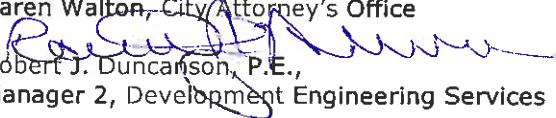




DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office
FROM: 
 Robert J. Duncanson, P.E.,
 Manager 2, Development Engineering Services
ROW NO.: 2012-0092-01
DATE: January 3, 2013
SUBJECT: Request for an Ordinance to vacate the East/West alley adjacent to 2727 W 33rd 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 **Brian Ketterhagen**, on behalf of **Mountain Pacific Investors, LLC** 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 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 2012-0092-01-001 HERE



CT\2010s\2012\2012-0092\PWPRS\VACATION\2012-0092-01 Vacation 2727 W. 33rd Ordinance.doc

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

1. The width of this area is 22 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. **2** 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 9/10/2012, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 9/11/2012.
10. Protests, sustained by the Manager of Public Works have been filed, and resolved.
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
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 # 2012-0092-01

Property Owner:
Mountain Pacific Investors LLC
c/o Brian Ketterhagen
167 Adams St
Denver, Co 80206

Agent information:
Silvercreek Development Groupd LLC
c/o Brian Ketterhagen
167 Adams St
Denver, Co 80206

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: January 3, 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 the East/West alley adjacent to 2727 W 33rd Ave, 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:** 720-9113-0719
- **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:**

To vacate the cross alley adjacent to 2727 W 33rd Ave 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:** Adjacent to 2727 W 33rd Ave
- 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title:2012-0092-01 Vacation 2727 W 33rd Ave

Description of Proposed Project:Request for an Ordinance to vacate the East/West alley adjacent to 2727 W 33rd Ave, with Reservations

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

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, typical hard surface easement

Will an easement relinquishment be submitted at a later date:unknon

Additional information:There were 5 protest received for this project. The requestor has been working with Nathan Batchelder in CW Montero's office, and with the protestors to clear them. All of the protests have been resolved at this time

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF BLOCK 28, RAE'S RE-SUBDIVISION OF BLOCKS 28, 29 AND 30 OF POTTER HIGHLANDS PER PLAT RECORDED IN BOOK 5, PAGE 6 ON JANUARY 18, 1888 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO AND LYING IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 17, SAID RAE'S RE-SUBDIVISION, WHENCE THE NORTH BOUNDARY OF SAID LOT 17, BEARS, NORTH 89°32'53" EAST, AND ALL BEARINGS ARE MADE AS A REFERENCE HEREON;

THENCE ALONG SAID NORTH BOUNDARY, NORTH 89°32'53" EAST, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTH BOUNDARY, NORTH 00°20'49" WEST, A DISTANCE OF 22.00 FEET TO THE SOUTHWEST CORNER OF LOT 21, SAID RAE'S RE-SUBDIVISION;

THENCE ALONG THE SOUTH BOUNDARIES OF LOTS 21 AND 22 AND THE EASTERLY PROLONGATION OF SAID LOT 22, NORTH 89°32'53" EAST, A DISTANCE OF 84.02 FEET;

THENCE SOUTH 00°20'49" EAST, A DISTANCE OF 22.00 FEET TO THE NORTH BOUNDARY OF LOT 20, SAID RAE'S RE-SUBDIVISION;

THENCE ALONG THE NORTH BOUNDARY OF LOTS 20 THROUGH 17, SAID RAE'S RE-SUBDIVISION, SOUTH 89°32'53" WEST, A DISTANCE OF 84.02 FEET TO THE **POINT OF BEGINNING**.

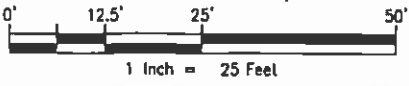
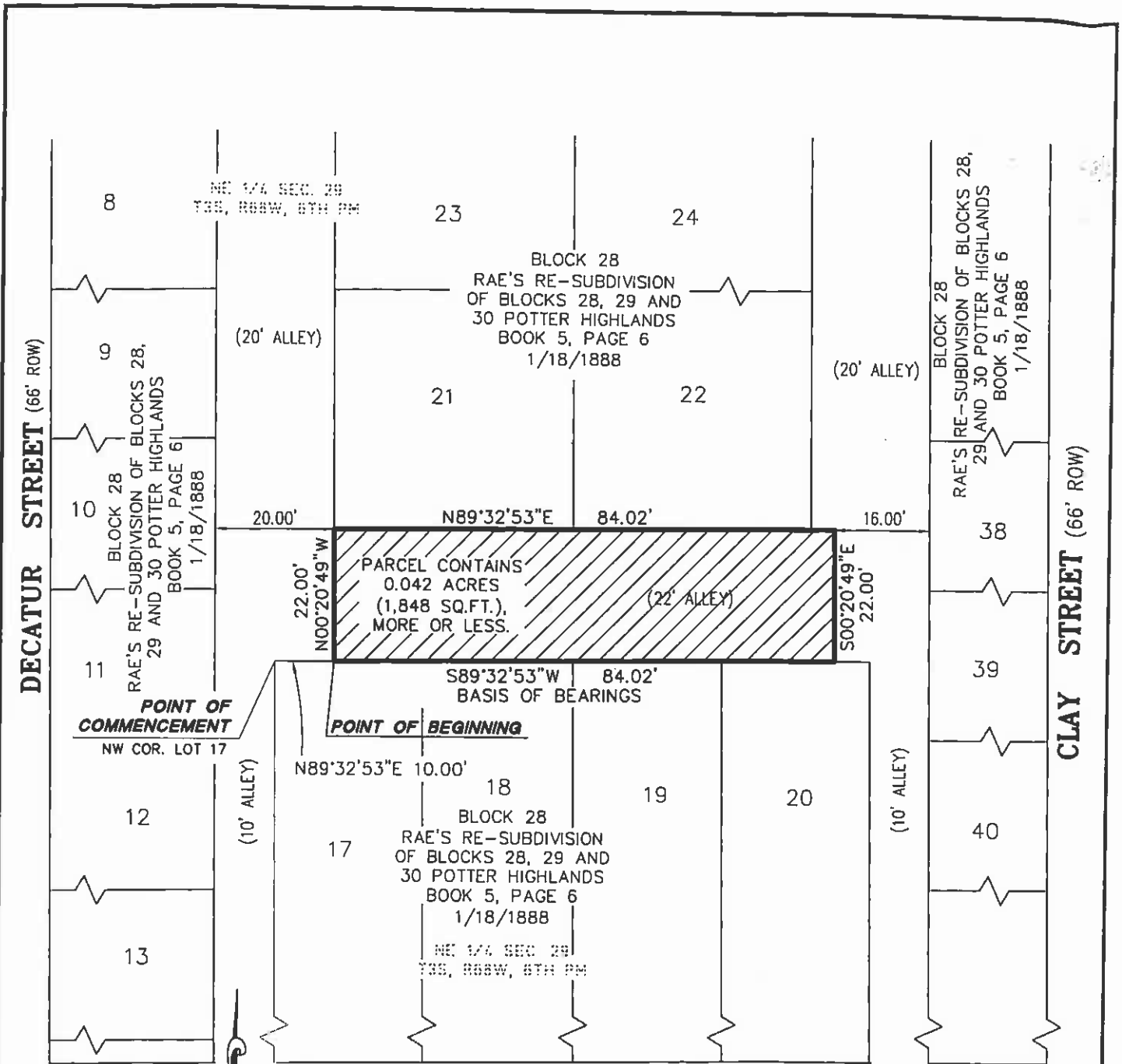
CONTAINING 0.042 ACRES (1,848 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN STREET, SUITE 201, LITTLETON, CO 80122

ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: V:\72211-01\DWG
 DWG: ALLEY VACATION-REV
 DCR CHK: DCR
 DATE: 12/21/2012
 SCALE: 1" = 25'



8000 SOUTH LINCOLN ST,
 SUITE 201
 Littleton, Colorado 80122
 Phone: (303) 713-1898
 Fax: (303) 713-1897
 www.aztecconsultants.com

EXHIBIT
ALLEY VACATION
 CITY AND COUNTY OF DENVER, COLORADO
 JOB NUMBER 72211-01
 2 OF 2 SHEETS