



REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson, P.E., Manager 2, Development Engineering Services
ROW NO.: 2011-0361-04
DATE: February 6, 2012
SUBJECT: Request for an Ordinance to vacate the dead end alley bounded by 10th Ave, at midblock between Osage St. and Navajo St., with Reservations

Handwritten signature and initials 'FOR' in blue ink.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Ted Swan with Jansen Strawn, on behalf of Denver Housing Authority 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 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 2011-0361-04-001 HERE



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

1. The width of this area is 16 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is not being used.
4. 4 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 not be required.
8. The vacating notice **was** posted on 1/12/2012, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 1/12/2012.
10. Protests, sustained by the Manager of Public Works have been filed, and were deemed to lack technical merit.
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: **VLH**

cc: Asset Management, Steve Wirth
City Councilperson & Aides Montero
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Karen Walton
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Christine Downs
Public Works, Manager's Office, Stacie Loucks
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy,
Project File #2011-0361-04

Property Owner:
Denver Housing Authority
c/o Kimball Crangle
777 Grant St, 6th floor
Denver, Co 80203

Owner Agent:
Jansen Strawn
c/o Ted Swan
1165 S Pennsylvania St, Suite 120
Denver, Co 80210

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at daelene.mix@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: February 6, 2012

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.)*

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3. Requesting Agency: PW Right of Way Engineering Services

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

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: vanessa.herman@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: Stacie Loucks
- Phone: 720-865-8720
- Email: Stacie.loucks@denvergov.org

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

The vacate the dead end alley, for the redevelopment of the Denver Housing Authority property adjacent to the alley.

****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: Alley bounded by 10th Ave, at midblock between Osage St. and Navajo St
- d. Affected Council District: Dist # 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: 2011-0361-04 Vacation, Denver Housing Authority Mariposa project

Description of Proposed Project: To vacate dead end alley bounded by 10th ave at midblock between Osage St. and Navajo St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This is for the redevelopment of the DHA mariposa project that is adjacent to said alley

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: Yes, there will be the typical hard surface easement, placed over the entire alley.

Will an easement relinquishment be submitted at a later date: Unknown.

Additional information: A protest from an adjacent property owner was submitted to PW. It was reviewed by Rob Duncanson, and deemed to lack technical merit. A letter was sent to the property owner explaining this.

EXHIBIT A

HUNT'S ADDITION TO DENVER, BLOCK 28
ALLEY VACATION

A PARCEL OF LAND BEING ALL OF THAT ALLEY SIXTEEN FEET (16') IN WIDTH LYING WITHIN BLOCK 28, HUNT'S ADDITION TO DENVER AS RECORDED FEBRUARY 19TH, 1874, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING SUBORDINATELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 40, OF SAID BLOCK 28, HUNT'S ADDITION TO DENVER, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF SAID ALLEY, AND CONSIDERING THE 21' RANGE LINE IN 10TH AVENUE IMMEDIATELY NORTH OF SAID BLOCK 28 TO BEAR NORTH 89°48'59" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WESTERLY LINE OF LOTS 28 THROUGH 40, INCLUSIVE, SAID BLOCK 28 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°10'00"EAST A DISTANCE OF 319.61 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 28 AND THE SOUTHEASTERLY CORNER OF SAID ALLEY; THENCE ALONG THE SOUTHERLY LINE OF SAID ALLEY SOUTH 89°56'11"WEST A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 13, SAID BLOCK 28 AND THE SOUTHWESTERLY CORNER OF SAID ALLEY;

THENCE ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 13, INCLUSIVE, SAID BLOCK 28, AND THE WESTERLY LINE OF SAID ALLEY NORTH 00°10'00"WEST A DISTANCE OF 319.57 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 1 AND THE NORTHWESTERLY CORNER OF SAID ALLEY; THENCE ALONG THE NORTHERLY LINE OF SAID ALLEY NORTH 89 °48'59"EAST A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING;

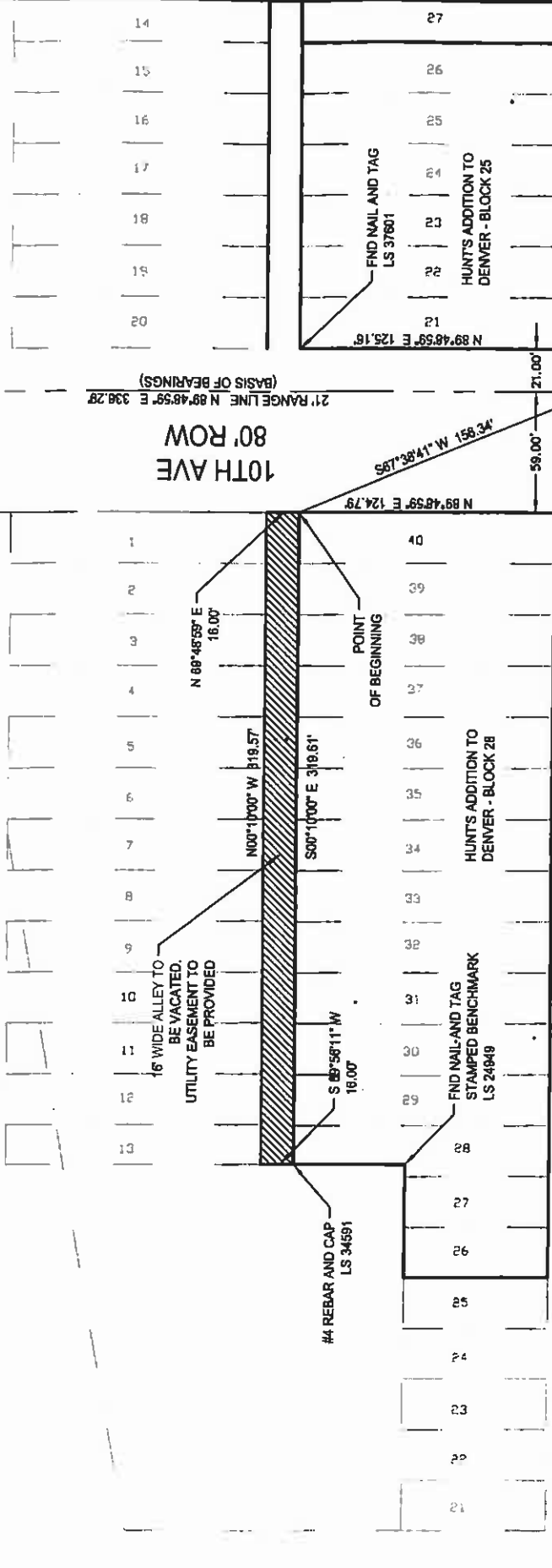
SAID PARCEL CONTAINS AN AREA OF 5,113 SQUARE FEET, OR 0.117 ACRES, MORE OR LESS.

I, THOMAS D. STAAB, 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.

THOMAS D. STAAB, P.L.S. 25965
FOR AND ON BEHALF OF
JANSEN STRAWN CONSULTING ENGINEERS
45 W. 2ND AVENUE
Denver, Co 80223
Phone: 303-561-3333



ALLEY VACATION EXHIBIT



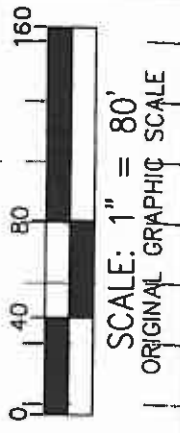
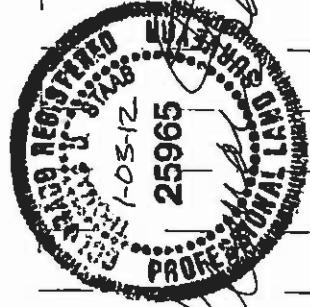
21' RANGE LINE N 89°48'59" E 336.28'
(BASIS OF BEARINGS)

10TH AVE
80' ROW

27' RANGE LINE S 00°11'27" E 580.48'

NAVAJO ST
70' ROW

NOTE:
THIS ALLEY VACATION EXHIBIT IS ONLY AN
EXHIBIT AND IS NOT A LAND SURVEY PLAT
AND DOES NOT REPRESENT THE RESULTS OF
A MONUMENTED BOUNDARY SURVEY.



PROJECT:	HUNT'S ADDITION ALLEY VACATION
DATE:	12/15/11
JOB NO.:	11015
SCALE:	1"=80'

JANSEN STRAWN
CONSULTING ENGINEERS
1185 S PENNSYLVANIA STREET, SUITE 120
DENVER, CO 80210
P. 303.591.3333
F. 303.461.3320