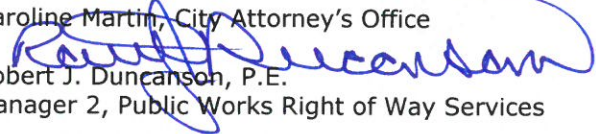




Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3001
www.denvergov.org/survey

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office
FROM: Robert J. Duncanson, P.E. 
Manager 2, Public Works Right of Way Services
ROW #: 2016-VACA-0000013
DATE: January 30, 2017
SUBJECT: Request for an Ordinance to vacate a portion of the public alley bounded by 15th St and the Cherry Creek, Wynkoop St. and Wazee 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 Patrick Chelin, dated March 16, 2016, on behalf of UNICO BOP 1430 Wynkoop LLC, and UNICO BOP 1401 Wazee LLC, c/o Ryan Smelker, for requesting 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. 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 2016-VAA-0000013-001 HERE

RJD: vw

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: January 30, 2017

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 public alley bounded by 15th St and the Cherry Creek, Wynkoop St. and Wazee St, with reservations.

3. **Requesting Agency:** PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Vanessa West
- **Phone:** 720-913-0719
- **Email:** Vanessa.west@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:**

To vacate a portion of the public alley bounded by 15th St and the Cherry Creek, Wynkoop St. and Wazee 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 – please do not leave blank.)*

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** Alley bounded by 15th, Wynkoop, Wazee
- d. **Affected Council District:** Dist # 9, Brooks
- 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.

Yes. We received a large amount of protests for this vacation request. Each one was deemed to have no technical merit by Rob Duncanson, Director of Right of Way Services.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000013, 15th, Wynkoop and Wazee partial alley vacation

Owner name: UNICO BOP c/o Ryan Smelker

Description of Proposed Project: To vacate a portion of the alley with reservations

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:
Redevelopment

Width of area in feet: 16 feet

Number of buildings abut said area: 0

The 20-day period for protests has expired, the vacating notice was posted on: December 1, 2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: December 1, 2016

Protests sustained by the manager of Public Works: Yes, have been filed, deemed to have no technical merit

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

Will an easement relinquishment be submitted at a later date: Possibly

Background: This project sustained many protests. The majority of the protests were due to the alley becoming a dead end alley, but it already is one, and the according to PW Policy, an alley can be vacated in this fashion, if it is already a dead end alley such as this one.

Public Notification: There were several objections that were sent to the Executive Director of Public Works. All objections received were deemed to have no technical merit by the Director of Right of Way Services.

Location Map:

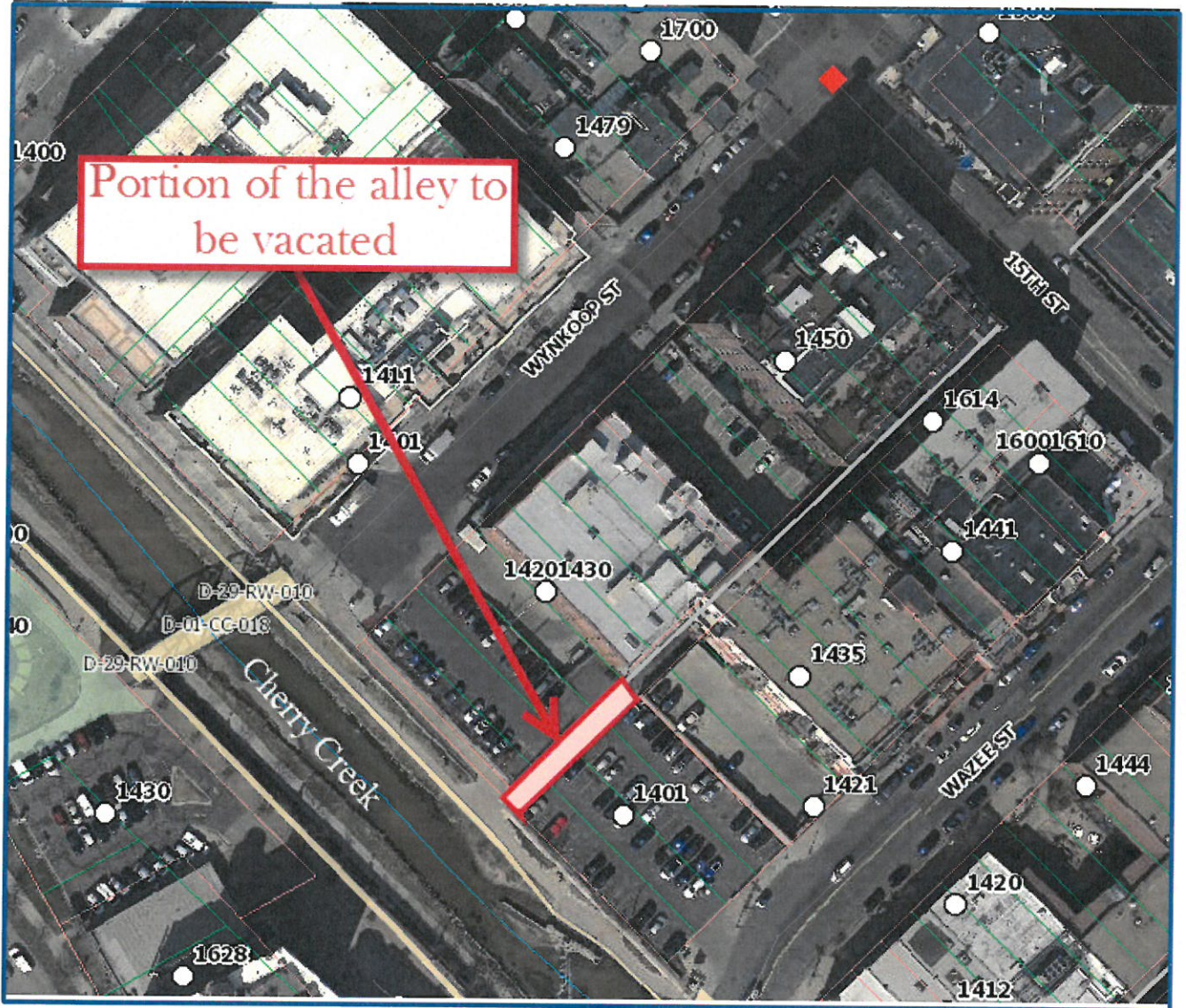


EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2

THAT PORTION OF THE ALLEY ADJACENT TO LOTS 13 THROUGH 20, BLOCK 17, EAST DENVER,
LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST
OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTHWESTERLY LINE OF LOTS 17 THROUGH 20, BLOCK 17, TO BEAR
N45°00'00"E, A DISTANCE OF 100.00 FEET BETWEEN A FOUND 2" ALUMINUM DISC WITH MAG
NAIL "FLATIRONS SURVEYING LS 16406" AT THE WESTERLY MOST CORNER OF LOT 17 AND A
FOUND 3/4" BRASS TAG "FSI 16406" AT A 2.0' OFFSET TO THE NORTHERLY MOST CORNER
OF LOT 20, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT SAID WESTERLY MOST CORNER OF LOT 17; THENCE N45°00'00"E, ALONG SAID
NORTHWESTERLY LINE OF LOTS 17 THROUGH 20, A DISTANCE OF 100.00 FEET; THENCE
N45°00'00"W, A DISTANCE OF 16.00 FEET TO THE EASTERLY MOST CORNER OF LOT 13;
THENCE S45°00'00"W, ALONG THE SOUTHEASTERLY LINE OF LOTS 13 THROUGH 16, A
DISTANCE OF 100.00 FEET; THENCE S45°00'00"E, A DISTANCE OF 16.00 FEET TO THE POINT
OF BEGINNING;

SAID PORTION OF ALLEY CONTAINING 1,600 SQ. FT. OR 0.037 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY
STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND
ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY
RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO
REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE
STATUTE.



JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

JOB NUMBER: 15-66,138
DRAWN BY: J. BREEDLOVE
DATE: MARCH 15, 2016

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS
NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD
INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics



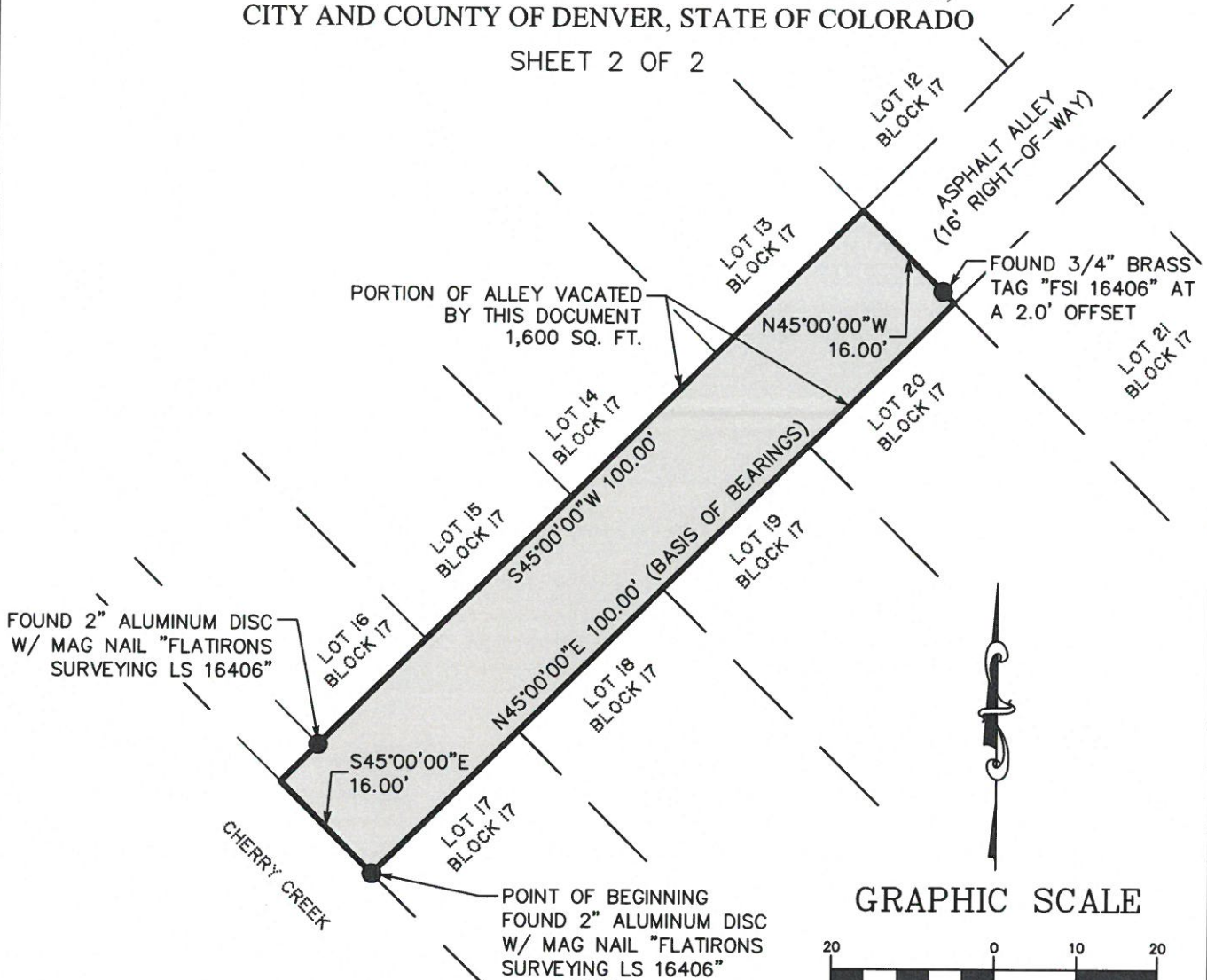
3660 DOWNING ST
 UNIT E
 DENVER, CO 80205
 PH: (303) 936-6997
www.FlatironsInc.com

BY:JBREEDLOVE FILE:66138 ALLEY VACATION.DWG DATE:3/15/2016 1:39 PM

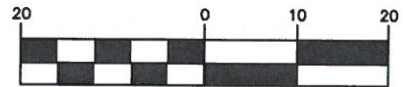
EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



JOB NUMBER: 15-66,138
DRAWN BY: J. BREEDLOVE
DATE: MARCH 15, 2016

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics



3660 DOWNING ST
 UNIT E
 DENVER, CO 80205
 PH: (303) 936-6997
www.FlatironsInc.com

BY:JBREEDLOVE FILE:66138 ALLEY VACATION.DWG DATE:3/15/2016 1:38 PM