




REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office

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

ROW NO.: 2012-0110-01

DATE: May 18, 2012

SUBJECT: Request for an Ordinance to vacate the E/W alley, and a portion of the N/S alley adjacent to 2900 Fox St, near the intersection of 29th Ave and Fox St., without 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 David Fishman, on behalf of Combined Fishman Properties, Inc. for granting of the above requested vacation. This matter has been field inspected and has been coordinated with Asset Management; Comcast Corporation; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; Councilperson Judy 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 2012-0110-001 HERE

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

1. The width of the E/W alley is 25 feet, and the width of the N/S alley is 8 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.
4. 1 building abuts the 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 April 18, 2012, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification was sent on April 18, 2012.
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 Judy Montereio
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Christine Downs
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 #2012-0110-01

Property Owner:
Combined Fishman Properties Inc.
c/o David Fishman
2231 Larimer St
Denver CO 80205

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at
Nancy.khun@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: May 18, 2012

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.)*

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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:** Nancy Kuhn
- **Phone:** 720.865.3911
- **Email:** Nancy.Kuhn@denvergov.org

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

Request for an Ordinance to vacate the E/W alley, and a portion of the N/S alley adjacent to 2900 Fox St, near the intersection of 29th Ave and Fox St., without reservation. This Vacation was requested by David Fishman on behalf of Combined Fishman Properties, Inc. This request is to consolidate the Corporation's parcels to provide for a higher and better use of the land mass.

****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:** 2900 Fox St
- d. **Affected Council District:** District #9; Judy 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: 2012-0110-01 Vacation at 2900 N Fox St

Description of Proposed Project: Request for an Ordinance to vacate the E/W alley, and a portion of the N/S alley adjacent to 2900 Fox St, near the intersection of 29th Ave and Fox St., without reservation.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This Vacation was requested by David Fishman on behalf of Combined Fishman Properties, Inc. This request is to consolidate the Corporation's parcels to provide for a higher and better use of the land mass.

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: No

Will an easement relinquishment be submitted at a later date: N/A

Additional information: N/A

PARCEL DESCRIPTION:

A PARCEL OF LAND BEING THAT PARCEL OF LAND DEDICATED AS AN ALLEY BY ORDINANCE 59 OF 1959, ALSO BEING ALL OF LOT 7 BLOCK 4, GERSPACH'S FIRST ADDITION TO DENVER AND ALSO BEING A PART OF THAT ALLEY ADJACENT TO SAID BLOCK 4, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 6 IN SAID BLOCK 4, ALSO BEING THE NORTHEASTERLY CORNER OF A PARCEL OF LAND AS DESCRIBED IN RECEPTION NUMBER 2009012111, THENCE SOUTH ALONG THE EASTERLY LINE OF SAID PARCEL ALSO BEING THE WESTERLY LINE OF THE ALLEY IN BLOCK 4 TO THE SOUTHEASTERLY LINE OF SAID PARCEL A DISTANCE OF 56.28 FEET; THENCE DEPARTING SAID EASTERLY LINE PERPENDICULAR TO THE LAST COURSE 8 FEET TO THE EASTERLY LINE OF SAID ALLEY; THENCE NORTH ALONG SAID EASTERLY LINE 81.28 FEET TO THE SOUTHERLY LINE OF THE NORTHERLY 225 FEET OF SAID ALLEY IN BLOCK 4 AND A PORTION OF SAID ALLEY AS VACATED BY ORDINANCE 58 OF 1959; THENCE EASTERLY 8 FEET ALONG THE SAID SOUTH LINE TO THE WEST LINE OF SAID ALLEY IN BLOCK 4; THENCE SOUTH TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 3,919.79 SQ.FT. MORE OR LESS.



GORDON S. PAGE III
PLS 29048
KURT LINN & ASSOCIATES JOB # 10021-01

2012-0110-001

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY: IT IS INTENDED TO DEPICT THE PARCEL DESCRIBED HEREON.

EXHIBIT

ALLEY VACATION
BLOCK 4, GERSPACHS FIRST ADDITION TO DENVER
CITY AND COUNT OF DENVER, STATE OF COLORADO

FOX STREET

