



REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW NO.: 2013-0117-01

DATE: August 22, 2013

SUBJECT: Request for an Ordinance to vacate a portion of W. Florida Ave at S. Lipan St, 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 Sheila Fisher, on behalf of GM Group 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 Nevitt; 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 2013-0117-01-001 HERE

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

1. The width of this area is 22.63 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 by requestors.
4. **1** building 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 7/25/2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 7/29/2013.
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: VLH

cc: Asset Management, Steve Wirth
City Councilperson & Aides Dist #7 Nevitt
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 #-2013-0117-01

Property Owner:

CM Group LLC
c/o Gene Krist
1440 S Lipan St
Denver, Co 80223

Agent:

Fisher & Suhr, PC
c/o Sheila Fisher
1512 Larimer St, Suite 730
Denver, Co 80202

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: August 22, 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 a portion of W. Florida Ave at S. Lipan St, 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 portion of W. Florida Ave at S. Lipan St, 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:** 1498 S Lipan St
- d. **Affected Council District:** Dist # 7 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title:2013-0117-01 Vacation at 1498 S Lipan St

Description of Proposed Project:Request for an Ordinance to vacate a portion of W. Florida Ave at S. Lipan St, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:For current parking at the location

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, they typical hard surface easement.

Will an easement relinquishment be submitted at a later date:N/A

Additional information:The current owner has used this small area for parking spots at his building. They are vacating this area for this purpose.

EXHIBIT "A"
RIGHT-OF-WAY VACATION
WEST FLORIDA AVENUE AND SOUTH LIPAN STREET

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13, BLOCK 1, FIRST ADDITION TO MANCHESTER BEING A NO. 5 REBAR WITH NO CAP; THENCE N89°39'34"E ALONG THE SOUTH LINE OF SAID LOT 13, 147.49 FEET TO THE SOUTHEAST CORNER OF SAID LOT 13 (ALSO BEING A POINT ON THE WEST LINE OF THE D.S.P. & P RAILROAD) BEING A NO. 4 REBAR WITH NO CAP; THENCE S02°23'56"E ALONG SAID WEST LINE OF SAID D.S.P. & P RAILROAD, 22.63 FEET; THENCE DEPARTING FROM SAID WEST LINE N82°12'31"W, 149.81 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 1 EXTENDED; THENCE N00°00'00"E, 1.43 FEET ALONG SAID WEST LINE OF SAID BLOCK 1 EXTENDED TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,774 SQUARE FEET OR 0.0407 ACRES MORE OR LESS.

BASIS OF BEARINGS:

AN ASSUMED BEARING OF S89°41'39"W BEING THE NORTH LINE OF LOT 19, BLOCK 1, FIRST ADDITION TO MANCHESTER BETWEEN TWO FOUND MONUMENTS. BOTH MONUMENTS BEING A REBAR WITH YELLOW CAP STAMPED PLS 18475; ONE AT THE NORTHWEST CORNER OF SAID LOT 19 AND ONE AT THE NORTHEAST CORNER OF SAID LOT 19.

PREPARED BY:
DAMIEN CAIN PLS 38284
C/O 39 NORTH ENGINEERING AND SURVEYING LLC
1601 IVY STREET
DENVER, CO 80220
FEBRUARY 15, 2013



6015-0111-01 001

