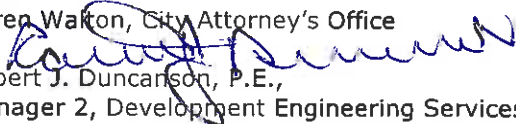




REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW NO.: 2013-0180-03

DATE: June 12, 2013

SUBJECT: Request for an Ordinance to vacate the southerly 219.66' of the alley in block 8, First Addition to Arlington Heights; a portion of the N/S alley bounded by 8th Ave, 9th Ave, and Broadway, Lincoln St., with reservation.

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

This office has investigated the request of Meaghan Turner, on behalf of 8th and Lincoln, 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 Jeanne Robb; 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 2012-0180-03-001 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 being used.
4. 2 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 Vacation notice was posted on May 8, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on May 10, 2013.
10. No protests were sustained by the Manager of Public Works.
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: acp

cc: Asset Management, Steve Wirth
City Councilperson Robb & Aides, D10
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 # 2012-0180-03

Property Owner:
8th and Lincoln, LLC
270 St. Paul Street
Suite 300
Denver, CO 80206
Tel: 303.371.9000
Fax: 303.371.1465
Contact: Steve Erickson
Email: Steve.Erickson@paulscorp.com

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn 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: July 12, 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 the southerly 219.66' of the alley in block 8, First Addition to Arlington Heights; a portion of the N/S alley bounded by 8th Ave, 9th Ave, and Broadway, Lincoln St., with reservation.

3. **Requesting Agency:** Public Works Plan Review Services

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

- Name: Adam Perkins
- Phone: 720.865.3036
- Email: adam.perkins@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:**

Vacate the southerly 219.66' of the public alley in block 8, First Addition to Arlington Heights; a portion of the N/S alley bounded by 8th Ave, 9th Ave, and Broadway, Lincoln St., with reservation.

****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:** Near 8th Ave and Lincoln St.
- d. **Affected Council District:** District 10, Jeanne Robb
- e. **Benefits:** None
- f. **Costs:** None

7. **Is there any controversy surrounding this ordinance?** (Groups or individuals who may have concerns about it?) **Please explain.**

Some adjacent landowners have concerns regarding delivery truck access.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2012-0180-03 8th and Lincoln

Description of Proposed Project: Vacate the southerly 219.66' of the public alley in block 8, First Addition to Arlington Heights; a portion of the N/S alley bounded by 8th Ave, 9th Ave, and Broadway, Lincoln St., with reservation

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The Project consists of parcels of land on either side of the alley with limited depth in the north-south direction lends itself to a building massing that needs to be oriented in an east-west direction.

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: Yes

Will an easement be placed over a vacated area, and if so explain: Yes, a utility easement.

Will an easement relinquishment be submitted at a later date: No, however, there will be a buildover agreement.

Additional information: There were a few objections regarding the ability of delivery trucks and trash trucks to utilize the alley. These objections were not sustained by Public Works. There was also one request for guard rails to be placed on an adjacent building for protection from turning trucks on the new "L" shaped alley. Sufficient technical merit of the objection was not found to deny the Vacation request. However, guardrails appropriate to prevent damage will be required for approximately 20 feet each way from corner of building at ends of new and existing right-of way, with field adjustments to allow for access to existing building entrances and utility maintenance.

Vigil Land Consultants

SURVEYORS

480 Yuma Street ■ Denver, Colorado 80204
 Off: (303) 436-9233 ■ Fax: (303) 436-9235

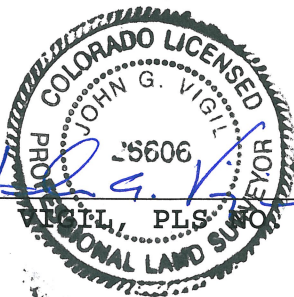
Date 06-11-12

Job No. 12008

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A PORTION OF THE ALLEY IN BLOCK 8, FIRST ADDITION TO ARLINGTON HEIGHTS AND ARLINGTON HEIGHTS ADDITION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 27, BLOCK 8 OF SAID FIRST ADDITION TO ARLINGTON HEIGHTS; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 27, A DISTANCE OF 16.00 FEET; THENCE ON AN ANGLE TO THE RIGHT OF 90°03'53", A DISTANCE OF 55.12 FEET; THENCE ON AN ANGLE TO THE LEFT OF 28°18'48", A DISTANCE OF 29.52 FEET; THENCE ON AN ANGLE TO THE RIGHT OF 28°18'48", A DISTANCE OF 44.00 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY, BEING THE POINT OF BEGINNING; THENCE ON AN ANGLE TO THE LEFT OF 90°03'22", ALONG SAID EAST LINE AND THE EAST LINE OF SAID ALLEY IN ARLINGTON HEIGHTS ADDITION, A DISTANCE OF 219.66 FEET TO THE SOUTHEAST CORNER OF SAID ALLEY, ARLINGTON HEIGHTS ADDITION; THENCE ON AN ANGLE TO THE RIGHT OF 89°58'51", ALONG THE SOUTH LINE OF SAID ALLEY, A DISTANCE OF 16.00 FEET TO THE SOUTHWEST CORNER OF SAID ALLEY; THENCE ON AN ANGLE TO THE RIGHT OF 90°01'10", ALONG THE WEST LINE OF SAID ALLEY AND THE WEST LINE OF THE ALLEY IN SAID FIRST ADDITION TO ARLINGTON HEIGHTS, A DISTANCE OF 219.69 FEET; THENCE ON AN ANGLE TO THE RIGHT OF 90°03'22", A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3,515 SQUARE FEET OR 0.081 ACRES MORE OR LESS.

JOHN G.  TEL: PLS 26606

Vigil Land Consultants

SURVEYORS

480 Yuma Street ■ Denver, Colorado 80204
 Off: (303) 436-9233 ■ Fax: (303) 436-9235

Date 06-11-12

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ATTACHMENT TO LEGAL DESCRIPTION - NOT A SURVEY

