



REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW #: 2013-0543-02

DATE: March 24, 2014

SUBJECT: Request for an Ordinance to vacate the triangular corner of 18th St and Wewatta St., without 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 Marc Liberati of 68West, Inc, on behalf of Nash Holland 17W Investors 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; the Councilperson; 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.

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

INSERT PARCEL DESCRIPTION ROW 2013-0543-02-001 HERE

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

1. The width of this area is 30 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is minimally being used.
4. **One** building abuts 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 March 3, 2014, and the 20-day period for protest has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on March 3, 2014.
10. No protests 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: aal

cc: Real Estate & Asset Management - Steve Wirth
City Councilperson - Judy Montero
City Council Staff - Gretchen Williams
Capital Projects Management - Mike Anderson
Department of Law - Shaun Sullivan
Department of Law - Karen Aviles
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 Maintenance - Brian Roecker

Property Owner:

Nash Holland 17W Investors LLC
1111 Main St, Ste 700
Vancouver, WA 98660

Agent:

Marc Liberati
68West, Inc
1860 Blake St, Ste 200
Denver, CO 80202

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.*

Please mark one: **Bill Request** or **Resolution Request**

Date of Request: March 24, 2014

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.)*

18th and Wewatta Vacation: This is a request to vacate the triangular corner of 18th St and Wewatta St, without reservations.

3. Requesting Agency: Public Works Survey

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

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@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:

***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:** West of the intersection at 18th and Wewatta
- d. **Affected Council District:** 9 – Judy Montero
- 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.

No comments, questions, or concerns were received during the public notification portion of this process.

To be completed by Mayor’s Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2013-0543-02 18th and Wewatta Triangular Corner Vacation.

Description of Proposed Project: This is a request for an Ordinance to vacate the triangular corner west of 18th St and Wewatta St., without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This area is needed in order to accommodate the overall lot redevelopment.

Has a Temp MEP been issued, and if so, what work is underway:N/A

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: No.

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

Additional information: No comments, questions, or concerns were received during the public notification portion of this process.



0 100 200 300 400 500 600 700 800 900 1000

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18th St + Wewatta St

15th St

Grand St

16th St

17th St

19th St + Wewatta St

2013-0543-02-001

**EXHIBIT A
LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE DENVER RANGE POINT 6009, MONUMENTED AT THE 18TH STREET AND CHESTNUT PLACE INTERSECTION BY A 2 INCH BRASS CAP STAMPED "6009"; THENCE S36°36'03"E, 268.26 FEET TO THE NORTH MOST EASTERLY PROPERTY CORNER OF BLOCK 4, THE COMMONS SUBDIVISION - FILING NO. 5, (RECEPTION NO. 2003013146), TO **THE POINT OF BEGINNING**;

THENCE S45°10'34"E ALONG A LINE BEING A PROJECTION OF THE NORTH PROPERTY LINE OF SAID BLOCK 4, 23.55 FEET;

THENCE S44°52'49"W, 23.58 FEET TO THE SOUTH MOST EASTERLY PROPERTY CORNER OF SAID BLOCK 4 WITH SAID LINE ALSO BEING A PROJECTION OF THE EASTERLY PROPERTY LINE;

THENCE N00°06'33"W, ALONG SAID BLOCK 4 PROPERTY LINE, 33.31 FEET, TO **THE POINT OF BEGINNING**.

PARCEL CONTAINS 277.68 SQUARE FEET (0.006 ACRES) MORE OR LESS.

BASIS OF BEARING: BEARINGS BASED ON THE 40 FOOT RANGE LINE IN 18TH STREET MONUMENTED AT THE 18TH STREET AND CHESTNUT PLACE INTERSECTION BY A 2 INCH BRASS CAP STAMPED "6009", AND AT THE 18TH STREET AND WEWATTA STREET INTERSECTION BY A POINT IDENTIFIED AS POINT NO. 6003 (BY THE DENVER TRANSPORTATION DISTRICT SURVEY CONTROL PERPETUATION DIAGRAM, RECORDED UNDER RECEPTION NO. L012848, DATED APRIL 15TH, 2011) WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO. SAID LINE BEARS N45°10'34"W A DISTANCE OF 351.46 FEET.

EXHIBIT A ATTACHED AND MADE A PART HEREOF.



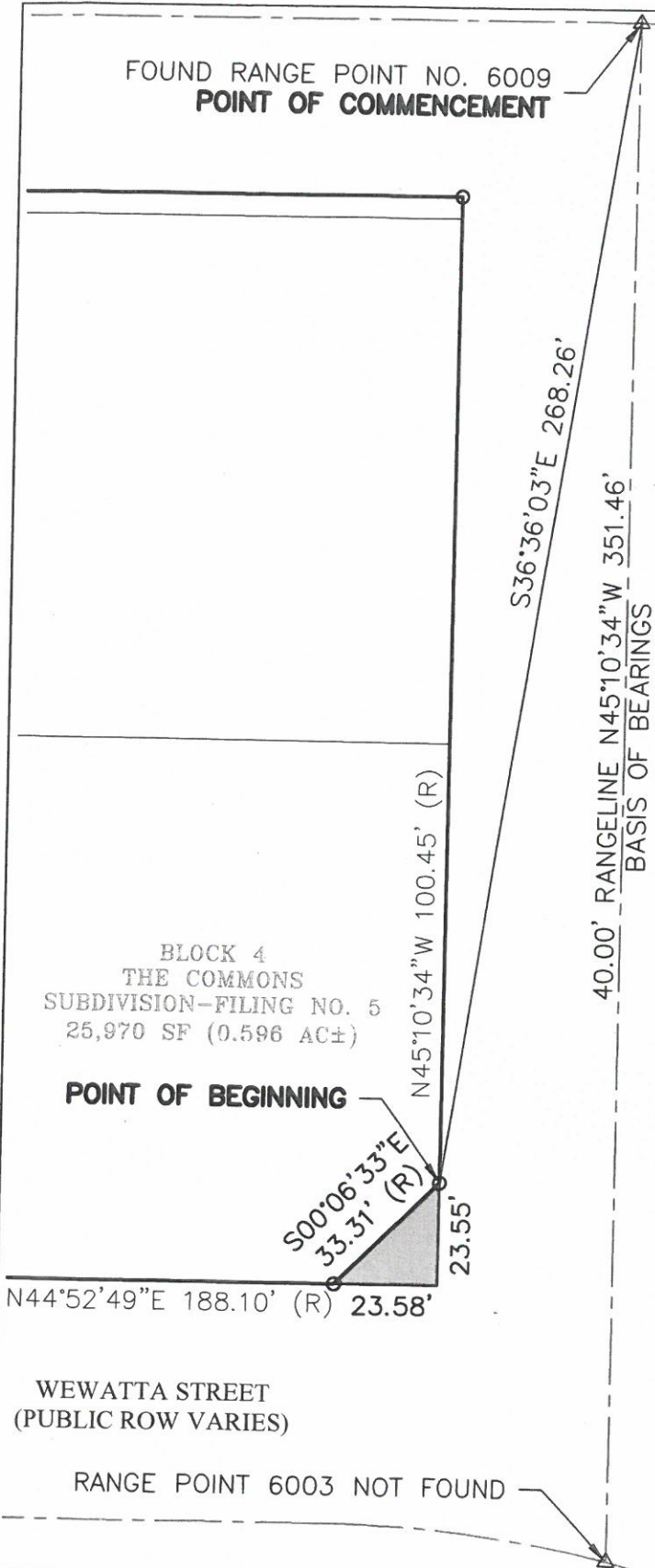
ALAN H. BAILEY,
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR 38035
FOR AND ON BEHALF OF:
68WEST, INC.

2013-0543-02-001

FOUND RANGE POINT NO. 6009
POINT OF COMMENCEMENT

NOTES:

1. RANGE POINTS ARE DEPICTED ON THE PLAN BASED ON THE COMMONS SUBDIVISION - FILING NOS. 4 AND 5 AS RECORDED IN THE CITY AND COUNTY OF DENVER IN THE CLERK AND RECORDER OFFICE, STATE OF COLORADO ON SEPTEMBER 19, 2003 UNDER RECEPTION NO. 2003197650. SAID RANGE POINTS CORRELATE TO THE DENVER TRANSPORTATION DISTRICT SURVEY CONTROL PERPETUATION DIAGRAM, RECORDED UNDER RECEPTION NO. L012848, DATED APRIL 15TH, 2011. ONCE CONSTRUCTION ALLOWS, ALL RANGE POINTS NOT FOUND WILL BE SET PER SAID DOCUMENT BY THE SURVEYOR OF RECORD, RICHARD M. MUNTEAN.
2. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

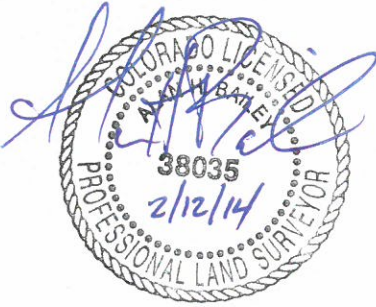


LEGEND

- FOUND MONUMENT - REBAR WITH BLUE PLASTIC CAP STAMPED 'LS 38035'
- PROPOSED RIGHT-OF-WAY VACATION 277.68 SQUARE FEET (0.006 ACRES) MORE OF LESS



Scale: 1 inch = 40 ft.



WEWATTA STREET
(PUBLIC ROW VARIES)

RANGE POINT 6003 NOT FOUND

68W
SIXTY EIGHT WEST

1860 Blake St., Suite 200
Denver, Colorado 80202
PHONE (303) 295-6806
FAX (303) 295-6807

EXHIBIT A
Proposed Right-Of-Way Vacation Exhibit

17W

S:\Projects\45WBK01\DWG\ROW Vacation\45WBK01-Vacation-Legal Exhibit.dwg			DWG NO.
PROJECT NO. 45WBK01	DATE: 02/12/14	DWN: MWL	CHK: AHB