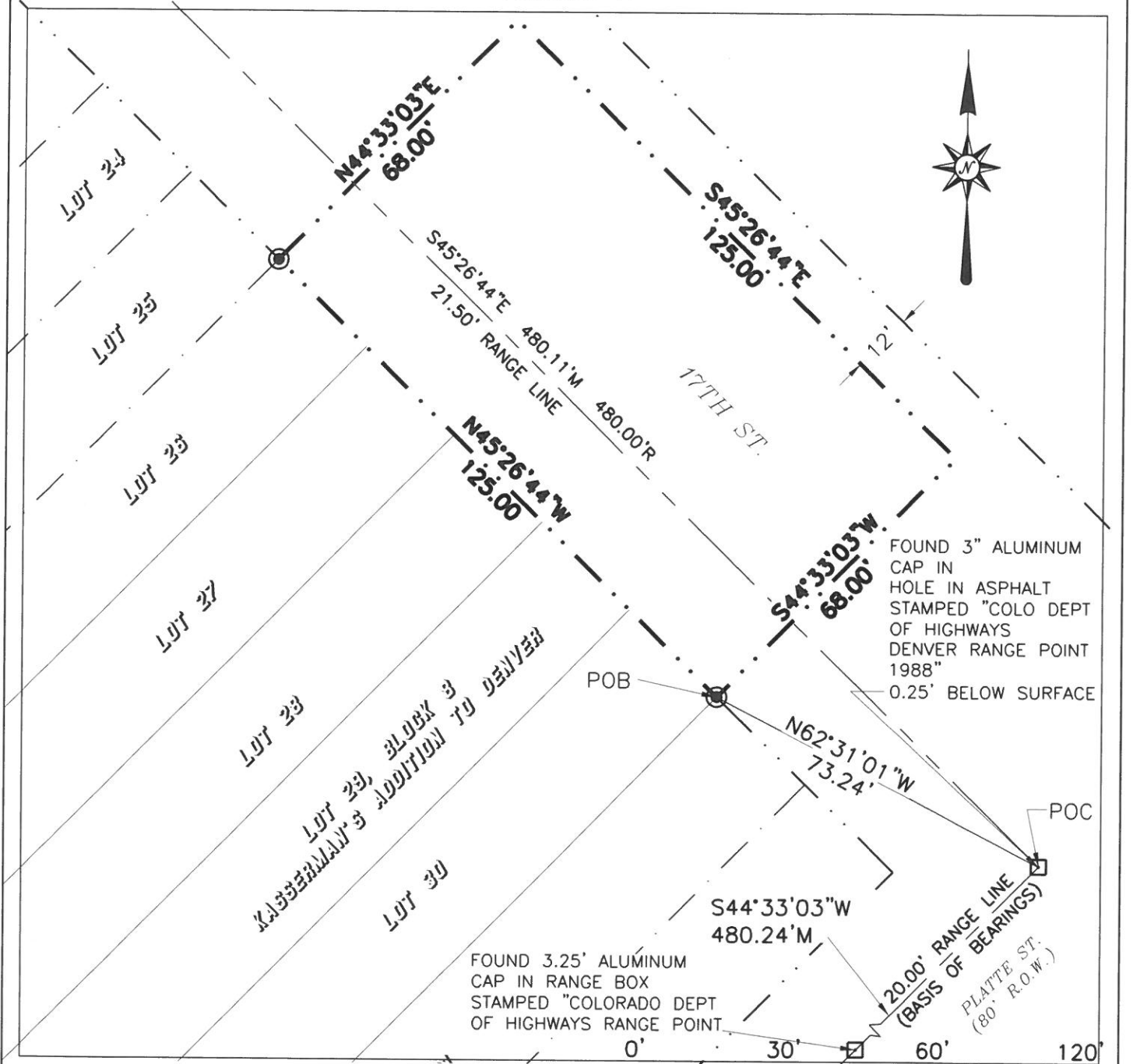
- 1) N44°33'03'E, A DISTANCE OF 68.00 FEET;
 - 2) S45°26'44'E, ALONG A LINE PARALLEL TO AND 68.00' NORTHEASTERLY OF THE NORTHEAST LINE OF LOTS 26 THROUGH 30 A DISTANCE OF 125.00 FEET;
- THENCE S44°33'03"W, A DISTANCE OF 68.00 FEET TO THE **POINT OF BEGINNING**,

CONTAINING A CALCULATED AREA OF 8,500 SQUARE FEET OR 0.195 ACRES.

PAUL W. SMITH PLS #29430
 FOR AND ON BEHALF OF
 R&R ENGINEERS-SURVEYORS, INC.
 710 WEST COLFAX AVE.
 DENVER, COLORADO 80204
 JOB #: OP13066
 DATE: 07/01/13



SW 1/4 SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST 6TH P.M.
 ----CITY AND COUNTY OF DENVER, STATE OF COLORADO----
 EXHIBIT A



NOTE
 THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

SCALE: 1" = 30'

PARCEL CONTAINS 8,500 SQ. FT. OR 0.195 ACRES

EASEMENT

Date: 07/01/13	Sheet
Drawn: CDP	2
Checked: ECS	of
Job No.: OP13066	2



R&R ENGINEERS-SURVEYORS, INC.
 710 WEST COLFAX AVE.
 DENVER, COLORADO 80204
 PH: 303-753-6730
 FAX: 303-753-6568