

## REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Robert J. Duncanson, P.E.  
Manager 2, Public Works Right of Way Services

**ROW #:** 2016-VACA-0000003

**DATE:** November 17, 2016

**SUBJECT:** Request for an Ordinance to vacate the public alley bounded by 15<sup>th</sup> St., 16<sup>th</sup> St., and Welton St. and California 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 Kevin Roth, dated December 18, 2015, on behalf of Ephraim, LLC, c/o Barry Gilbert 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-0000003-001 HERE**

RJD: vw

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