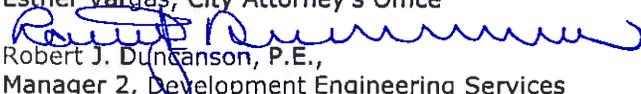




DENVER
THE MILE HIGH CITY

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

TO: Esther Vargas, City Attorney's Office
FROM: 
Robert J. Duncanson, P.E.,
Manager 2, Development Engineering Services
ROW NO.: 2011-0300-02
DATE: October 3, 2011
SUBJECT: Request for an Ordinance to vacate **the entire alley bounded by Walnut St, Larimer St, and 24th St and Park Ave West, 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 **Mark Wilson**, on behalf of **Scott Johnson with 2300 Walnut Venture 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 2011-0300-001 HERE



CT\2010s\2011\2011-0300\PWPRS\VACATION\2011-0300-02 Vacation 2300 or Ordinance.doc

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. **0** 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 9/12/2011, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 9/12/2011.
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: Asset Management, Steve Wirth
City Councilperson & Aides Dist # 9 Judy Montero
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Esther Vargas
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Christine Downs
Public Works, Manager's Office, Stacie Loucks
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy,
Project File # 2011-0300-02

Property Owner:
2300 Walnut Venture LLC
c/o Scott Johnson
210 University Blvd Suite 200
Denver Co 80206

Agent:
Harris Kocher Smith
c/o Mark Wilson
1391 Speer Blvd Suite 390
Denver Co 80204

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix 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: October 3, 2011

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 **the entire alley bounded by Walnut St, Larimer St, and 24th St and Park Ave West, with reservations**

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

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

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** vanessa.herman@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:** Stacie Loucks
- **Phone:** 720-865-8720
- **Email:** Stacie.loucks@denvergov.org

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

to vacate the entire alley bounded by Walnut St, Larimer St, and 24th St and Park Ave West, with easements reserved

****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:** N/A
- b. **Duration:** Permanent
- c. **Location:** 2300 Walnut St
- d. **Affected Council District:** #9 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.

None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2011-0300-02, Arapahoe Square, 2300 Walnut Alley Vacation

Description of Proposed Project: Vacated the entire alley bounded by Walnut St, Larimer St, and 24th St and Park Ave West.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This alley is needed for a proposed development Project

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: N/A

Will an easement be placed over a vacated area, and if so explain: Yes, it will be a hard surface easement

Will an easement relinquishment be submitted at a later date: This is not known at this time

Additional information: This vacation is for the development project called Arapahoe Square.

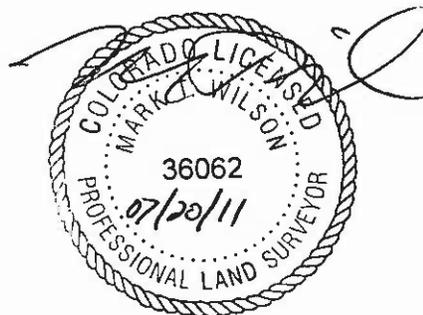
LEGAL DESCRIPTION FOR ALLEY VACATION

ROW Proj. No. 2011-0300
DES Parcel No. 2011-0300-001

A PARCEL OF LAND BEING ALL OF THE ALLEY LOCATED IN BLOCK 54 EAST DENVER, COMMONLY KNOWN AS STECK'S ADDITION TO DENVER, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PREPARED BY: MARK T. WILSON, P.L.S.
P.L.S. # 36062

ON BEHALF OF: HARRIS KOCHER SMITH
ENGINEERS & LAND SURVEYORS
1391 SPEER BLVD. SUITE 390
DENVER, CO 80204
(303) 623-6300



2011-0300-001

FILED IN P:\110406\110406\SURVEY\LEGAL\LEGAL VACATION.dwg, LEGAL, 7/20/2011 10:00:18 AM, mwilson, 1 1

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

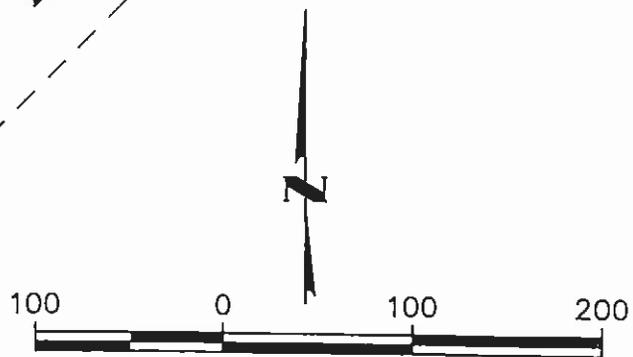
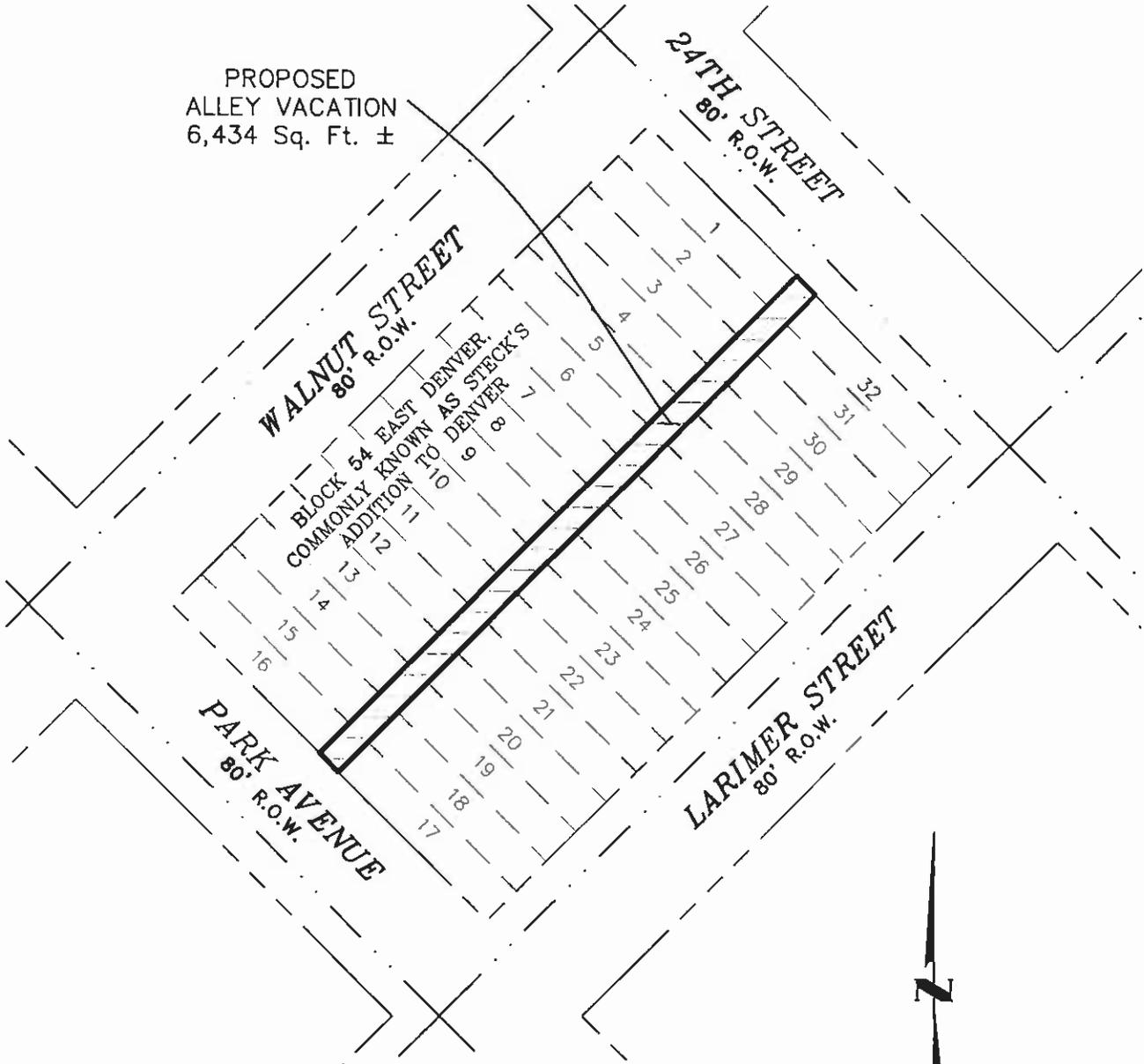
DATE	REVISION COMMENTS			
		2300 WALNUT VENTURE, LLC	ARAPAHOE SQUARE ALLEY VACATION	HARRIS KOCHER SMITH
				1391 Speer Blvd., Suite 390 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311
				ISSUE DATE 05-25-11 CHK'D BY MTW DRAWN BY JCB NUM 110406
				SHEET NO 1 OF 2

EXHIBIT FOR ALLEY VACATION

SITUATED IN THE SW 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

ROW Proj. No. 2011-0300
DES Parcel No. 2011-0300-001

PROPOSED
ALLEY VACATION
6,434 Sq. Ft. ±



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

PLAN SCALE: 1"=100'

2011-0300-001

PLANNED BY: HARRIS KOCHER SMITH LEGAL SURVEYING & CONSULTING, LLC
DATE: 7/20/2011 9:59:55 AM
DRAWN BY: MWILSON

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

DATE	REVISION COMMENTS

2300 WALNUT VENTURE, LLC

ARAPAHOE SQUARE
ALLEY VACATION

HARRIS KOCHER SMITH

1391 Speer Blvd, Suite 390
Denver, Colorado 80204
Phone (303) 623-6300
Fax (303) 623-6311

ISSUE DATE 05-25-11
CHKD BY MTW
DRAWN BY
JOB NUM 110406

SHEET NO

2
2 OF 2