



**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](http://www.denvergov.org/pwprs)

**REQUEST FOR VACATION ORDINANCE**  
**\*\*\*Unique easement area\*\*\***

**TO:** Melinda Olivarez, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2010-0247-01  
**DATE:** April 11, 2011  
**SUBJECT:** Request for an Ordinance to vacate a portion of Forest St, between 43<sup>rd</sup> Ave and private property, with Reservations  
**\*\*NOTE:** A specific legal description has been submitted (see attached) for the Easement Reservation area over the vacated area.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of **Avejen 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 Hancock; 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 over a particular portion of the vacated area:

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 FOR VACATION OF ROW 2010-0247-001 HERE**

\*\*\*You are also requested to reserve the easement described above for the following area ONLY:

**INSERT PARCEL DESCRIPTION FOR RESERVATIONS OF ROW 2010-0247-002 HERE**



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

1. The width of this area is 60 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** building abuts 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 1/21/2011, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 1/21/2011.
10. Protests, sustained by the Manager of Public Works were filed, but were determined to have no technical merit.
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 Hancock  
City Council Aides,  
City Council Staff, Gretchen Williams  
CPM, Mike Anderson,  
Department of Law, Arlene Dykstra  
Department of Law, Karen Aviles  
Department of Law, Melinda Olivarez  
Public Works, Manager's Office, Daelene Mix  
Public Works, Manager's Office, Christine Downs  
Public Works Solid Waste, Mike Lutz  
Public Works Survey, Paul Rogalla  
Public Works Street Maint. William Kennedy,  
Public Works ROWE, Lindsey Strudwick  
Project File # 2010-0247-01

Property Owner:  
Avejen LLC  
c/o Michael Griggs  
652 Princeton Pl  
Lafayette, CO 80026



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2010-0247-01 Forest St Vacation**

**Description of Proposed Project: To vacate a portion of Forest St, between 43rd Ave and private property, with Reservations**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The current area of Right of Way is not being used as a public street, and is currently being used by the adjacent land owner for parking**

**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, over a specific area, as determined by the legal description with ROW # 2010-0247-002.**

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

**Additional information: N/A**

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@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: April 11, 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 - 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.)

Vacate a portion of Forest St, between 43<sup>rd</sup> Ave and private property, with Reservations

3. Requesting Agency: PW Right of Way Engineering Services

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

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: [vanessa.herman@denvergov.org](mailto: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: Debra Baca
- Phone: 720-865-8712
- Email: [debra.baca@denvergov.org](mailto:debra.baca@denvergov.org)

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

Vacate a portion of Forest St, between 43<sup>rd</sup> Ave and private property, with Reservations over a specific portion of the vacated area.

*Please include the following:*

- a. Duration: Permanent
- b. Location: 43<sup>rd</sup> Ave and Forest St
- c. Affected Council District: Dist #11 Hancock
- 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

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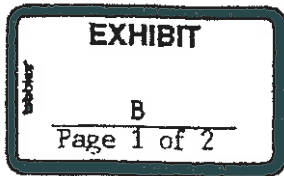
*To be completed by Mayor's Legislative Team:*

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

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

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

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



LEGAL FOR VACATION

### Property Description

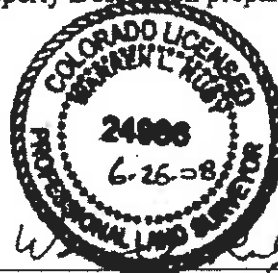
A parcel of land located in the Southeast Quarter of Section 19, Township 3 South, Range 67 West, of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

That tract of land conveyed to the City and County of Denver by deed recorded December 17, 1985 at Reception No. 004933 and dedicated as public right-of-way by Ordinance 514 of 1986;

together with:

that portion of Forest St., dedicated by the Plat of Sheffield, which portion lies between the north line of the Southeast Quarter of said Section 19 and the north right-of-way line of the Union Pacific Railroad.

Property Description prepared by:



Warren L. Ruby, PLS 24966  
For and on behalf of the  
City and County of Denver

2010-0247-001

EXHIBIT FOR VACATION

NW COR. OF THE NE 1/4 OF THE SE 1/4 COR. SEC. 19, T3S, R67W, NOTHING FOUND OR SET

C 1/4 COR. SEC. 19, T3S, R67W, OF THE 6TH PM. FOUND 3 1/2" ALUMINUM CAP IN RANGEBOX (ILLEGIBLE)

N89°51'55"W 1320.98'

P.O.B.

43RD AVE.

N-LINE OF THE SE 1/4 OF SEC. 19 N89°51'55"W 1320.98'

S89°51'55"E 30.00'

S89°51'55"E 30.00'

E 1/4 COR. SEC. 19, T3S, R67W, OF THE 6TH PM. FOUND 3" BRASS CAP IN RANGEBOX

UNPLATTED

PART OF BLOCK D SHEFFIELD

N00°22'59"E 300.21'

FOREST ST.

W-LINE OF THE NE 1/4 OF THE SE 1/4 OF SEC. 19 S00°22'59"W 2650.93'

S00°22'59"W 311.21'

N

1" = 40'

30' STRIP DEDICATED AS RIGHT-OF-WAY BY THE PLAT OF SHEFFIELD

30'

30'

30' STRIP DEEDED TO THE CITY AND COUNTY OF DENVER REC. NO. 004933. DEDICATED AS RIGHT-OF-WAY BY ORD. 514-1986

N-LINE OF THE UNION PACIFIC RAILROAD R.O.W.

UNION PACIFIC RAILROAD

N79°28'26"W 60.95'

SW COR. OF THE SE 1/4 OF THE SE 1/4 COR. SEC. 19, T3S, R67W, OF THE 6TH PM. FOUND AXLE IN RANGEBOX



LEGAL FOR EASEMENT

### Property Description

A 24 foot wide strip of land located in the Southeast One Quarter of Section 19, Township 3 South, Range 67 West, of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Beginning at the Northwest corner of the Northeast One Quarter of the Southeast One Quarter of said Section 19, from which the Center One Quarter corner of said Section 19 bears North 89°51'55" West, a distance of 1320.98 feet and the East One Quarter corner of said Section 19 bears South 89°51'55" East, a distance of 1320.98 feet; thence South 89°51'55" East, along the north line of said Southeast One Quarter, a distance of 23.32 feet; thence South 00°24'42" West, a distance of 309.95 feet, more or less, to the northerly right-of-way line of the Union Pacific Railroad; thence North 79°28'26" West, along said northerly line, a distance of 24.38 feet; thence North 00°24'42" East, a distance of 305.56 feet, more or less, to a point on the north line of said Southeast One Quarter; thence South 89°51'55" East, along said north line, a distance of 0.68 feet to the Point of Beginning.

Bearings are based on the north line of the Southeast One Quarter of Section 9 bearing South 89°51'55" East between a 3.25" aluminum cap in rangebox at the Center One Quarter corner and a 3" brass cap in rangebox at the East One Quarter corner.

Property Description prepared by:



Warren L. Ruby, PLS 24966  
For and on behalf of the  
City and County of Denver

2010-0247-002

EXHIBIT FOR EASEMENT

FOREST ST.

43RD AVE.

NW COR. OF THE NE 1/4 OF THE SE 1/4 COR. SEC. 19, T3S, R67W, NOTHING FOUND OR SET

C 1/4 COR. SEC. 19, T3S, R67W, OF THE 6TH PM. FOUND 3 1/4" ALUMINUM CAP IN RANGEBOX (ILLEGIBLE)

N89°51'55"W 1320.98'

P.O.B.

N-LINE OF THE SE 1/4 OF SEC. 19 S89°51'55"E 1320.98'

S89°51'55"E 0.68'

S89°51'55"E 23.32'

E 1/4 COR. SEC. 19, T3S, R67W, OF THE 6TH PM. FOUND 3" BRASS CAP IN RANGEBOX

UNPLATTED

PART OF BLOCK D SHEFFIELD

N00°24'42"E 305.56'

S00°24'42"W 309.95'

N

1" = 40'

24.00'

NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD

24.38'

N79°28'26"W

UNION PACIFIC RAILROAD