

KAPLAN & ASSOCIATES LLC
ATTORNEYS AT LAW

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Monday, August 20, 2018

Re: Bill 18-0394 A bill for an ordinance vacating a portion of the alley bounded by Cedar Avenue, South Birch Street and Leetsdale Drive, with reservations.

Dear Members of Council,

I write to provide a brief update regarding tonight's first reading of Bill 18-0394. This firm represents Garrett Gidley (260 Leetsdale Dr.), who maintains his opposition to this vacation ordinance request.

Following the initial May 1, 2018 LUTI Committee meeting on this matter, counsel for vacation requestors David and Susan White invited Garrett to propose settlement terms. Garrett did so in a detailed and comprehensive proposal dated May 10, 2018. The Whites and their counsel (the Whites' counsel now also represents the Hamrick family (222 Leetsdale Dr.) and Paul Balstad (229 S. Birch St) for the purposes of settlement attempts among the neighbors) failed to respond to this proposal until more than three months later on Friday August 17, 2018, a mere three days before tonight's first reading. Attached to the August 17, 2018 response and counteroffer was a map dated June 26, 2018, which contained outdated and incorrect information. For your convenience, please see the attached **Exhibit 1** (an updated approximation of current property boundaries). We find it extremely problematic that the Whites, Hamricks, and Balstad provided us with only a single weekend to review and respond to this inaccurate material before tonight's first reading. We have also learned that Amy Kuark and Andrew Heher (4234 E. Cedar Ave.) have similarly been kept in the dark about the mechanics of a possible vacation.

As such, the LUTI Committee's two main concerns that existed on May 15, 2018 – alley access and how title might vest upon vacation – remain unaddressed.

In the most recent communications over the weekend with counsel for the Whites, Hamricks, and Balstad, we have emphatically reiterated that Garrett is not interested in a windfall of cash or property. Garrett simply wants safe access to his property through the alley, just as the Whites and the Hamricks are able to enjoy, and which Garrett would be able to construct but for the fact that his access to the public right of way has been blocked by his neighbors' illegal encroachments. See the attached **Exhibit 2** (the approximate extent of Garrett's proposed easement). Garrett's only current vehicle access is off of Leetsdale Dr., and is the nearest driveway to the busy and dangerous Leetsdale Dr.-Alameda Ave. intersection, and automobile collisions frequently occur at his driveway entrance. See the attached **Exhibit 3** for documentation of some of these recent collisions.

Garrett and I will be in attendance at the first reading of Bill 18-0394 this evening. We ask that you reject this proposed Bill, or reserve a public access easement so that Garrett can construct and use a narrow driveway through the alley. This easement would provide a solution to all questions of access that troubled the Committee. We are happy to answer any of your questions during tonight's meeting.

Sincerely,

KAPLAN & ASSOCIATES LLC
Joshua R. Kruger, Esq.
Associate Attorney

Exhibit 1

IMPROVEMENT SURVEY PLAT

THE ALLEYWAY WITHIN BLOCK 1, BURNS PARK ADDITION SUBDIVISION,
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
 CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2

20' RANGE LINE 639.60' (C & P)

EAST CEDAR AVENUE
 (75' RIGHT-OF-WAY)

CONCRETE CURB AND GUTTER
 CONCRETE WALK

BLOCK 1

LOT 3

LOT 4

LOTS 3 & 4
 OWNER: SALLY DEMPSEY

LOT 5

LOT 6

LOTS 5, 6 & PART OF 10
 OWNER: DAVID & SUSAN WHITE

LOT 7

LOT 8

LOT 9

LOT 10

LOT 19

LOT 18

LOTS 17, 18 & 19
 OWNER: JOAN M & ANDREW C. HAMRICK

LOT 17

LOT 16
 OWNER: GARRETT SETH GIDLEY &
 CAROL JULIANA

LOTS 12 & 13
 OWNER: ELIZABETH K. SELZER &
 DAVID C. SELZER

LOT 12

TITLE LIKELY VESTS TO
 CENTER OF ALLEY PURSUANT
 TO CRS 43-2-302(1)(D)

S34°07'19"E
 90.08' (C)
 90.075' (P)

WHITE PROPERTY DEAD END
 FRONTAGE = 59'
 908 SQ FT

BALSTAD DEAD END PROPERTY
 FRONTAGE = 50'
 757 SQ FT

LOT 11 AND THE SOUTH 6.5 FEET
 OF THE EAST 125 FEET OF LOT 10
 OWNER: PAUL D. BALSTAD

HAMRICK DEAD END
 PROPERTY FRONTAGE = 55'
 878 SQ FT

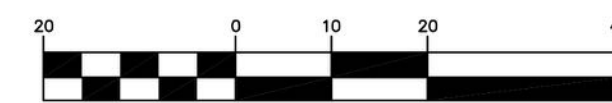
GARRETT DEAD END PROPERTY
 FRONTAGE = 84'
 1287 SQ FT

Legend

- + FOUND CHISELED CROSS
- FOUND MONUMENT AS DESCRIBED
- ⊕ FOUND BRASS TAG AS DESCRIBED
- ⊙ SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (P) AS PER THE PLAT OF BURNS PARK ADDITION, RECORDED AT BOOK 26, PAGE 5, IN THE RECORDS OF THE CITY AND COUNTY OF DENVER.
- CONCRETE
- EDGE OF ASPHALT
- FENCE
- ROOF DRAIN
- TRANSFORMER
- FIBEROPTIC MANHOLE



GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.

REVISION	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	

IMPROVEMENT SURVEY PLAT
 PREPARED FOR
 DAVID & SUSAN WHITE
 COPYRIGHT 2017 FLATIRONS, INC.

Flatirons, Inc.
 Surveying, Engineering & Geomatics
 www.flatironsinc.com
 3660 DOWNING ST
 BOULDER, CO 80301
 DENVER, CO 80205
 PH: (303) 443-7001
 PH: (303) 936-6957
 PH: (303) 443-9830
 PH: (303) 776-4355



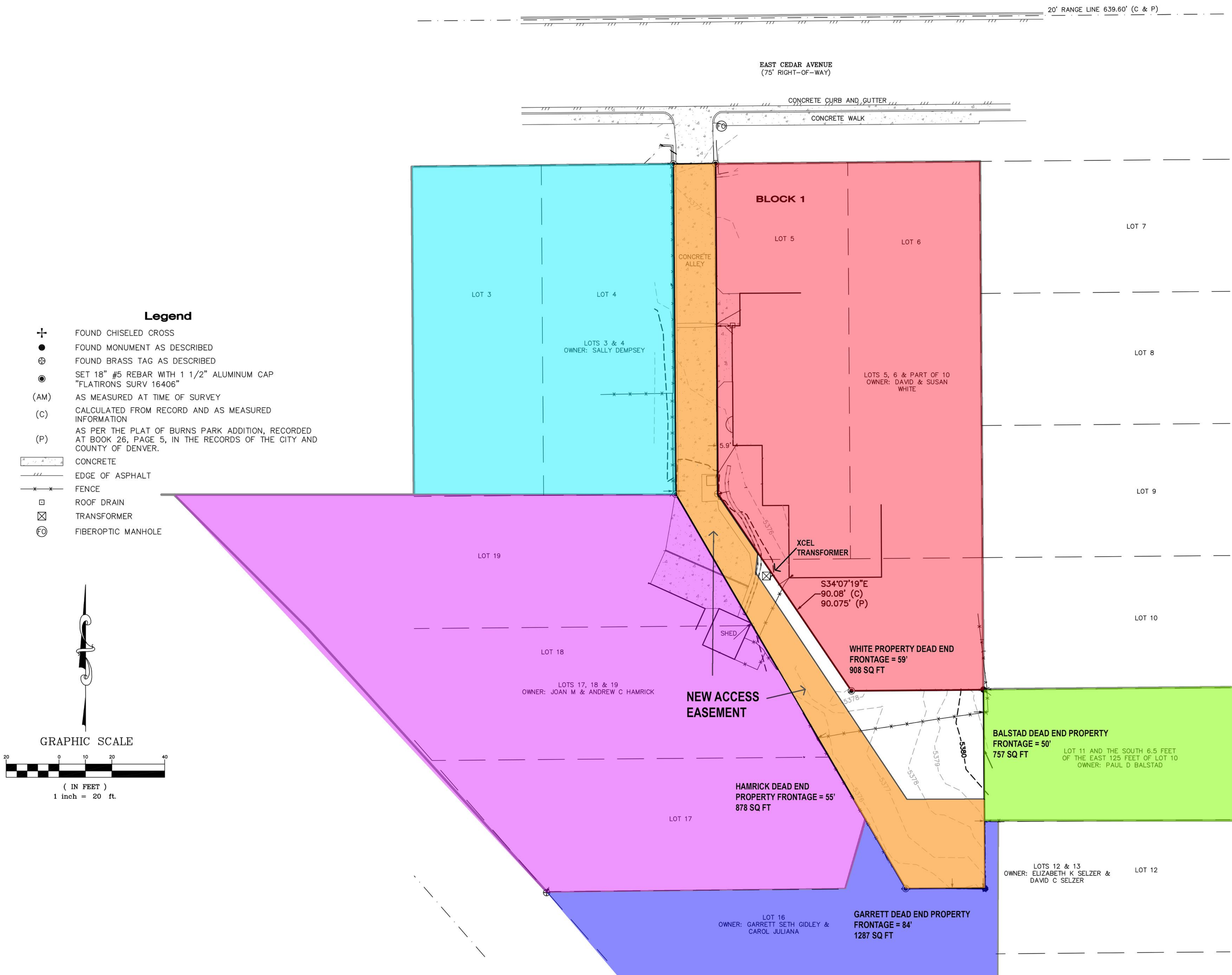
JOB NUMBER:
 16-68,756
 DATE:
 1/19/2017
 DRAWN BY:
 M. LUND
 CHECKED BY:
 JMB/KFE/JS

Exhibit 2

IMPROVEMENT SURVEY PLAT

THE ALLEYWAY WITHIN BLOCK 1, BURNS PARK ADDITION SUBDIVISION,
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
 CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2



REVISION	DATE
1	
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Exhibit 3



Exhibit 3



Exhibit 3





Accident Information Exchange Form

CAD#

16-99669

The accident in which you have been involved happened in the City and County of Denver. Please complete this form and exchange one NCR page with the other drivers involved in the accident.

Exhibit 3

LOCATION OF ACCIDENT 4300 BUR WESDALE DR		DATE 2-16-16	TIME 12:03
DRIVER'S NAME BETTY ZEIDMAN		RESIDENCE ADDRESS 11 S. ADAMS ST #1205	
CITY, COUNTY, STATE, ZIP CODE DENVER CO 80209		RESIDENCE PHONE (303) 320-7810	BUSINESS PHONE ()
DRIVER'S LICENSE NUMBER 043210347		STATE CO	DATE OF BIRTH 1-21-26
VEHICLE YEAR 2000	MAKE TOYOTA	MODEL/COLOR COROLLA	LICENSE NUMBER 258LKH
VIN INXBR12E4YZ315901		STATE CO	
VEHICLE OWNER'S NAME - IF SAME AS DRIVER, WRITE SAME SAME			
CITY, COUNTY, STATE, ZIP CODE		RESIDENCE PHONE ()	BUSINESS PHONE ()
POLICY HOLDER INSURED WITH PROGRESSIVE	AGENT'S NAME/PHONE VIK	POLICY NUMBER ?	POLICY DATE ?
INVESTIGATING OFFICER		SERIAL NUMBER 01061	

Getting you and your vehicle back on the road

This form is designed to provide you with the information and instructions you may need to cope with the difficulties resulting from your vehicular accident.

Before you leave the scene!

Retrieve your papers: Driver's License, Vehicle Registration, and Proof of Insurance.

Obtain and retain available forms: Accident Information Exchange Form, Tow Security record (if you arrange for your vehicle's tow).

Please note: A copy of the investigating officer's report is not available at the time of the accident.

Vehicle Location: Impounded Private Tow Keys

Parked and Locked Location: _____

Information often needed following an accident:

Personal injury information: Hospitalized individuals were taken to:

- Denver Health
777 Bannock St.
Denver, CO 80204
303-436-6000
- St. Anthony's Hospital
11600 W. 2nd Pl.
Lakewood, CO 80228
720-321-0000
- Aurora Medical Cntr. South
1501 S. Potomac St.
Aurora, CO 80012
303-695-2600
- Denver Health
777 Bannock St.
Denver, CO 80204
303-436-6000
- University Hospital
12605 E. 16th Ave.
Aurora, CO 80045
720-848-0000
- St. Joseph's Hospital
1835 Franklin St.
Denver, CO 80218
303-837-7111
- Aurora Medical Cntr. North
700 Potomac St.
Aurora, CO 80011
303-695-2600
- Children's Hospital
13123 E. 16th Ave.
Aurora, CO 80045
720-777-1234
- Swedish Hospital
501 E. Hampden Ave.
Englewood, CO 80113
303-788-5000
- Porter Hospital
2525 S. Downing St.
Denver, CO 80210
303-778-1955
- Aurora Medical Cntr. North
700 Potomac St.
Aurora, CO 80011
303-695-2600

Incarcerations:

- Van Cise-Simonet Detention Facility
490 W. Colfax Avenue
Denver, CO 80204
720-913-3600
- Other _____
- Juvenile Intake
1331 Cherokee Street
Denver, CO 80204
720-913-6745
- Denver Cares (DETOX)
1155 Cherokee Street
Denver, CO 80204
303-436-3500

Exhibit 3

