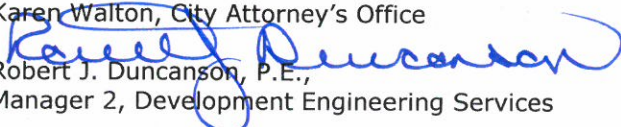




REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW NO.: 2012-0459-01

DATE: April 28, 2014

SUBJECT: Request for an Ordinance to vacate right of way pertaining to the strip of land adjacent to 4451, 4455, and 4471 Cahita Ct, with reservation.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request on behalf of Marc Vorbeck 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 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 2012-0459-01-001 HERE

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

1. The width of this area is variable in feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is not being used.
4. **3** 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 April 2, 2014, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on April 2, 2014.
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: bja

cc: Asset Management, Steve Wirth
City Councilperson, Judy 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 #2012-0459-01

Property Owner:
Marc Vorbeck
4451 Cahita Ct
Denver, CO 80216



ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn 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: 4/28/14

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 right of way pertaining to the strip of land adjacent to 4451, 4455, and 4471 Cahita Ct, with reservation.

3. **Requesting Agency:** Public Works Survey

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

- **Name:** Beverly J Aragon
- **Phone:** 720-865-3125
- **Email:** Beverly.Aragon@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:**

To vacate right of way pertaining to the strip of land adjacent to 4451, 4455, and 4471 Cahita Ct, with reservation.

****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:** 4451 Cahita Ct
- d. **Affected Council District:** District #9, Judy H 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2012-0459-01 Vacation, 4451 Cahita Ct

Description of Proposed Project: Vacate right of way pertaining to the strip of land adjacent to 4451, 4455, and 4471 Cahita Ct.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For Redevelopment

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: No

Will an easement relinquishment be submitted at a later date: No

Additional information: None

Exhibit

**TIMBERLINE MAPPING
AND SURVEYING LLC**

Mapping and Land Surveying
PO Box 271087
Littleton, Colorado 80127
(303) 971-0955 fax 971-0895



LEGAL DESCRIPTION:

THAT PART OF LOTS 38 THROUGH 44 AND PART OF CAHITA COURT, BLOCK 2, HORNE'S SUBDIVISION SECOND FILING, CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 38; THENCE N32°46'01"W, A DISTANCE OF 184.77 FEET TO A POINT ON THE WEST LINE OF SAID LOT 44; THENCE N00°00'00"E ALONG THE WEST LINE OF SAID LOT 44, A DISTANCE OF 19.63 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE N90°00'00"E ALONG THE NORTH LINE OF SAID LOT 44, A DISTANCE OF 14.07 FEET; THENCE S29°51'23"E, A DISTANCE OF 169.91 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 94.42 FEET AND AN ARC LENGTH OF 29.70 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 38 EXTENDED; THENCE S90°00'00"W ALONG SAID LINE, A DISTANCE OF 9.18 FEET TO THE POINT OF BEGINNING.
CONTAINING 3,432 SQUARE FEET MORE OR LESS.
BASIS OF BEARINGS IS THE SOUTH LINE OF SAID LOT 38 BEING S90°00'00"W.

M/ 10-03-12

LAYER

EXHIBIT

Chd

Revised

REV 10-08-12
REV 02-26-13

Exhibit

TIMBERLINE MAPPING AND SURVEYING LLC

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Littleton, Colorado 80127
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