




**DENVER**  
THE MILE HIGH CITY

**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

**REQUEST FOR VACATION ORDINANCE**

\*\*\*\*Unique add in additional Whereas, This is a re-vacation of Ord 113, Series of 2003\*\*\*\*

**TO:** Melinda Olvarez, City Attorney's Office  
**FROM:**   
Robert J. Duncanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2007-0535-16  
**DATE:** August 3, 2010  
**SUBJECT:** Request for an Ordinance to vacate **an alley bounded by Alcott 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 **Paul Ryan with The Kenney Group**, on behalf of **Speer and Alcott LLC** 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 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 storm drainage and sanitary sewer 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 2007-0535-005 HERE**



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 not being used.
4. **1** 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 11/20/2002, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 11/20/2002.
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: **VLH**

cc: Councilperson Montero and Aides	Property Owner:
Mike Anderson, IPP	Cory Palmeiro
Gretchen Williams, City Council	Speer & Alcott, LLC
Mike Lutz, Solid Waste	c/o Allied Realty
William Kennedy, Street Maintenance	101 University Blvd, Suite 410
Lindsey Strudwick, Right of Way Enforcement.	Denver, Co 80206
Steve Wirth, Asset Mgmt.	
Paula Miles, Public Works	
Revekka Balancier, Public Works	
Christine Downs, Public Works	
Debra Baca, Public Works	
Melinda Olivarez, Department of Law	
Karen Aviles, Department of Law	
Public Works Survey-Paul Rogalla	
Project File 2007-0535-16	

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to the Mayor's Legislative Team  
at [MailHighOrdinance@DenverGov.org](mailto:MailHighOrdinance@DenverGov.org) by NOON on Tuesday.

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

Date of Request: \_\_\_\_\_

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 - 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 **an alley bounded by Alcott St, with reservations**

3. **Requesting Agency:** PW Right of Way Engineering Services

4. **Contact Person:** (with actual knowledge of proposed ordinance)

- **Name:** Vanessa Herman
- **Phone:** 720-91-0719
- **Email:** vanessa.herman@denvergov.org

5. **Contact Person:** (with actual knowledge of proposed ordinance who will present the item at Mayor-Council and who will be available for first and second reading, if necessary)

- **Name:** Daelene Mix
- **Phone:** 720-865-8720
- **Email:** daelene.mix@denvergov.org

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

Request for an Ordinance to vacate **an alley bounded by Alcott St, with reservations**

*Please include the following:*

- a. **Duration:** N/A
- b. **Location:** 27th Ave, Speer Blvd and Alcott St
- c. **Affected Council District:** Dist # 9 Montero
- d. **Benefits:** N/A
- e. **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: \_\_\_\_\_

Ordinance Request Number: \_\_\_\_\_

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

## 2785 SPEER

**BLOCK 5 ALLEY R.O.W. VACATION**  
A PART OF THE SE ¼ SEC.29 T.3 S, R.68 W. OF THE 6<sup>TH</sup> P.M.  
CITY AND COUNTY OF DENVER, COLORADO  
LAND DESCRIPTIONS  
SHEET 1 OF 2

### LAND DESCRIPTIONS

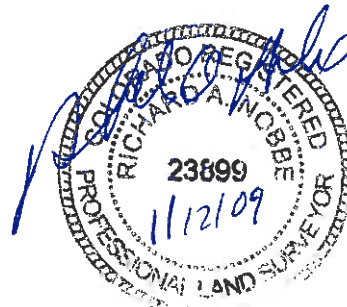
A 16 FOOT ALLEY LOCATED WITHIN BLOCK 5, EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, AND 16, HIGHLAND, AS ORIGINALLY RECORDED IN BOOK 4 AT PAGE 8 IN THE CLERK AND RECORDER'S OFFICE OF ARAPAHOE COUNTY, NOW CLERK AND RECORDER'S OFFICE OF THE CITY AND COUNTY OF DENVER, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9, OF BLOCK 5, POINT BEING THE POINT OF BEGINNING; THENCE N00°05'21"W A DISTANCE OF 16.00 FEET TO A POINT LOCATED ON THE SOUTHWEST CORNER OF LOT 1, SAID BLOCK 5; THENCE ALONG THE SOUTHERLY LINE OF LOTS 1 TO 8 INCLUSIVE, SAID BLOCK 5, S89°59'47"E A DISTANCE OF 260.55 FEET TO A POINT ON THE SOUTHEASTERLY CORNER OF LOT 8 AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SPEER BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SPEER BOULEVARD S64°42'34"E A DISTANCE OF 37.46 FEET TO A POINT ON THE NORTHERLY LINE OF LOTS 9 TO 20 INCLUSIVE, SAID BLOCK 5; THENCE ALONG SAID NORTHERLY LOT LINE N89°59'47"W A DISTANCE OF 294.39 FEET TO A POINT ON THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 5 ALSO BEING THE POINT OF BEGINNING

SAID PARCEL CONTAINS 0.102 ACRES (4,440 SQ. FT.)

BASIS OF BEARINGS: THE SOUTHERLY LINE OF BLOCK 6, EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, AND 16, HIGHLAND BEING MONUMENTED BY A FOUND 4' X 4' OFFSET CORNER AT THE SOUTHEAST CORNER AND SOUTHWEST CORNER OF SAID BLOCK 6, ASSUMED TO BEAR N89°59'47"W

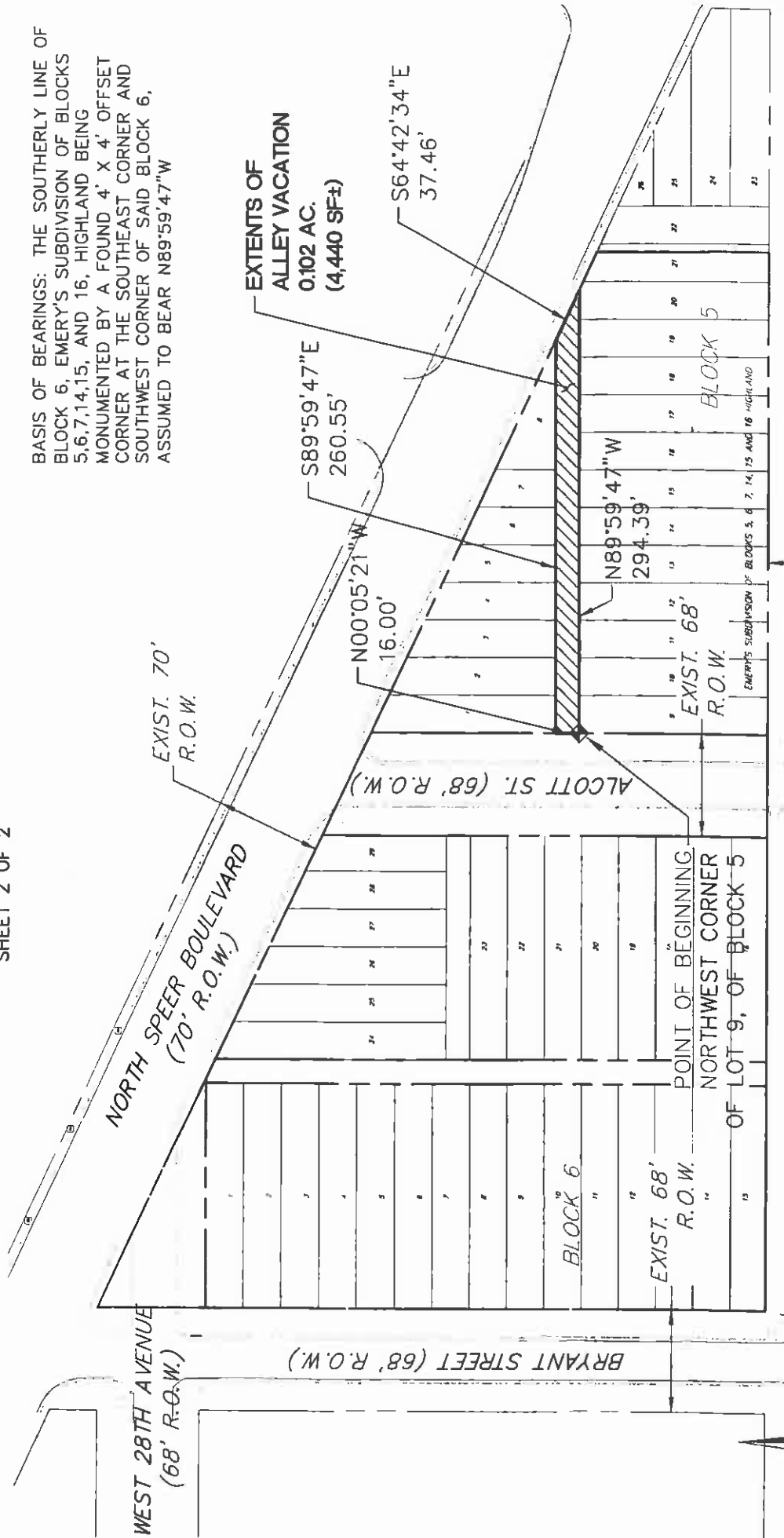
PREPARED BY DANNY TRUJILLO  
REVIEWED BY RICHARD A NOBBE, PLS NO. 23899  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVENUE  
LAKEWOOD, COLORADO 80215  
OCTOBER 23, 2008  
REVISED JANUARY 7, 2009



2785 SPEER  
 BLOCK 5 ALLEY R.O.W VACATION  
 SE ¼ SEC.29 T.3 S, R.68 W, OF THE 6TH P.M.  
 SHEET 2 OF 2

R.O.W PROJECT NO. 2007-0535  
 DES PARCEL NO. 2007-0535-005

BASIS OF BEARINGS: THE SOUTHERLY LINE OF  
 BLOCK 6, EMERY'S SUBDIVISION OF BLOCKS  
 5,6,7,14,15, AND 16, HIGHLAND BEING  
 MONUMENTED BY A FOUND 4' X 4' OFFSET  
 CORNER AT THE SOUTHEAST CORNER AND  
 SOUTHWEST CORNER OF SAID BLOCK 6,  
 ASSUMED TO BEAR N89°59'47"W



REV. JANUARY 7, 2009  
 OCTOBER 23, 2008

**MARTIN / MARTIN**  
 CONSULTING ENGINEERS  
 12499 WEST COLFAX AVE.  
 P.O. BOX 151500  
 LAKEWOOD, CO 80215  
 303.431.6100  
 FAX 303.431.4028

NOTE: THIS EXHIBIT DOES NOT  
 REPRESENT A MONUMENTED SURVEY.  
 IT IS INTENDED ONLY TO DEPICT THE  
 ATTACHED DESCRIPTION.

