




**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](http://www.denvergov.org/pwprs)

**REQUEST FOR VACATION ORDINANCE**

**TO:** Melinda Olivarez, City Attorney's Office  
**FROM:**   
Robert J. Dundanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2009-0098-06  
**DATE:** November 19, 2010  
**SUBJECT:** Request for an Ordinance to vacate an area at **the corner of E Smith Rd and Havana 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 **the City and County of Denver** 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 Hancock; 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 storm drainage and sanitary sewer 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 2009-0098-06 HERE**



CT\2000s\2009\2009-0098\PWPRS\Vacation\2009-0098-06\_Vacation\Request For

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

1. The width of this area is 97.85 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. 0 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 9/21/2010, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 9/21/2010.
10. Protests, sustained by the Manager of Public Works have NOT been filled.
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 Hancock  
City Council Aides,  
City Council Staff, Gretchen Williams  
CPM, Mike Anderson,  
Department of Law, Arlene Dykstra  
Department of Law, Karen Aviles  
Department of Law, Melinda Olivarez  
Public Works, Manager's Office, Daelene Mix  
Public Works, Manager's Office, Christine Downs  
Public Works Solid Waste, Mike Lutz  
Public Works Survey, Paul Rogalla  
Public Works Street Maint. William Kennedy,  
Project File #2009-0098-06

Property Owner:  
The City and County of Denver  
201 W Colfax Ave  
Denver Co 80202

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto: MileHighOrdinance@DenverGov.org) by NOON on Tuesday.

*\*All fields must be completed.\*  
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: November 19, 2010

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 - 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 an area at the corner of E Smith Rd and Havana St with reservations.

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

4. **Contact Person:** (with actual knowledge of proposed ordinance)

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** [vanessa.herman@denvergov.org](mailto:vanessa.herman@denvergov.org)

5. **Contact Person:** (with actual knowledge of proposed ordinance who will present the item at Mayor-Council and who will be available for first and second reading, if necessary)

- **Name:** Daelene Mix
- **Phone:** 720-865-8720
- **Email:** [daelene.mix@denvergov.org](mailto:daelene.mix@denvergov.org)

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

To vacate an area at the corner of E Smith Rd and Havana St., with reservation

*Please include the following:*

- a. **Duration:** Permanent
- b. **Location:** 10500 E Smith Rd
- c. **Affected Council District:** Dist 11 Hancock
- d. **Benefits:** N/A
- e. **Costs:** N/A

7. **Is there any controversy surrounding this ordinance?** (groups or individuals who may have concerns about it?) **Please explain.**

None

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*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date: \_\_\_\_\_

Ordinance Request Number: \_\_\_\_\_

Date: \_\_\_\_\_



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2009-0098-06 Denver County Jail at 10500 E Smith Rd**

**Description of Proposed Project: To vacate the corner of E Smith Rd and Havana St.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: To use this area as parking for the City and County of Denver Jail**

**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: Yes, they are dedicating a portion of ROW on the East side of Havana St just South of Smith Road**

**Will an easement be placed over a vacated area, and if so explain: Yes, there will be a hard surface easement over the area being vacated.**

**Will an easement relinquishment be submitted at a later date: No. Not at this time.**

**Additional information: They will be using the area for parking for the jail, as they currently are.**

# EXHIBIT "A"

## RIGHT-OF-WAY VACATION LOCATED AT SMITH ROAD AND HAVANA STREET CITY AND COUNTY OF DENVER DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 26; THENCE S29°22'08"E, A DISTANCE OF 400.22 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SMITH ROAD AS RECORDED IN BOOK 7538, AT PAGE 476, CITY AND COUNTY OF DENVER RECORDS, SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

1. THENCE S43°55'29"W, ALONG THE NORTHWESTERLY LINE OF A PARCEL OF LAND AS RECORDED IN BOOK, 7491 AT PAGE 542, LESS AND EXCEPT BOOK 1709, AT PAGE 441, CITY AND COUNTY OF DENVER RECORDS, A DISTANCE OF 172.02 FEET;
2. THENCE N00°28'40"W, A DISTANCE OF 101.64 FEET;
3. THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 95°37'03", A RADIUS OF 30.00 FEET, AND AN ARC LENGTH OF 50.07 FEET;
4. THENCE S84°51'37"E, A DISTANCE OF 87.85 FEET TO THE **POINT OF BEGINNING**.

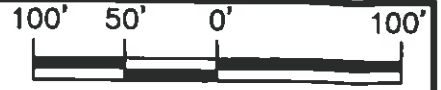
THE ABOVE PARCEL CONTAINS 7,867 SQUARE FEET (0.181 ACRES) OF LAND, MORE OR LESS.

**BASIS OF BEARINGS:** ALL BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., BEING A GRID BEARING OF N 00°28'40" W (2647.81'), SAID WEST LINE BEING MONUMENTED AS SHOWN ON THE ATTACHED EXHIBIT. THE GRID BEARING WAS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE COLORADO HIGH ACCURACY REFERENCE NETWORK (CHARN). THE GRID BEARING IS NAD83(1992) - COLORADO STATE PLANE CENTRAL ZONE (502).

PREPARED BY: JANET A. CALDWELL, P.L.S. 29027  
FOR AND ON BEHALF OF  
THE LUND PARTNERSHIP, INC.  
12265 W. BAYAUD AVE., SUITE 130  
LAKEWOOD, COLORADO 80228



EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



SCALE : 1" = 100 FEET

POINT OF COMMENCEMENT  
 NW CORNER SECTION 26,  
 T. 3 S., R. 67 W., 6TH P.M.  
 FOUND 3 1/4" DIA. ALUMINUM  
 CAP IN RANGE BOX, 1.4'  
 BELOW SURFACE, CAP  
 ILLEGIBLE.

$N89^{\circ}49'55'' E 1319.06'$   
 NORTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 26

NW 1/4 SECTION 26  
 T. 3 S., R. 67 W.  
 6TH PM

$N00^{\circ}28'40'' W 2647.81'$   
 WEST LINE OF THE NW 1/4 OF SECTION 26  
 (BASIS OF BEARINGS)

$S29^{\circ}22'08'' E 400.22'$

$\Delta = 95^{\circ}37'03''$   
 $R = 30.00'$   
 $L = 50.07'$

POINT OF BEGINNING  
 AREA = 7,867 Sq.Ft.

SMITH ROAD

HAVANA STREET

101.64'

$N00^{\circ}28'40'' W$

$S43^{\circ}55'29'' W 172.02'$

DENVER COUNTY JAIL SITE  
 BOOK 7491, PAGE 542  
 LESS and EXCEPT BOOK 1709, PAGE 441  
 CITY AND COUNTY OF DENVER RECORDS



THIS EXHIBIT IS A GRAPHIC DEPICTION OF THE PARCEL DESCRIBED ON THE ATTACHED LEGAL DESCRIPTION AND IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

JOB NO. 442-0202  
 SCALE: 1" = 100'  
 DATE: APRIL 8, 2010  
 EXHIBIT SHEET 1 OF 1  
 DRAWN BY: JAC

A VACATION OF RIGHT-OF-WAY LOCATED AT SMITH ROAD AND  
 HAVANA STREET  
 A PART OF THE NW 1/4 SEC. 26, T. 3 S., R. 67 W., 6TH P.M.,  
 CITY AND COUNTY OF DENVER, COLORADO

P:303.889.1461 F: 303.989.4094  
 CIVIL ENGINEERING & SURVEYING