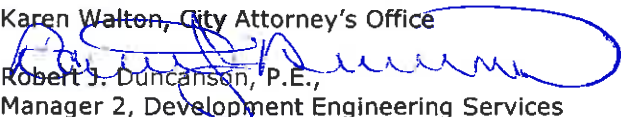




### REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office

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

**ROW NO.:** 2012-0293-01

**DATE:** October 19, 2012

**SUBJECT:** Request for an Ordinance to vacate a dead end alley bounded by 33rd Ave, Navajo St and I-25., 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 **Tres Birds Workshop**, on behalf of **TreeHouse Brokerage and Development** 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 & 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 vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage and 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 2012-0293-01-001 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 not being used.
4. **1** 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 August 13, 2012, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on August 14, 2012.
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: **VLH**

cc: Asset Management, Steve Wirth  
City Councilperson & Aides Montero  
City Council Staff, Gretchen Williams  
CPM, Mike Anderson,  
Department of Law, Arlene Dykstra  
Department of Law, Karen Aviles  
Department of Law, Brent Eisen  
Department of Law, Karen Walton  
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 #2012-0293-01

Property Owner:  
TreeHouse Brokerage and Development  
1444 Wazee St Suite 312  
Denver Co 80202

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Daelene Mix at  
Nancy.khun@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: October 19, 2012

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 dead end alley bounded by 33rd Ave, Navajo St and I-25., with reservations.

3. **Requesting Agency:** PW Right of Way Engineering Services

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

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** vanessa.herman@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:**

Vacate a dead end alley bounded by 33rd Ave, Navajo St and I-25., 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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** 33<sup>rd</sup> Ave and Navajo St
- d. **Affected Council District:** Dist # 9 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: \_\_\_\_\_



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2012-0293-01 Vacation 1440 W. 33<sup>rd</sup> Ave**

**Description of Proposed Project: Vacate a dead end alley bounded by 33rd Ave, Navajo St and I-25., with reservations.**

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

**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, the typical hard surface easement**

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

**Additional information: There were protests received. They were deemed to have no technical merit from Rob Duncanson. Councilwoman Montero's office reviewed and had the project on hold. They approved this to continue in the vacation process.**



4901 E. DRY CREEK ROAD  
UNIT 208  
CENTENNIAL, COLORADO 80122

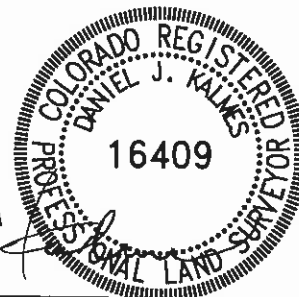
PWROWS Project No. 2012-0293  
PW Legal Description No. 20120293-01-001

LEGAL, ALLEY to be VACATED

A PORTION OF THE 15.00' FOOT ALLEY LOCATED WITHIN BLOCK 108, VIADUCT ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 30 OF SAID BLOCK 108, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE  $S00^{\circ}03'05''W$ , ALONG THE WEST LINE OF LOTS 28, 29 and 30 OF SAID BLOCK 108, A DISTANCE OF 50.30' FEET, TO A POINT ON THE WESTERLY R.O.W. LINE OF INTERSTATE - 25; THENCE  $S33^{\circ}58'24''W$ , ALONG SAID WESTERLY LINE OF INTERSTATE - 25, A DISTANCE OF 26.88' FEET, TO A POINT ON THE EAST LINE OF LOTS 1, 2 and 3, OF SAID BLOCK 108; THENCE  $N00^{\circ}03'05''E$ , ALONG SAID EAST LINE OF LOTS 1, 2 and 3, A DISTANCE OF 72.67' FEET, TO THE NORTHEAST CORNER OF LOT 1, OF SAID BLOCK 108; THENCE  $S89^{\circ}42'18''E$ , ALONG THE SOUTH R.O.W. LINE OF 33rd AVENUE, A DISTANCE OF 15.00' FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING 922.22 sq. ft. more or less



DANIEL J KALMES

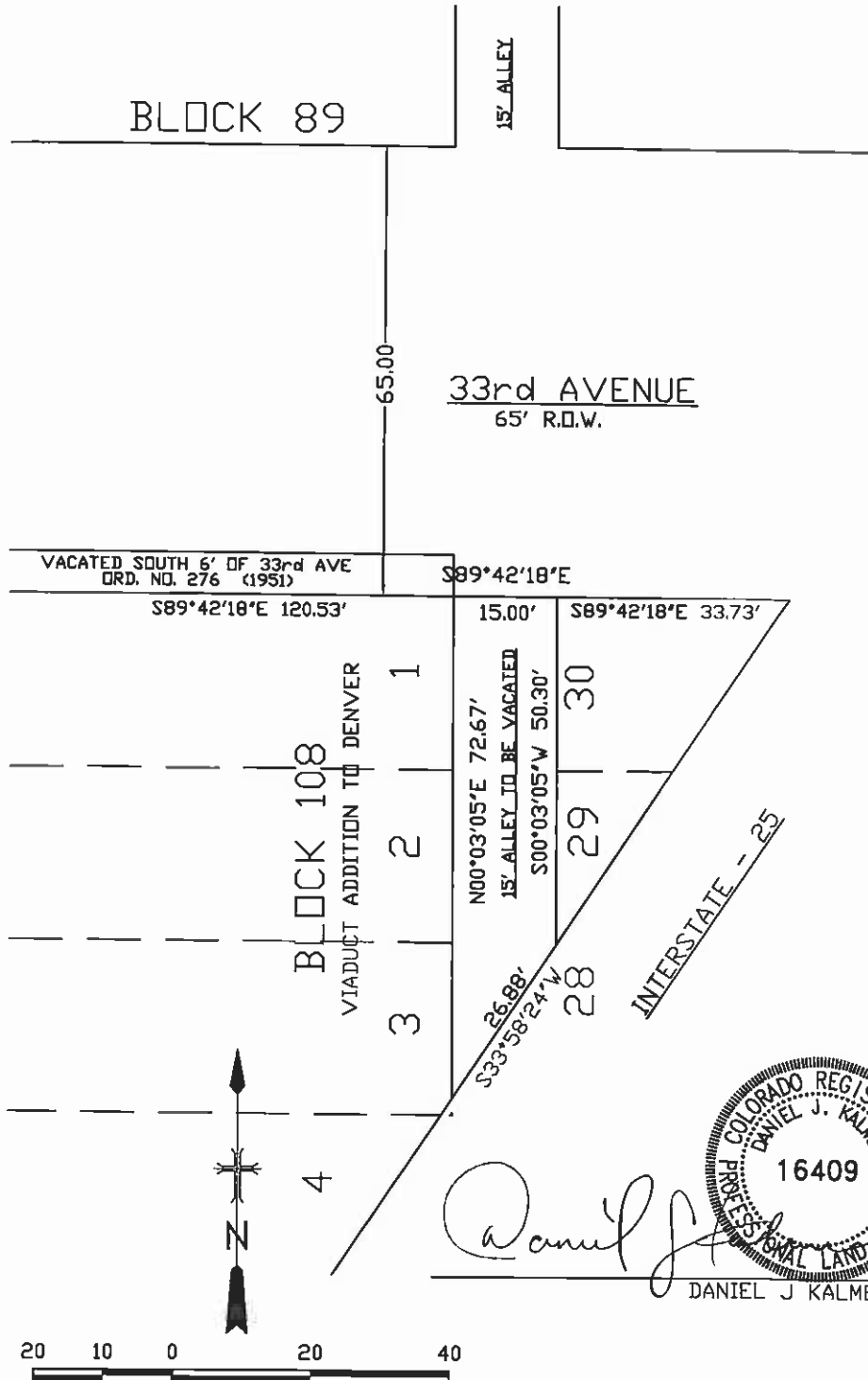


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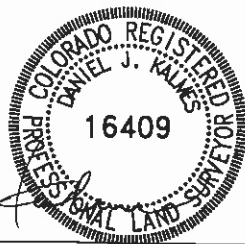
PWROWS Project No. 2012-0293  
 PW Legal Description No. 20120293-01-001

EXHIBIT A

A PORTION OF 15' ALLEY LOCATED IN  
 BLOCK 108, VIADUCT ADDITION TO DENVER.  
 TO BE VACATED



*Daniel J. Kalmes*  
 DANIEL J KALMES



SCALE: 1" = 20'