



## REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2011-0176-03  
**DATE:** August 16, 2013  
**SUBJECT:** Request for an Ordinance to vacate a Portion of 41<sup>st</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 Nicholas Dial, on behalf of Regional Transportation District 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 Judy Montero; 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 vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including storm drainage and sanitary sewer 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 2011-0176-03-001 HERE**

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



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1. The width of this area is 80 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. 0 buildings 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 be required.
8. The vacating notice was posted on July 23, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on July 24, 2013.
10. Protests, sustained by the Manager of Public Works have not 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: LRA

cc: Asset Management, Steve Wirth  
City Councilperson/Aides, Judy Montero  
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 # 2011-0176-03

Property Owner:  
Regional Transportation District  
C/O Greg Straight  
1560 Broadway, Ste. # 700  
Denver, CO 80202

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at  
daelene.nix@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: August 16, 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 a Portion of 41st Ave.

3. **Requesting Agency:** Public Works, Right-of-Way Engineering Services

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3153
- **Email:** [lisa.ayala@denvergov.org](mailto:lisa.ayala@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:**

Vacate a Portion of 41<sup>st</sup> Ave.

**\*\*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:** NO
- b. **Duration:** Permanent
- c. **Location:** 41<sup>st</sup> Ave & Fox St.
- 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.** None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



**DENVER**  
THE MILE HIGH CITY

## **EXECUTIVE SUMMARY**

**Project Title: 2011-0176-03 vacate a portion of 41<sup>st</sup> Ave.**

**Description of Proposed Project: Vacate a Portion of 41<sup>st</sup> Ave.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Vacate for patron access and parking area.**

**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: N/A**

**Will an easement be placed over a vacated area, and if so explain: Yes, for the proposed water line and storm sewer utilities.**

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

**Additional information: RTD FasTrack is requesting the vacate the above mentioned for the 41<sup>st</sup> Fox Station.**

**EXHIBIT "A"**  
**41<sup>st</sup> Avenue Vacation**  
**Date: March 28, 2013**  
**DESCRIPTION**

41<sup>st</sup> Avenue Vacation of the RTD CRMF Site Corridor Commuter Rail Project, being a portion 41<sup>st</sup> Avenue as shown on VIADUCT ADDITION recorded October 6, 1887 in the records of Arapahoe County, now the City and County of Denver Clerk and Recorder's Office, located in the Southwest Quarter of Section 22, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, more particularly described as follows:

COMMENCING at the 20 foot by 20 foot Denver Range Point at West 41<sup>st</sup> Avenue and Fox Street (a chiseled "X") WHENCE the 20 foot by 20 foot Denver Range Point at West 42<sup>nd</sup> Avenue and Fox Street (a drag tooth) bears N00°04'41"E a distance of 454.69 feet (basis of bearing – assumed);

THENCE N44°55'22"W a distance of 28.28 feet to the southeast corner of Lot 16, Block 22 of said VIADUCT ADDITION and the POINT OF BEGINNING;

THENCE the following two courses coincident with the westerly line of the Fox Street right-of-way:

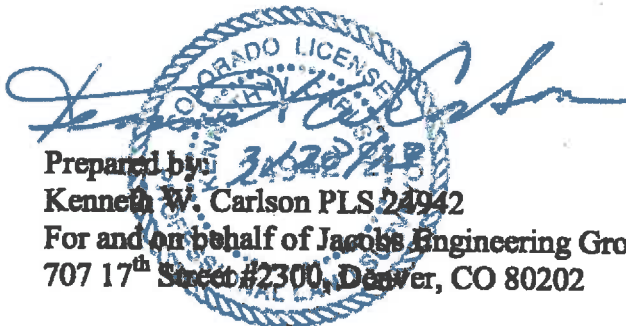
- 1) S00°04'41"W a distance of 20.00 feet;
- 2) S00°07'57"W a distance of 60.00 feet to the northeast corner of Lot 30, Block 27 of said VIADUCT ADDITION;

THENCE N89°55'25"W coincident with the southerly line of the West 41<sup>st</sup> Avenue right-of-way a distance of 141.25 feet to the northeast corner of Lot 1 of said Block 27;

THENCE N00°04'35"E a distance of 80.00 feet to the southeast corner of Lot 15 of said Block 22;

THENCE S89°55'25"E coincident with the northerly line of the West 41<sup>st</sup> Avenue right-of-way a distance of 141.30 feet to the POINT OF BEGINNING.

Containing 11,303 square feet, (0.259 Acres), more or less.



Prepared by  
 Kenneth W. Carlson PLS 24942  
 For and on behalf of Jacobs Engineering Group Inc.  
 707 17<sup>th</sup> Street #2300, Denver, CO 80202

2011-0176-03-001

20'x20' RANGE POINT AT  
42ND AVENUE AND FOX STREET  
1" DRAG TOOTH

SW 1/4 SECTION 22  
T3S, R68W, 6TH P.M.

VIADUCT  
ADDITION  
10/6/1987

N44°55'22"W  
28.28'

141.30' S89°55'25"E  
POINT OF BEGINNING

20.00'  
S00°04'41"W

WEST 41ST  
AVENUE

80.00'  
N00°04'35"E

41st Ave. Vacation  
11,303 Sq.Ft.  
(0.259 Ac.)±

N89°55'25"W  
141.25'

454.69' N00°04'41"E  
(Basis of bearing - Assumed)

FOX STREET

POINT OF COMMENCEMENT  
20'x20' RANGE POINT AT  
41ST AVENUE AND FOX  
STREET  
CHISELED "X"

S00°07'57"W  
60.00'

THIS DRAWING DOES NOT REPRESENT  
A MONUMENTED SURVEY. IT IS  
INTENDED ONLY TO DEPICT THE  
ATTACHED DESCRIPTION.



JACOBS PROJECT NO.		99007411	
CLIENT PROJECT NO.		072120	
REVISION DESCRIPTION			
DRAWN	Jek	DATE 3/28/13	SCALE 1"=50'
<b>JACOBS</b>			
707 17th Street, Suite 2400, Denver CO 80202			
(303) 620-4300 Fax (303) 620-4300			
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EXHIBIT "B"		
CRM SITE CORRIDOR RAIL PROJECT		
41st AVENUE VACATION		
TITLE CITY AND COUNTY OF DENVER, COLORADO		
SW1/4 Sec. 22, T3S, R68W, 6th P.M.		
REVISION:	DRAWING NO.	SHEET NO.
	41AveVacation.dwg	1 of 1