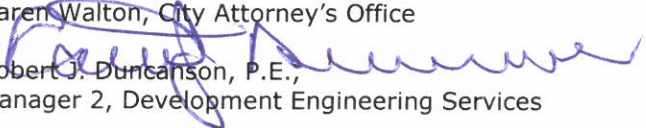




REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

FROM: Robert J. Duncanson, P.E., 
Manager 2, Development Engineering Services

ROW NO.: 2012-0460-03

DATE: September 12, 2013

SUBJECT: Request for an Ordinance to vacate the portion of alley dedicated by Ordinance No. 166, Series of 1987, being the northwesterly 4.5' of the alley in block 62, Harmans Subdivision bounded by N Columbine St, N Clay St, E 3rd Ave, and E 2nd Av., without reservation.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Philip Brewer, on behalf of Columbine Street Associates, LLC 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 Jeanne Robb; 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.

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

INSERT PARCEL DESCRIPTION ROW 2012-0460-03-002 HERE

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

1. The width of this area is 4.5 feet.
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. One building abuts 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. Partial replacement area will be required in the form of an access easement.
8. The vacating notice was posted on August 6, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on August 6, 2013.
10. No protests were sustained by the Manager of Public Works.
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: acp

cc: Asset Management, Steve Wirth
City Councilperson & Aides
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Shaun Sullivan
Department of Law, Karen Aviles
Department of Law, Karen Walton
Department of Law, Brent Eisen
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Nancy Kuhn
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy,
Project File #2012-0460-03

Property Owner:
Columbine Street Associates, LLC
c/o Philip Brewer
200 Fillmore St, Ste 400
Denver, CO 80206
303.321.5700
pbrewer@westdevgrp.com

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at daelene.mix@denvergov.org by **NOON 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 12, 2013

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

Request for an Ordinance to vacate the portion of alley dedicated by Ordinance No. 166, Series of 1987, being the northwesterly 4.5' of the alley in block 62, Harmans Subdivision bounded by N Columbine St, N Clay St, E 3rd Ave, and E 2nd Av., without reservation.

3. Requesting Agency: PW Plan Review Services

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

- Name: Adam Perkins
- Phone: 720.865.3036
- Email: adam.perkins@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: Nancy Kuhn
- Phone: 720-865-8720
- Email: nancy.kuhn@denvergov.org

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

An Ordinance to vacate the portion of alley dedicated by Ordinance No. 166, Series of 1987, being the northwesterly 4.5' of the alley in block 62, Harmans Subdivision bounded by N Columbine St, N Clay St, E 3rd Ave, and E 2nd Av., without reservation.

****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.)

- a. Contract Control Number: N/A
- b. Duration: Permanent
- c. Location: Near 250 N Columbine St
- d. Affected Council District: D10: Robb
- e. Benefits: None
- f. Costs: None

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

One nearby resident is concerned about increased traffic from proposed development. This project will actually increase the alley from a 15' alley to a 17.5' alley once the access easement is recorded after the Vacation.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2012-460-03 250 Columbine St.

Description of Proposed Project: An Ordinance to vacate the portion of alley dedicated by Ordinance No. 166, Series of 1987, being the northwesterly 4.5' of the alley in block 62, Harmans Subdivision bounded by N Columbine St, N Clay St, E 3rd Ave, and E 2nd Av., without reservation.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: In order for an underground parking garage to be square to the property line in its east side.

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: A 2.5' access easement will be dedicated along the entire wester edge of the alley.

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

Additional information: One nearby resident is concerned about increased traffic from proposed development. He is afraid that cars need the current extra space to turn in high traffic area. This project will actually increase the alley from a 15' alley to a 17.5' alley once the access easement is recorded after the Vacation.

ALLEY R.O.W. VACATION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF THAT PARCEL DESCRIBED IN ORDINANCE NO. 166, SERIES OF 1987, RECORDED AT RECEPTION NO. 8700115372 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, BEING A PORTION OF PLOT 5, BLOCK 62, HARMANS SUBDIVISION, RECORDED APRIL 15, 1889 IN BOOK 7 AT PAGE 34 OF THE ARAPAHOE COUNTY RECORDS, SITUATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PLOT 5, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF EAST 3RD AVENUE AND ON THE WEST RIGHT-OF-WAY LINE OF THE PLATTED ALLEY IN SAID BLOCK 62;

THENCE SOUTH 00°01'44" EAST ALONG SAID WEST LINE, A DISTANCE OF 47.17 FEET;

THENCE NORTH 44°59'27" WEST, A DISTANCE OF 5.66 FEET;

THENCE NORTH 00°01'44" WEST, A DISTANCE OF 43.17 FEET TO A POINT ON THE NORTH LINE OF SAID PLOT 5;

THENCE SOUTH 89°57'09" EAST ALONG SAID NORTH LINE, A DISTANCE OF 4.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 181 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE ALLEY IN BLOCK 62, HARMANS SUBDIVISION, ASSUMED TO BEAR SOUTH 00°01'44" EAST.

PREPARED BY: AARON MURPHY, PLS 38162
 ON BEHALF OF: HARRIS KOCHER SMITH
 1120 LINCOLN STREET, SUITE 1000
 DENVER, CO 80203
 303.623.6300



FILEPATH: P:\121201\100-121201\SURVEY\ALLEY VACA EXHIBIT.DWG LAYOUT: SHEET 1
 2:29:52: gis contour(1) old row layout(1)
 MODIFIED: 05/20/13 10:49:27A '09' AARON MURPHY

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

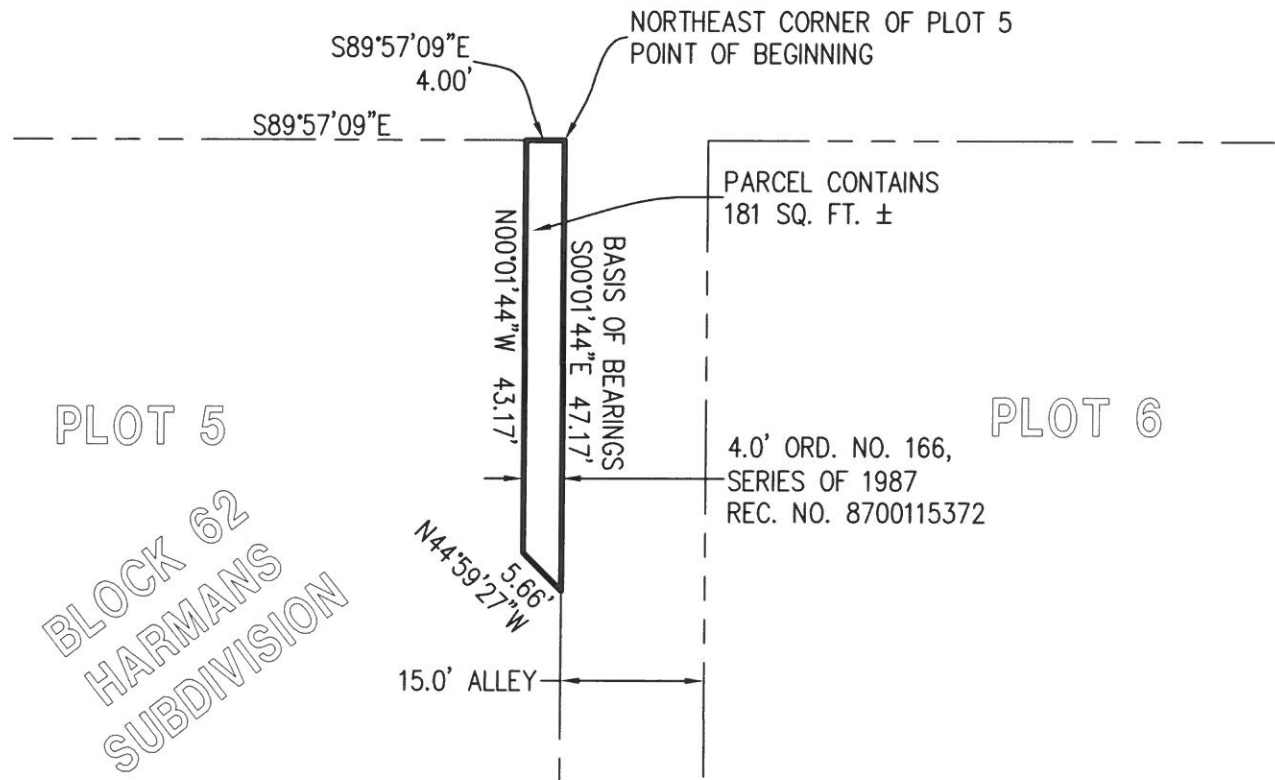
DATE	REVISION COMMENTS	250 COLUMBINE	DESCRIPTION	 1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303-623-6300 F: 303-623-6311 HarrisKocherSmith.com	CHK'D BY: AWM
04-12-13	PER COMMENTS				
05-28-13	REV. CONFIG.				JOB NUM: 121201
					SHEET NO.
					1
					1 OF 2

EXHIBIT

SITUATED IN THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



EAST 3RD AVENUE
 (70' R.O.W.)



PLOT 5
 BLOCK 62
 HARMANS
 SUBDIVISION

PLOT 6

PARCEL CONTAINS
 181 SQ. FT. ±
 4.0' ORD. NO. 166,
 SERIES OF 1987
 REC. NO. 8700115372



SCALE: 1" = 20'

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

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 02-15-13	
DATE	REVISION COMMENTS
04-12-13	PER COMMENTS
05-28-13	REV. CONFIG.

250 COLUMBINE

ALLEY R.O.W. VACATION

HKS HARRIS KOCHER SMITH
 1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303-623-6300 F: 303-623-6311
 HarrisKocherSmith.com

CHK'D BY: AWM
DRAWN BY: KDW
JOB NUM: 121201
SHEET NO:
2
2 OF 2