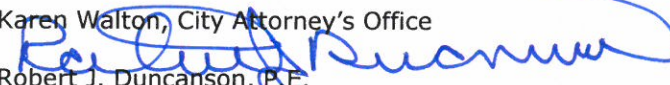




## REQUEST FOR VACATION ORDINANCE

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

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

**ROW #:** 2014-0064-02

**DATE:** October 27, 2014

**SUBJECT:** Request for an Ordinance to vacate E 49<sup>th</sup> Ave, between N Airport Way and N Memphis 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 Brian Valentine, P.E. of Kimley-Horn, on behalf of Rubicon Holdings, LLC for granting of the above requested vacation. This matter has been inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; City 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, Survey, Public Works – Policy and Planning; Public Works – Street Maintenance; CenturyLink; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have indicated their agreement.

As a result of these investigations, hereby approved and the described area is hereby vacated and declared vacated;

As a result of these investigations, it has been determined that there is no objection to vacating the said area.

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

**INSERT PARCEL DESCRIPTION ROW 2014-0064-02-001 HERE**

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

1. The width of this area is 60 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is not open and is not being used.
4. Zero buildings abut 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 October 9, 2014.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on October 9, 2014.
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: aal

cc: Asset Management, Steve Wirth  
City Councilperson & Aides  
City Council Staff, Shelley Smith  
Capital Projects Management, 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 Maintenance, Brian Roecker

Property Owner:  
Rubicon Holdings LLC  
950 S Cherry St, Ste 1100  
Denver, CO 80246

## 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: **October 27, 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.)*

2014-0064-02: E 49<sup>th</sup> Ave Vacation

**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](mailto:nancy.kuhn@denvergov.org)

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

This is a request for an Ordinance to vacate E 49<sup>th</sup> Ave, between N Airport Way and N Memphis St, without 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:** E 49<sup>th</sup> Ave, between N Airport Way and N Memphis St
- d. **Affected Council District:** #11 – Chris Herndon
- 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: 2014-0064-02 Vacation at E 49<sup>th</sup> Ave**

**Description of Proposed Project: This is a request for an Ordinance to vacate E 49th Ave, between N Airport Way and N Memphis St, without reservations.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For the development of Parkfield, Filing No. 10.**

**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.**

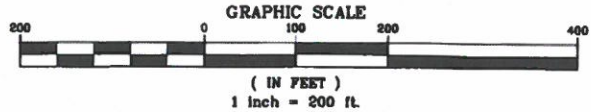
**Will an easement be placed over a vacated area, and if so explain: No**

**Will an easement relinquishment be submitted at a later date: There is currently an application for an easement relinquishment being processed. The DES project number is 2014-0064-03.**

**Additional information: None.**

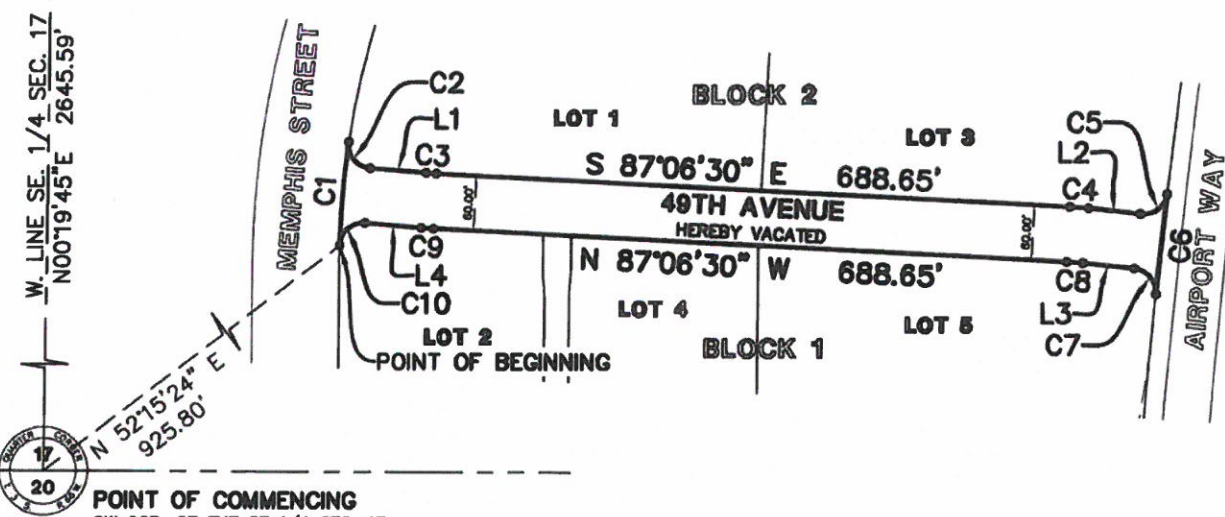
# EXHIBIT A

2014-0064-02-001



NW COR. OF THE SE 1/4 SEC. 17, T  
3 S R 66 W, 6TH P.M. FND. 3.25"  
ALUM. CAP L.S. NO. 23921

VACATED 49TH AVENUE AREA  
±53,842 S.F.  
±1.2360 AC.



AIRPORT BOULEVARD  
RECEPTION NO. 94-00019086  
RECORDED  
FEBRUARY 02, 1994

POINT OF COMMENCING  
SW COR. OF THE SE 1/4 SEC. 17,  
T 3 S, R 66 W, 6TH P.M.  
FND. 3/4" ALUM. CAP IN RANGE BOX L.S. NO. 14592

LINE TABLE		
LINE	BEARING	LENGTH
L1	S85°20'20"E	61.39'
L2	S84°24'46"E	55.41'
L3	N84°24'46"W	55.41'
L4	N85°20'20"W	61.39'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	6°43'49"	962.00'	113.00'	N04°39'40"E	112.93'
C2	93°21'54"	25.00'	40.74'	S38°39'23"E	36.38'
C3	1°46'10"	370.00'	11.43'	S86°13'25"E	11.43'
C4	2°41'44"	430.00'	20.23'	S85°45'38"E	20.23'
C5	89°38'21"	25.00'	39.11'	N50°46'03"E	35.24'
C6	0°43'18"	8710.00'	109.69'	S05°35'14"W	109.69'
C7	89°38'21"	25.00'	39.11'	N39°35'35"W	35.24'
C8	2°41'44"	370.00'	17.41'	N85°45'38"W	17.40'
C9	1°46'10"	430.00'	13.28'	N86°13'25"W	13.28'
C10	93°21'54"	25.00'	40.74'	S47°58'43"W	36.38'

NOTE:  
• DENOTES CHANGE OF DIRECTION ONLY. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



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Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers  
Construction Managers • Environmental Scientists • Landscape Architects • Planners

PARKFIELD FILING NO. 10	
CITY AND COUNTY OF DENVER, COLORADO	
VACATION EXHIBIT	
PROJ. MGR.: <u>JMR</u>	SHEET <b>3</b> OF <b>3</b>
DRAWN BY: <u>BJP</u>	
DATE: <u>05/07/14</u>	
SCALE: <u>1"=200'</u>	4357CLD 140026

Dwg Name: P:\4357CLD\dwg\Surv\Final Drawings\Exhibits\_Surv\4357CLD-VAC.dwg Updated By: BPfohl 16:39

# EXHIBIT A

2014-0064-02-001

## RIGHT-OF-WAY DESCRIPTION

49TH AVENUE, PARKFIELD FILING NO. 10, RECORDED JUNE 19, 2000 UNDER RECEPTION NO. 2000085697, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17 AND CONSIDERING THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 TO BEAR NORTH 00°19'45" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 52°15'24" EAST, A DISTANCE OF 925.80 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MEMPHIS STREET AND THE POINT OF BEGINNING;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 962.00 FEET, A CENTRAL ANGLE OF 6°43'49" AND AN ARC LENGTH OF 113.00 FEET, THE CHORD OF WHICH BEARS NORTH 04°39'40" EAST, A DISTANCE OF 112.93 FEET TO A POINT OF CUSP;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 93°21'54" AND AN ARC LENGTH OF 40.74 FEET, THE CHORD OF WHICH BEARS SOUTH 38°39'23" EAST, A DISTANCE OF 36.38 FEET TO A POINT OF CURVATURE;

THENCE SOUTH 85°20'20" EAST, A DISTANCE OF 61.39 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 370.00 FEET, A CENTRAL ANGLE OF 1°46'10" AND AN ARC LENGTH OF 11.43 FEET, THE CHORD OF WHICH BEARS SOUTH 86°13'25" EAST, A DISTANCE OF 11.43 FEET TO A POINT OF CURVATURE;

THENCE SOUTH 87°06'30" EAST, A DISTANCE OF 688.65 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 2°41'44" AND AN ARC LENGTH OF 20.23 FEET, THE CHORD OF WHICH BEARS SOUTH 85°45'38" EAST, A DISTANCE OF 20.23 FEET TO A POINT OF CURVATURE;

THENCE SOUTH 84°24'46" EAST, A DISTANCE OF 55.41 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°38'21" AND AN ARC LENGTH OF 39.11 FEET, THE CHORD OF WHICH BEARS NORTH 50°46'03" EAST, A DISTANCE OF 35.24 FEET TO A POINT OF CUSP ON THE WEST RIGHT-OF-WAY LINE OF AIRPORT WAY;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 8710.00 FEET, A CENTRAL ANGLE OF 0°43'18" AND AN ARC LENGTH OF 109.69 FEET, THE CHORD OF WHICH BEARS SOUTH 05°35'14" WEST, A DISTANCE OF 109.69 FEET TO A POINT OF CUSP;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°38'21" AND AN ARC LENGTH OF 39.11 FEET, THE CHORD OF WHICH BEARS NORTH 39°35'35" WEST, A DISTANCE OF 35.24 FEET TO A POINT OF CURVATURE;

THENCE NORTH 84°24'46" WEST, A DISTANCE OF 55.41 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 370.00 FEET, A CENTRAL ANGLE OF 2°41'44" AND AN ARC LENGTH OF 17.41 FEET, THE CHORD OF WHICH BEARS NORTH 85°45'38" WEST, A DISTANCE OF 17.40 FEET TO A POINT OF CURVATURE;

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PARKFIELD FILING NO. 10	
CITY AND COUNTY OF DENVER, COLORADO	
VACATION EXHIBIT	
PROJ. MGR.: <u>JMR</u>	SHEET
DRAWN BY: <u>BJP</u>	<b>1</b> OF <b>3</b>
DATE: <u>05/07/14</u>	4357CLD 140026
SCALE: <u>N/A</u>	

# EXHIBIT A

2014-0064-02-001

## RIGHT-OF-WAY DESCRIPTION (CONTINUED...)

THENCE NORTH 87°06'30" WEST, A DISTANCE OF 688.65 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 1°46'10" AND AN ARC LENGTH OF 13.28 FEET, THE CHORD OF WHICH BEARS NORTH 86°13'25" WEST, A DISTANCE OF 13.28 FEET TO A POINT OF CURVATURE;

THENCE NORTH 85°20'20" WEST, A DISTANCE OF 61.39 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 93°21'54" AND AN ARC LENGTH OF 40.74 FEET, THE CHORD OF WHICH BEARS SOUTH 47°58'43" WEST, A DISTANCE OF 36.38 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING A CALCULATED AREA OF 53,842 SQUARE FEET OR 1.2360 ACRES, MORE OR LESS AND ALL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

I, JAMES M. ROAKE, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



JAMES M. ROAKE, PLS 37898  
FOR AND ON BEHALF OF  
MANHARD CONSULTING



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PARKFIELD FILING NO. 10	
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PROJ. MGR.: <u>JMR</u>	SHEET
DRAWN BY: <u>BJP</u>	<b>2</b> OF <b>3</b>
DATE: <u>05/07/14</u>	
SCALE: <u>N/A</u>	4357CLD 140026

Dwg Name: P:\4357CLD\dwg\Surv\Final Drawings\Exhibits\Surv\4357CLD-VAC.dwg Updated By: BPfohl