



## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.  
Manager 2, Development Engineering Services  
**ROW #:** 2015-0313-01  
**DATE:** June 4, 2015  
**SUBJECT:** Request for an Ordinance to vacate a strip of land at 3100 E Cherry Creek S Dr, 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 Cherry Creek Tower Condominium Association 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 vacated area for the purpose of a requiring and maintaining a parkway setback from Cherry Creek Drive, which is designated as a Parkway in accordance with section 49-116 of the Denver Revised Municipal Code. No building, structure, fence, wall or other improvement, except for parking and its associated landscaping, shall be built, installed or erected within the vacated area except as specifically approved in writing by the City and County of Denver's Manager of Parks & Recreation.

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

**INSERT PARCEL DESCRIPTION ROW 2015-0313-01-001 HERE**

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

1. The width of this area varies.
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. One building abuts 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 May 22, 2015, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on May 22, 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](mailto: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 4, 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.**)*

2015-0313-01: Vacation at Cherry Creek Towers

**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 a strip of land at 3100 E Cherry Creek S Dr. This vacation is necessary in order to move to the next phase of the Cherry Creek South Drive Corridor project.

**\*\*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:** 3100 E Cherry Creek S Drive
- d. **Affected Council District:** #6 – Charlie Brown
- 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 was some confusion about the proposal. There was a misconception that the area proposed to be vacated would extend up to the existing curb. However, this is not the case and Cherry Creek S Drive will be widened according to the existing plan.

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

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

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



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2015-0313-01: Vacation at Cherry Creek Towers**

**Description of Proposed Project: This is a proposal to vacate a strip of land at 3100 E Cherry Creek S Dr.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Existing right-of-way is needed in order to move forward on the Cherry Creek South Drive Corridor project. Some of the area that is currently being used as a parking lot is proposed to be vacated to accommodate parking for the Cherry Creek Towers.**

**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: No.**

**Will an easement be placed over a vacated area, and if so explain: Yes, there is an easement that restricts development in the vacated area, due to Cherry Creek Drive being designated as a Parkway. Parks and Recreation will review any requests outside of what is permitted by the language of the easement.**

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

**Additional information: None.**

2015-0313-01-001

**EXHIBIT "A"**  
**PAGE 1 OF 3**

A PARCEL OF LAND CONTAINING 10,395 SQUARE FEET, MORE OR LESS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE INTERSECTION OF THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 12 WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHERRY CREEK DRIVE SOUTH (100' R.O.W.) RECORDED AS ORDINANCE 108, SERIES 1954, CITY AND COUNTY OF DENVER RECORDS, FROM WHENCE THE SOUTH ONE-QUARTER CORNER SAID SECTION 12 BEARS S00°21'38"E, A DISTANCE OF 513.59 FEET;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHERRY CREEK SOUTH DRIVE (100' R.O.W.) N43°12'09"W, A DISTANCE OF 15.94 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE N43°12'09"W, A DISTANCE OF 330.74 FEET;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2,444.58 FEET, AN ARC LENGTH OF 106.77 FEET, A CENTRAL ANGLE OF 02°30'09", A CHORD BEARING N44°27'13"W, A DISTANCE OF 106.76 FEET;

THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIXTEEN (16) COURSES;

- 1) N44°17'11"E, A DISTANCE OF 21.49 FEET;
- 2) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,213.50 FEET, AN ARC LENGTH OF 46.29 FEET, A DELTA ANGLE OF 01°11'54", A CHORD BEARING S45°09'59"E, A DISTANCE OF 46.29 FEET;
- 3) N45°25'58"E, A DISTANCE OF 6.50 FEET;
- 4) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,220.00 FEET, AN ARC LENGTH OF 45.84 FEET, A DELTA ANGLE OF 01°10'59", A CHORD BEARING S43°58'32"E, A DISTANCE OF 45.84 FEET;
- 5) S46°36'57"W, A DISTANCE OF 6.50 FEET;
- 6) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,213.50 FEET, AN ARC LENGTH OF 7.02 FEET, A DELTA ANGLE OF 00°10'54", A CHORD BEARING S43°17'36"E, A DISTANCE OF 7.02 FEET;
- 7) TANGENT TO THE PREVIOUSLY DESCRIBED CURVE S43°12'09"E, A DISTANCE OF 70.27 FEET;
- 8) ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5,893.50 FEET, AN ARC LENGTH OF 19.87 FEET, A DELTA ANGLE OF 00°11'35", A CHORD BEARING S43°06'21"E, A DISTANCE OF 19.87 FEET;
- 9) NON-TANGENT TO THE PREVIOUSLY DESCRIBED CURVE N46°59'27"E, A DISTANCE OF 6.50 FEET;
- 10) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5,900.00 FEET, AN ARC LENGTH OF 126.41 FEET, A DELTA ANGLE OF 01°13'39", A CHORD BEARING S42°23'44"E, A DISTANCE OF 126.41 FEET;

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**EXHIBIT "A"**  
**PAGE 2 OF 3**

- 11) S48°13'06"W, A DISTANCE OF 2.50 FEET;
- 12) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5,897.50 FEET, AN ARC LENGTH OF 35.00 FEET, A DELTA ANGLE OF 00°20'24", A CHORD BEARING S41°36'42"E, A DISTANCE OF 35.00 FEET;
- 13) TANGENT TO THE PREVIOUSLY DESCRIBED CURVE S41°26'30"E, A DISTANCE OF 4.00 FEET;
- 14) N48°33'30"E, A DISTANCE OF 2.50 FEET;
- 15) S41°26'30"E, A DISTANCE OF 61.01 FEET;
- 16) S02°01'08"W, A DISTANCE OF 32.50 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 10,395 SQUARE FEET OR 0.239 ACRES, MORE OR LESS.

**BASIS OF BEARINGS:** FOR THE PURPOSE OF THIS DESCRIPTION, THE BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP (PLS 36068, 2013) AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 12, AND BY A 2-1/2" ALUMINUM CAP (LS 16398, 1986), AT THE CENTER ONE-QUARTER CORNER OF SAID SECTION 12, BEARING N00°21'38"W.

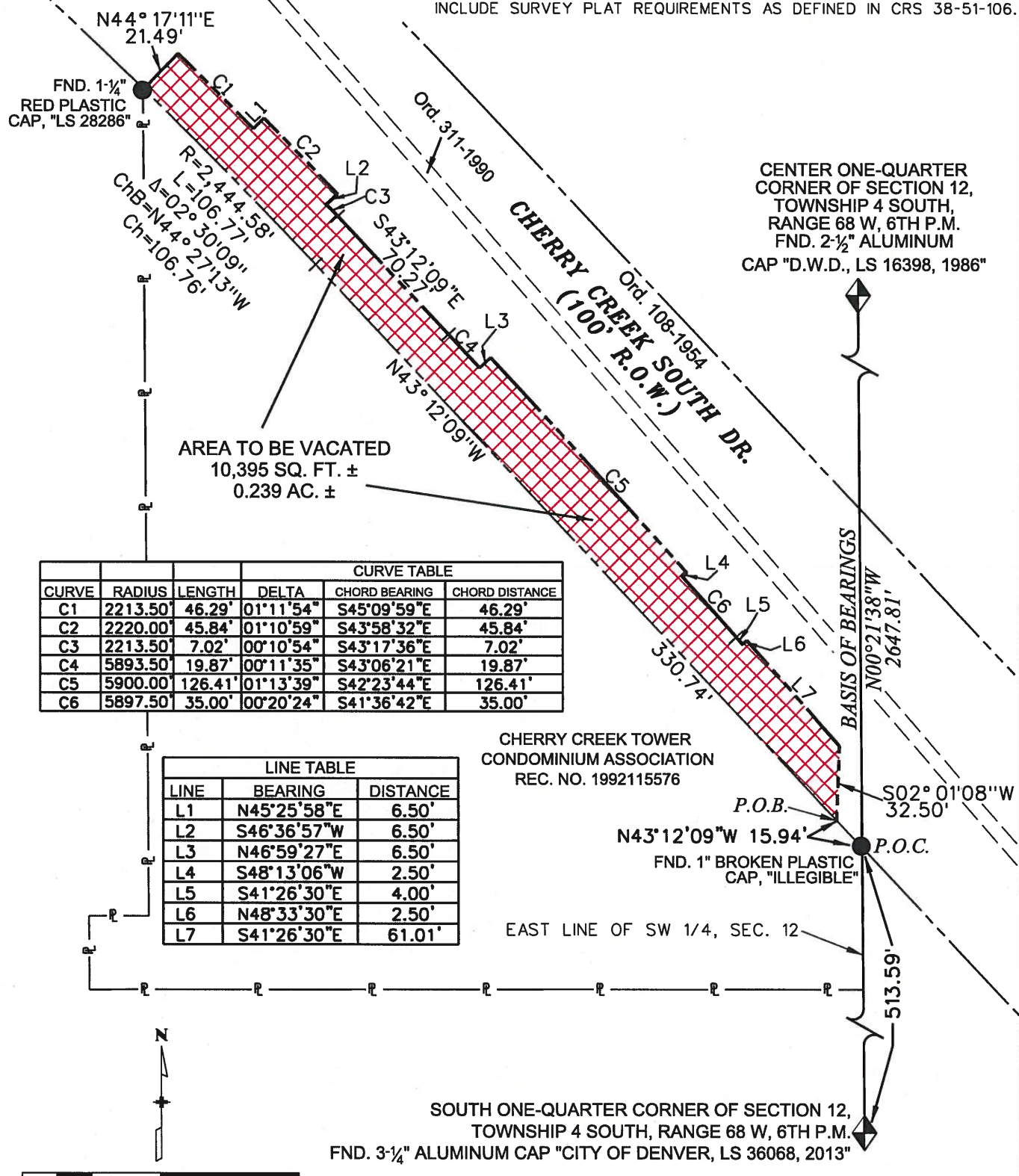
PREPARED BY: RICHARD D. MUNTEAN, CO PLS 38189  
FOR AND ON BEHALF OF:  
105 WEST, INC.  
2140 S. IVANHOE ST., STE G5  
DENVER, CO 80222



2015-0313-01-001

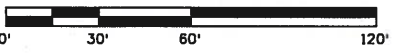
**EXHIBIT A**

THIS EXHIBIT IS A GRAPHIC DEPICTION OF THE PARCEL DESCRIBED ON THE ATTACHED LEGAL DESCRIPTION AND IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	2213.50'	46.29'	01°11'54"	S45°09'59"E	46.29'
C2	2220.00'	45.84'	01°10'59"	S43°58'32"E	45.84'
C3	2213.50'	7.02'	00°10'54"	S43°17'36"E	7.02'
C4	5893.50'	19.87'	00°11'35"	S43°06'21"E	19.87'
C5	5900.00'	126.41'	01°13'39"	S42°23'44"E	126.41'
C6	5897.50'	35.00'	00°20'24"	S41°36'42"E	35.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N45°25'58"E	6.50'
L2	S46°36'57"W	6.50'
L3	N46°59'27"E	6.50'
L4	S48°13'06"W	2.50'
L5	S41°26'30"E	4.00'
L6	N48°33'30"E	2.50'
L7	S41°26'30"E	61.01'



**EXHIBIT TO ACCOMPANY LEGAL DESCRIPTIONS**

Job No.: 146-0001  
 Scale: 1" = 60'  
 Date: April 14, 2015  
 Page 3 of 3  
 Drawn By: SDB

VACATED PARCEL - CHERRY CREEK SOUTH DRIVE  
 SW 1/4 SECTION 12, T. 4 S., R. 68 W., 6TH P.M.  
 CITY AND COUNTY OF DENVER, STATE OF COLORADO

**105WEST**  
 INCORPORATED  
 2140 S. Ivanhoe St., STE G5  
 Denver, CO 80222

Shown 11:04:03 AM P:\105 West Projects\146-0001 - CCSD Phase 3\RDW\_Survey\Drawings\Vacation LegalDescription\Cherry Creek Tower Condos - Cherry Creek South Drive Vacation.dgn