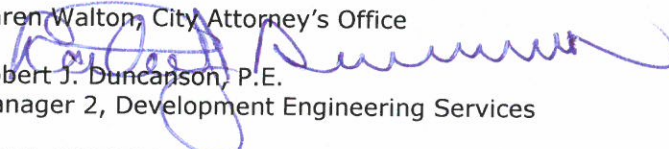




REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW #: 2013-0294-04

DATE: August 27, 2014

SUBJECT: Request for an Ordinance to vacate the alley in Block 43 of Evanston 3rd Filing, 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 Jeff Bemelen, on behalf of the University of Denver 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; Office of Telecommunications; 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 2013-0294-04-001 HERE

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

1. The width of this area is 15 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. Six 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 July 7, 2014, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on July 7, 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: aal

cc: Asset Management, Steve Wirth
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, 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 Maintenance, Brian Roecker

Property Owner:
University of Denver
2199 S University Blvd
Denver, CO 80210-4711

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: August 27, 2014

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.)*

2013-0294-04 University of Denver Alley Vacation

3. Requesting Agency: Public Works Survey

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:

This is a request to vacate the alley, with reservations, in Block 43 of Evanston 3rd Filing between E Iliff Ave and E Wesley Ave.

****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:** Near 2150 E Wesley Ave.
- d. **Affected Council District:** #7 – Chris Nevitt
- 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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2013-0294-04 University of Denver Alley Vacation

Description of Proposed Project: This is a request to vacate the alley, with reservations, in Block 43 of Evanston 3rd Filing between E Iliff Ave and E Wesley Ave.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For campus safety and continuity.

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 remain on the vacated area.

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

Additional information: None.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF EVANSTON 3RD FILING, FILED IN THE DENVER COUNTY CLERK AND RECORDER'S OFFICE, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

RIGHT-OF-WAY VACATION:

THE ALLEY IN BLOCK 43 OF EVANSTON 3RD FILING, BETWEEN EAST ILIFF AVENUE AND EAST WESLEY AVENUE, BEING 15 FEET IN WIDTH.

I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Christopher P. Julian
CHRISTOPHER P. JULIAN, P.L.S. 31158
FOR AND ON BEHALF OF PRECISION SURVEY & MAPPING, INC.



11/07/13

DATE

PRECISION SURVEY & MAPPING, INC.



Precision Survey & Mapping, Inc.

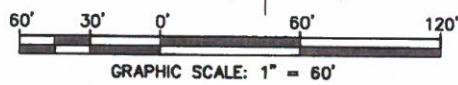
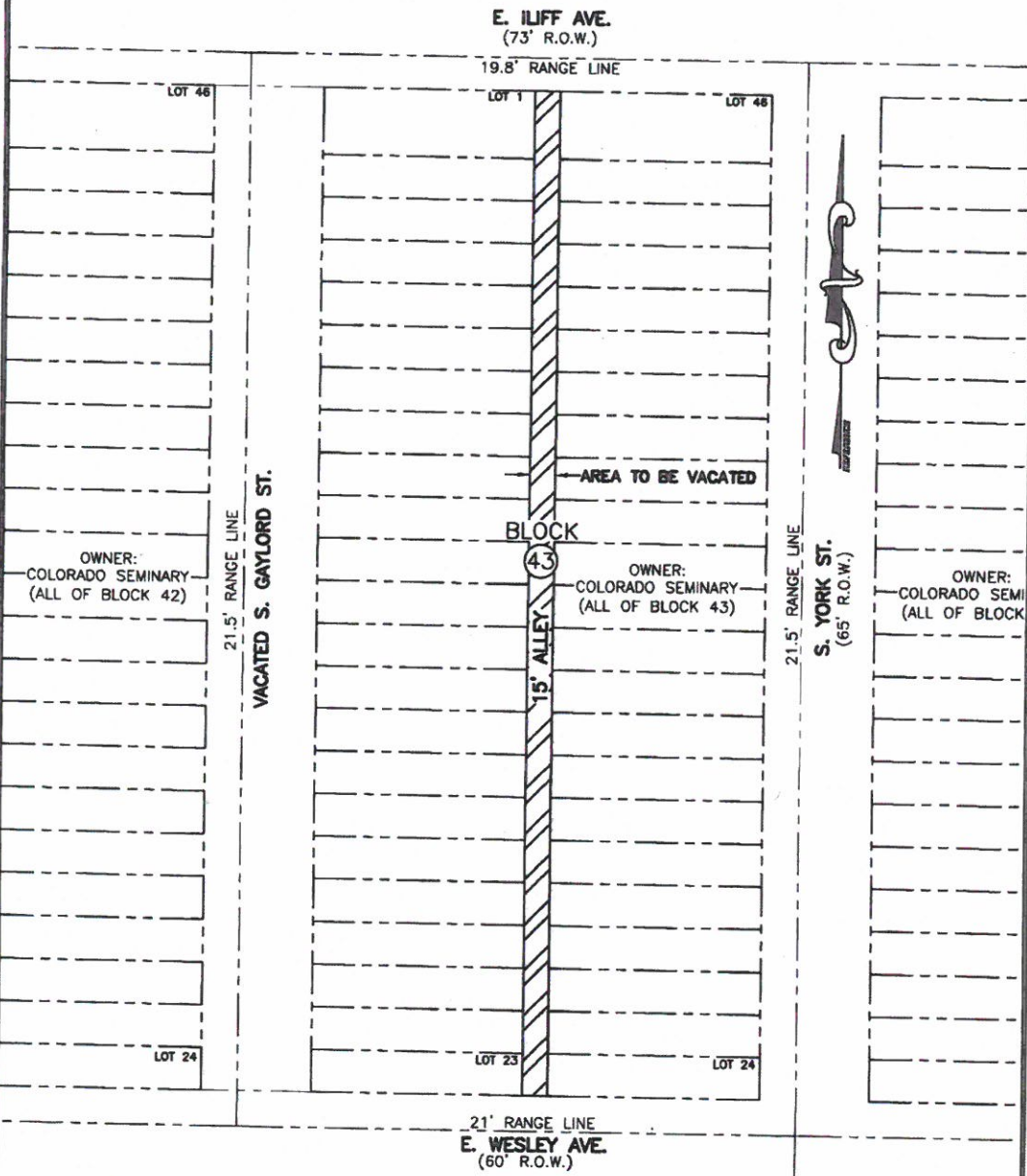
9145 E. Kenyon Ave., Suite 101, Denver, CO 80237
Tel:(303) 753-9799 Fax:(303) 753-4044

DRN. BY: D.K.
CHKD. BY: J.L.
DATE: 11/7/13
SCALE: 1" = 80'

FILE: R9185-18.dwg
SHEET: 2 OF 2
JOB #: R9185-18-VACATE

**RIGHT-OF-WAY VACATION
ALLEY IN BLOCK 43,
EVANSTON 3RD FILING**

EXHIBIT "A"



- 1.) PARCEL OWNERSHIP IS BASED ON THE RECORDS OF THE COUNTY ASSESSOR.
- 2.) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 3.) THE ONLY PURPOSE OF THIS EXHIBIT IS TO SHOW THE LOCATION OF THE AREAS TO BE VACATED.
- 4.) THIS DOCUMENT SHALL BE CONSIDERED NULL AND VOID IF IT DOES NOT BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE PROFESSIONAL LAND SURVEYOR OR IF ALTERED IN ANY WAY.

| | | | |
|--|------------------------|-------------------------------|--|
| <p>Precision Survey & Mapping, Inc. <small>REGISTERED PROFESSIONAL LAND SURVEYORS - COLORADO</small> 9145 E. Kanyon Ave., Suite 101, Denver, CO 80237 Tel: (303) 753-9799 Fax: (303) 753-4044</p> | DRN. BY: <u>D.K.</u> | FILE: <u>R9185-18.dwg</u> | <p>RIGHT-OF-WAY VACATION ALLEY IN BLOCK 43, EVANSTON 3RD FILING</p> |
| | CHKD. BY: <u>J.L.</u> | SHEET: <u>1 OF 2</u> | |
| | DATE: <u>11/07/13</u> | JOB #: <u>R9185-18-VACATE</u> | |
| | SCALE: <u>1" = 60'</u> | | |