



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 ORDINANCE TO RELINQUISH EASEMENT

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner
Director, Public Works Right of Way Services

PROJECT NO: 2018-RELINQ-0000013

DATE: October 8, 2018

SUBJECT: Request for an Ordinance to relinquish the covenant, in its entirety, as established between Sears, Roebuck and Co. and the City and County of Denver in the Covenant document, recorded in the real property records of the City and County of Denver on June 6, 1966 at Book 9609, Page 60. Located at 701 Osage St.

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

This office has investigated the request of Brownstein Hyatt Farber Schreck, LLP c/o Abby Kirkbride, dated May 24, 2018, on behalf of 701 Osage Owner LLC c/o Michael Downes for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; the City Councilman Paul Lopez – District 3; CPD: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forestry; Parks and Recreation; Engineering, Regulatory, and Analytics Transportation and Wastewater; Public Works: Construction Engineering; Public Works – Policy and Planning; Metro Wastewater Reclamation District; Survey; CenturyLink; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

As a result of the investigations, it has been determined that there is no objection to relinquishing the subject easement.

Therefore, you are requested to initiate Council action to relinquish the easements in the following described area(s):

INSERT PARCEL DESCRIPTION 2018-RELINQ-0000013-001 HERE

A map of the area and a copy of the document creating the easement are attached.

MB:bp

cc:
City Councilman Paul Lopez & Aides
City Council Staff – Zach Rothmier
Department of Law – Brent Eisen
Department of Law – Deanne Durfee
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Sarah Stanek
Public Works, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Sarah Stanek

at Sarah.Stanek@DenverGov.org by **12:00pm on Monday**. Contact her with questions.

Date of Request: October 8, 2018

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
- Dedication/Vacation Appropriation/Supplemental DRMC Change
- Other: Easement Relinquishment

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Brownstein Hyatt Farber Schreck, LLP c/o Abby Kirkbride, on behalf of 701 Osage Owner LLC c/o Michael Downes, requests for an Ordinance to relinquish the covenant, in its entirety, as established between Sears, Roebuck and Co. and the City and County of Denver in the Covenant document, recorded in the real property records of the City and County of Denver on June 6, 1966 at Book 9609, Page 60. Located at 701 Osage St.

3. Requesting Agency: Public Works; Engineering & Regulatory Dept.

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brittany Pirtle	Name: Sarah Stanek
Email: Brittany.Pirtle@denvergov.org	Email: Sarah.Stanek@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for an Ordinance to relinquish the covenant, in its entirety, as established between Sears, Roebuck and Co. and the City and County of Denver in the Covenant document, recorded in the real property records of the City and County of Denver on June 6, 1966 at Book 9609, Page 60. Located at 701 Osage St.

6. City Attorney assigned to this request (if applicable): Bradley Beck

7. City Council District: District 3 – Councilman Paul Lopez

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2018-RELINQ-0000013, Osage Self Storage Sears at 701 Osage St

Owner name: 701 Osage Owner LLC

Description of Proposed Project: Request for an Ordinance to relinquish the covenant, in its entirety, as established between Sears, Roebuck and Co. and the City and County of Denver in the Covenant document, recorded in the real property records of the City and County of Denver on June 6, 1966 at Book 9609, Page 60. Located at 701 Osage St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Redevelopment.

Background: N/A

Location Map:



2018-RELINQ-0000013-001

EXHIBIT A

THE COVENANT RECORDED JUNE 9, 1966 AT BOOK 9609, PAGES 60-64.

JUN 9 1966

C O V E N A N T

THIS COVENANT, made and entered into by SEARS, ROEBUCK AND CO., a corporation organized and existing under and by virtue of the laws of the State of New York, the record title owner of the real property described below, hereinafter referred to as "Owner".

W I T N E S S E T H:

WHEREAS, Owner is the owner of the real property described below, upon which is located two buildings known as the "Sears Warehouse Bldg." and "Service Center Bldg.", all as shown on Exhibit A attached hereto and by reference incorporated herein; and

WHEREAS, Owner has requested permission from the City and County of Denver to make an extended sewer connection to the Service Center Bldg., rather than to extend the sanitary sewer main of the City and County of Denver; and

WHEREAS, the City and County of Denver is willing to permit such an extended sanitary sewer connection upon condition that the Owner make, execute and record this Covenant.

NOW, THEREFORE, in consideration of the granting of the City and County of Denver of a permit for an extended sanitary sewer connection serving the Service Center Bldg. located on the described real property, Owner covenants as follows:

1. Description:

All that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 4 South, Range 68 West, including portions of Blocks 1 to 8, Middaugh's Addition to Denver, State of Colorado and Vacated streets and alleys, more particularly described as follows:

Commencing at the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4; thence due East along the South line of said Section 4, (assuming for the purpose of this description that said South line of said Section 4 bears due East and West), a distance of 137.92 feet; thence North 0° 47' West, a distance of 150.00 feet along the Easterly property line of the Colorado and Southern Railway Company, to the true point of beginning; thence from said true point of beginning North 0° 47' West along said Easterly property line and the same extended Northerly, a distance of 1073.66 feet; thence North 89 degrees 13' East, a distance of 215.67 feet to a point; thence South 65° 01' East, a distance of 745.98 feet to a point on the common property line of the Santa Fe Land Improvement Company and the Denver and Rio Grande Western Railroad Company;

thence South 28°44' East along said common property line being equivalent to the line referred to in the Deed recorded in Book 6067, page 203 of the Records of the City and County of Denver, having a true bearing of South 28°16' East, a distance of 81.78 feet to a point which is 70.00 feet West of and measured at right angles to the East line of Quivas Street (as established by Ordinance No. 32 of the Series of 1953 of the City and County of Denver) extended Northerly from West 3rd Avenue; thence South 0° 03' East, parallel with and 70.00 feet West of said extended East line of Quivas Street, a distance of 706.76 feet to a point which is 133.00 feet North and 268.48 feet West of the Southeast corner of said SE¼ SW¼ of said Section 4; thence due West parallel with the South line of said Section 4, a distance of 815.23 feet; thence North 80 degrees 30' West a distance of 103.25 feet, more or less, to the point of beginning,

Except that part as described in Book 8198 at page 505, and except those portions heretofore conveyed to the City and County of Denver and State of Colorado.

2. The lands upon which the Service Center Bldg. is located and a strip of land 5 feet on each side of the Center Line of the six inch sanitary sewer described in Exhibit A, in and under which the extended sanitary sewer lies, will be conveyed or retained by Owner as a single tract and will not be severed, conveyed, sold or encumbered except as a single tract or parcel.

3. The Owner will construct and maintain the said extended sanitary sewer connection and line serving the Service Center Bldg. to the point of connection with the sanitary sewer line of the City and County of Denver.

IN WITNESS WHEREOF this instrument has been executed this 6th day of June, 1966.

SEARS, ROEBUCK AND CO.

ATTEST:

Alan Griswood
Assistant Secretary

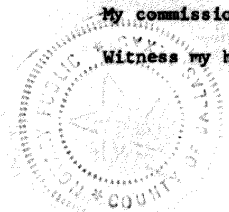
By A. I. Davies
Vice President

STATE OF TEXAS)
) ss.
COUNTY OF DALLAS)

The foregoing instrument was acknowledged before me this 8th day of June, 1966 by A. I. Davies as Vice President and Alan Griswood as Assistant Secretary of Sears, Roebuck and Co., a New York corporation.

My commission expires: June 1, 1967.

Witness my hand and official seal.



Celeste Johnson
Notary Public

CELESTE JOHNSON, Notary Public
In and for Dallas County, Texas

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APPROVED:

W. H. McNeel
Manager of Public Works

S. B. Lewis
City Engineer

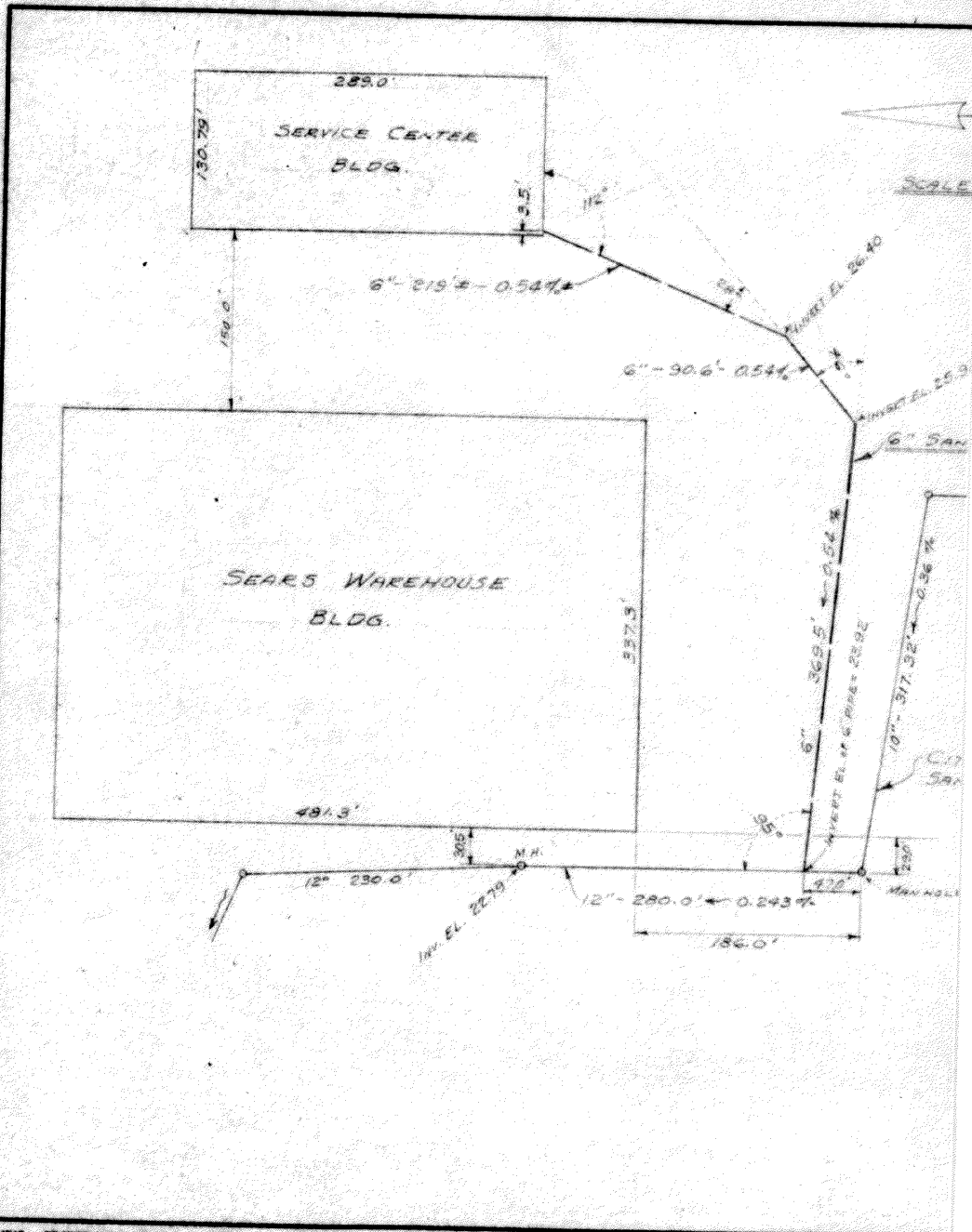
George L. Smith
Sanitary Engineer

W. H. Vanhook
Deputy City Attorney
JUN-9-66 624297 I FEEDS 7.50

44078

STATE OF COL. GRAB
CITY & COUNTY
OF DENVER
FILED IN MY OFFICE ON
JUN 9 9 12 AM '66
RECORDED IN 9609 60
F. J. STEPHENSON
CLERK AND RECORDER

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1/8" = 100'

TRUNK SEWER

CITY OF DENVER
TRUNK SEWER MAIN

IN. 23.47 in
DIA. 24.12 in
R.H. 31.97

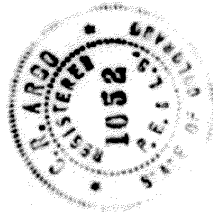
Location description of the center line of the 6" Sanitary Sewer shown hereon.

Beginning at an existing manhole of the City and County of Denver sanitary sewer main which lies 186.0 feet South and 29.0 feet West of the Southwest corner of the Sears Warehouse Building, thence North-erly along the existing City and County of Denver sanitary sewer main, 47.0 feet to the true point of beginning of the 6" sanitary sewer; thence Easterly at an angle of 95° to the right, 262.5 feet; thence Northeasterly at an angle of 46° to the left, 30.6 feet; thence Northerly at an angle of 28° to the left, 219.0 feet to the South wall of the Sears Service Center Building.

C. R. Argo
C. R. Argo

Registered Professional Engineer
and Land Surveyor.
May 23, 1966.

ARGO Engineering Co.
1846 S Linden Way
Denver, Colo. 80222
Ph. 756-2220



SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
		DRAWING NUMBER

EXHIBIT A