



REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: *FOR:* Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services *BY: [Signature]*

ROW #: 2014-0867-01

DATE: May 11, 2015

SUBJECT: Request for an Ordinance to vacate a portion of the area between 2345 7th St and 695 Water 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 Steve Kocher of Harris Kocher Smith for granting of the above requested vacation. This matter has been inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; City Councilperson; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Parks & Recreation; Public Works – DES - Construction Engineering, DES Engineering – Transportation & Wastewater, Survey, Public Works – Policy and Planning; Public Works – Street Maintenance; CenturyLink; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have indicated 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. **Further, a perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, across, and through the vacated area for the purpose of fire and other emergency vehicular and personnel access.** 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 2014-0867-01-001 HERE

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

1. The width of this area varies.
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. Two buildings abut 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 March 30, 2015, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on March 30, 2015.
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: aal

cc: City Councilperson & Aides
City Council Staff – Shelley Smith
Capital Projects Management – Mike Anderson
Department of Law – Shaun Sullivan
Department of Law – Karen Aviles
Department of Law – Brent Eisen
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at Angela.Casias@DenverGov.org by 12:00 pm on Monday.

Date of Request: May 11, 2015

Please mark one: Bill Request or Resolution Request

Is this request: A new contract* A contract amendment* or Neither

*If this request is a contract or an amendment, is it:

A revenue agreement or An expenditure agreement

Contract Control Number:

Contract Terms/Dates:

Costs (if this is a contract amendment please include the original cost, additional cost and new total. *Failure to provide this information may delay processing*):

1. **Bill Description for the City Council Agenda:** (please give a one sentence description of the ordinance request. Describe if the request is a contract, amendment, lease, grant, change to code, rezoning, etc. and any other information that Council needs to approve the request)

2014-0867-01: This is a request for an Ordinance to vacate a portion of the area between 2345 7th St and 695 Water St, with reservations

2. **Requesting Agency:** Public Works - Survey

3. **Contact Person:** (Subject Matter Expert on the request)

- Name: Adrienne Lorantos, AICP
- Phone: 720-865-3119
- Email: Adrienne.Lorantos@denvergov.org

4. **Contact Person:** (Please list the person who will read this item at Mayor Council and attend first and second reading to answer questions)

- Name: Angela Casias
- Phone: 720-913-8529
- Email: Angela.Casias@denvergov.org

5. **Background on the request:**

This is a request to vacate the right-of-way between 2345 7th St and 695 Water St. There are utilities in the area so the applicant has requested that the portion without utilities be vacated without reservations. The remainder of the area is requested to be vacated with reservations. This request is for the area proposed to be vacated *with* reservations (a standard hard surface easement).

6. **Please complete the following fields:**

- A. **Location:** 695 Water St
- B. **Affected Council District:** #1 – Susan Shepherd
- C. **Benefits:** N/A

7. **Is there any controversy surrounding this ordinance? Please explain.**

No.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2014-0867-01: Vacation at 695 Water St, with reservations.

Description of Proposed Project: This is a request to vacate the right-of-way between 2345 7th St and 695 Water St. There are utilities in the area so the applicant has requested that the portion without utilities be vacated without reservations. The remainder of the area is requested to be vacated with reservations. This request is for the area proposed to be vacated with reservations (a standard hard surface easement).

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For overall lot redevelopment.

Has a Temp MEP been issued, and if so, what work is underway: No.

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, a standard hard surface easement will be placed over the area described in this proposal.

Will an easement relinquishment be submitted at a later date: Unknown.

Additional information: The related proposal 2014-0867-02 is the area proposed to be vacated without reservations.

