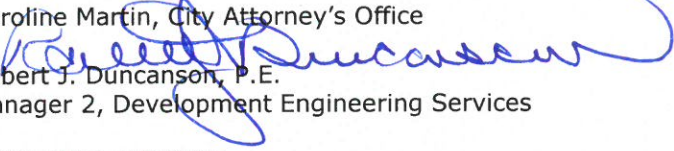




Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3001
www.denvergov.org/survey

REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Robert J. Duncanson, P.E.

Manager 2, Development Engineering Services

ROW #: 2016-VACA-0000005

DATE: November 7, 2016

SUBJECT: Request for an Ordinance to vacate the alley bounded by West 14th Avenue and West Colfax Avenue and Fox Street and Galapago Street, 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 Nickolas McGrath, dated January 27, 2016, on behalf of RMO, Inc. 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 2016-VACA-0000005-001 HERE

RJD: cs

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 7, 2016

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.)*

Request for an Ordinance to vacate the alley bounded by West 14th Avenue and West Colfax Avenue and Fox Street and Galapago Street, with reservations.

3. Requesting Agency: Public Works Engineering and Regulatory & Analytics

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

- Name: Chaunda Sinn
- Phone: 720-865-3036
- Email: chaunda.sinn@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:

Request for an Ordinance to vacate the alley bounded by West 14th Avenue and West Colfax Avenue and Fox Street and Galapago Street, 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 – please do not leave blank.)*

- a. Contract Control Number: N/A
- b. Contract Term: N/A
- c. Location: 650 West Colfax Avenue
- d. Affected Council District: District 10, Wayne New
- 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: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2016-VACA-0000005 650 W. Colfax Ave

Owner name: RMO, Inc.

Description of Proposed Project: Request for an Ordinance to vacate the alley bounded by West 14th Avenue and West Colfax Avenue and Fox Street and Galapago Street, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The requestor would like contiguity among the adjacent parcels land.

Width of area in feet: 16 feet/25 feet

Number of buildings abut said area: 4

The 20-day period for protests has expired, the vacating notice was posted on: September 19, 2016

Adjoining Neighbor and Registered Neighborhood Organization notification was sent on: August 31, 2016

Protests sustained by the manager of Public Works: Have not been filed

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, a perpetual, non-exclusive easement will be reserved by the City and County of Denver to construct, operate, maintain, repair, upgrade, and/or replace public or private utilities within the vacated area.

Will an easement relinquishment be submitted at a later date: There is a possibility in the future. It is unknown at this time.

Background: RMO, Inc., the landowner of adjacent properties, would like to vacate this alley to create contiguity among the adjacent parcels.

Public Notification: There were no objections to this vacation

Location Map:

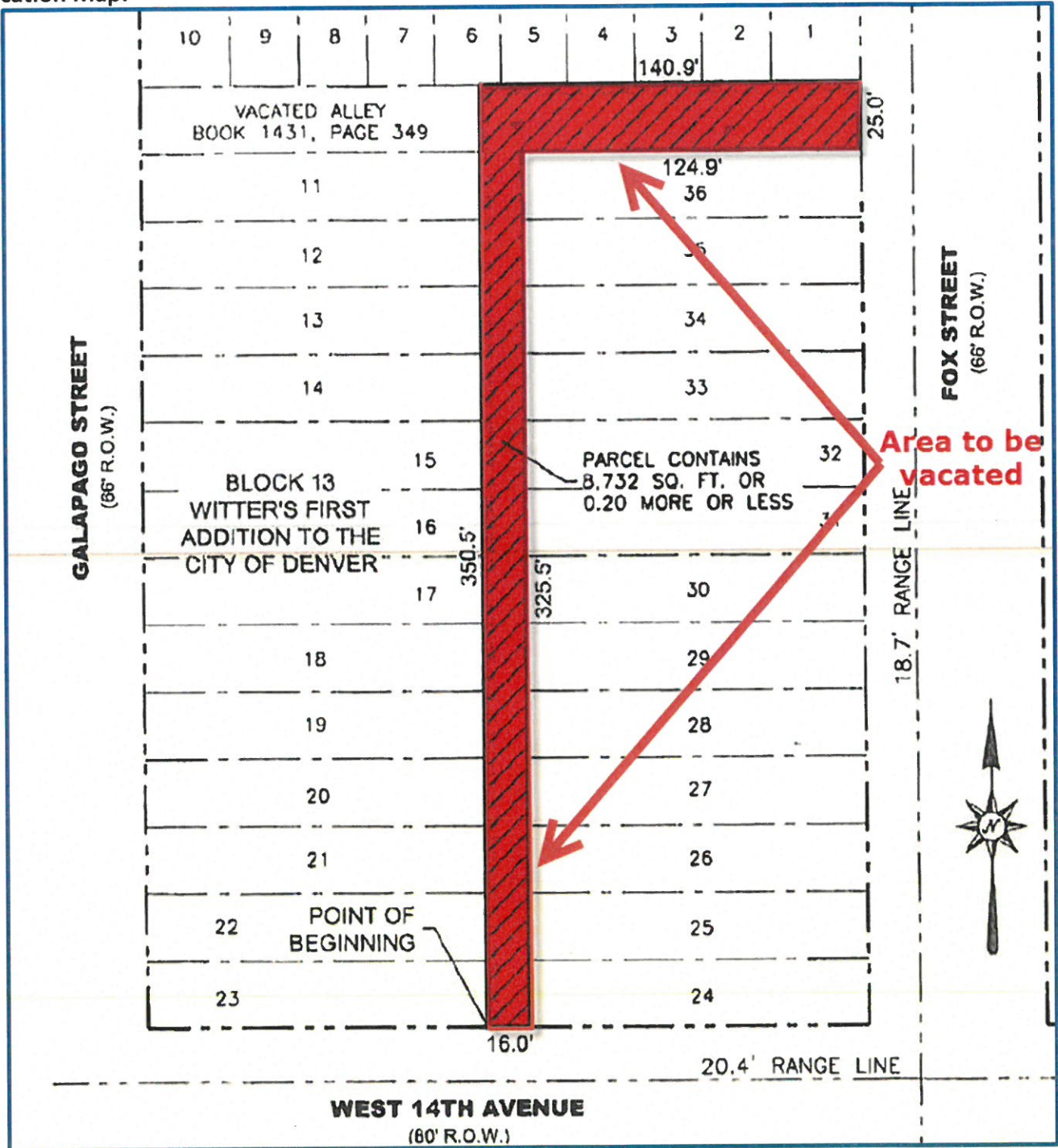


EXHIBIT A
SHEET 1 OF 2

ALLEY VACATION DESCRIPTION

BEING THE 16-FOOT ALLEY AND THE 25-FOOT ALLEY, BLOCK 13, WITTER'S FIRST ADDITION TO THE CITY OF DENVER, EXCEPT THAT PORTION OF THE 25-FOOT ALLEY VACATED IN BOOK 1431 AT PAGE 349 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER; SITUATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 23, SAID BLOCK 13:

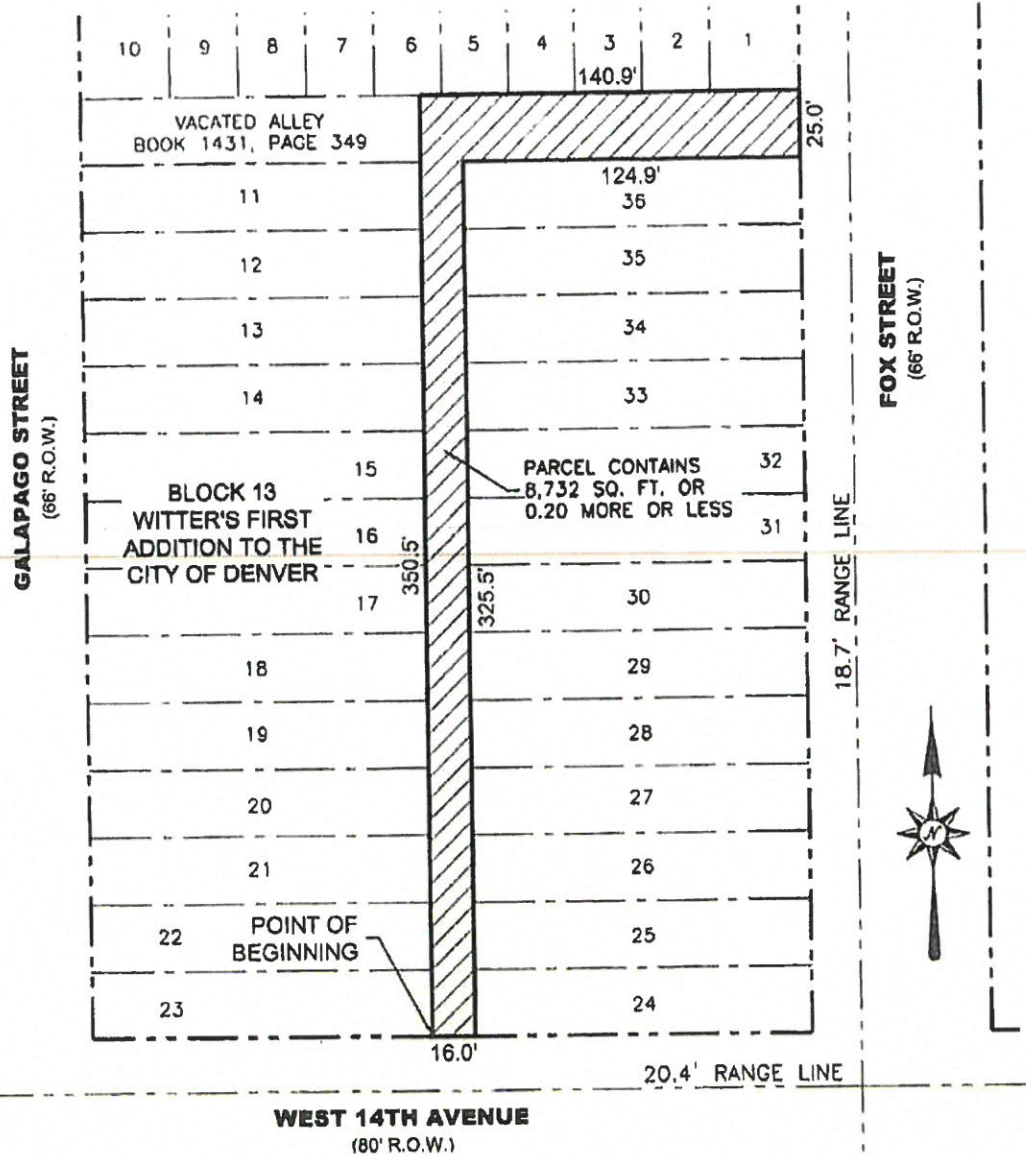
THENCE NORTH, ALONG THE WEST LINE OF SAID 16-FOOT ALLEY, 350.5 FEET;
THENCE EAST, ALONG THE NORTH LINE OF SAID 25-FOOT ALLEY, 140.9 FEET TO THE WEST RIGHT-OF-WAY LINE OF FOX STREET;
THENCE SOUTH, ALONG SAID WEST RIGHT-OF-WAY LINE, 25.0 FEET;
THENCE WEST, ALONG THE SOUTH LINE OF SAID 25-FOOT ALLEY, 124.9 FEET;
THENCE SOUTH, ALONG THE EAST LINE OF SAID 16-FOOT ALLEY, 325.5 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF WEST 14TH AVENUE;
THENCE WEST, ALONG SAID NORTH RIGHT-OF-WAY, 16.0 FEET TO THE POINT OF BEGINNING.

CONTAINS A CALCULATED AREA OF 8,732 SQUARE FEET OR 0.20 ACRES, MORE OR LESS.

JAMES E. LYNCH, PLS #37933
FOR AND ON BEHALF OF
R&R ENGINEERS-SURVEYORS, INC.
710 WEST COLFAX AVE.
DENVER, COLORADO 80204
JOB #: RM11132
DATE: 3/5/12



NW 1/4 SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST, 6TH P.M.
 ---CITY AND COUNTY OF DENVER---
 EXHIBIT A



NOTE
 THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

SCALE 1" = 60'

ALLEY VACATION EXHIBIT

Date:	3/5/12	Sheet 2 of 2
Drawn:	JEL	
Checked:	PWS	
Job No.:	RM11132	



R&R ENGINEERS-SURVEYORS, INC.
 710 WEST COLFAX AVE.
 DENVER, COLORADO 80204
 PH: 303-753-6730
 FAX: 303-753-6568