



## REQUEST FOR VACATION ORDINANCE

**TO:** Karen Walton, City Attorney's Office

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

**ROW #:** 2013-0123-10

**DATE:** July 28, 2014

**SUBJECT:** Request for an Ordinance to vacate the eastern portion of an alley located between Corona St, Downing St, 14<sup>th</sup> Ave, and Colfax Ave, 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 Claire Bennett of HKS Engineering, on behalf of SSP Colfax Marketplace, LLC, 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; Office of Telecommunications; 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 2013-0123-10-001 HERE**

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

1. The width of this area is 10 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. One building abuts 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 July 2, 2014, and the 20-day period for protest has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on July 2, 2014.
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: aal

cc: Asset Management, Steve Wirth  
City Councilperson & Aides  
City Council Staff, Shelley Smith  
Capital Projects Management, 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 Maintenance, Brian Roecker

Property Owner:

SSP Colfax Marketplace, LLC  
4701 E Mississippi Ave  
Glendale, CO 80246-8206

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at  
Nancy.Kuhn@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: July 28, 2014

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.)

2013-0123-10 – East Colfax Marketplace

3. **Requesting Agency:** Public Works Survey

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

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@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](mailto:nancy.kuhn@denvergov.org)

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

This is a proposed vacation of a portion of an alley between Corona St, Downing St, 14<sup>th</sup> Ave, and Colfax Ave.

**\*\*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:** East Colfax Marketplace
- d. **Affected Council District:** #10 – Jeanne Robb
- 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: \_\_\_\_\_





**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2013-0123-10: Vacation at East Colfax Marketplace**

**Description of Proposed Project:** This is a proposed vacation of a portion of an alley between Corona St, Downing St, 14<sup>th</sup> Ave, and Colfax Ave.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** For overall lot redevelopment.

**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:** Yes

**Will an easement be placed over a vacated area, and if so explain:** Yes, a typical hard surface easement is a condition of approval.

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

**Additional information:** None.

# COLFAX MARKETPLACE

## EAST COLFAX AVENUE AND CORONA STREET, DENVER, COLORADO 80208

RETAIL & APARTMENT BUILDING AND PARKING GARAGE

PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH 2 N, BEING ALSO A PART OF BREWSTER'S ADDITION TO THE CITY OF DENVER, PARK AVENUE ADDITION TO DENVER, AND E.F. HALLACK'S ADD. TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO

### EXTERIOR STAIR NOTES:

1. ALL STAIRS SHALL HAVE EIGHT HEIGHTS AS NOTED ON THE GRADING PLAN.
2. STAIRS SHALL HAVE A MINIMUM CONTIGUOUS SLOPE OF FIVE PERCENT (5%) UNLESS OTHERWISE NOTED.
3. STAIRS SHALL HAVE A SLOPE OF TWO PERCENT AND SHALL HAVE A MINIMUM SLOPE OF ONE PERCENT.
4. LANDSCAPE SHALL HAVE A MAXIMUM SLOPE IN ANY DIRECTION OF TWO PERCENT.
5. ALL STAIRS SHALL BE AS SHOWN ON THE LANDSCAPE PLAN OR SHALL BE 44 INCHES MINIMUM IF NOT SHOWN.

### NOTES:

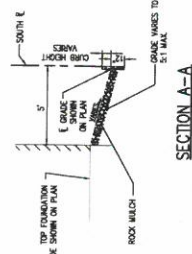
1. REFER TO LANDSCAPE PLAN FOR WALL HEIGHT IN COURTYARDS.
2. RETAINING WALLS SHALL HAVE A MINIMUM CONTIGUOUS SLOPE OF FIVE PERCENT (5%) UNLESS OTHERWISE NOTED.
3. EXCEPT FOR RAMPS WITH LESS THAN THREE INCHES OF VERTICAL CHANGE, SLOPES SHALL HAVE A MINIMUM SLOPE OF TWO PERCENT.
4. THE CONTIGUOUS SLOPE FOR ANY DOWNWARD SLOPES SHALL NOT EXCEED ONE PERCENT (1%) UNLESS OTHERWISE NOTED.
5. SLOPE AWAY FROM ALL BUILDING FOUNDATIONS SHALL NOT BE LESS THAN TEN PERCENT (10%) FOR THE FIRST TEN FEET AND TWO PERCENT (2%) THEREAFTER.

### FIRE FLOW ANALYSIS:

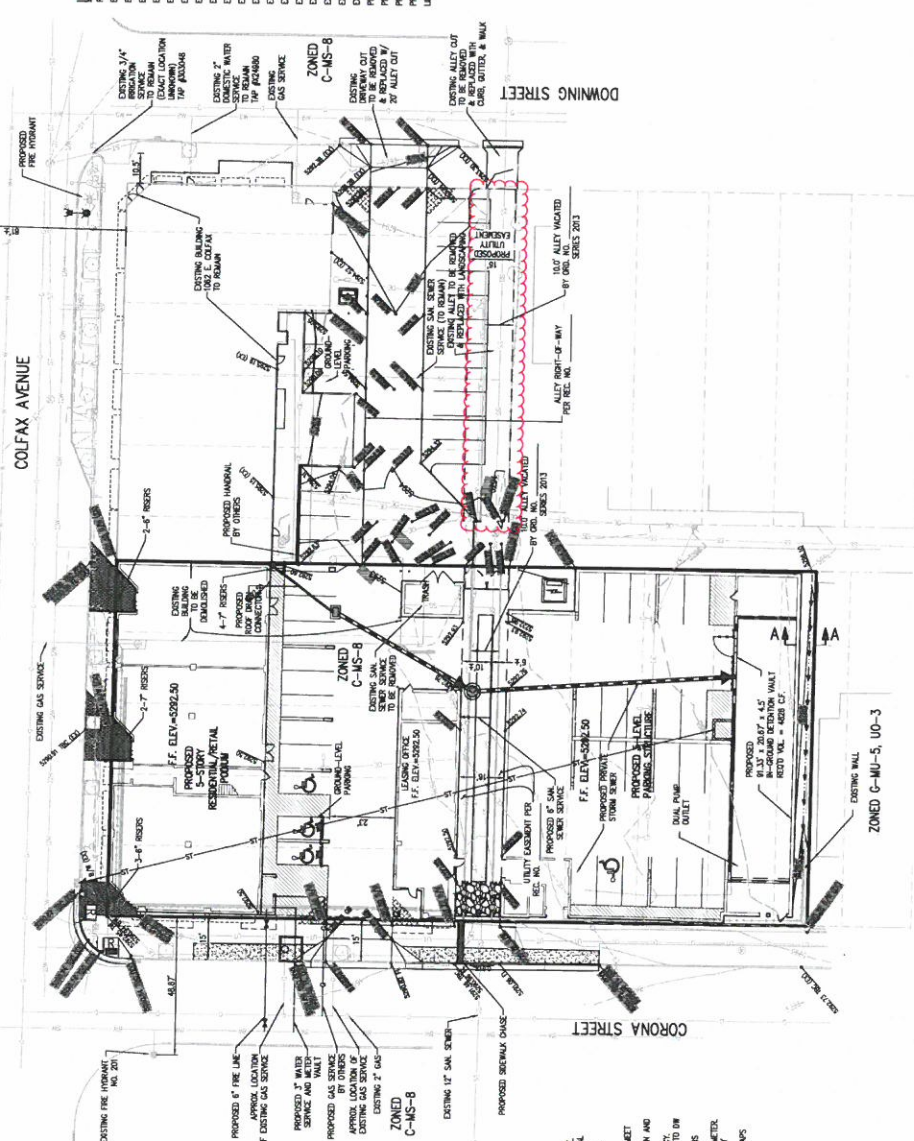
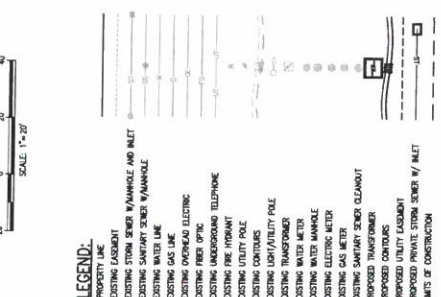
Fire Flow Structure	61,000	at	Type I-A	50.15
Fire Flow Structure	61,000	at	Type I-A	50.15
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Fire Flow Structure	61,000	at	Type I-A	50.15
Fire Flow Structure	61,000	at	Type I-A	50.15
Fire Flow Structure	61,000	at	Type I-A	50.15
Fire Flow Structure	61,000	at	Type I-A	50.15
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### NOTES:

1. THE FIRE FLOW ANALYSIS WAS PERFORMED IN ACCORDANCE WITH THE 2006 INTERNATIONAL FIRE CODE.
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12. THE FIRE FLOW ANALYSIS WAS PERFORMED IN ACCORDANCE WITH THE 2006 INTERNATIONAL FIRE CODE.



SECTION A-A



GRADING AND UTILITY PLAN

SHEET 5

DATE: 04-2-2013  
REVISION:



ARCHITECT

KTG ARCHITECTURE + PLANNING  
1101 BROADWAY, SUITE 100  
DENVER, CO 80202  
CONTACT: GARY INGLIS AT 303.733.0707  
PROJECT # 2013008

DEVELOPER:

HKS HARRIS KOCHER SMITH  
1101 BROADWAY, SUITE 100  
DENVER, CO 80202  
P: 303.535.3000 F: 303.535.3001  
HARRIS@HKS.COM

LANDSCAPE ARCHITECT:

NORRIS DESIGN  
1101 BROADWAY, SUITE 100  
DENVER, CO 80202  
P: 303.535.3000 F: 303.535.3001  
NORRIS@NORRISDESIGN.COM

COLFAX MARKETPLACE DEVELOPMENT PLAN

# DESCRIPTION

PW LEGAL DESCRIPTION  
20130123-10-001

SITUATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PORTION OF THE 10-FOOT ALLEY IN BLOCK 37, PARK AVENUE ADDITION TO DENVER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A THE SOUTHEAST CORNER OF THE WEST 17 FEET OF LOT 13, SAID BLOCK 37, SAID POINT BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF AN EXISTING 10-FOOT ALLEY AND THE WEST RIGHT-OF-WAY LINE OF DOWNING STREET;  
THENCE SOUTH 00°14'37" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ALLEY;  
THENCE NORTH 89°35'57" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 117.21 FEET;  
THENCE NORTH 00°12'36" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALLEY;  
THENCE SOUTH 89°35'57" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 117.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,172 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF DOWNING STREET, ASSUMED TO BEAR NORTH 00°14'37" EAST.

PREPARED BY: AARON MURPHY  
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



FILEPATH: P:\30312\JOURNALS\DWG LAYOUT: ALLEY VACA EAST DESC  
PLOTTER: HPGL-RT-114 4:09:43P BY: AARON MURPHY

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

ISSUE DATE: 12-3-13	
DATE	REVISION COMMENTS

COLFAX MARKETPLACE

EAST ALLEY VACATION  
DESCRIPTION

**HKS** HARRIS KOCHER SMITH  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

CHK'D BY: AWM  
DRAWN BY: AWM  
JOB NUM: 130312

SHEET NO.

1

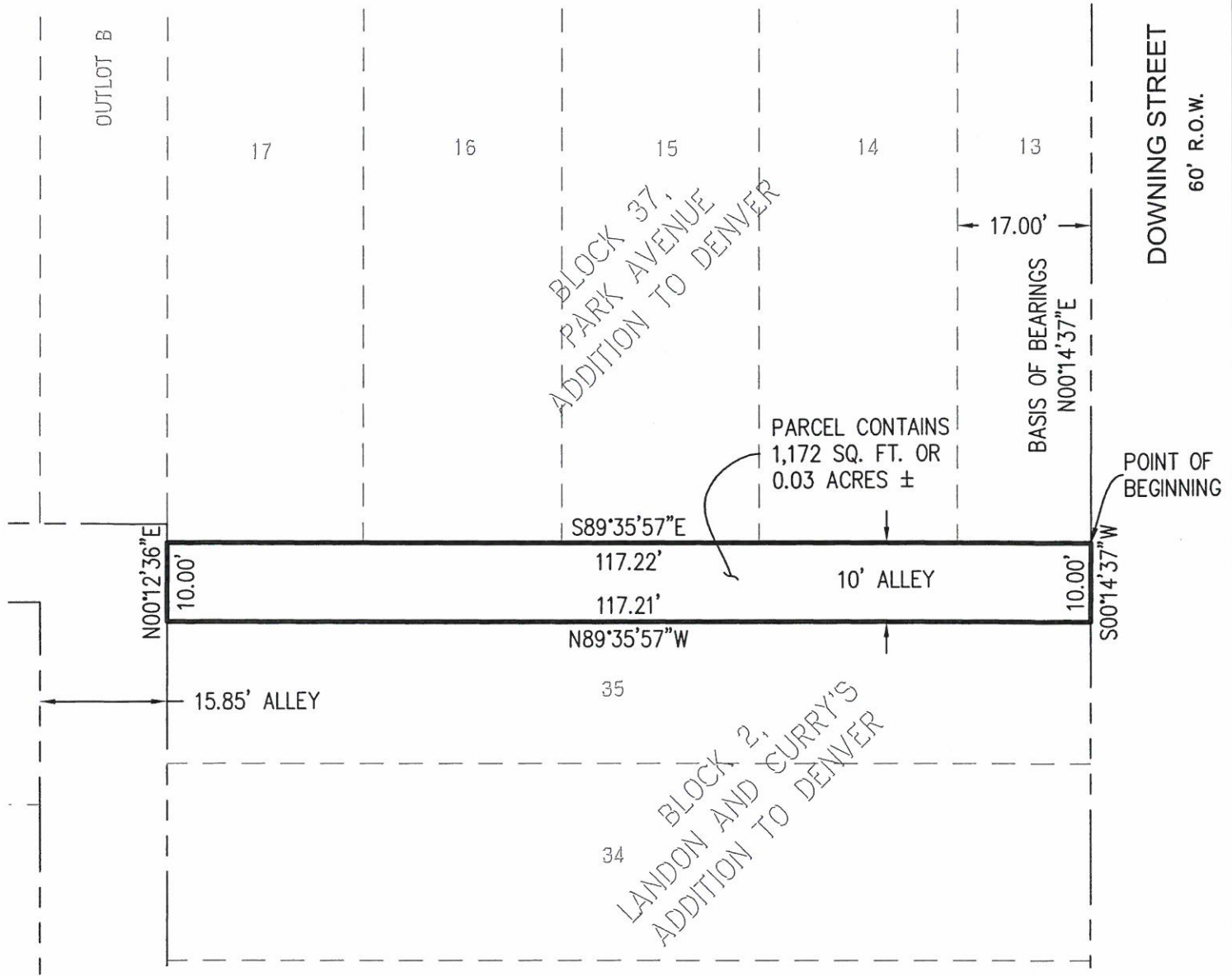
1 OF 2



# EXHIBIT

PW LEGAL DESCRIPTION  
2013-0123-10-001

SITUATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO.



SCALE: 1" = 20'

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

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

ISSUE DATE: 12-3-13	
DATE	REVISION COMMENTS

COLFAX MARKETPLACE

EAST ALLEY VACATION  
EXHIBIT

**HKS** HARRIS KOCHER SMITH  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

CHK'D BY: AWM
DRAWN BY: AWM
JOB NUM: 130312
SHEET NO.
2
2 OF 2