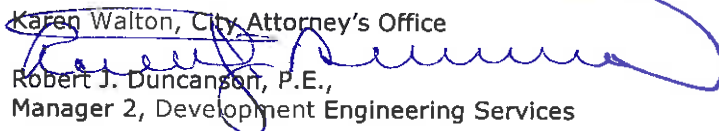




DENVER
THE MILE HIGH CITY

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.: 2012-0025-01
DATE: April 2, 2012
SUBJECT: Request for an Ordinance to vacate a small portion of right of way at the corner of W. 32nd Ave and a cross alley near Tejon 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 **Skyline on 32nd Ave 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 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 2012-0025-01-001 HERE

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



1. The width of this area is 20 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 2/29/2012, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 2/29/2012.
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 # 9 Montero
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Karen Walton
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Christine Downs
Public Works, Manager's Office, Stacie Loucks
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy,
Project File # 2012-0025-01

Property Owner:
Skyline on 32nd Ave, LLC
c/o Shane Wagner
1845 Boulder St
Denver Co 80211

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix 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: April 2, 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 the small portion of right of way at the corner of W. 32nd Ave and a cross alley near Tejon 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:** Christine Downs
- **Phone:** 720-865-2578
- **Email:** Christine.downs@denvergov.org

6. **General description of proposed ordinance including contract scope of work if applicable:**

To vacate a small portion of right of way at the corner of W. 32nd Ave and a cross alley, near Tejon St.

****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:** corner of W. 32nd Ave and a cross alley near Tejon 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: 2012-0025-01 Vacation 1936 W 32nd Ave

Description of Proposed Project: Request for an Ordinance to vacate the small portion of right of way at the corner of W. 32nd Ave and a cross alley near Tejon St. , with reservations

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The requestors would like to increase their lot size, and they already maintain 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: Land has already been dedicated for the alley near the property.

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: No.

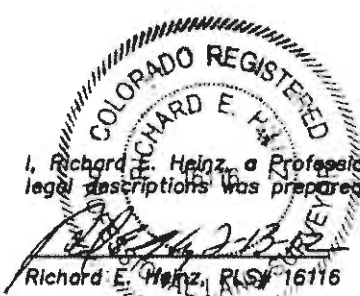
Additional information: The area in question is a difficult to describe. It is a small area near a cross alley that intersects with W. 32nd Ave. The alley is not being vacated, but more like a large side walk area near the alley. Please refer to the exhibit provided.

LEGAL DESCRIPTION FOR ALLEY AND LOT VACATION

DESCRIPTION FOR ALLEY AND LOT 7 VACATION:

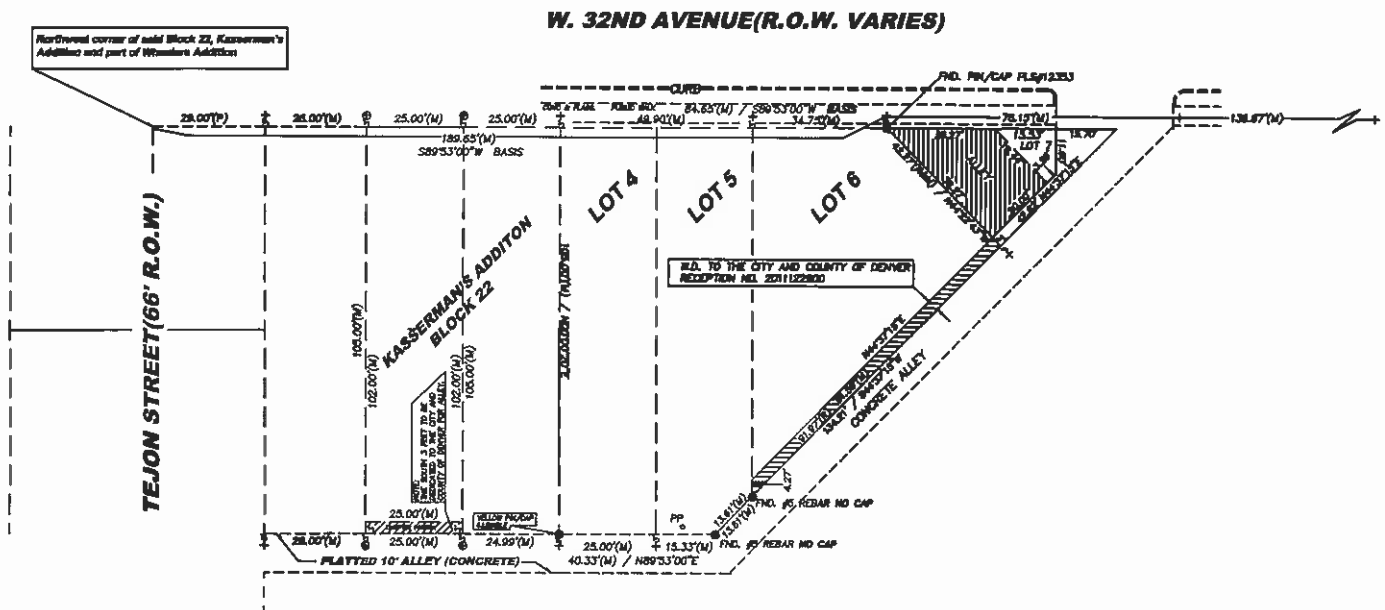
A parcel of land being a portion of Lot 7, Block 22, Kasserman's Addition and part of Wheelers Addition, and of the Alley between Lot 6 of said Block 22 and said Lot 7 in the SW 1/4, Section 28, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Beginning 189.65 feet East of the Northwest corner of said Block 22, Kasserman's Addition and part of Wheelers Addition, thence continuing East along the North Line of said Kasserman's Addition and part of Wheelers Addition a distance of 43.80 feet, thence S00°20'00"W a distance of 11.60 feet, thence S44°37'15"W a distance of 23.26 feet, thence N44°22'43"W a distance of 39.27 feet to the point of beginning, City and County of Denver, State of Colorado.



I, Richard E. Heinz, a Professional Land Surveyor, Registered in the State of Colorado, do hereby certify that the above legal descriptions was prepared by me or under my direct supervision.

VACATION EXHIBIT



Scale 1" = 50'

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED SURVEY.

AAA SURVEYING SERVICES, LLC
 P.O. BOX 2055 ARVADA, CO 80001-2055
 303-519-7015/FAX 303-940-4927

JOB NO. 10-32ND

PAGE 1 OF 2

DATE: 02/13/2012

DRAWN: RH

SCALE 1"=50'