

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner
Director, Public Works Right of Way Services

ROW #: 2018-VACA-0000011

DATE: November 19, 2018

SUBJECT: Request for an Ordinance to vacate 13 feet of the alley directly behind 3533 W 22nd Ave., 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 Patrick D. Mackay, dated June 29, 2018, on behalf of Patrick D. Mackay 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 Councilman Rafael Espinoza – District 1; 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 of the vacated 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 2018-VACA-0000011-001 HERE

MB: bp

cc: City Councilperson & Aides

City Council Staff – Zach Rothmier
Department of Law – Deanne Durfee
Department of Law – Brent Eisen
Public Works, Manager’s Office – Alba Castro
Public Works, Legislative Services – Sarah Stanek
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

ORDINANCE/RESOLUTION REQUEST

Please email requests to Sarah Stanek

at Sarah.Stanek@DenverGov.org by **12:00pm on Monday**. Contact her with questions.

Date of Request: November 19, 2018

Please mark one: **Bill Request** or **Resolution Request**

1. Type of Request:

- Contract/Grant Agreement** **Intergovernmental Agreement (IGA)** **Rezoning/Text Amendment**
 Dedication/Vacation **Appropriation/Supplemental** **DRMC Change**
 Other:

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Patrick D. Mackay requests for an Ordinance to vacate 13 feet of the alley directly behind 3533 W 22nd Ave., with reservations.

3. Requesting Agency: Public Works; Engineering & Regulatory Dept.

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brittany Pirtle	Name: Sarah Stanek
Email: Brittany.Pirtle@denvergov.org	Email: Sarah.Stanek@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for an Ordinance to vacate 13 feet of the alley directly behind 3533 W 22nd Ave., with reservations.

6. City Attorney assigned to this request (if applicable): Bradley Beck

7. City Council District: District 1; Councilman Rafael Espinoza

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2018-VACA-0000011 3533 W 22nd Ave

Requestor's name: Patrick D. Mackay

Description of Proposed Project: Request for an Ordinance to vacate 13 feet of the alley directly behind 3533 W 22nd Ave., with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Requestor has stated that on multiple occasions, he has been unable to exit a recreational trailer through his backyard into the alley as other constituents have parked in front of the gate. He would like to vacate the area so that he can have sufficient room to exit his backyard with his recreational trailer.

Width of area in feet: 13ft

Number of buildings abut said area: 1 – the owner's garage.

The 20-day period for protests has expired, the vacating notice was posted on: October 23, 2018

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: October 23, 2018

Protests sustained by the manager of Public Works: Not applicable; have not been filed.

Will land be dedicated to the City if the vacation goes through: No.

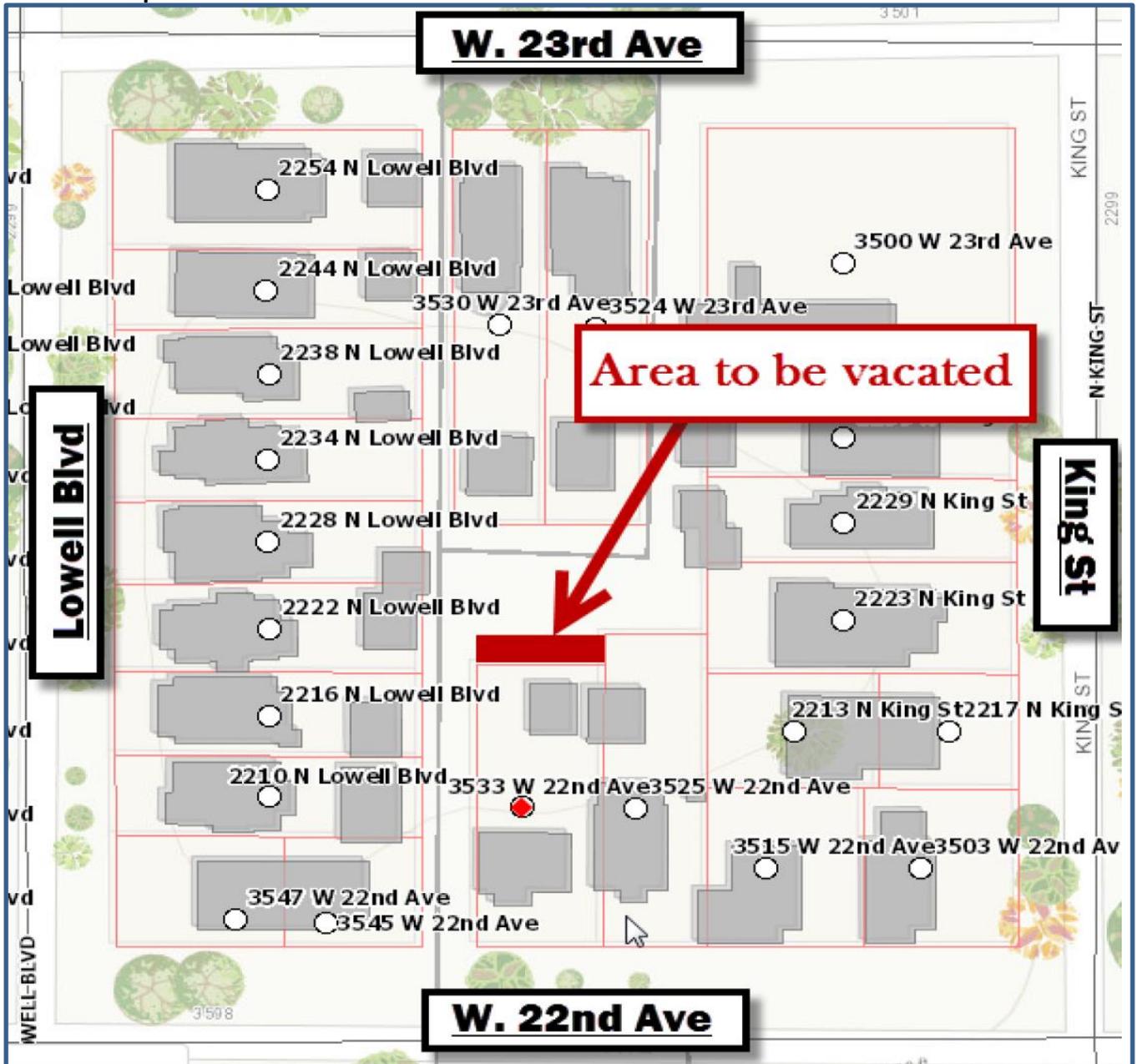
Will an easement be placed over a vacated area, and if so explain: Yes; Xcel has overhead utilities in the proposed vacation area.

Will an easement relinquishment be submitted at a later date: It is unlikely.

Background: Property owner Patrick Mackay of 3533 W 22nd Ave. would like to vacate the proposed area that abuts his property in order to prevent the public from parking right up against his back fence and obstructing the alley access to his backyard as has happened on multiple occasions.

Public Notification: No objections were received.

Location Map:



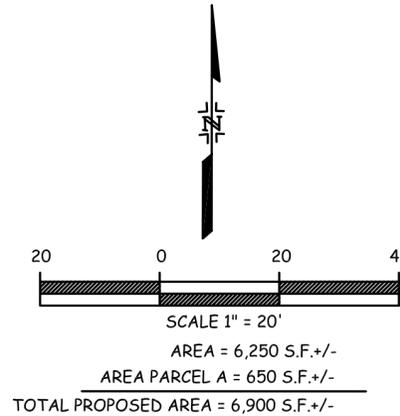
LAND SURVEY PLAT

LOTS 18 & 19, BLOCK 33, JOHN C. GALLUPS RESUBDIVISION OF BLOCK 33,
 WITTER & COFIELDS SUBDIVISION,
 CITY AND COUNTY OF DENVER, STATE OF COLORADO

SURVEYOR'S CERTIFICATION

TO: PATRICK MACKAY;

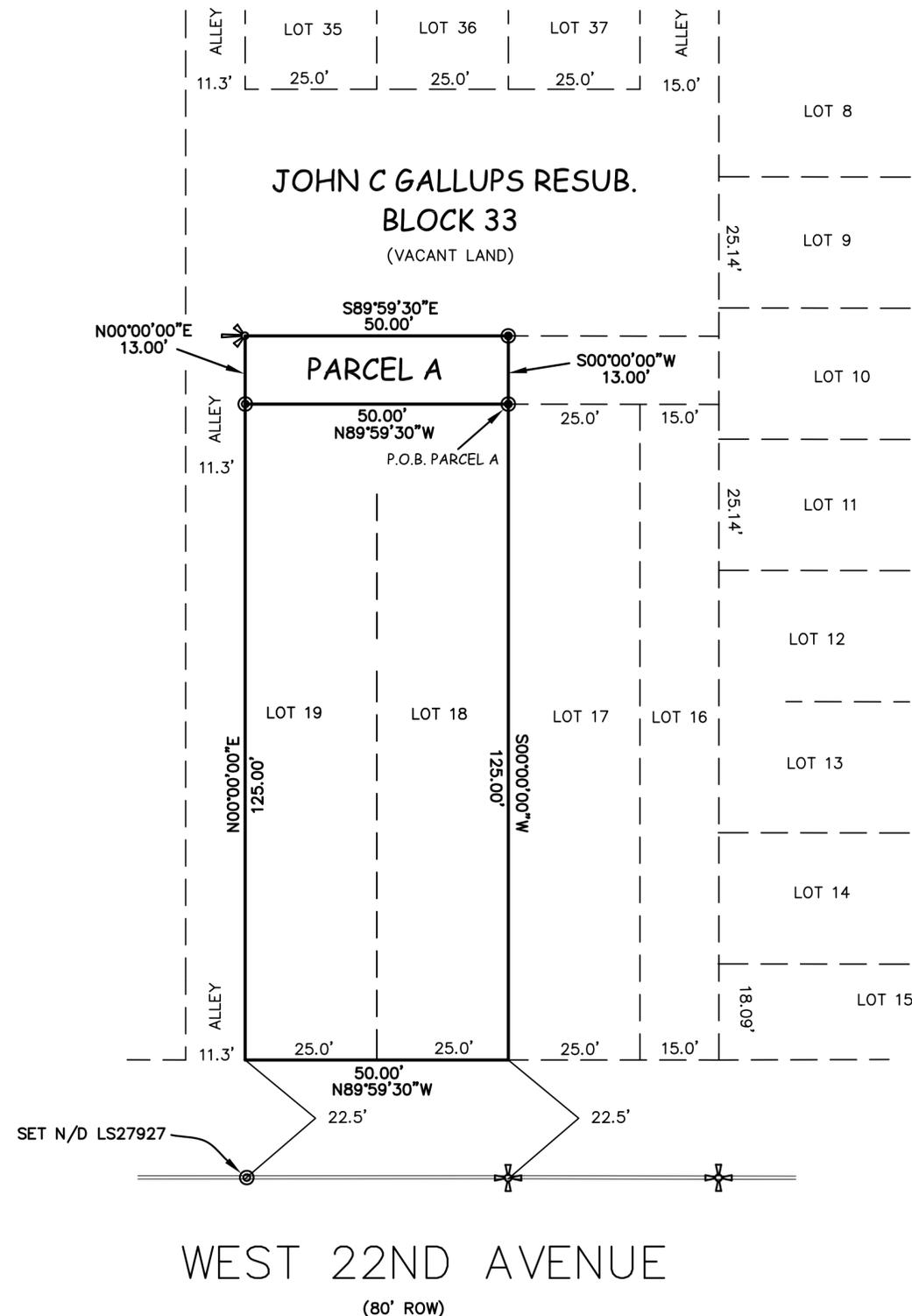
I, PATRICK L. DOHERTY, A LICENSED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY CERTIFY THAT A FIELD SURVEY OF THE PROPERTY DESCRIBED HEREON WAS CONDUCTED UNDER MY DIRECTION AND SUPERVISION AND COMPLETED ON JUNE 6, 2018. THAT, TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF, THE ATTACHED LAND SURVEY PLAT CORRECTLY SHOWS ALL BOUNDARIES, THE LOCATION OF ALL PINS AND MONUMENTS, EASEMENTS, VISIBLE ENCROACHMENTS, AND ANY FENCES, HEDGES OR WALLS ON OR WITHIN FIVE FEET OF BOTH SIDES OF ALL BOUNDARIES OF SAID PARCEL (PARCELS), THE LOCATION OF ALL VISIBLE UTILITIES LOCATED ON SAID PARCEL (PARCELS) AND ALL UNDERGROUND UTILITIES FOR WHICH THERE IS VISIBLE SURFACE EVIDENCE, AND THE LOCATION OF ALL EASEMENTS, UNDERGROUND UTILITIES, TUNNELS FOR WHICH RECORD EVIDENCE IS AVAILABLE FROM THE COUNTY CLERK AND RECORDER.



FOR AND ON BEHALF OF
 DOHERTY LAND SURVEYING, INC.



PATRICK L. DOHERTY, P.L.S. 27927



LEGEND

- ⊙ = FOUND #5 REBAR W/LS 27927
- ⊕ = FOUND CHISELED CROSS 22.50' OFFSET ON FRONT CURB
- ⊙ = SET #5 REBAR OR N/D W/LS 27927 AS NOTED
- ⊕ = SET CROWS FOOT AT EDGE OF ALLEY

Basis of Bearings

THE EAST LINE OF LOT 18, BEING S00°00'00"W.

Notice

ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT, OR LAND BOUNDARY MONUMENT, OR ACCESSORY, COMMITS A CLASS 2 MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 C.R.S.

Notice

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 FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Existing Legal Description

LOTS 18 & 19, BLOCK 33, JOHN C GALLUPS RESUBDIVISION OF BLOCK 33, WITTER & COFIELDS SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Proposed Legal Description of Area to be Vacated

PARCEL A:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 18, BLOCK 33, JOHN C. GALLUPS RESUBDIVISION OF BLOCK 33, WITTER & COFIELDS SUBDIVISION, THENCE N89°59'30"W A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 19; THENCE N00°00'00"E A DISTANCE OF 13.00 FEET; THENCE S89°59'30"E A DISTANCE OF 50.00 FEET; THENCE S00°00'00:W A DISTANCE OF 13.00 FEET TO THE POINT OF BEGINNING. CONTAINING 650 S.F.

CITY AND COUNTY OF DENVER,
 STATE OF COLORADO.

DEPOSIT CERTIFICATE:

DEPOSITED THIS _____ DAY OF _____, 20____
 AT _____ M., IN BOOK _____ OF THE COUNTY SURVEYOR'S LAND SURVEY PLATS/RIGHT-OF-WAY SURVEYS AT PAGE, _____, RECEPTION NO. _____, CITY AND COUNTY OF DENVER RECORDS.

BY _____

Part of the NW 1/4 Sec.32, T.3S., R.68W. of the 6th P.M.

REVISION	DATE	Land Survey Plat
		3533 West 22nd Avenue Denver, Colorado 80201
		Doherty Land Surveying 4640 S. Kalamath Street Englewood, Colorado 80110 PH (303) 981-4222

DATE 6-9-2018
 DES/DPT/CHK PLD
 PROJ. NO. 953
 SHEET 1 OF 1

WEST 22ND AVENUE
 (80' ROW)