



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 Legal description area****

TO: Melinda Olivarez, City Attorney's Office
[Signature]
FROM: Robert J. Duncanson, P.E.,
Manager 2, Development Engineering Services

ROW NO.: 2007-0535-06

DATE: August 3, 2010

SUBJECT: Request for an Ordinance to vacate **the remainder of 28th Ave, with out 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:

As a result of these investigations, it has been determined that there is no objection to vacating the said area(s).

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

INSERT PARCEL DESCRIPTION ROW as the following:

Legal description # 2007-0535-001 Less Legal description # 2007-0535-004 (As vacated in Ordinance # 224, Series of 2009)



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

1. The width of this area is 68 feet.
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 as right of way.
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 02/18/2009, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 02/18/2009.
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 -2007-0535-06	

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at 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: _____

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 **the remainder of 28th Ave, with out 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 **the remainder of 28th Ave, with out reservations**

Please include the following:

- a. **Duration:** N/A
- b. **Location:** 28th 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

WEST 28TH AVENUE R.O.W.
A PART OF THE SE ¼ SEC.29 T.3 S, R.68 W. OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, COLORADO
LAND DESCRIPTIONS
SHEET 1 OF 2

LAND DESCRIPTIONS

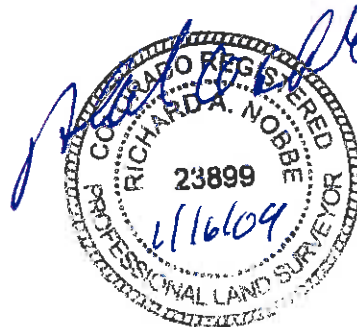
A PARCEL OF LAND WITHIN WEST 28TH AVENUE ADJACENT TO BLOCK 6 OF EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, AND 16 HIGHLAND, LOCATED IN THE SOUTH EAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 1, BLOCK 6, EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, AND 16 HIGHLAND AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST 28TH AVENUE, POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST 28TH AVENUE ALONG THE EASTERLY RIGHT OF WAY LINE OF BRYANT STREET EXTENDED N00°03'56"W A DISTANCE OF 68.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEST 28TH AVENUE; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEST 28TH AVENUE N89°58'00"E A DISTANCE OF 7.78 FEET TO A POINT ON A LINE THAT IS 70 FEET SOUTHWESTERLY OF AND PARALLEL TO THE NORTHEAST RIGHT-OF-WAY LINE OF SPEER BOULEVARD; THENCE DEPARTING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEST 28TH AVENUE ALONG SAID PARALLEL LINE S64°42'34"E A DISTANCE OF 158.98 FEET TO A POINT ON THE NORTHERLY LINE OF THE ALLEY IN SAID BLOCK 6 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST 28TH AVENUE ; THENCE DEPARTING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SPEER BOULEVARD AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST 28TH AVENUE S89°58'00"W A DISTANCE OF 151.45 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BRYANT STREET AND THE NORTHWEST CORNER OF SAID LOT 1 BEING THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.124 ACRES (5,414 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 8, 2009
REVISED JANUARY 13, 2009



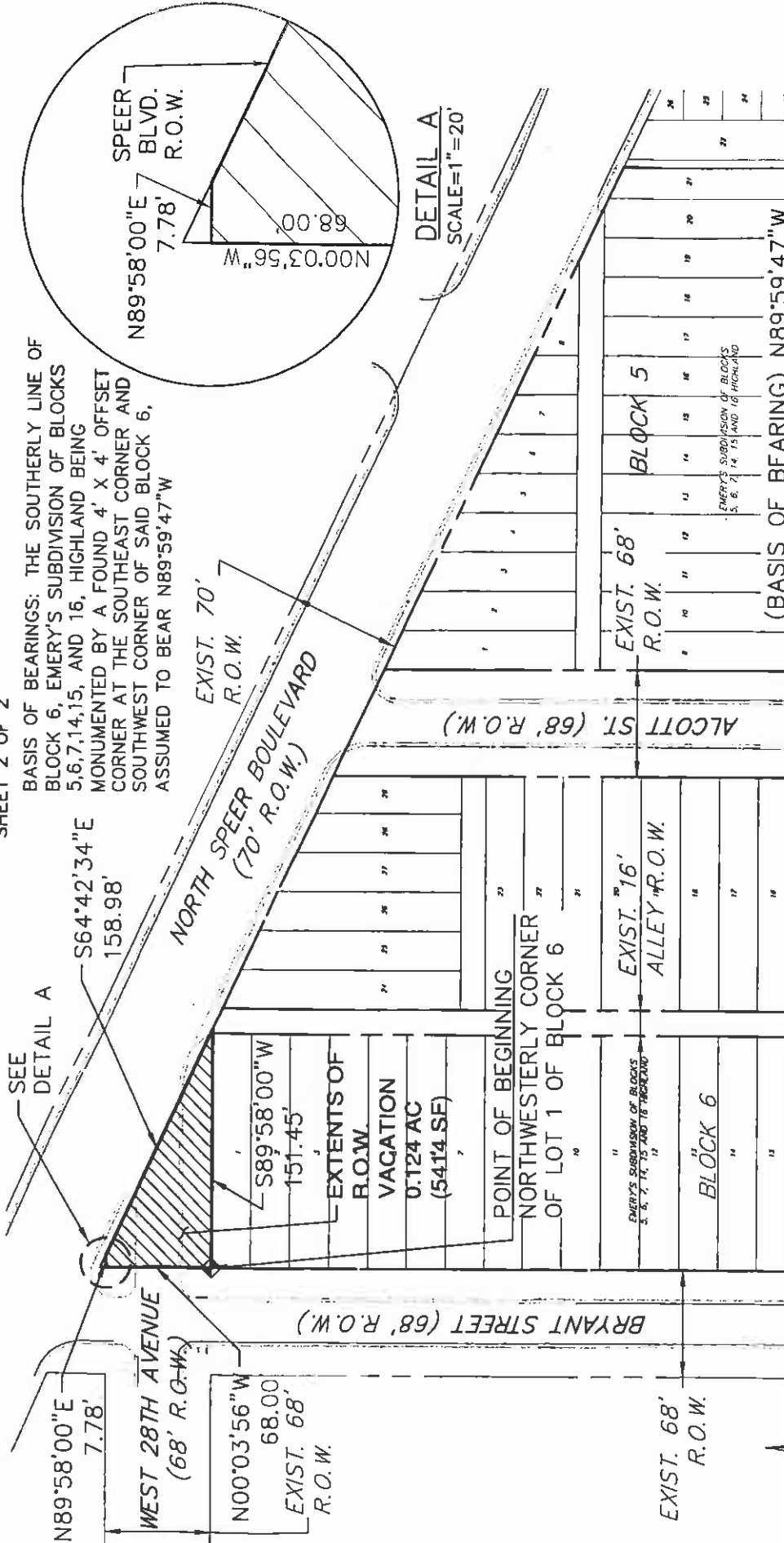
2785 SPEER

28TH AVENUE 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. 2007-0535-001



SEE
DETAIL A

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

DETAIL A
SCALE=1"=20'

REV. JANUARY 13, 2009
REV. JANUARY 8, 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.



2785 SPEER BLVD
20 FOOT UTILITY EASEMENT
A PART OF THE SE ¼ SEC.29 T.3 S, R.68 W. OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, COLORADO
LAND DESCRIPTIONS
SHEET 1 OF 2

LAND DESCRIPTIONS

A PARCEL OF LAND WITHIN A PORTION OF VACATED 28TH AVENUE LOCATED IN EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, AND 16 HIGHLAND, LOCATED IN THE SOUTH EAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 1, BLOCK 6, EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, AND 16 HIGHLAND; THENCE ALONG THE WESTERLY LINE OF BLOCK 6 EXTENDED N00°03'56"W A DISTANCE OF 23.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY LINE EXTENDED N00°03'56"W A DISTANCE OF 20.00 FEET; THENCE S89°53'35"E A DISTANCE OF 25.81 FEET; THENCE S64°42'34"E A DISTANCE OF 47.00 FEET; THENCE N89°53'35"W A DISTANCE OF 68.28 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.022 ACRES (941 SQ. FT.)

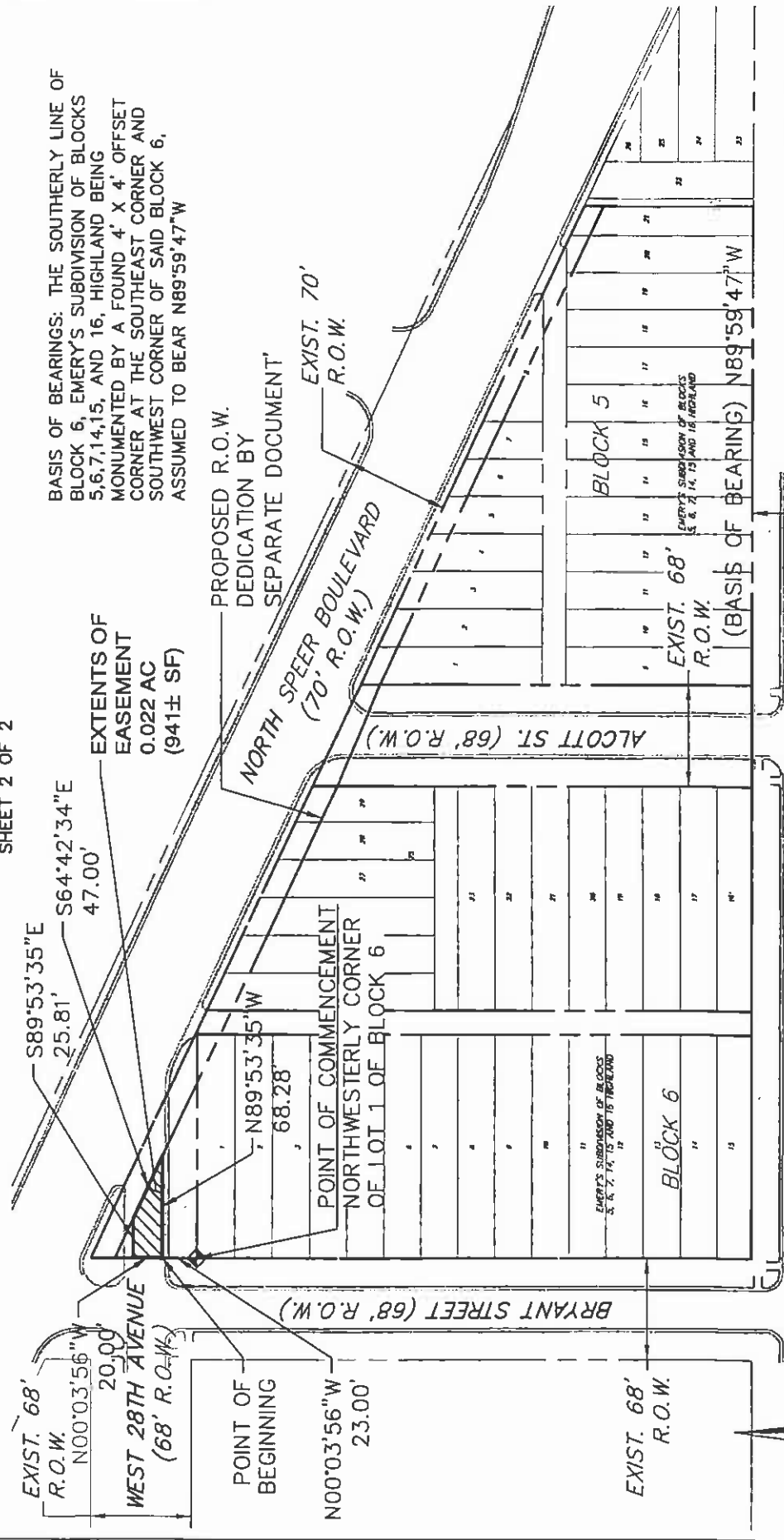
BASIS OF BEARINGS: THE SOUTHERLY LINE OF BLOCK 6, EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, AND 16, HIGHLAND BEING MONUMENTED BY A FOUND 4' X 4' OFFSET CORNER AT THE SOUTHEAST CORNER AND SOUTHWEST CORNER OF SAID BLOCK 6, ASSUMED TO BEAR N89°59'47"W

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
SEPTEMBER 25, 2008
REVISED JANUARY 7, 2009

R.O.W PROJECT NO. 2007-0535
 DES PARCEL NO. 2007-0535-004

2785 SPEER
 UTILITY EASEMENT
 SE ¼ SEC.29 T.3 S, R.68 W. OF THE 6TH P.M.
 SHEET 2 OF 2

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
 SEPTEMBER 24, 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.

(null)

UTILITY EASEMENT

No	Bearing	Chord	Radius	M Arc	C Arc	Delta
001	N00-03-56W	20.000				
002	S89-53-35E	25.810				
003	S64-42-34E	47.000				
004	N89-53-35W	68.280				

CLOSURE = 0.002 S79-27-01W
PERIMETER = 161.090 PRECISION = 1: 66488
AREA = 940.90 SQ. FEET OR 0.021600 ACRES