



REQUEST FOR VACATION ORDINANCE

TO: Charlene Thompson, City Attorney's Office
FROM: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
ROW #: 2015-VACA-0016601
DATE: November 10, 2015
SUBJECT: Request for an Ordinance to vacate an area to the south of the carriage lot at 2526 Julian Street, 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 Mario Martinez. The proposal was referred to the following agencies for review: City of Denver Division of Real Estate; Commission for People with Disabilities; Community Planning and Development – Development Services: Project Coordinators, Transportation Engineering, Wastewater Engineering, Building Inspections, and Landmark Preservation; Office of Emergency Management; Parks and Recreation; the City Forester; Public Works: Policy, Planning and Sustainability; Engineering, Regulatory, Analytics: Transportation and Wastewater Engineering, Survey, Transportation Engineering Services, Construction Engineering and Inspection, Street Maintenance, Solid Waste (if an alley); Denver Fire Department; Denver Water; Metro Wastewater Reclamation District; Colorado Department of Transportation (if a State Highway or adjacent to one); Denver Regional Transportation District; Comcast; CenturyLink; and Xcel Energy.

As a result of the review, it has been determined that there is no objection to vacating the right of way depicted below.

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

INSERT PARCEL DESCRIPTION ROW 2015-VACA-0016601-001 HERE

Project Summary

Project Name: 2015-VACA-0016601: Alley Vacation at 2526 Julian Street

Project Description: This is a proposal to vacate a portion of the alley south of the carriage lot at 2526 Julian St.

Background: The property owner received approval for a partial alley vacation in 2008 – Ordinance 286, Series of 2008 (ROW Project Number: 2006-0672). The owner is currently requesting that an additional portion of the alley be vacated in order to expand the area of the carriage lot. The current proposal originally requested to vacate area north of the carriage lot; however, the owner removed the area from this proposal.

The abovementioned City agencies reviewed the proposal for technical compliance to City policies and codes. Any and all issues that were discovered were resolved. There is an easement that was executed between property owners in order to maintain access to the property at 2524 Julian Street. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.

Public Notification: The vacating notice was posted at the site on May 1, 2015. Adjacent property owners and Registered Neighborhood Organizations were notified on May 1, 2015. There were several objections that were sent to the Executive Director of Public Works. Objections without technical merit cannot be addressed by Public Works. Objections with technical merit were resolved.

RJD: aal

cc: City Councilperson & Aides
City Council Staff – Shelley Smith
Department of Law – Shaun Sullivan
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 Angela Casias
at angela.casias@DenverGov.org by **12:00 pm 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 10, 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.**)

2015-VACA-0016601: Alley Vacation at 2526 Julian Street

3. **Requesting Agency:** Public Works – Right of Way Services – 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 area to the south of the carriage lot at 2526 Julian 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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** 2526 N Julian St.
- d. **Affected Council District:** #1 – Rafael Espinoza
- 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.

There were complaints received by the neighboring residents. Public Works worked with the applicant to resolve the issues that had technical merit. The remaining protests were determined to not have technical merit. There is an easement that was executed between property owners in order to maintain access to the property at 2524 Julian Street.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

2015-VACA-0016601-001

CBM Surveys, Inc.


1418 South Addison Court
Aurora, Colorado 80018
Tel (720) 373-8376
Fax (866) 395-6482

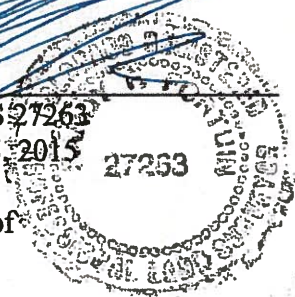
PROPERTY DESCRIPTION
VACATION SOUTH 7.5 FEET

A parcel of land located in a portion of the Re-subdivision of Block 24 of Witter and Cofields Sub-division of the Town of Highlands being in the Northwest Quarter of Section 32, Township 3 South, Range 68 West of the 6th Principle Meridian, City and County of Denver, State of Colorado, being more particularly described as follows.

BEGINNING at the Southwest Corner of Lot 36 of said Block 24;
THENCE S90°00'00"E along the southerly line of said Lot 36, a distance of 72.80 feet;
THENCE S45°00'00"W, a distance of 10.61 feet;
THENCE N90°00'00"W along a line 7.50 feet southerly of and parallel with the southerly line of said Lot 36, a distance of 57.80 feet;
THENCE N45°00'00"W, a distance of 10.61 feet to the POINT OF BEGINNING;

Containing 490 Square Feet (0.011 Acres), more or less.


Randy Fortuin, PLS 27263
Date: September 15, 2015
Job No.: 1420
For and on Behalf of
CBM Surveys, Inc.



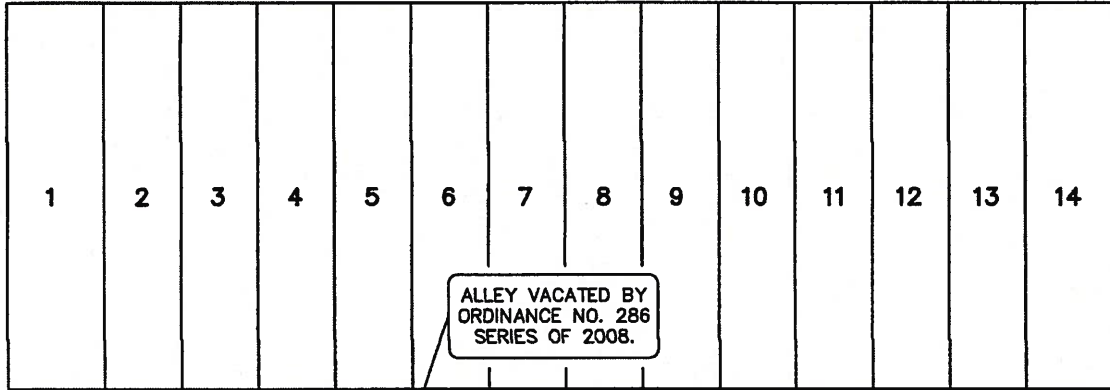
2015-VACA-0016601-001

CBM SURVEYS, INC.
LAND SURVEYING SERVICES

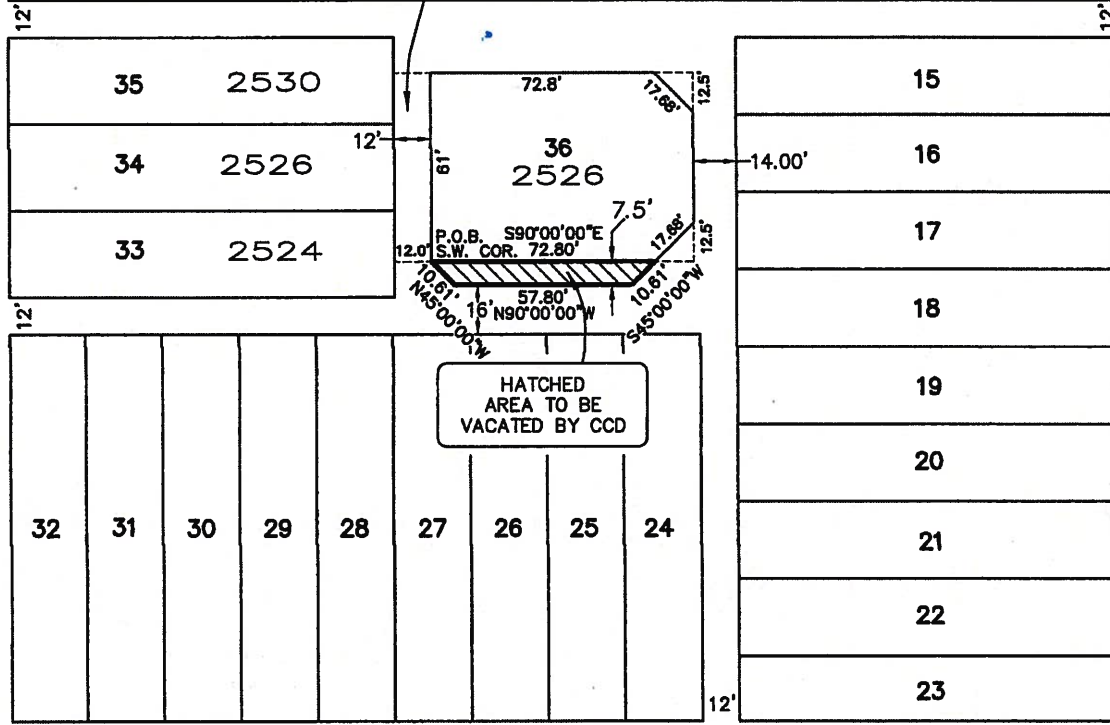
1418 S. Addison Ct.
Aurora, CO 80018
720-373-8376

EXHIBIT
THIS IS NOT A LAND SURVEY PLAT

WEST 26TH AVENUE



ALLEY VACATED BY
ORDINANCE NO. 286
SERIES OF 2008.



HATCHED
AREA TO BE
VACATED BY CCD



SCALE: 1" = 60'



PROFESSIONAL LAND SURVEYOR
 RANDY F. FORTULIN
 27263
 September 15, 2015
 Randy Fortulin, PLS 20063
 For and on Behalf of CBM Surveys, Inc.

APPROX. PROPERTY DESCRIPTION:
 Lot 36,
 Re-subdivision of Block 24 of
 Witter & Cofields Sub-division
 of the Town of Highlands
 County of Denver, State of Colorado
 N.W. 1/4 32-T3S-R68W

ADDRESS:
 Julian St. / W. 25th Ave.
 City of Denver
 DATE: Sept. 15, 2015
 DWG: 1420VACS7.5.DWG

this Document replaces the following:

REC#: 2015134706 & 2015134707



2015136991
Page: 1 of 5
D \$0.00

EASEMENT AND AGREEMENT

ACCESS EASEMENT

THIS EASEMENT AND AGREEMENT, is made and entered into by and between Mario L. Martinez, (hereinafter referred to as "**Grantor**") whose legal address is 2526 Julian Street, Denver, Colorado 80211, and Greg Osborn and Matt Gurrino/ Unlocking Equity LLC, whose legal address is 2524 Julian Street, Denver, Colorado 80211 ("**Grantees**").

RECITALS

- A. Grantor is the Owner in fee of the following described property:
Lots 34 and 36, Resubdivision of Block 24, Witter and Cofields Subdivision of the Town of Highlands, City and County of Denver, State of Colorado; Also known and numbered as: 2526 Julian Street, Denver, Colorado 80211 (the "Grantor's Property").

- B. Grantees are the owners the following described property:
Lot 33, Resubdivision of Block 24, Witter and Cofield's Subdivision of the Town of Highlands, City and County of Denver, State of Colorado; Also known and numbered as: 2524 Julian Street, Denver, Colorado 80211 (Grantee's Property.)

- C. Grantor has acquired a vacated alleyway adjacent to Grantor's Property. Grantees require an easement over a portion of said vacated alleyway as described and depicted on **Exhibit A** attached hereto for Grantee's ingress and egress to the garage located on the east side of Grantee's property. Grantor and Grantees desire to establish for the benefit of Grantees, and their successors and assigns, an easement over, through and upon a portion of the Grantor's Property, to be located within the vacated alleyway, for such ingress and egress only.

NOW, THEREFORE, for the sum of Ten and NO/100 (\$10.00) and good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, together with the mutual covenants and promises herein set forth, it is hereby agreed as follows:

1. In consideration of the premises and of the covenants and agreements of Grantees herein, the Grantor hereby grants and conveys unto Grantees, their successors and assigns forever, a non-exclusive easement for ingress and egress, over upon and across the approximately 99 square feet of land described and depicted on **Exhibit A** attached hereto, and incorporated herein by reference.

2. The Easement shall be an easement appurtenant to Grantees' Property, and shall inure to the benefit of Grantees' heirs, successors, assigns, and personal representatives, subject to the conditions and limitations set forth herein.

ACCESS EASEMENT

3. All costs associated with the Easement, including repair and maintenance, shall be borne solely by Grantees; and Grantees shall and do hereby agree to indemnify and save Grantor harmless from all claims for damages or liens arising from the use, repair, and maintenance by Grantees on or over the Easement.

4. The Grantees shall maintain the Easement Area in good condition.

5. Any liability for personal injury to Grantees, their employees, agents and invitees, or any third persons, as a result of or arising out of or relating to the use or occupancy of the Easement Area by Grantees shall be borne by Grantees. Further, Grantees agree to indemnify and hold harmless Grantor, his successors and assigns against any loss or damage which should result from, arise out of or be attributable to the use of the Easement whether or not such use is permitted hereunder.

6. Grantees' use of the Easement shall be **non-exclusive**.

7. Grantees' use of this Easement is specifically limited to ingress and egress within the Easement Area as of the date hereof, and the repair and maintenance thereof. Grantees' rights hereunder may not be expanded in any way in the future. In the event Grantee relocates and/or reconfigures its garage such that the primary vehicular access is located on the South side of Grantee's property (as opposed to the East), this Easement and the rights of ingress and egress granted hereby automatically shall terminate.

8. This Easement grant is without warranty of title and is subject to all prior encumbrances, easements, restrictions, reservations, and rights-of-way affecting Grantor's property.

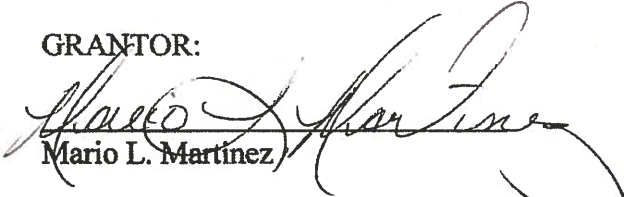
9. The purpose of this Easement Agreement is to allow Grantees, their successors and assigns, ingress and egress to Grantees' Property. In the event the legal descriptions set forth herein or the specific provisions of this agreement do not for any reason permit the consummation of the intent of this Agreement, the parties agree on behalf of themselves and their successors and assigns, to promptly revise the legal descriptions and/or provisions of this Agreement accordingly.

10.

ACCESS EASEMENT

IN WITNESS WHEREOF, Grantor and Grantee have executed this Easement Deed and Agreement this 26 day of September, 2015.

GRANTOR:


Mario L. Martinez

State of Colorado

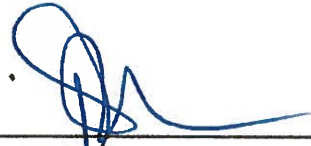
City and County of Denver

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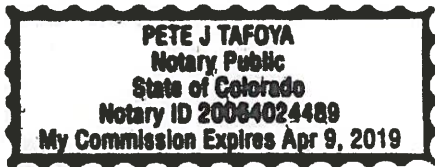
The foregoing instrument was acknowledged before me this 26th day of September, 2015, by Mario L. Martinez.

Witness my hand and official seal.

My commission expires: 04/09/2019



Notary Public



ACCESS EASEMENT

CBM Surveys, Inc.

1418 South Addison Court
Aurora, Colorado 80018
Tel (720) 373-8376
Fax (866) 395-6482

EXHIBIT "A"

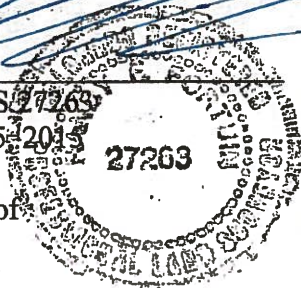
PROPERTY DESCRIPTION
EASEMENT SOUTH
(2526 Julian St.)

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BEGINNING at the Southwest Corner of Lot 36 of said Block 24;
THENCE S90°00'00"W along the westerly extension of the southerly line of Lot 36 of said Block 24, a distance of 6.00 feet;
THENCE N00°00'00"E along a line 6.00 feet westerly of and parallel with the westerly line of said Lot 36, a distance of 16.50 feet;
THENCE N90°00'00"E along the easterly extension of the northerly line of Lot 33 of said Block 24, a distance of 6.00 feet;
THENCE S00°00'00"W along the westerly line of said Lot 36, a distance of 16.50 feet to the POINT OF BEGINNING.

Containing 99 Square Feet (0.002 Acres), more or less.

Randy Fortuin, PLS
Date: September 25, 2013
Job No.: 1420
For and on Behalf of
CBM Surveys, Inc.



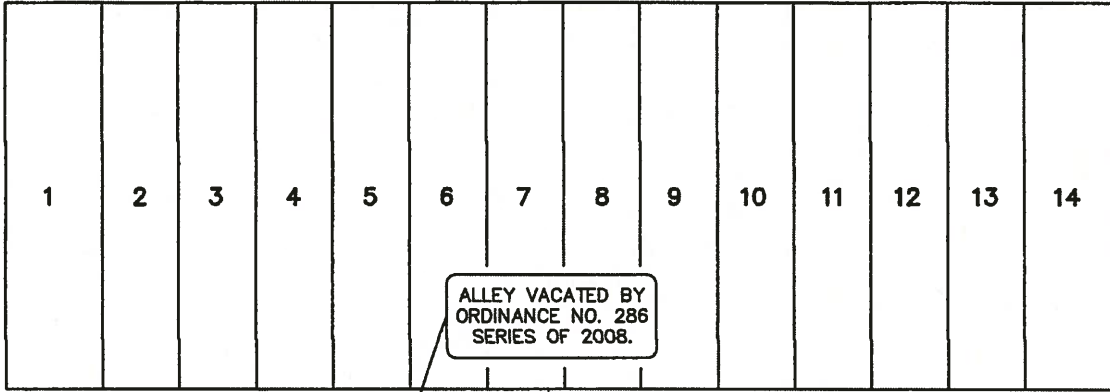
ACCESS EASEMENT

CBM SURVEYS, INC.
LAND SURVEYING SERVICES

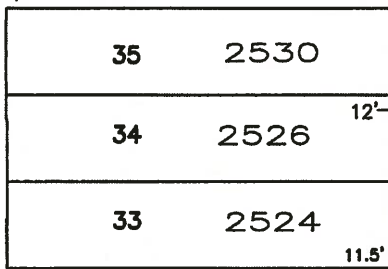
1418 S. Addison Ct.
Aurora, CO 80018
720-373-8376

EXHIBIT "A"
THIS IS NOT A LAND SURVEY PLAT

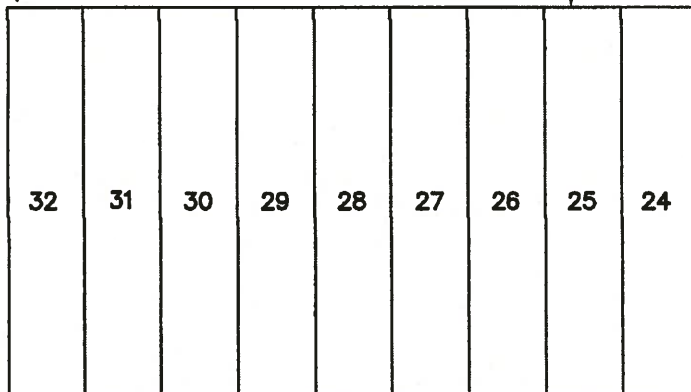
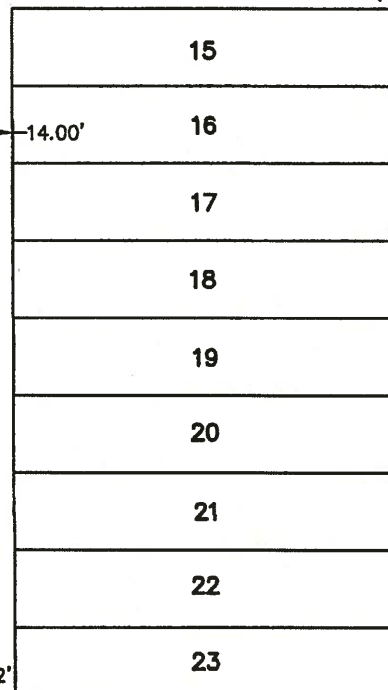
WEST 26TH AVENUE



JULIAN STREET



IRVING STREET



WEST 25TH AVENUE



SHEET 1 OF 2

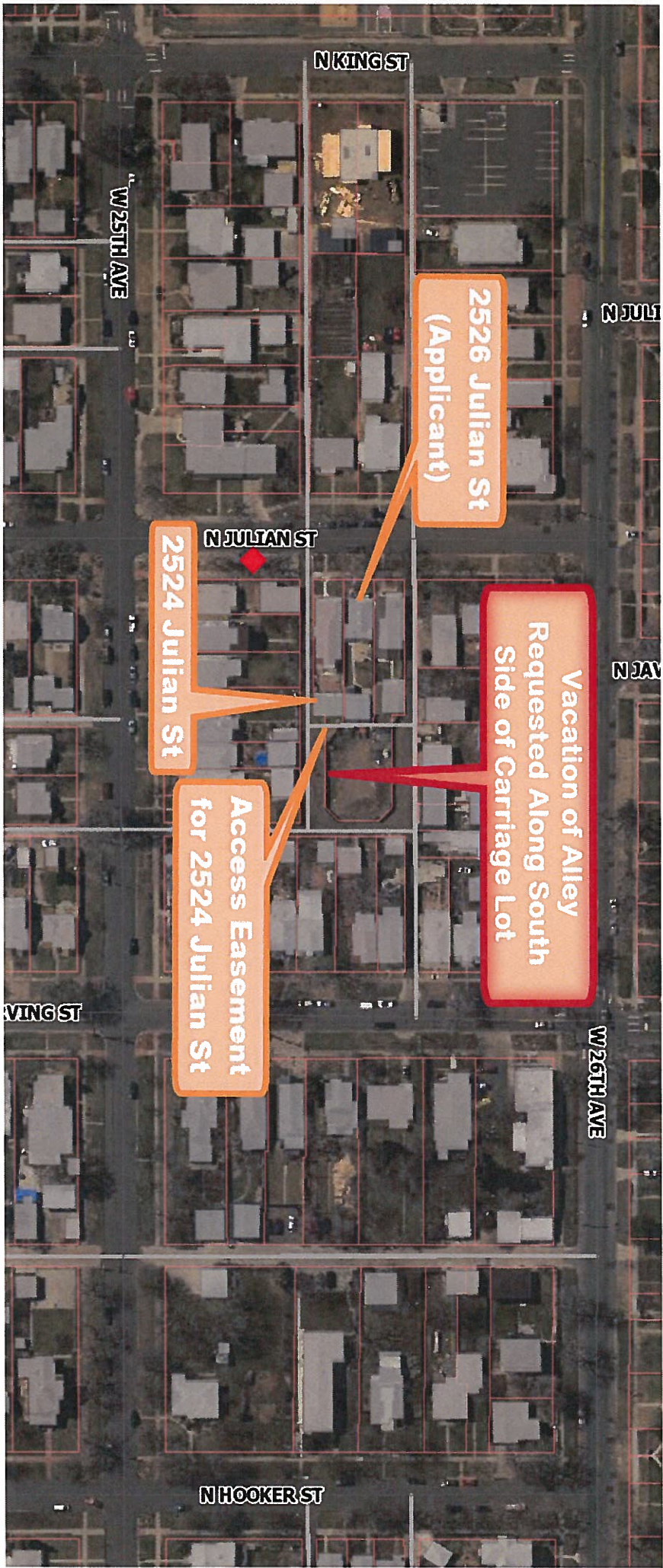
SCALE: 1" = 60'



PROFESSIONAL LAND SURVEYOR
 RANDY F. FORTULN
 27263
 September 25, 2015
 Randy Fortuin, PLS 20063
 For and on Behalf of CBM Surveys, Inc.

APPROX. PROPERTY DESCRIPTION:
 Lots 36,
 Re-subdivision of Block 24 of
 Witter & Cofields Sub-division
 of the Town of Highlands
 County of Denver, State of Colorado
 N.W. 1/4 32-T3S-R68W

ADDRESS:
 Julian St. / W. 25th Ave.
 City of Denver
 DATE: Sept. 25, 2015
 DWG: 1420-EASE-S.DWG



2526 Julian St
(Applicant)

Vacation of Alley
Requested Along South
Side of Carriage Lot

2524 Julian St

Access Easement
for 2524 Julian St

N KING ST

N JULIAN ST

W 25TH AVE

N JULIAN ST

W 27TH AVE

W 26TH AVE

N HOOKER ST