



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-0000008

DATE: December 9, 2016

SUBJECT: Request for an Ordinance to vacate a portion of the Right of Way on the northeast corner of the Blake Street and Downing Street intersection, 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 Mark Marshall, dated January 27, 2016, on behalf of Blake TOD, LLC 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-VACA-0000008-001 HERE

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: December 9, 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 Right of Way on the northeast corner of the Blake Street and Downing Street intersection, with 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 Right of Way on the northeast corner of the Blake Street and Downing Street intersection, 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:** Northeast corner of Blake Street and Downing Street
- d. **Affected Council District:** District 9, Councilman 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.

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000008 Blake and Downing 1420 38th St

Owner name: Blake TOD, LLC

Description of Proposed Project: The vacated area will be an open green space for the future, adjacent apartments.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: A reconfiguration of the intersection of Blake and Downing took place which created a small corner of Right of Way. The customer would like to redevelop the newly created Right of Way area as an open green space.

Width of area in feet: from 3' to 56'

Number of buildings abut said area: 0

The 20-day period for protests has expired, the vacating notice was posted on: November 10, 2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: November 10, 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: 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: Unknown

Background: The Blake Street and Downing Street intersection was reconfigured and a small Right of Way area was created. The customer would like to turn that area into an open green space.

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

Location Map:



PARCEL DESCRIPTION:

A PORTION OF LOTS 8 TO 15, INCLUSIVE, BLOCK 25, RIVERSIDE ADDITION TO DENVER, ALSO BEING A PORTION OF DOWNING STREET RIGHT-OF-WAY DESCRIBED AS PARCEL 2 IN ORDINANCE 127 SERIES 2010, BEING IN THE SOUTHWEST ONE QUARETER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF LOT 8 WHICH IS 16 FEET SOUTHWESTERLY OF THE NORTHERN MOST CORNER OF LOT 8, THENCE ALONG SAID PARCEL 2 OF ORDINANCE 127, SERIES 2010 THE FOLLOWING SEVEN (7) COURSES:

1. SOUTHWESTERLY TO A POINT 3 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 8;
2. SOUTHWESTERLY TO A POINT 11.5 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 9;
3. SOUTHWESTERLY TO A POINT 22.5 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 10;
4. SOUTHERLY TO A POINT 37 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 11;
5. SOUTHERLY TO A POINT 56 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 12;
6. SOUTHERLY TO A POINT 45 FEET NORTHWESTERLY FROM THE MOST EASTERLY CORNER OF LOT 14;
7. SOUTHERLY TO A POINT ON THE NORTHWESTERLY LINE OF ALLEY AND 8 FEET SOUTHWESTERLY FROM THE EAST CORNER OF LOT 15,

THENCE SOUTHWESTERLY ALONG SAID ALLEY LINE TO A POINT 10.5' NORTHEASTERLY FROM THE SOUTHERLY CORNER OF LOT 15; THENCE NORTHERLY TO A POINT 60 FEET NORTHWESTERLY FROM THE EASTERLY CORNER OF LOT 14, THENCE NORTHWESTERLY TO A POINT 4.2 FEET SOUTHWESTERLY FROM THE NORTHERLY CORNER OF LOT 13, THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID BLOCK 25 TO THE POINT OF BEGINNING.

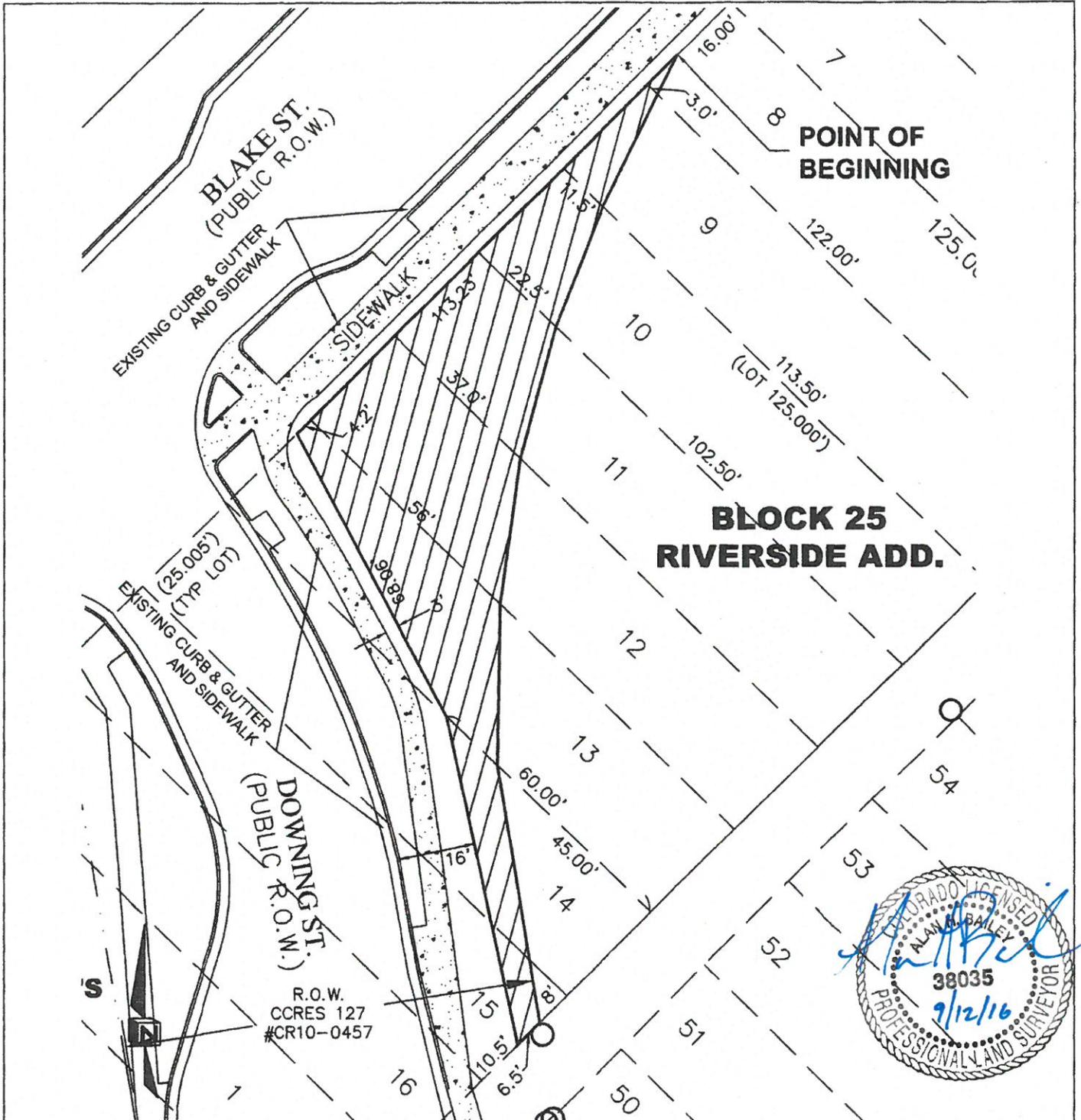
CONTAINING 3,993 S.F. (0.092 ACRES) MORE OR LESS

PREPARED BY:
ALAN H. BAILEY, PLS 38035
FOR AND ON BEHALF OF:
BAILEY PROFESSIONAL SOLUTIONS, LLC
5737 SOUTH KENTON STREET
ENGLEWOOD, CO 80111
303-587-1672



EXHIBIT

2016-VACA-000008-001



THIS IS NOT A LAND SURVEY PLAT AND ONLY REPRESENTS THE ATTACHED PARCEL DESCRIPTION.

SCALE:	1"=30'
PROJECT:	ULC-11-03
DRAWING FILE:	ROW-EXHIBIT.DWG
DATE:	JUNE 7, 2016
DRAWN:	AHB
CHECKED:	AHB

bp

**BAILEY
PROFESSIONAL
SOLUTIONS**

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 5737 SOUTH KENTON STREET ENGLEWOOD, CO 80111
 303.587.1672 BAILEYPROFESSIONALSOLUTIONS.COM