



**Department of Public Works**  
Permit Operations and Right of Way Enforcement  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
P: 720-865-2782  
F: 720-865-3280  
[www.denvergov.org/pwprs](http://www.denvergov.org/pwprs)

### REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2011-0170-04  
**DATE:** August 16, 2013  
**SUBJECT:** Request for an Ordinance to vacate: (1) A Portion of 39<sup>th</sup> St., (2) an Alley # 1, and (3) an Alley # 2, 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 Nicholas Dial, on behalf of Regional Transportation District 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:

It has been determined that there is no objection to vacating the said area(s).

Therefore, you are requested to initiate Council action to vacate the following area(s):

**INSERT PARCEL DESCRIPTION ROW 2011-0170-04-001 HERE**  
**INSERT PARCEL DESCRIPTION ROW 2011-0170-04-002 HERE**  
**INSERT PARCEL DESCRIPTION ROW 2011-0170-04-003 HERE**



CT\2010s\2011\2011-0170\FASTRACK\2011-0170-04 Vacate 38th Blake  
for Ordinance.doc

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

1. The width of this area is 19.82 feet (a Portion of 39<sup>th</sup> St) and two 16 feet (for alleys # 1 and # 2).
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is and is being used.
4. 1 building 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 July 23, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on July 23, 2013.
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, 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 # 2011-0170-04

Property Owner:  
Regional Transportation District  
C/O Greg Straight  
1560 Broadway, Ste. # 700  
Denver, CO 80202

## 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: August 16, 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: (1) A Portion of 39th St., (2) an Alley # 1, and (3) an Alley # 2.

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](mailto: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](mailto:nancy.kuhn@denvergov.org)

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

Vacate: (1) A Portion of 39<sup>th</sup> St., (2) an Alley # 1, and (3) an Alley # 2.

**\*\*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:** (1) a Portion of at 39<sup>th</sup> and Wynkoop St., (2) Alley # 1 at Wynkoop St. and 38<sup>th</sup> St., and (3) Alley # 2 at Wynkoop St. and 40<sup>th</sup> 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. Regional Transportation District, letter of intent to vacate the above mentioned streets and two alleys for the 38<sup>th</sup> Blake St. Station.

*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



**DENVER**  
THE MILE HIGH CITY

## **EXECUTIVE SUMMARY**

**Project Title: 2011-0170-04 Vacate at the 38<sup>th</sup> Blake St. Station**

**Description of Proposed Project: Vacate: a Portion of 39<sup>th</sup>., Alley # 1 and Alley # 2.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Vacate for patron access and parking area.**

**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: NO**

**Will an easement be placed over a vacated area, and if so explain: There are no easements.**

**Will an easement relinquishment be submitted at a later date:N/A**

**Additional information: RTD FasTrack is requesting vacate the above mentioned street and two alleys for the 38<sup>th</sup> Blake Station.**

**EXHIBIT "A"**  
**Street Vacation**  
**Date: March 28, 2013**  
**DESCRIPTION**

39<sup>th</sup> Street Vacation of the RTD East Corridor Commuter Rail Project, being the portion of 39<sup>th</sup> Street in ST VINCENT'S ADDITION SECOND FILING recorded April 2, 1890 in the City and County of Denver Clerk and Recorder's Office lying southeasterly of the southeast line of the Wynkoop Street right-of-way, located in the Southwest Quarter of Section 23, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, more particularly described as follows:

COMMENCING at the 20 foot by 20 foot Range Point at 39<sup>th</sup> Street and Wynkoop Street (a found #8 rebar) WHENCE the 20 foot by 20 foot Range Point at 38<sup>th</sup> Street and Wynkoop Street (a 2-½" aluminum rock cap, LS 24942) bears S44°54'49"W a distance of 397.18 feet (basis of bearing – assumed);

THENCE S00°01'52"E a distance of 84.93 feet to the northerly corner of Tax Deed 3091 recorded May 9, 1938 in the City and County of Denver Clerk and Recorder's Office and the POINT OF BEGINNING;

THENCE the following two (2) courses coincident with the southeasterly line of the Wynkoop Street right-of-way:

- 1) N44°54'49"E a distance of 60.18 feet;
- 2) N44°47'57"E a distance of 19.82 feet;

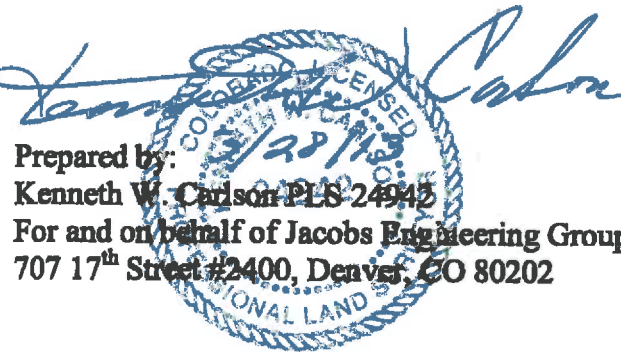
THENCE the following two (2) courses coincident with the northeasterly and southerly lines of said ST VINCENT'S ADDITION SECOND FILING:

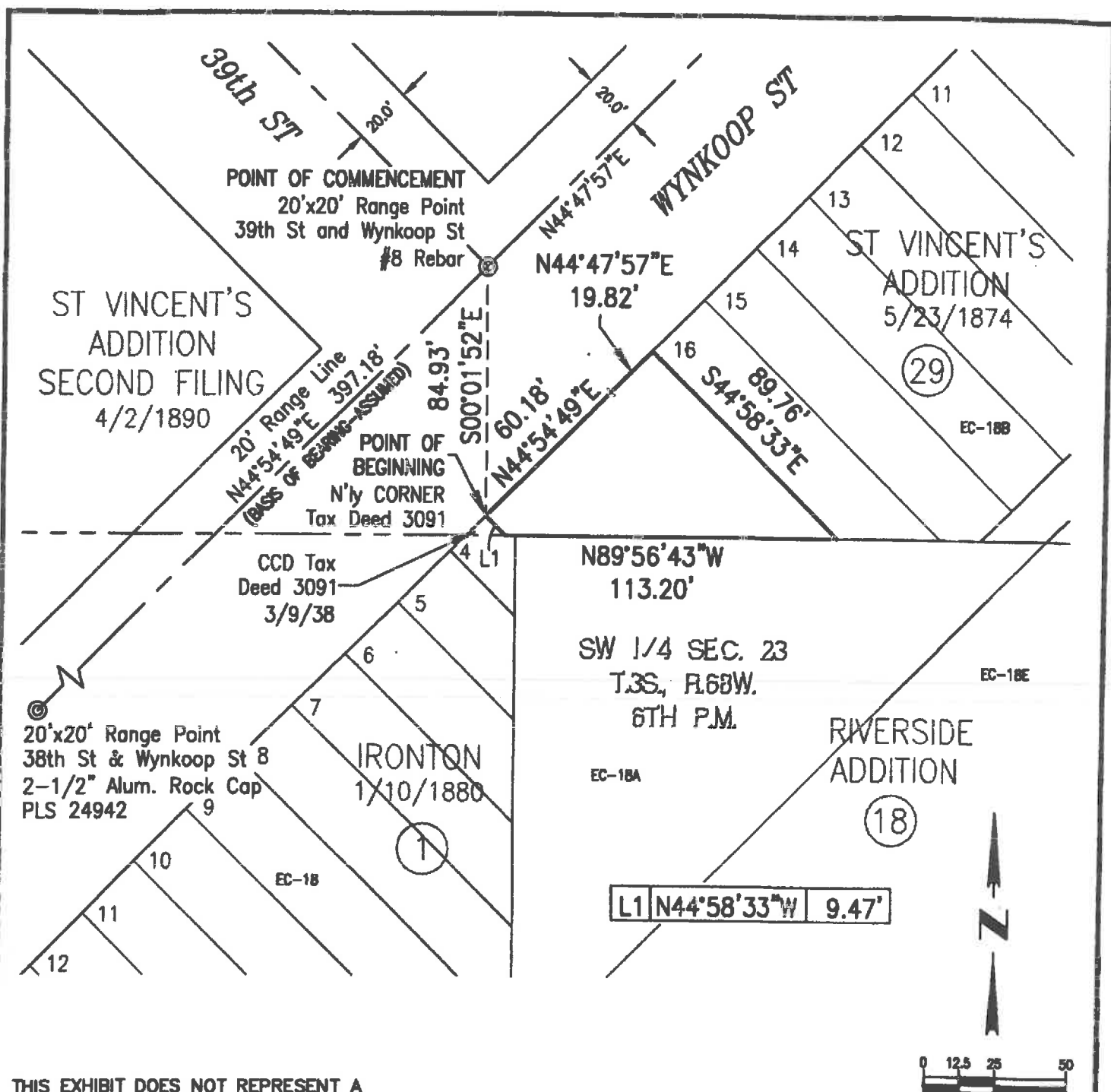
- 1) S44°58'33"E a distance of 89.76 feet;
- 2) N89°56'43"W a distance of 113.20 feet;

THENCE N44°58'33"W coincident with the northeasterly line of said Tax Deed a distance of 9.47 feet to the POINT OF BEGINNING.

Containing 3,968 square feet, (0.091 Acres), more or less.

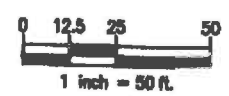
Prepared by:  
 Kenneth W. Carlson PLS 24942  
 For and on behalf of Jacobs Engineering Group Inc.  
 707 17<sup>th</sup> Street #2400, Denver, CO 80202





THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

39th STREET VACATION AREA=3,968 SQ.FT., 0.091 ACRES±



JACOBS ENG. PROJECT NO.		WY07412	
CLIENT PROJECT NO.		072120	
REVISION DESCRIPTION			
DRAWN	DATE	3/28/2013	SCALE 1"=50'
<b>JACOBS</b>			
707 17th Street, Suite 2300, Denver CO 80202			
<small>(303) 555-4500 Fax (303) 555-4542</small>			
<small>THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY JACOBS ENGINEERING GROUP FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF JACOBS ENGINEERING GROUP SHALL BE AT THE SOLE RISK OF THE USER.</small>			

<b>EXHIBIT "A"</b>		
RTD EAST CORRIDOR COMMUTER RAIL PROJECT		
39th STREET VACATION		
TITLE CITY AND COUNTY OF DENVER, COLORADO		
SW1/4 Sec. 23, T3S, R68W, 6th P.M.		
REVISION:	DRAWING NO.	SHEET NO.
	39StVacation.dwg	1 of 1

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**EXHIBIT "B"****Alley Vacation 1****Date: October 1, 2012****DESCRIPTION**

Alley Vacation 1 of the RTD East Corridor Commuter Rail Project, being all of the alley in Block 1, Ironton recorded January 10, 1880 in the City and County of Denver Clerk and Recorder's Office located in the Southwest Quarter of Section 23, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being additionally described as follows:

COMMENCING at the 20 foot by 20 foot Range Point at 38<sup>th</sup> Street and Wynkoop Street (a 2-½" aluminum rock cap, LS 24942) WHENCE a three foot witness cap to the 20 foot Range Point at 38<sup>th</sup> Street and the railroad right of way (a 2-½" aluminum rock cap, LS 24942) bears S45°06'57"E a distance of 403.25 feet (basis of bearing – assumed); THENCE S51°17'00"E a distance of 186.15 feet to the south corner of Lot 16 of said Block 1 and the POINT OF BEGINNING;

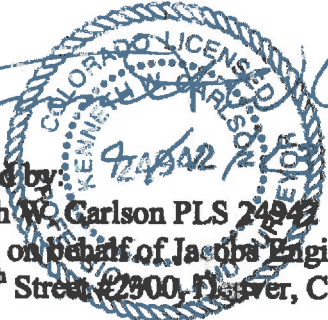
THENCE N44°54'13"E coincident with the southeasterly line of Lots 16 through 8 inclusive of said Block 1 a distance of 205.59 feet;

THENCE S00°01'48"W coincident with the easterly line of said Ironton a distance of 22.68 feet;

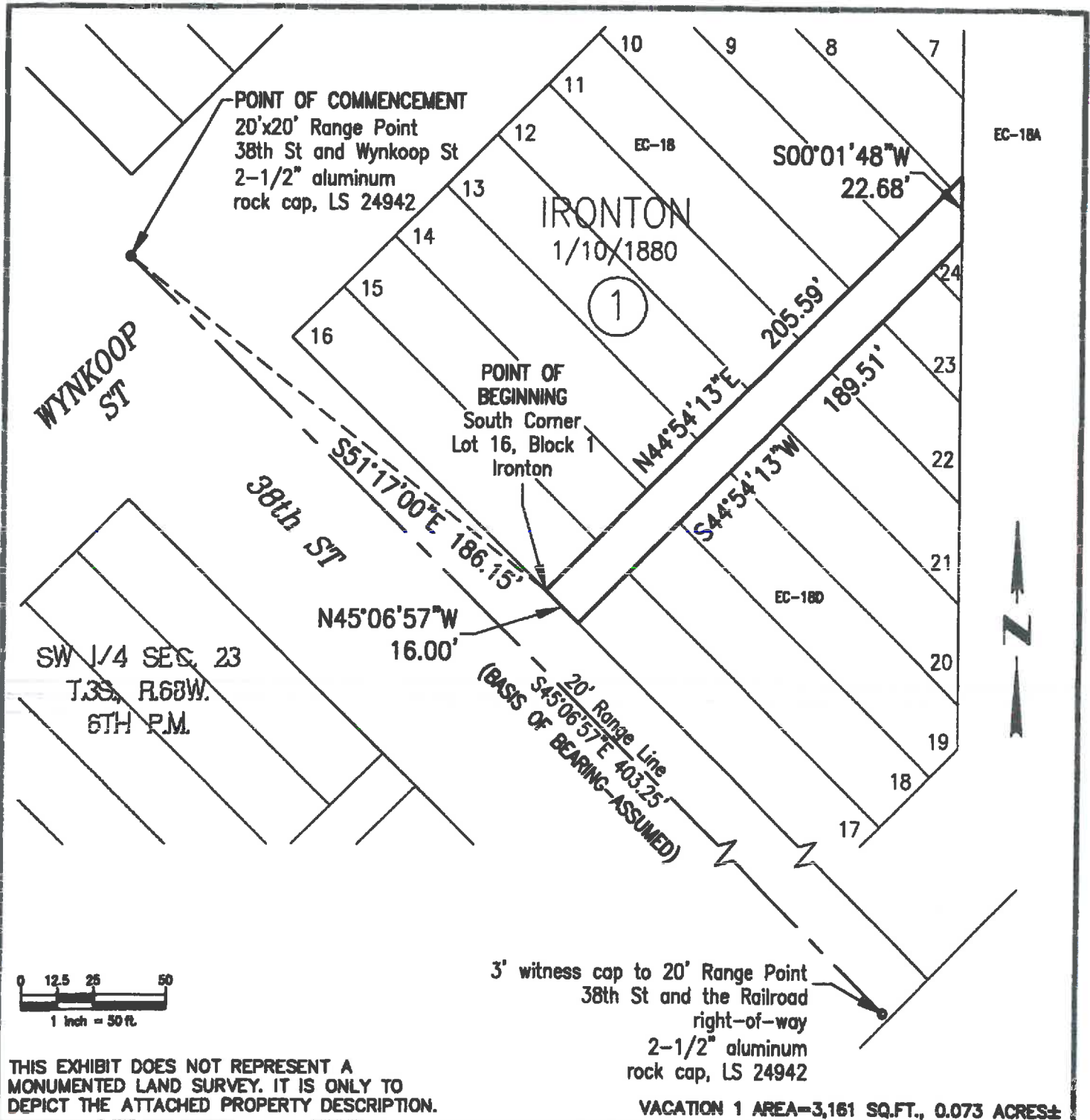
THENCE S44°54'13"W coincident with the northwesterly line of Lots 24 through 17 inclusive of said Block 1 a distance of 189.51 feet;

THENCE N45°06'57"W coincident with the northeasterly line of the 38<sup>th</sup> Street right-of-way a distance of 16.00 feet to the POINT OF BEGINNING.

Containing 3,161 square feet, (0.073 Acres), more or less.

*Kenneth W. Carlson*  
  
 Prepared by: Kenneth W. Carlson PLS 24942  
 For and on behalf of Jacobs Engineering Group Inc.  
 707 17<sup>th</sup> Street #2300, Denver, CO 80202





JACOBS ENG. PROJECT NO.	WYN7412
CLIENT PROJECT NO.	072120
REVISION DESCRIPTION	
DRAWN	DATE 10/01/2012 SCALE 1"=50'

**JACOBS**

707 17th Street, Suite 2300, Denver CO 80202

(303) 639-6940 Fax (303) 639-6942

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**EXHIBIT "B"**

**RTD EAST CORRIDOR COMMUTER RAIL PROJECT**  
**ALLEY VACATION 1**

**TITLE:**  
**CITY AND COUNTY OF DENVER, COLORADO**  
**SW1/4 Sec. 23, T3S, R68W, 6th P.M.**

REVISION:

DRAWING NO.

SHEET NO.

AlleyVacation1.dwg

1 of 1



**EXHIBIT "C"****Alley Vacation 2****Date: March 28, 2013****DESCRIPTION**

Alley Vacation 2 of the RTD East Corridor Commuter Rail Project, being all of the alley in Block 29, St Vincent's Addition, recorded May 23, 1874 in the City and County of Denver Clerk and Recorder's Office, located in the Southwest Quarter of Section 23, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being additionally described as follows:

COMMENCING at the 20 foot by 20 foot Range Point at 39<sup>th</sup> Street and Wynkoop Street (a #8 rebar) WHENCE the 20 foot by 20 foot Range Point at 40<sup>th</sup> Street and Wynkoop Street (a #8 rebar) bears N44°47'57"E a distance of 479.82 feet (basis of bearing – assumed);

THENCE S64°27'09"E a distance of 212.91 feet to the west corner of Lot 19 of said Block 29 and the POINT OF BEGINNING;


THENCE N89°56'43"W coincident with the southerly line of said St Vincent's Addition a distance of 22.53 feet;

THENCE N44°47'57"E coincident with the southeasterly line of Lots 15 through 1 inclusive of said Block 29 a distance of 364.75 feet;

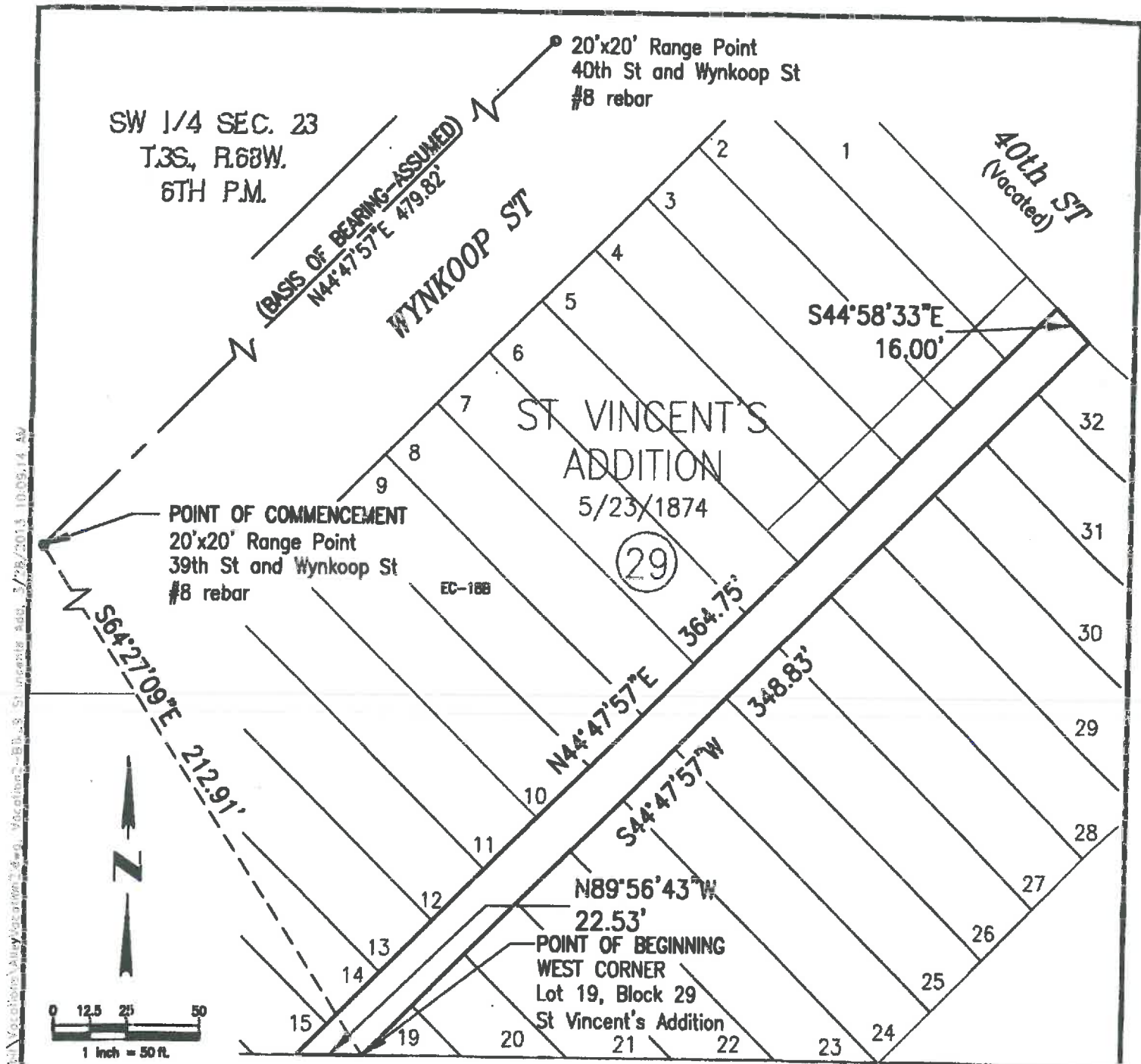
THENCE S44°58'33"E coincident with the southwesterly line of the 40<sup>th</sup> Street right-of-way vacated by Ordinance 187-1927 a distance of 16.00 feet;

THENCE S44°47'57"W coincident with the northwesterly line of Lots 32 through 19 inclusive of said Block 29 a distance of 348.83 feet to the POINT OF BEGINNING.

Containing 5,709 square feet, (0.131 Acres), more or less.



Prepared by  
Kenneth W. Carlson PLS 24942  
For and on behalf of Jacobs Engineering Group Inc.  
707 17<sup>th</sup> Street #2500, Denver, CO 80202



THIS EXHIBIT DOES NOT REPRESENT A  
MONUMENTED LAND SURVEY. IT IS ONLY TO  
DEPICT THE ATTACHED PROPERTY DESCRIPTION.

VACATION 2 AREA=5,709 SQ.FT., 0.131 ACRES±

JACOBS ENG. PROJECT NO.	3WV7412
CLIENT PROJECT NO.	072120
REVISION DESCRIPTION	
DRAWN	jk
DATE	3/28/13
SCALE	1"=50'

**JACOBS**

707 17th Street, Suite 2300, Denver CO 80202

(303) 438-4100 Fax (303) 438-4102

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THE USER.

**EXHIBIT "C"**

RTD EAST CORRIDOR COMMUTER RAIL PROJECT  
ALLEY VACATION 2

TITLE  
CITY AND COUNTY OF DENVER, COLORADO  
SW1/4 Sec. 23, T3S, R68W, 6th P.M.

REVISION:

DRAWING NO.

AlleyVacation2.dwg

SHEET NO.

1 of 1