



Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3001
www.denvergov.org/survey

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office
FROM: Robert J. Duncanson, P.E. *Robert J. Duncanson*
Manager 2, Development Engineering Services
ROW #: 2016-VACA-0000009
DATE: September 15, 2016
SUBJECT: Request for an Ordinance to vacate a portion of the East/West alley bounded by E. 3rd Ave., E. 2nd Ave., Saint Paul St., and Milwaukee St., without 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 Adam Fenton, dated February 26, 2016, on behalf of BMC Investments 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:

As a result of these investigations, it has been determined that there is no objection to vacating the said area(s).

Therefore, you are requested to initiate Council action to vacate the following area:

INSERT PARCEL DESCRIPTION ROW 2016-VACA-0000009-001 HERE

A map of the area is attached.

RJD: cs

- cc: City Councilperson & Aides
- City Council Staff – Shelley Smith
- Department of Law – Shaun Sullivan
- 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.

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

Date of Request: September 15, 2016

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, contract amendment, municipal code change, supplemental request, etc.**)*

Request for an Ordinance to vacate a portion of the East/West alley bounded by E. 3rd Ave., E. 2nd Ave., Saint Paul St., and Milwaukee St., without reservations.

3. **Requesting Agency:** Public Works Engineering and Regulatory & Analytics

4. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** Chaunda Sinn
- **Phone:** 720-865-3036
- **Email:** Chaunda.sinn@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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@denvergov.org

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

Request for an Ordinance to vacate a portion of the East/West alley bounded by E. 3rd Ave., E. 2nd Ave., Saint Paul St., and Milwaukee St., without 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 – please do not leave blank.)*

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** 3000 E. 3rd Ave.
- d. **Affected Council District:** Councilman Wayne New, District 10
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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: _____

VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000009 3rd and St Paul Alley Vacation at 3000 E 3rd Ave

Owner name: BMC Investments

Description of Proposed Project: Request for an Ordinance to vacate a portion of the East/West alley bounded by E. 3rd Ave., E. 2nd Ave., Saint Paul St., and Milwaukee St., without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This alley is requested to be vacated due to a construction proposal of a mixed use building, consisting of residential and retail space, at this property covering the alley that is currently Public Right of Way.

Width of area in feet: ranges from 18 feet to 35.4 feet

Number of buildings abut said area: one (1)

The 20-day period for protests has expired, the vacating notice was posted on: 8/22/2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: 8/22/2016

Protests sustained by the manager of Public Works: Have not been filed.

Will land be dedicated to the City if the vacation goes through: Yes, three (3) small strips of the North/South alley will be dedicated to Public Right of Way. Also, an access easement will be obtained for an alley "L" out, adjacent to the vacated area, to prevent a dead end.

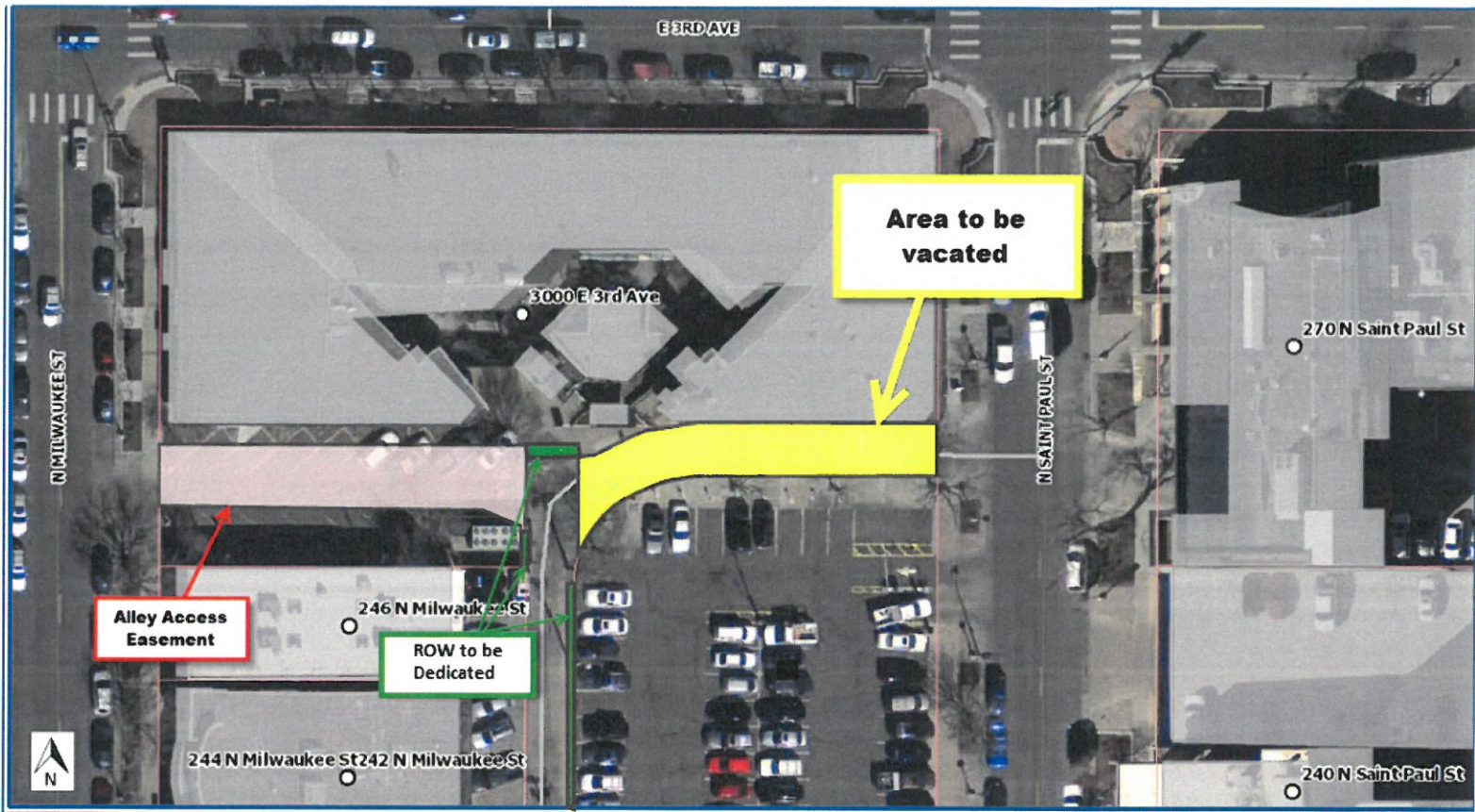
Will an easement be placed over a vacated area, and if so explain: No

Will an easement relinquishment be submitted at a later date: No

Background: This vacation request is associated with a proposed East/West private access easement to form an "L" out as well as a Public Right of Way dedication that will widen the remaining North/South alley.

Public Notification: There were no objections for this vacation request.

Location Map:



LAND DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE ALLEY REDEDICATION, ORDINANCE NO. 396-1995 AT RECEPTION NO. 1995074476, RECORDED JUNE 27, 1995 AT THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, WITHIN LOT 7, BLOCK 58 HARMON'S SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 58, HARMON'S SUBDIVISION; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MILWAUKEE STREET, S00°21'18"E A DISTANCE OF 112.06 FEET; THENCE N89°41'32"E A DISTANCE OF 142.46 FEET THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINE OF SAID ALLEY DEDICATION THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

- 1.) N89°42'18"E A DISTANCE OF 5.05 FEET;
- 2.) THENCE 43.84 FEET ALONG THEN ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 32°12'15", A RADIUS OF 78.00 FEET AND A CHORD WHICH BEARS N73°36'11"E A DISTANCE OF 43.27 FEET;
- 3.) THENCE N89°42'18"E A DISTANCE OF 75.82 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 7;
- 4.) THENCE ALONG SAID EASTERLY LINE, S00°22'07"E A DISTANCE OF 18.00 FEET;
- 5.) THENCE S89°42'18"W A DISTANCE OF 75.84 FEET;
- 6.) THENCE 33.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 32°12'15", A RADIUS OF 60.00 FEET AND A CHORD WHICH BEARS S73°37'22"W A DISTANCE OF 33.28 FEET TO A POINT OF COMPOUND CURVE;
- 7.) THENCE 25.53 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 43°49'21", A RADIUS OF 33.38 FEET AND A CHORD WHICH BEARS S35°36'35"W A DISTANCE OF 24.91 FEET;
- 8.) THENCE N00°21'42"W A DISTANCE OF 35.40 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 0.053 ACRES OR 2,320 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 20' RANGE LINE IN EAST 2ND AVENUE ASSUMED TO BEAR N89°43'18"E AND BEING MONUMENTED BY A FOUND 2" BRASS DISK PLS #28283 AT THE INTERSECTION OF EAST 2ND AVENUE AND MILWAUKEE STREET AND A FOUND 2-1/2" BRASS CAP IN RANGE BOX PLS #10945 AT THE INTERSECTION OF EAST 2ND AVENUE AND SAINT PAUL STREET.

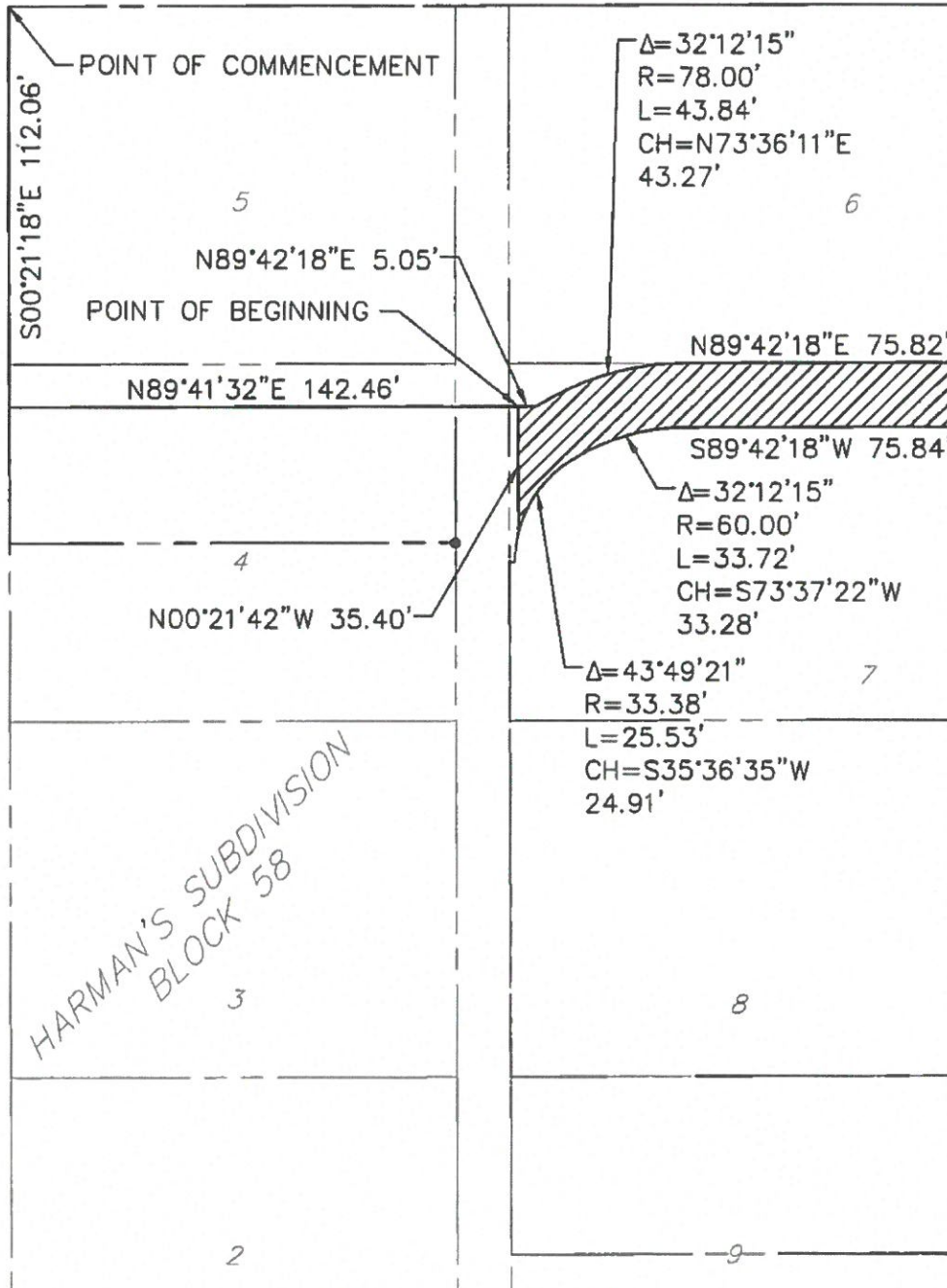
PREPARED BY BRIAN ZOOK, EIT
REVIEWED BY RICHARD A. NOBBE, PLS # 23899
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE,
LAKEWOOD, CO, 80215
JANUARY 12, 2016
REV. FEBRUARY 25, 2016
REV. AUGUST 9, 2016



EXHIBIT A
SHEET 2 OF 2

MILWAUKEE STREET

SAINT PAUL STREET

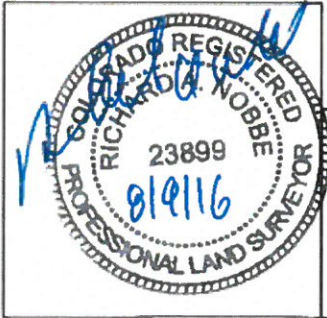


HARMAN'S SUBDIVISION
BLOCK 58

DRAWING LOCATION: C:\SCHLAGETER\15.1000_3rd and St. Paul\PLANS\EXHIBITS\ROW VACATION_ Exhibit.dwg



0 25 50
SCALE: 1" = 50'
ALL DIMENSIONS ARE
U.S. SURVEY FEET



REV. AUGUST 9, 2016
REV. FEBRUARY 25, 2016
JANUARY 12, 2016

MARTIN/MARTIN
CONSULTING ENGINEERS
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
MAIN 303.431.6100 MARTINMARTIN.COM

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