



REQUEST FOR VACATION ORDINANCE

UNIQUE REQUEST

SEE NOTES

TO: Karen Walton, City Attorney's Office

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

ROW NO.: 2011-0361-07

DATE: November 5, 2012

SUBJECT: Request for an Ordinance to vacate 2 partial alleys with reservations, (1) half of the alley bounded by 9th Ave. and 10th Ave. and Mariposa St. and Navajo St., and (2) half of the alley bounded by 10th Ave and 11th Ave. and Mariposa St. and Navajo St., with reservations.

Note: Request with reservations
2011-0361-07-001
2011-0361-07-004

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, 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 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, but not limited to, storm drainage and 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 2011-0361-07-001
INSERT PARCEL DESCRIPTION ROW 2011-0361-07-004

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. Multiple 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 June 8, 2012, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on June 8, 2012.
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, Brent Eisen
Department of Law, Karen Walton
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 # 2011-0361-07

Property Owner:
Denver Housing Authority
C/O Kimball Crangle
777 Grant St. # 4
Denver, CO 80203

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at
Nancy.khun@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: November 5, 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.)

Request for an Ordinance to vacate 2 partial alleys with reservations, (1) half of the alley bounded by 9th Ave. and 10th Ave. and Mariposa St. and Navajo St., and (2) half of the alley bounded by 10th Ave. and 11th Ave. and Mariposa St. and Navajo St.

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

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:**

To vacate 2 partial alleys with reservations: (1) half of the alley bounded by 9th Ave. and 10th Ave. and Mariposa St. and Navajo St., and (2) half of the alley bounded by 10th Ave and 11th Ave. and Mariposa St. and Navajo St., with 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:** NO
- b. **Duration:** Permanent
- c. **Location:** 2 partial alleys with reservations, (1) half of the alley bounded by 9th Ave. and 10th Ave. and Mariposa St. and Navajo St., and (2) half of the alley bounded by 10th Ave and 11th Ave. and Mariposa St. and Navajo 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: 2011-0361-07 Vacation Denver Housing Authority Mariposa Phase IV.

Description of Proposed Project: Request for an Ordinance to vacate 2 partial alleys with reservations, (1) half of the alley bounded by 9th Ave. and 10th Ave. and Mariposa St. and Navajo St., and (2) half of the alley bounded by 10th Ave and 11th Ave. and Mariposa St. and Navajo St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Denver Housing Authority 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: YES, typical hard surface easement.

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

Additional information: This is the Phase IV of the Denver Housing Authority Mariposa Redevelopment.

EXHIBIT A

HUNT'S ADDITION TO DENVER, BLOCK 29
ALLEY VACATION

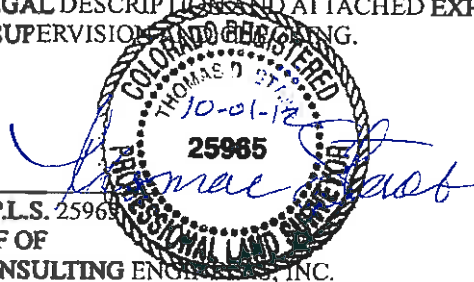
A PARCEL OF LAND BEING PART OF THAT ALLEY SIXTEEN FEET (16') IN WIDTH LYING WITHIN BLOCK 29, HUNT'S ADDITION TO DENVER AS RECORDED FEBRUARY 19TH, 1874, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, LOCATED IN THE EAST HALF OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 40, OF SAID BLOCK 29, 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 29 TO BEAR NORTH 89°48'59" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WESTERLY LINE OF LOTS 31 THROUGH 40, INCLUSIVE, SAID BLOCK 29 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°11'17" EAST A DISTANCE OF 238.47 FEET TO A POINT ON THE WESTERLY LINE OF LOT 31, SAID BLOCK 29 AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY LINE OF LOTS 21 THROUGH 31, INCLUSIVE, SAID BLOCK 29 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°11'17" EAST A DISTANCE OF 262.35 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 21, BLOCK 29 AND THE EASTERLY CORNER OF SAID ALLEY; THENCE ALONG THE SOUTHERLY LINE OF SAID ALLEY SOUTH 89°43'52" WEST A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 20, BLOCK 29 AND THE SOUTHWESTERLY CORNER OF SAID ALLEY; THENCE ALONG THE EASTERLY LINE OF LOTS 10 THROUGH 20, INCLUSIVE, SAID BLOCK 29 AND THE WESTERLY LINE OF SAID ALLEY NORTH 00°11'17" WEST A DISTANCE OF 262.39 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 10, BLOCK 29; THENCE NORTH 89°52'49" EAST A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING;

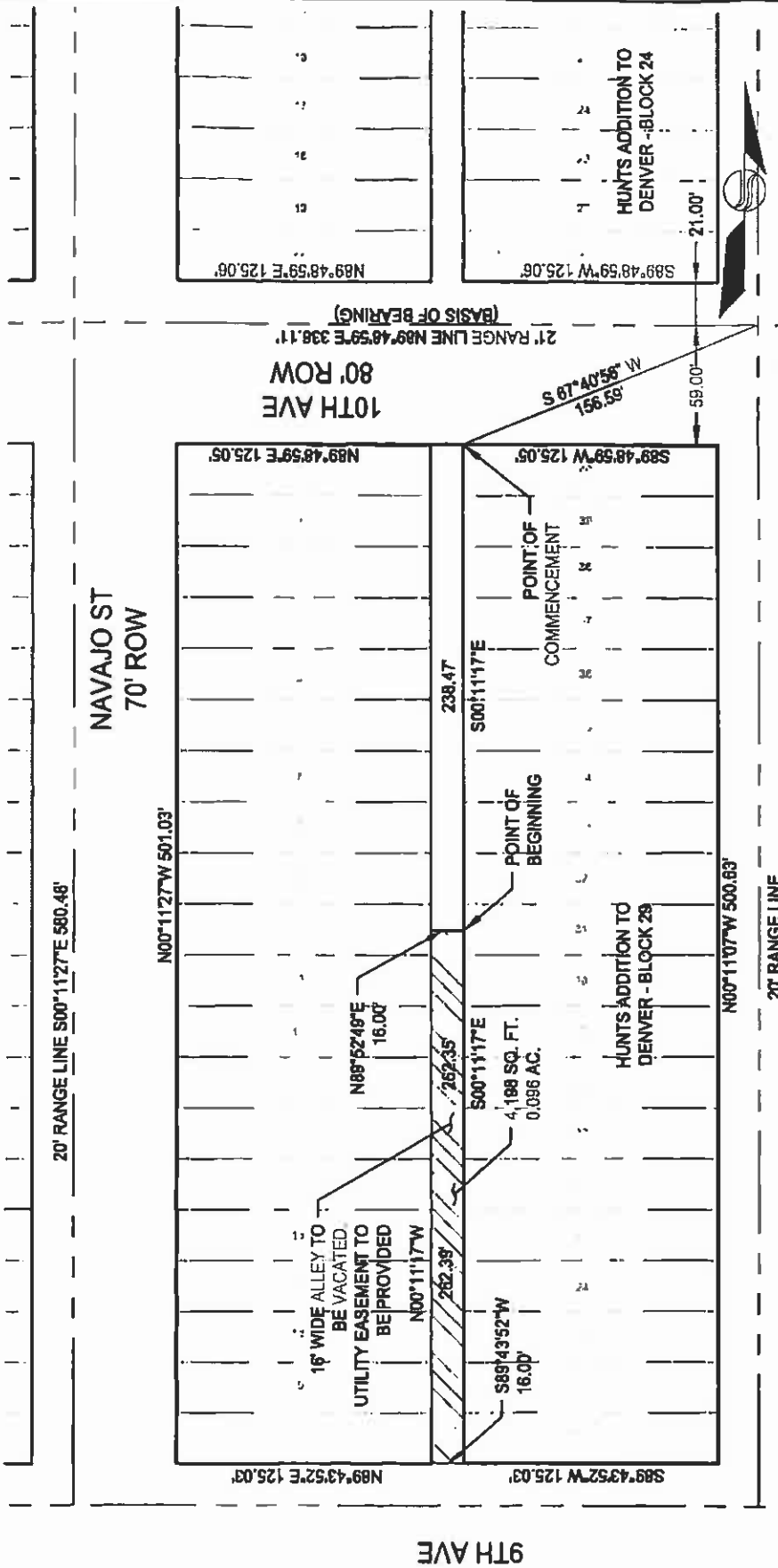
SAID PARCEL CONTAINS AN AREA OF 4,198 SQUARE FEET, OR 0.096 ACRES, MORE OR LESS.

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, INC.
45 W. 2ND AVENUE
Denver, Co 80223
Phone: 303-561-3333

ALLEY VACATION EXHIBIT



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.



JANSEN STRAWN
CONSULTING ENGINEERS
45W 280 AVE
DENVER, CO 80223
P: 303.881.3300
F: 303.881.3305

PROJECT:

DHA_MARIPOSA_IV

DATE:

09/13/12

JOB NO.:

11062

SCALE:

1"=80'

SHEET

2 OF 2

EXHIBIT A

HUNT'S ADDITION TO DENVER, BLOCK 24
ALLEY VACATION

A PARCEL OF LAND BEING PART OF THAT ALLEY SIXTEEN FEET (16') IN WIDTH LYING WITHIN BLOCK 24, HUNT'S ADDITION TO DENVER AS RECORDED FEBRUARY 19TH, 1874, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, LOCATED IN THE EAST HALF OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

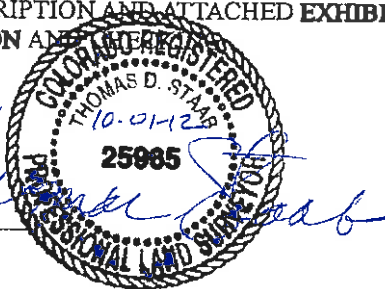
COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 21, OF SAID BLOCK 24, HUNT'S ADDITION TO DENVER, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF SAID ALLEY, AND CONSIDERING THE 21' RANGE LINE IN 10TH AVENUE IMMEDIATELY SOUTH OF SAID BLOCK 24 TO BEAR NORTH 89°48'59" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WESTERLY LINE OF LOTS 21 THROUGH 30, INCLUSIVE OF SAID BLOCK 24 AND THE EASTELRY LINE OF SAID ALLEY NORTH 00°11'17" WEST A DISTANCE OF 243.74 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 30, BLOCK 24, AND THE POINT OF BEGINNING; THENCE SOUTH 89°53'24" WEST A DISTANCE OF 16.00 FEET TO A POINT ON THE EASTERLY LINE OF LOT 11, OF SAID BLOCK 24; THENCE ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 11, INCLUSIVE, SAID BLOCK 24 AND THE WESTERLY LINE OF SAID ALLEY NORTH 00°11'17" WEST A DISTANCE OF 256.03 FEET TO THE NORTHWESTERLY CORNER OF SAID ALLEY AND THE NORTHEASTERLY CORNER OF LOT 1, SAID BLOCK 24; THENCE ALONG THE NORTHERLY LINE OF SAID ALLEY NORTH 89°53'24" EAST A DISTANCE OF 16.00 FEET TO THE NORTHWESTERLY CORNER OF LOT 40, SAID BLOCK 24 AND THE NORTHEASTERLY CORNER OF SAID ALLEY; THENCE ALONG THE WESTERLY LINE OF LOTS 30 THROUGH 40, INCLUSIVE, SAID BLOCK 24 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°11'17" EAST A DISTANCE OF 256.03 FEET TO THE POINT OF BEGINNING;

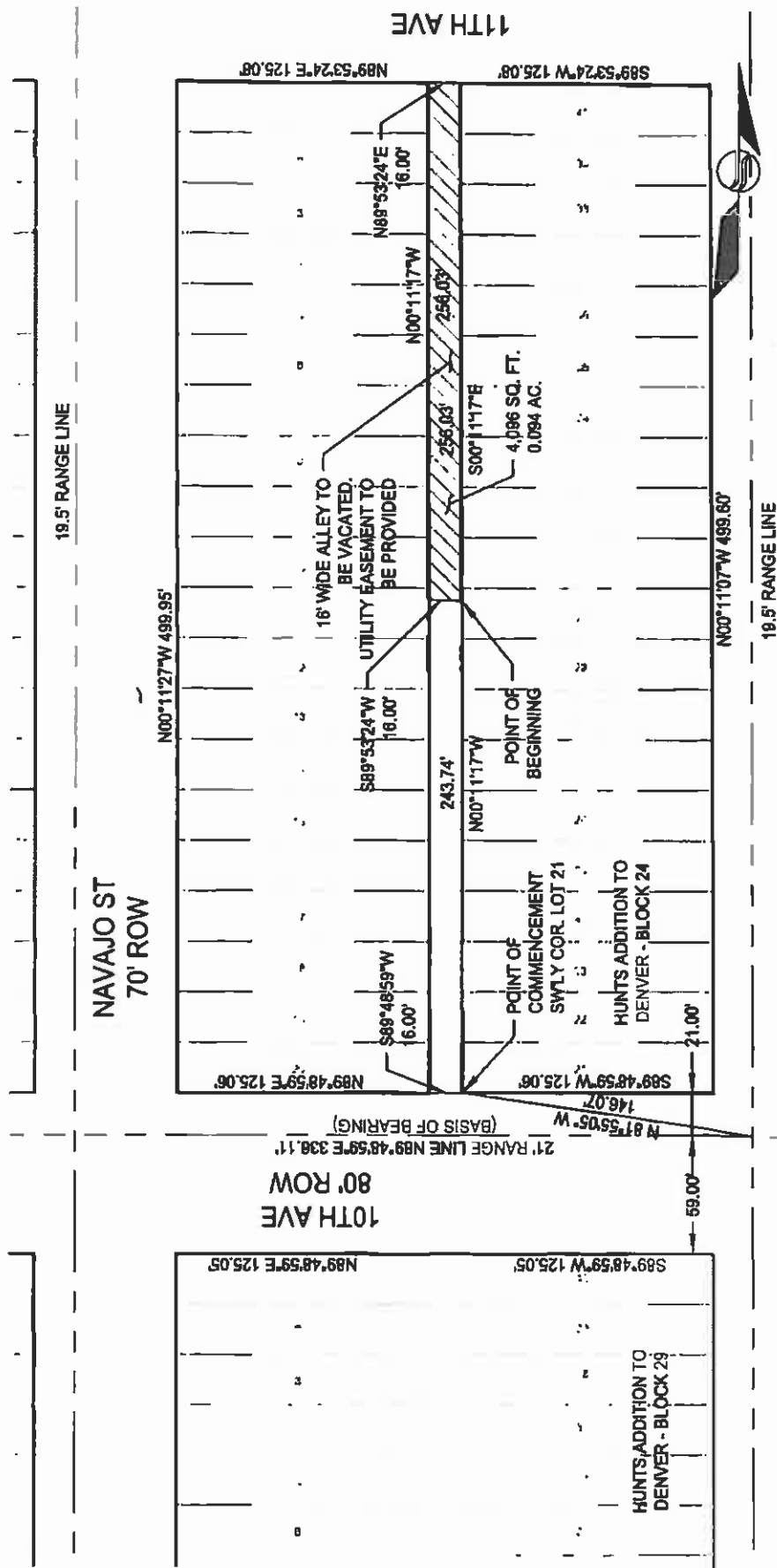
SAID PARCEL CONTAINS AN AREA OF 4,096 SQUARE FEET, OR 0.094 ACRES, MORE OR LESS.

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

THOMAS D. STAAB, P.L.S. 25965
FOR AND ON BEHALF OF
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ALLEY VACATION EXHIBIT



<p>SHEET</p> <p>2 OF 2</p>	<p>PROJECT:</p> <p>DHA_MARIPOSA_IV</p> <p>JOB NO.:</p> <p>11062</p>	<p>DATE:</p> <p>09/13/12</p> <p>SCALE:</p> <p>1"=80'</p>
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