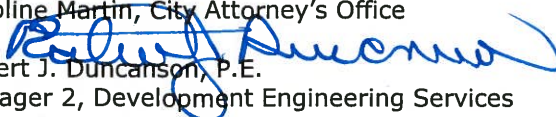




REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office
FROM: Robert J. Duncanson, P.E. 
Manager 2, Development Engineering Services
ROW #: 2014-VACA-0087001
DATE: June 22, 2015
SUBJECT: Request for an Ordinance to vacate the alley west of 1209 N Perry St, 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 the Kingsbury Group, 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; 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; 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 2014-VACA-0087001-001 HERE

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

1. The width of this area is 15 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. Two 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 was required.
8. The vacating notice was posted on May 30, 2015, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on May 30, 2015.
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: 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 – Brent Eisen
Public Works, Manager’s Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by 3:00pm on **Monday**. For any questions please contact Skye Stuart.

All fields must be completed.
Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: June 22, 2015

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, contract amendment, municipal code change, supplemental request, etc.)

2014-VACA-0087001: Proposal to vacate the alley west of 1209 N Perry St, with reservations.

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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@denvergov.org

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

This is a proposal to vacate the alley in order to have additional land area for overall lot redevelopment.

****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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** 1209 N Perry St
- d. **Affected Council District:** #1 – Susan Shepherd
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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-VACA-0087001: Proposal to vacate the alley west of 1209 N Perry St, with reservations.

Description of Proposed Project:

This is a proposal to vacate the alley west of 1209 N Perry St, with reservations. This project is related to 2015-VACA-0000001, which is the area to the southeast that is proposed to be vacated without reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:

In order to have additional land area for overall lot 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: It already has been.

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

Yes, the standard hard surface easement will go over the alley.

Will an easement relinquishment be submitted at a later date: No.

Additional information: None.

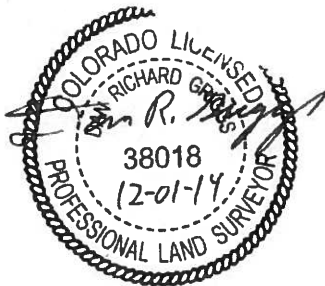
2014-VACA-0087001-001

DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST
QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE
SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

ALLEY TO BE VACATED (1888)

That portion of the 15 foot wide alley in Block 5, West Villa Park abutting
and West of Lots 25, 26, 27 and the South 9.00 feet of Lot 28, being 84 feet
in length and 15 feet in width and containing 1250 square feet more or less.



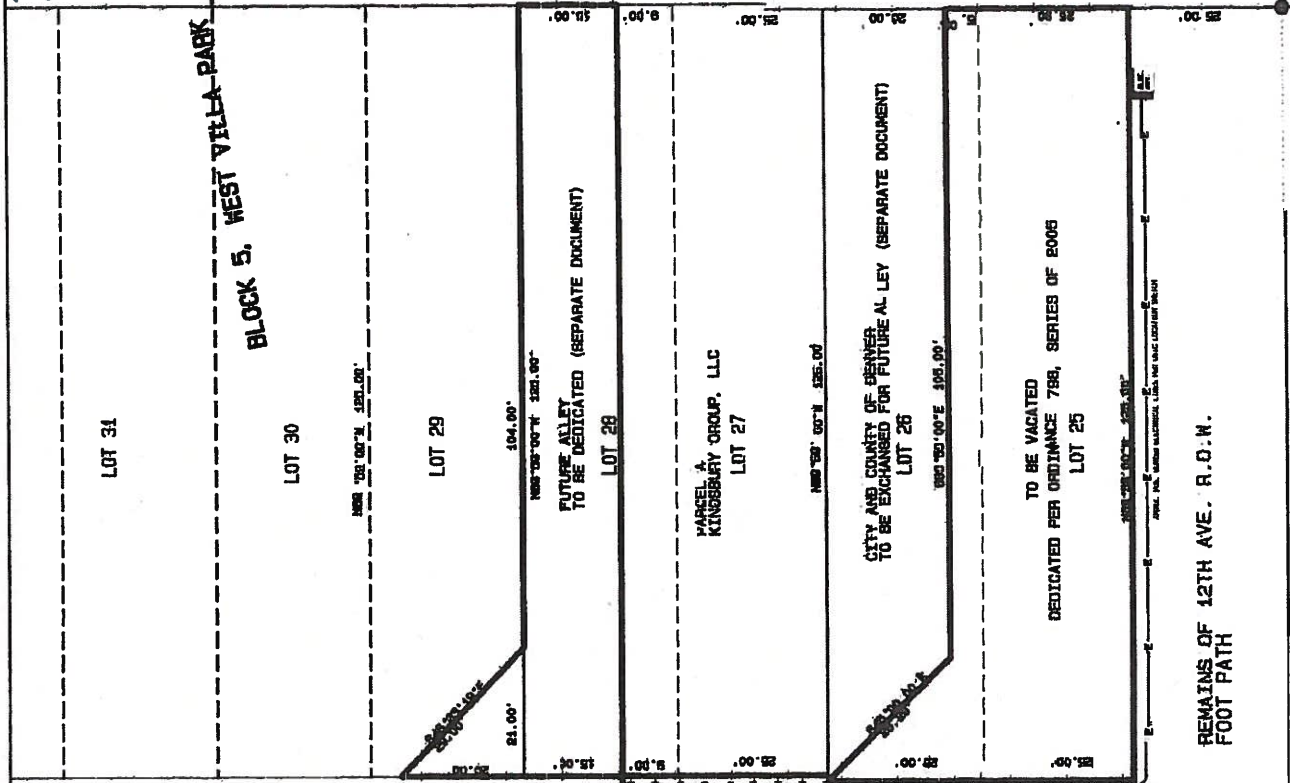
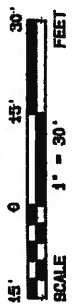
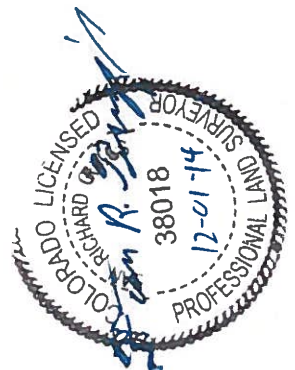
PREPARED BY: CONTRACT SURVEYORS, LTD.
2133 S. BELLAIRE ST. #14
DENVER, CO. 80222
303-756-3695

DATE: 12/01/2014

2014-VACA-0087001-2

EXHIBIT

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.



PREPARED BY: CONTRACT SURVEYORS, LTD.
2133 S. BELLAIRE ST. #14
DENVER, CO 80222
303-738-3695
DATE: 12/01/2014

REMAINS OF 12TH AVE. R.O.W.
FOOT PATH
RTD LIGHT RAIL STATION

PERRY ST. 60' PUBLIC R.O.W.

BLOCK 5, WEST VILLA PARK

LOT 31

LOT 30

LOT 29

LOT 28

LOT 27

LOT 26

LOT 25

FUTURE ALLEY TO BE DEDICATED (SEPARATE DOCUMENT)

PARCEL A KINGSBURY GROUP, LLC

CITY AND COUNTY OF DENVER TO BE EXCHANGED FOR FUTURE ALLEY (SEPARATE DOCUMENT)

TO BE VACATED DEDICATED PER ORDINANCE 788, SERIES OF 2005

EXISTING ALLEY NOW TO BE VACATED WITH BASE AND SIDE SETBACKS

BASES OF BEACONS

ST.D.B.E. MARKER