DENVER
PUBLIC WORKS

**Department of Public Works**
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3001
www.denvergov.org/survey

# REQUEST FOR VACATION ORDINANCE

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Ted Christianson
Director, Public Works Right of Way Services

**ROW #:** 2016-VACA-0000028

**DATE:** April 17, 2017

**SUBJECT:** Request for an Ordinance to vacate a portion of Right of Way adjacent to 2716 Welton St, at the corner of 26th Ave and Clarkson St., 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 Blair Dunn, dated November 16, 2016, on behalf of 2716 Welton St, LLC, c/o Blair Dunn, for requesting 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; 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 2016-VACA-0000028-001 HERE**

TC: vw

cc: City Councilperson & Aides

City Council Staff – Shelley Smith
Department of Law – Shaun Sullivan
Department of Law – Brent Eisen
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Solid Waste – Mike Lutz
Public Works, Survey – Paul Rogalla
Public Works, Street Maintenance – Brian Roecker

# ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm on Monday.**

***All fields must be completed.***
*Incomplete request forms will be returned to sender which may cause a delay in processing.*

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**Date of Request:** April 17, 2017

**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, contract amendment, municipal code change, supplemental request, etc.)***

   Request for an Ordinance to vacate a portion of Right of Way adjacent to 2716 Welton St, at the corner of 26th Ave and Clarkson St, with reservations.

3. **Requesting Agency:** PW Right of Way Services
   **Agency Division:** Engineering, Regulatory & Analytics

4. **Contact Person:** (W*ith actual knowledge of proposed ordinance/resolution.)*
   - **Name:** Vanessa West
   - **Phone:** 720-913-0719
   - **Email:** Vanessa.West@denvergov.org

5. **Contact Person:** (W*ith 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:** Angela Casias
   - **Phone:** 720-913-8529
   - **Email:** angela.casias@denvergov.org

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

   To vacate a portion of Right of Way adjacent to 2716 Welton St, at the corner of 26th Ave and Clarkson St, with reservations.

***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 – please do not leave blank.)*

   a. **Contract Control Number:** N/A
   b. **Contract Term:** N/A
   c. **Location:** A portion of Right of Way adjacent to 2716 Welton St, at the corner of 26th Ave and Clarkson St.
   d. **Affected Council District:** Dist # 9, Brooks
   e. **Benefits:** N/A
   f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. **Is there any controversy surrounding this ordinance?** *(Groups or individuals who may have concerns about it?)* **Please explain.**

   No.

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

SIRE Tracking Number: _____ Date Entered: _____

**Denver Public Works**
Right-of-Way Engineering Services
Engineering, Regulatory & Analytics Office

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Denver, CO 80202
720-865-3003
www.denvergov.org

DENVER
THE MILE HIGH CITY

# VACATION EXECUTIVE SUMMARY

**Project Title:** 2016-VACA-0000028 2716 Welton St partial Right of Way vacation

**Owner name:** 2716 Welton St, LLC , c/o Blair Dunn

**Description of Proposed Project:** To vacate a portion of the Right of Way with reservations.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Owner of 2714 and 2716 Welton St is having issues with the public parking in this area and blocking private and emergency access to his property.

**Width of area in feet:** 38 ft

**Number of buildings abut said area:** 1

**The 20-day period for protests has expired, the vacating notice was posted on:** February 14, 2017

**Adjoining Neighbor and Registered Neighborhood Organization notification was sent on:** February 14, 2017

**Protests sustained by the manager of Public Works:** N/A

**Will land be dedicated to the City if the vacation goes through:** No

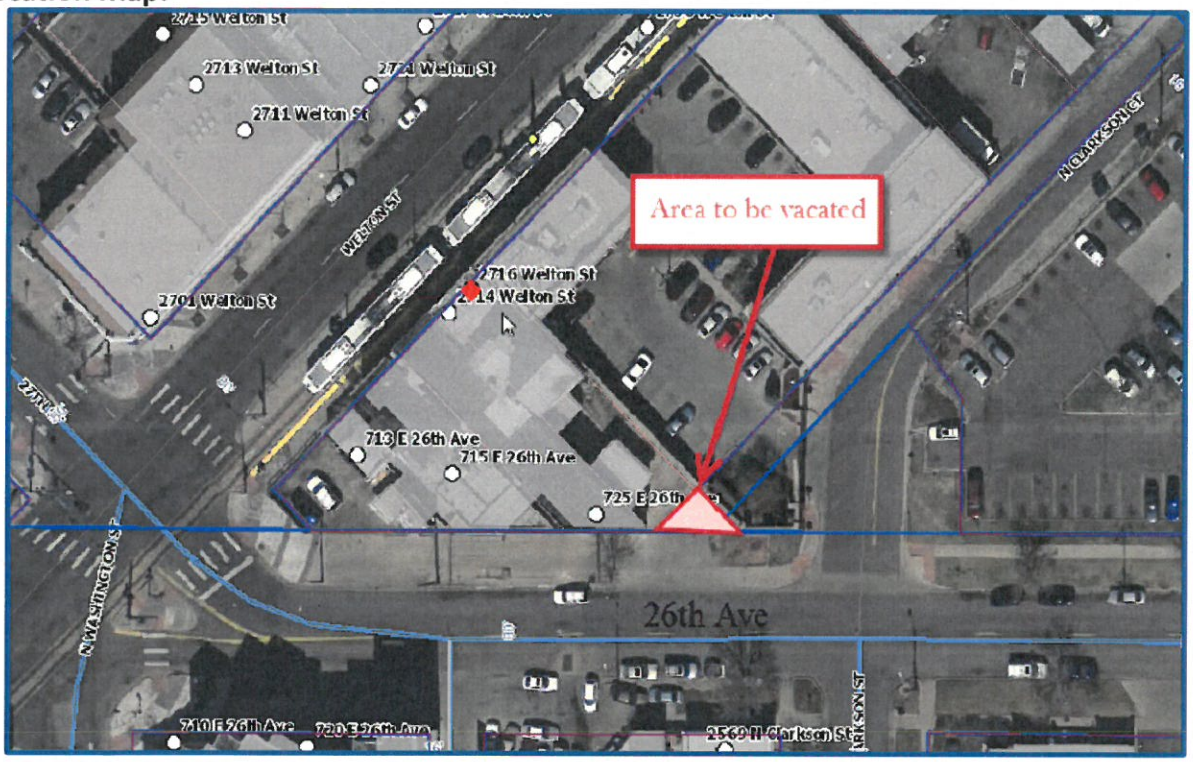
**Will an easement be placed over a vacated area, and if so explain:** Yes

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

**Background:** The owner of properties 2714 and 2716 Welton St requested to vacate the portion of Right of Way adjacent to his property, located along E 26th Ave. at Clarkson St. as the public continues to block access to his private property even after signage indicating a No Parking Zone and Tow Away Zone.

**Public Notification:** There were no objections submitted regarding this vacation.

**Location Map:**



2016-VACA-0000028-001

# EXHIBIT A

## LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF A 16' WIDE PLATTED ALLEY LYING SOUTHEASTERLY AND ADJACENT TO LOT 12, BLOCK 78, CASE & EBERT'S ADDITION TO THE CITY OF DENVER RESURVEY AS DESCRIBED IN THE RECORDS OF THE CITY AND COUNTY OF DENVER IN PLAT BOOK 6 AT PAGE 63, AND A PORTION OF ORDINANCE NUMBER 104 OF SERIES 1998 AS DESCRIBED IN THE RECORDS OF THE CITY AND COUNTY OF DENVER ON FEBRUARY 17, 1998, LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHEASTERLY LINE OF LOT 12, SAID BLOCK 78, TO BEAR NORTH 44°44'20" EAST, A DISTANCE OF 22.52 FEET BETWEEN A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958" AT THE EASTERLY OF THE TWO SOUTH CORNERS OF SAID LOT 12 AND A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958", AT THE EASTERLY CORNER OF SAID LOT 12, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE EAST CORNER OF SAID LOT 12 AND A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958";
THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 12 EXTENDED SOUTHEASTERLY, SOUTH 45°15'40" EAST, A DISTANCE OF 22.73 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 26TH AVENUE;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST 26TH AVENUE, NORTH 90°00'00" WEST, A DISTANCE OF 31.99 FEET;
THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 12, NORTH 44°44'20" EAST, A DISTANCE OF 22.52 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 256 SQ. FT. OR 0.006 ACRES, MORE OR LESS

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 16-67,576

JOB NUMBER: 16-67,576
DRAWN BY: E. PRESCOTT
DATE: JANUARY 16, 2017

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**
*Surveying, Engineering & Geomatics*
3660 DOWNING ST
UNIT E
DENVER, CO 80205
PH: (303) 936-6997
www.FlatironsInc.com

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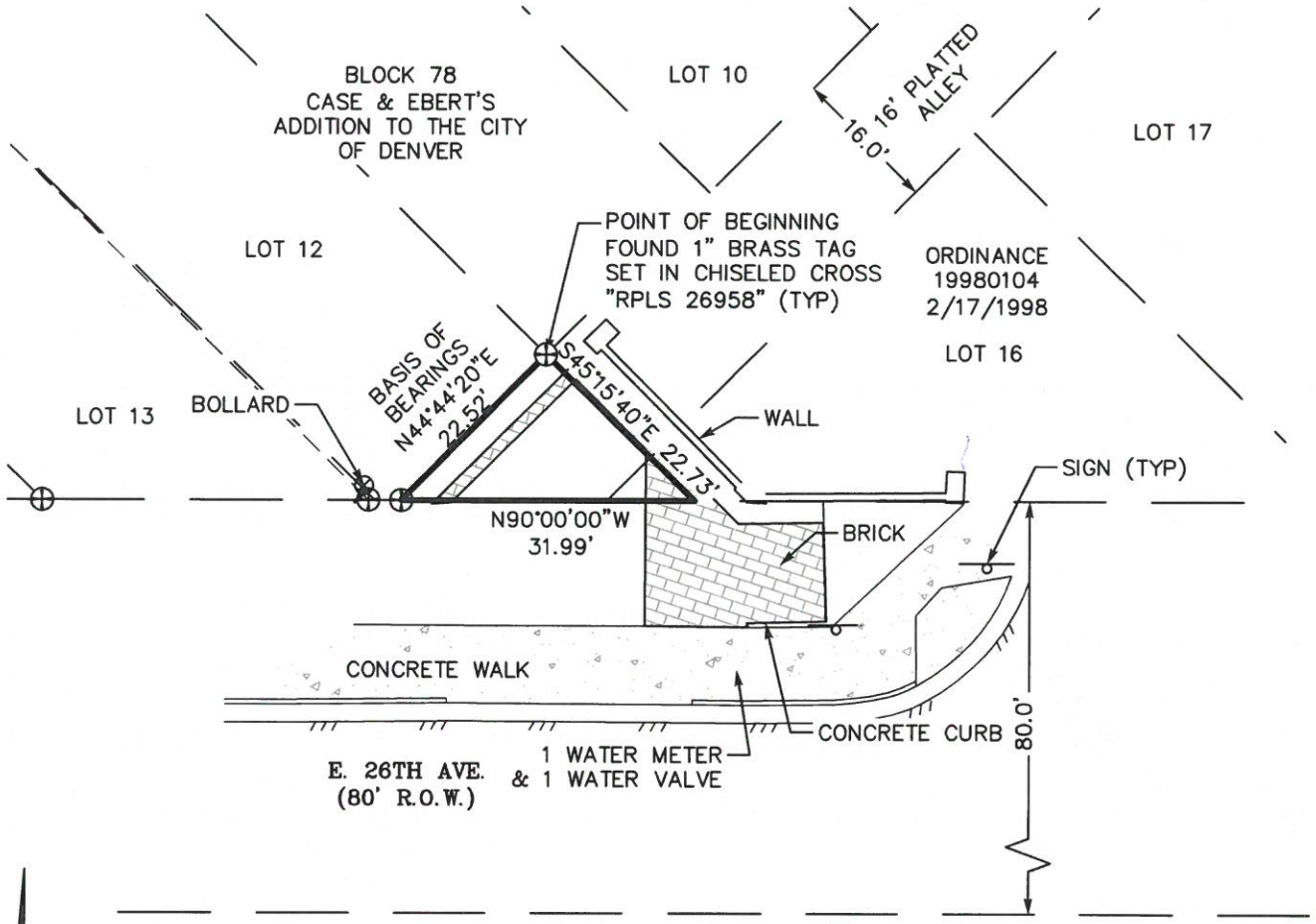
2016-VACA-0000028-001

# EXHIBIT A

LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2




GRAPHIC SCALE

20 0 10 20

( IN FEET )
1 inch = 20 ft.

COLORADO LICENSED
JOHN TRUCK GUIDON
16406
1/16/17
PROFESSIONAL LAND SURVEYOR

JOB NUMBER: 16-67,576
DRAWN BY: E. PRESCOTT
DATE: DECEMBER 29, 2016

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**Flatirons, Inc.**
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