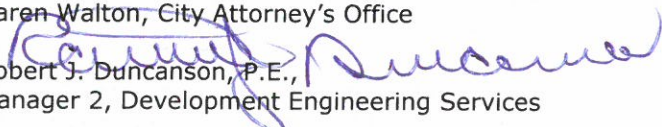




REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

FROM: Robert J. Duncanson, P.E., 
Manager 2, Development Engineering Services

ROW NO.: 2012-0350-01

DATE: September 30, 2013

SUBJECT: Request for an Ordinance to vacate a small portion of N Hazel Court between W 6th Ave and W 8th Ave, with reservation.

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

This office has investigated the request of Grant Van Der Jgt, on behalf of Michael Nindorf 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 Lopez; 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 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 2012-0350-01-001 HERE

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

1. The width of this area is 9.51 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is not open and is not being used as Right of Way.
4. Two 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 August 15, 2013, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on August 15, 2013.
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: acp

cc: Asset Management, Steve Wirth
City Councilperson & Aides
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Shaun Sullivan
Department of Law, Karen Aviles
Department of Law, Karen Walton
Department of Law, Brent Eisen
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Nancy Kuhn
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy,
Project File

Property Owner:
Michael Nindorf
9141 Weatherstone Ct
Highlands Ranch, CO 80126

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn 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: September 30, 2013

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 a small portion of N Hazel Court between W 6th Ave and W 8th Ave, with reservation.

3. **Requesting Agency:** Public Works Plan Review Services

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

- **Name:** Adam Perkins
- **Phone:** 720.865.3036
- **Email:** adam.perkins@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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** nancy.kuhn@denvergov.org

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

An Ordinance to vacate a small portion of N Hazel Court between W 6th Ave and W 8th Ave, with reservation.

****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:** In front of 740 through 756 N Hazel Ct
- d. **Affected Council District:** D3, Lopez
- e. **Benefits:** None.
- f. **Costs:** None.

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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2012-0350-01 740 Hazel Ct

Description of Proposed Project: An Ordinance to vacate a small portion of N Hazel Court between W 6th Ave and W 8th Ave, with reservation.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This part of ROW is not being used as ROW and there are existing homes in the area requesting to be vacated.

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, a utility easement will be placed over the area.

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

Additional information: This area is not being used as ROW and a portion the existing homes encroach into the ROW. Vacating this small portion of ROW will allow the homeowners to make improvements to their land.

"EXHIBIT A"
FOR RIGHT-OF-WAY VACATION
OF A PORTION OF
HAZEL COURT
SITUATE
IN THE SW1/4 OF SECTION 5, T.4.S., R.68.W. OF THE SIXTH P.M.
CITY & COUNTY OF DENVER, STATE OF COLORADO

VACATION PROPERTY DESCRIPTION:

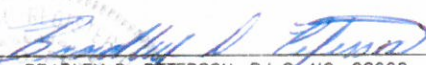
A PORTION OF HAZEL COURT RIGHT-OF-WAY, SITUATE IN THE SE1/4 OF SECTION 5, T.4.S., R.68.W. OF THE SIXTH P.M., CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT NW CORNER OF PARCEL 9800063564; THENCE S00°14'04"E, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF HAZEL COURT, A DISTANCE OF 194.64 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF W 6TH AVENUE HIGHWAY; THENCE S37°15'58"W, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 16.24 FEET TO A POINT ON THE PROPOSED EAST RIGHT-OF-WAY LINE OF HAZEL COURT; THENCE N00°07'52"W, ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 207.56 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF PARCEL 9800063564; THENCE S89°57'19"E, ALONG SAID LINE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1,949 SQUARE FEET OR 0.04 ACRES, +/-.

BASIS OF BEARINGS:

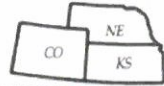
A RECORD BEARING OF N37°15'58"E FOR THE NORTHWESTERLY RIGHT-OF-WAY LINE OF WEST SIXTH AVENUE.

SURVEYOR'S STATEMENT:


I, BRADLEY D. PETERSON, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE FORE STATED "DESCRIPTION" AND THE 10 NOVEMBER 2012 LAND SURVEY PLAT ON WHICH IT IS BASED WERE GENERATED BY ME AND THAT THEY ARE CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND OPINION.


BRADLEY D. PETERSON, P.L.S. NO. 28660
FOR & ON BEHALF OF TRISTATE SURVEYING, INC.
28660
13 JUNE 13
DATE

TriState Surveying, Inc.
Bradley D. Peterson, PLS



7371 S. DELAWARE STREET PH: 303-995-9072
LITTLETON, CO 80120 FX: 303-703-3830
brad@tristatesurveying.com

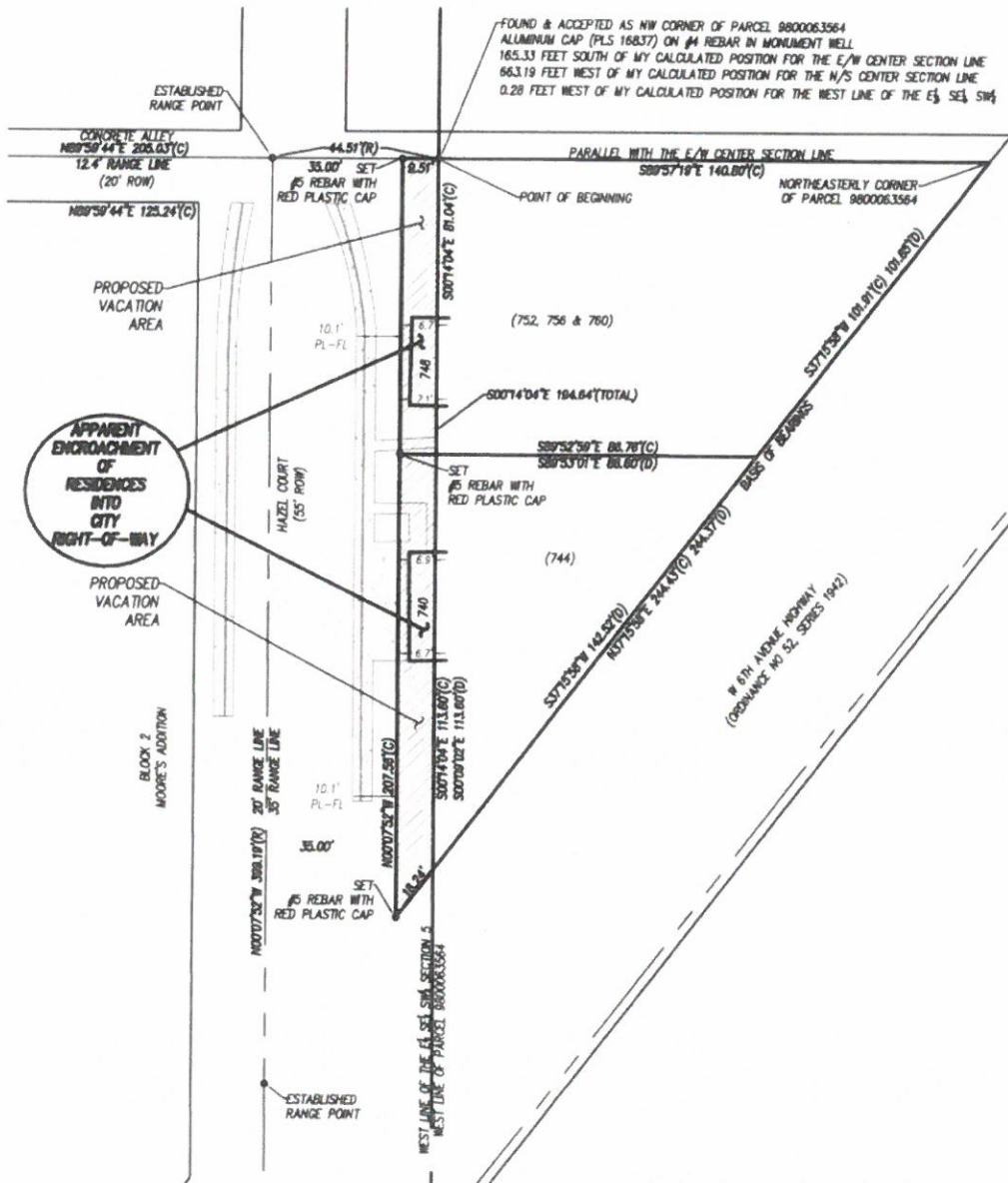
DRAWN BY: BDP	DATE: 13 JUNE 13
CHECKED BY: 	DRAWING NO.: 201259_VAC LGL
JOB NO.: 201259	SHEET 1 OF 2

NOTICE 13-80-105(3)(a): ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

"EXHIBIT A"
 FOR RIGHT-OF-WAY VACATION
 OF A PORTION OF
 HAZEL COURT
 SITUATE

2012-0350-01-001
 VACATION

IN THE SW1/4 OF SECTION 5, T.4.S., R.68.W. OF THE SIXTH P.M.C.
 CITY & COUNTY OF DENVER, STATE OF COLORADO



SCALE: 1"=50'

NOTES:

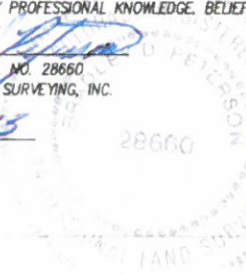
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Bradley D. Peterson
 BRADLEY D. PETERSON, P.L.S. NO. 28660
 FOR & ON BEHALF OF TRISTATE SURVEYING, INC.

13 June 13
 DATE



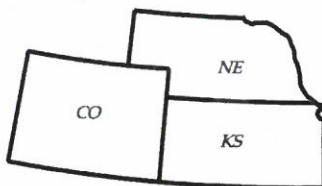
NOTICE 13-80-105(3)(c): ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

TriState Surveying, Inc.
 Bradley D. Peterson, PLS

CO
NE
KS

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 LITTLETON, CO 80120 FX: 303-703-3830
 brad@tristatesurveying.com

DRAWN BY: BDP	DATE: 13 JUNE 13
CHECKED BY: <i>[Signature]</i>	201259_VAC EXH
JOB NO.: 201259	DRAWING NO.: SHEET 2 of 2



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