

REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE
Director, Right of Way Services

PROJECT NO: 2020-RELINQ-0000003

DATE: February 25, 2020

SUBJECT: Request for an Ordinance to relinquish the easement in its entirety, as established in the Vacation Ordinance No. 102, Series of 1941. Located at the intersection of Arizona Avenue and East Buchtel Boulevard.

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

This office has investigated the request of Michael McAtee, dated December 11, 2019 on behalf of McAtee Properties, LLC for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; the City Councilperson; 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 2020-RELINQ-0000003-001 HERE

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

MB:dp

City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Bradley Beck
Department of Law – Deanne Durfee
Department of Law – Maureen McGuire
Department of Law – Martin Plate
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Jason Gallardo
DOTI, Survey – Paul Rogalla

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: **February 25, 2020**

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.)

Request for an Ordinance to relinquish the easement in its entirety, as established in the Vacation Ordinance No. 102, Series of 1941. Located at the intersection of Arizona Avenue and East Buchtel Boulevard.

3. Requesting Agency: Department of Transportation & Infrastructure Engineering and Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Devin Price	Name: Jason Gallardo
Email: devin.price@denvergov.org	Email: Jason.Gallardo@denvergov.org

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

Request for an Ordinance to relinquish the easement in its entirety, as established in the Vacation Ordinance No. 102, Series of 1941. Located at the intersection of Arizona Avenue and East Buchtel Boulevard.

6. City Attorney assigned to this request (if applicable): Martin Plate

7. City Council District: City Councilman Clark, District 7

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: 2020-RELINQ-0000003 520 East Buchtel Boulevard

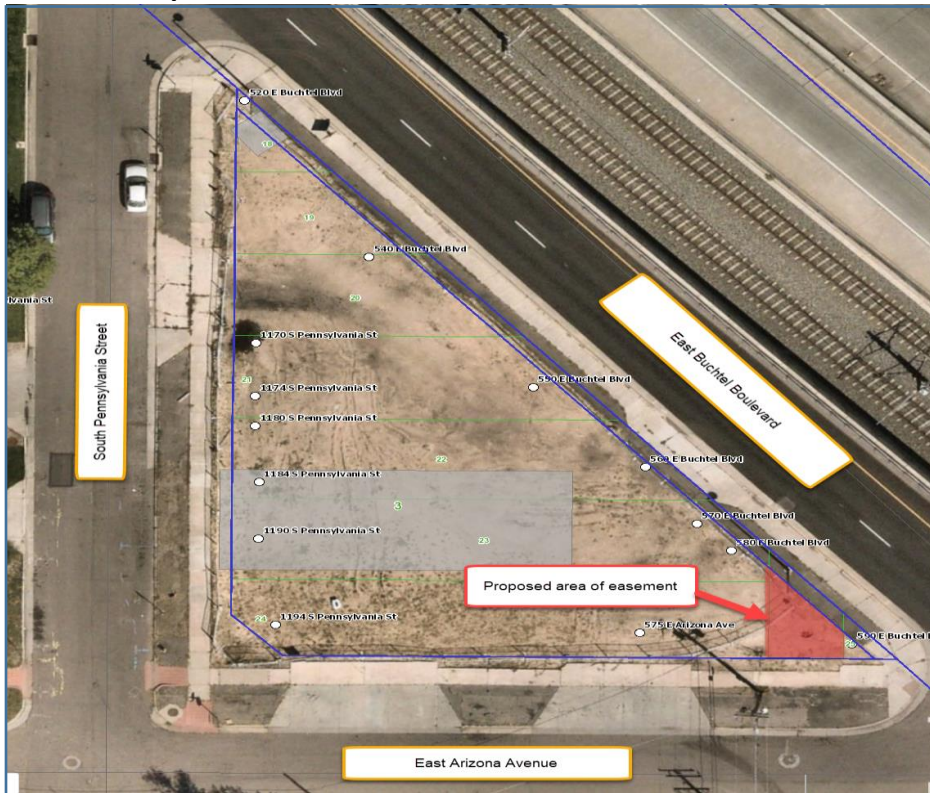
Owner name: McAtee Properties, LLC c/o Michael McAtee

Description of Proposed Project: Request for an Ordinance to relinquish the easement in its entirety, as established in the Vacation Ordinance No. 102, Series of 1941. Located at the intersection of Arizona Avenue and East Buchtel Boulevard.

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

Background: n/a

Location Map:



City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/dot
Phone: 720-865-3003

EXHIBIT A
LAND DESCRIPTION
SHEET 1 OF 2

LAND DESCRIPTION:

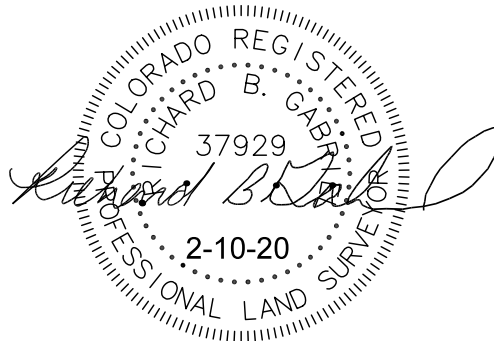
A PARCEL OF LAND BEING A VACATED ALLEY AS DESCRIBED IN ORDINANCE 102, SERIES 1941, ADJACENT TO LOTS 23, 24 AND 25, BLOCK 3, SHERMAN SUBDIVISION AND LYING IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A 20.00 FOOT RANGE LINE IN EAST ARIZONA AVENUE BETWEEN SOUTH LOGAN STREET AND SOUTH PENNSYLVANIA STREET IS ASSUMED TO BEAR NORTH 89°48'01" WEST A DISTANCE OF 328.86' BETWEEN A FOUND 1.25" ORANGE PIN AND CAP IN A RANGE BOX AT THE INTERSECTION OF SOUTH LOGAN STREET AND EAST ARIZONA AVENUE AND A FOUND 2" ALUMINUM CAP IN MONUMENT BOX STAMPED PLS 37552 AT THE INTERSECTION OF SOUTH PENNSYLVANIA STREET AND EAST ARIZONA AVENUE AS SHOWN AND MONUMENTED HEREON.

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 24, BLOCK 3;
THENCE NORTH 00°14'10" EAST, ALONG THE EAST LINE OF SAID LOTS 23 AND 24, BLOCK 3, A DISTANCE OF 27.28 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF BUCHTEL BOULEVARD, AS DESCRIBED IN RESOLUTION 0962, SERIES 2019;
THENCE SOUTH 40°42'18" EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 22.89 FEET TO A POINT ON THE WEST LINE OF LOT 25, BLOCK 3 OF SHERMAN SUBDIVISION;
THENCE DEPARTING SAID SOUTHWESTERLY RIGHT OF WAY LINE SOUTH 00°14'10" WEST, ALONG SAID WEST LINE OF LOT 25, A DISTANCE OF 9.99 FEET TO THE SOUTHWEST CORNER OF SAID LOT 25, BLOCK 3, ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST ARIZONA AVENUE;
THENCE NORTH 89°44'45" WEST ALONG SAID NORTH RIGHT OF WAY LINE EXTENDED, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS ±279 SQ. FT. OR ±0.006 ACRES MORE OR LESS

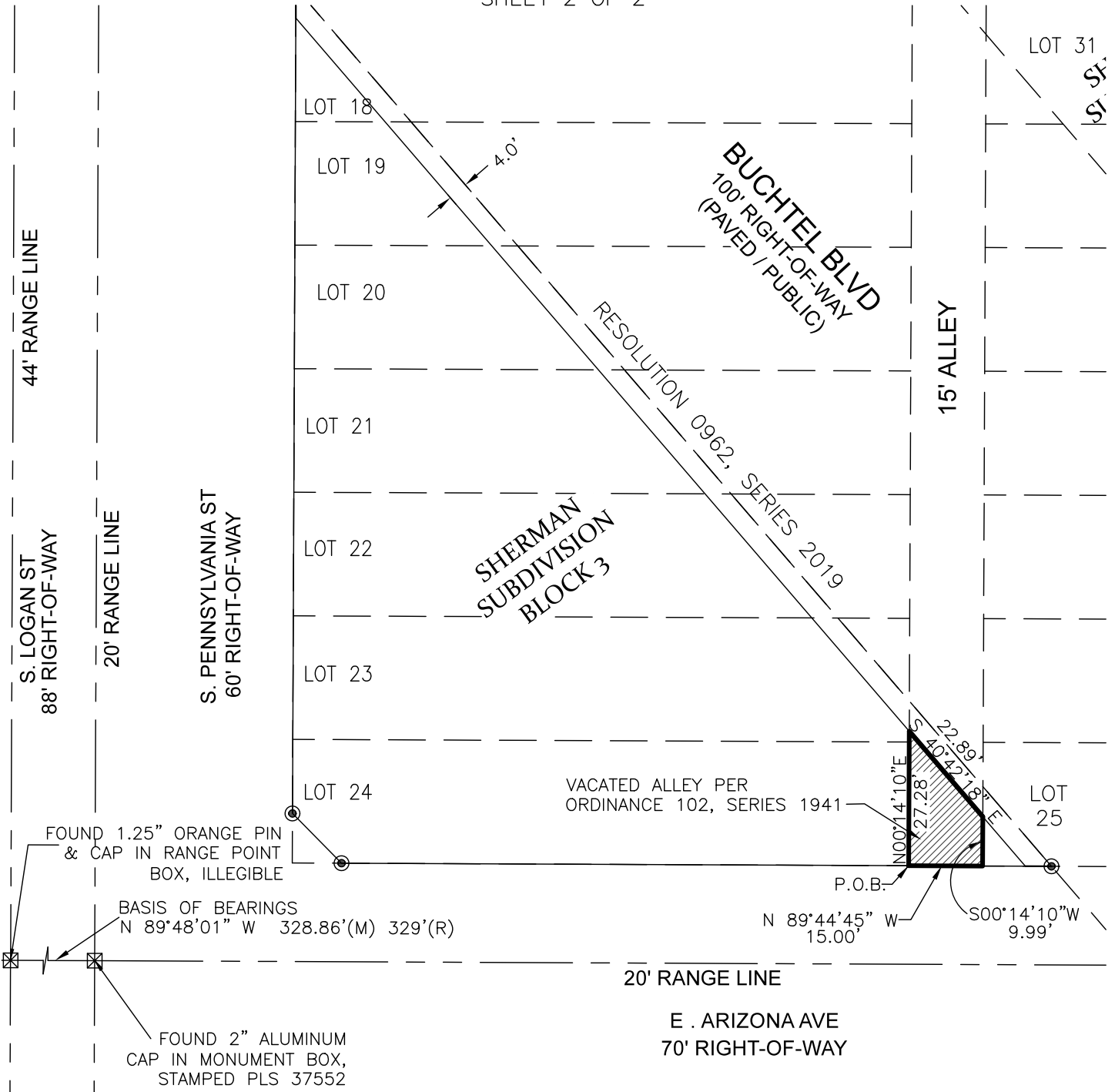
RICHARD B. GABRIEL, P.L.S.
Colorado License No. 37929
For and on behalf of
Power Surveying Company, Inc.



PH. 303-702-1617
FAX. 303-702-1488
WWW.POWERSURVEYING.COM

DRAWING BY: RBG DATE: 2-10-20
PROJECT NO. 501-19-009

EXHIBIT A
EXHIBIT OF LAND DESCRIPTION
SHEET 2 OF 2



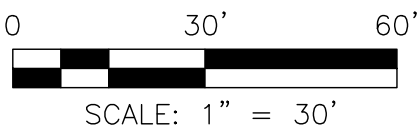
FOUND 1.25" ORANGE PIN & CAP IN RANGE POINT BOX, ILLEGIBLE

BASIS OF BEARINGS
N 89°48'01" W 328.86'(M) 329'(R)

N 89°44'45" W 15.00'
S 00°14'10" W 9.99'
S 40°47'18" E 22.89'
N 00°14'10" E 127.28'

FOUND 2" ALUMINUM CAP IN MONUMENT BOX, STAMPED PLS 37552

- NAIL AND 1 1/4" BRASS WASHER OR 1 1/4" YELLOW PLASTIC CAP PLS 37929
- (M) AS MEASURED
- (R) PER RECORD
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



PH. 303-702-1617
FAX. 303-702-1488
WWW.POWERSURVEYING.COM

DRAWING BY: RBG DATE: 02-10-2020
PROJECT NO. 501-19-009