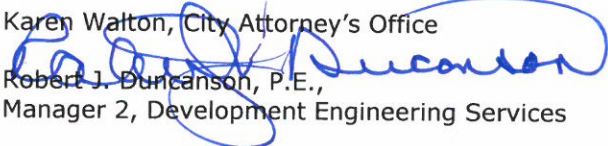




### REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office

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

**ROW NO.:** 2013-0283-03

**DATE:** March 19, 2014

**SUBJECT:** Request for an Ordinance to vacate a portion of the alley running north and south, between Clay St, Bryant St, W 23rd Ave and W 24<sup>th</sup> Ave 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 Jason A Monforton, on behalf of 24 Jeff Park 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 Susan Shepherd; 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; 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 2013-0283-03-001 HERE**

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

1. The width of this area is 10 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. **1** building abut 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. Replacement area will not be required.
8. The vacating notice **was** posted on February 26, 2014, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on February 26, 2014.
10. Protests, sustained by the Manager of Public Works have been filed.
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:bvs

cc: Asset Management, Steve Wirth  
City Councilperson Susan Shepherd & 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 #2013-0283-03

**Property Owner:**

24 Jeff Park, LLC  
c/o Donald Caster  
1936 W 33<sup>rd</sup> Avenue  
Denver, CO 80211

**Agent:**

J3 Engineering Consultants, Inc.  
c/o Jason A. Monforton  
6505 S Paris St., Suite B  
Centennial, CO 80111

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Nancy Kuhn at  
Nancy.Kuhn@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: March 19, 2014

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 a portion of the alley running north and south, between Clay St, Bryant St, W 23<sup>rd</sup> Ave and W 24<sup>th</sup> Ave with reservations.

3. **Requesting Agency:** Public Works Survey

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

- **Name:** Beverly J Aragon
- **Phone:** 720-865-3125
- **Email:** [Beverly.Aragon@denvergov.org](mailto:Beverly.Aragon@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](mailto:nancy.kuhn@denvergov.org)

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

To vacate a portion of the alley running north and south, between Clay St, Bryant St, W 23<sup>rd</sup> Ave and W 24<sup>th</sup> Ave 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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** Clay St, Bryant St, W 24<sup>th</sup> Ave and W 23<sup>rd</sup> Ave
- d. **Affected Council District:** District 1, Susan K. Shepherd
- e. **Benefits:** N/A
- f. **Costs:** 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: \_\_\_\_\_



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2013-0283-03 Vacation, Alley at W 24<sup>th</sup>, between Bryant St and Clay St**

**Description of Proposed Project: Requestion for an Ordinance to vacate a portion of the alley running north and south, between Clay St, Bryant St, W 23rd Ave and W 24th Ave with reservations.**

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

**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: Yes. Currently there is a power pole in the alleyway which will be relocated underground but within the proposed 16' access and utility easement**

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

**Additional information: N/A**

## ALLEY R.O.W. VACATION

SITUATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH,  
 RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**LEGAL DESCRIPTION**

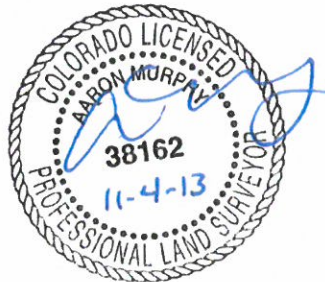
A PARCEL OF LAND BEING A PORTION OF A PLATTED ALLEY IN BLOCK 11, HIGHLAND TERRACE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF LOT 27 OF SAID BLOCK 11, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID ALLEY;  
 THENCE NORTH 89°59'19" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY;  
 THENCE SOUTH 00°02'34" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 121.84 FEET;  
 THENCE SOUTH 89°56'52" WEST, A DISTANCE OF 10.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE SAID POINT BEING 3.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 27;  
 THENCE NORTH 00°02'34" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 121.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1,218 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE ALLEY IN BLOCK 11, HIGHLAND TERRACE, ASSUMED TO BEAR NORTH 00°02'34" EAST.

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



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

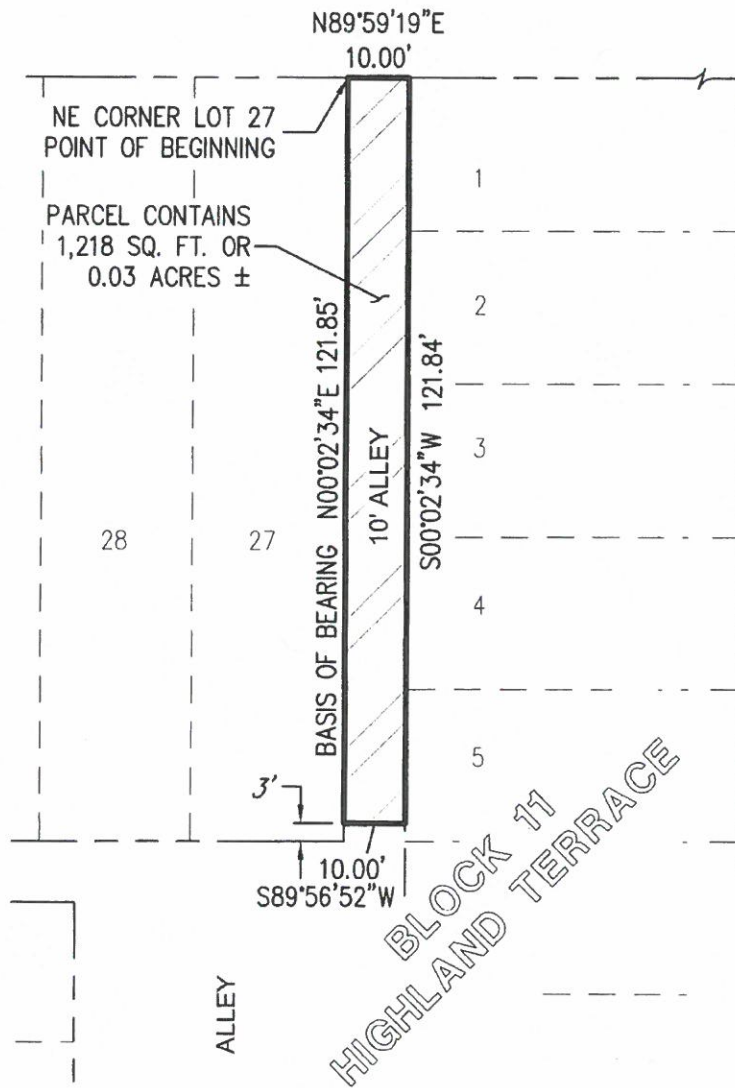
<small>PREPARED BY: AARON MURPHY, PLS 38162 ON BEHALF OF: HARRIS KOCHER SMITH 1120 LINCOLN STREET, SUITE 1000 DENVER, CO 80203 303.623.6300</small>					
<b>DATE</b>	<b>REVISION COMMENTS</b>	24TH & CLAY	DESCRIPTION ALLEY R.O.W. VACATION	 1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303-623-6300 F: 303-623-6311 HarrisKocherSmith.com	ISSUE DATE: 8-05-13
11-4-13	PER COMMENTS				CHK'D BY: AWM
					DRAWN BY: JPB
					JOB NUM: 130705
					SHEET NO <b>1</b>
		1 OF 2			

# EXHIBIT

SITUATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH,  
 RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



**WEST 24TH AVENUE**  
 (80' R.O.W.)



**BRYANT STREET**  
 (68' R.O.W.)

**BLOCK 11  
 HIGHLAND TERRACE**



SCALE: 1" = 30'

**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

FILEPATH P:\130705\BURYVALLEY VACADIC LAYOUT VACA CONBT  
 1. 05/11/2013 11:28 AM JPB  
 PLOTTED: MON 11/04/13 8:00 AM BY: HARRIS KOCHER SMITH

DATE	REVISION COMMENTS
11-4-13	PER COMMENTS

24TH & CLAY

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

ISSUE DATE: 8-05-13
CHK'D BY: AWM
DRAWN BY: JPB
JOB NUM: 130705
SHEET NO: <b>2</b> 2 OF 2