



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: 2019-RELINQ-0000004

DATE: April 17, 2019

SUBJECT: Request for an Ordinance to relinquish the storm sewer utility easement, in its entirety, as established in the Deed of Easement in Book 1446 Page 314, recorded on May 26, 1977 at 2099 Chestnut Pl.

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

This office has investigated the request of M. A. Mortenson Company, dated February 25, 2019 on behalf of 1917 Chestnut Place, 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 Brooks of District 9; 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 2019-RELINQ-0000004-001 HERE

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

MB:kr

cc:

City Councilperson Brooks & 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
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Jason Gallardo
Public Works, Survey – Paul Rogalla

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: April 17, 2019

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.)

M. A. Mortenson Company on behalf of 1917 Chestnut Place, LLC requests for an Ordinance to relinquish the storm sewer utility easement, in its entirety, as established in the Deed of Easement in Book 1446 Page 314, recorded on May 26, 1977 at 2099 Chestnut Pl.

3. Requesting Agency: Public Works, 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: Katie Ragland	Name: Jason Gallardo
Email: Katie.Ragland@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 storm sewer utility easement, in its entirety, as established in the Deed of Easement in Book 1446 Page 314, recorded on May 26, 1977 at 2099 Chestnut Pl.

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

7. City Council District: City Councilperson Brooks of District 9

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

N/A

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: 2019-RELINQ-0000004 2099 Chestnut Pl

Owner name: 1917 Chestnut Place, LLC

Description of Proposed Project: Request for an Ordinance to relinquish the storm sewer utility easement, in its entirety, as established in the Deed of Easement in Book 1446 Page 314, recorded on May 26, 1977 at 2099 Chestnut Pl.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The referenced storm sewer utility easement is being redrawn as part of the current vacation process, 2017-VACA-0000014.

Background: N/A

Location Map: Continued on next page.



EXHIBIT "A" LAND DESCRIPTION

TWO PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF LOT 15, BLOCK 6, HOYT & ROBINSON'S ADDITION TO DENVER, AND PORTION OF VACATION ORDINANCE 207, SERIES 1960, BOTH FILED IN THE DENVER COUNTY CLERK AND RECORDER'S OFFICE, SAID PARCELS OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING OF THIS DESCRIPTION IS ALONG THE NORTH LINE OF SAID BLOCK 6, HOYT & ROBINSON'S ADDITION TO DENVER, ASSUMED TO BEAR N89°44'00"E A DISTANCE OF 25.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT 14 TO THE NORTHEAST CORNER OF SAID LOT 14.

PERMANENT EASEMENT I

BEGINNING AT A POINT ON THE EAST LINE OF SAID VACATION ORDINANCE 207, SERIES 1960, SAID POINT BEARS N00°30'07"W A DISTANCE OF 14.36 FEET FROM SAID NORTHEAST CORNER OF LOT 14.

THENCE N52°37'37"W A DISTANCE OF 9.24 FEET TO THE NORTH LINE OF VACATION ORDINANCE 207, SERIES 1960; THENCE ALONG SAID NORTH AND EAST LINES OF VACATION ORDINANCE 207, SERIES 1960 THE FOLLOWING (2) COURSES

- 1.) N89°44'00"E A DISTANCE OF 7.29 FEET;
- 2.) THENCE S00°30'07"E A DISTANCE OF 5.64 FEET TO THE POINT OF BEGINNING. THENCE SAID NORTHWEST CORNER OF LOT 14 BEARS S59°48'08"W A DISTANCE OF 28.78 FEET.

SAID PARCEL CONTAINS 21 SQUARE FEET OF LAND OR 0.001 ACRES, MORE OR LESS.

PERMANENT EASEMENT II

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 15, SAID POINT BEARS N89°44'00"E ALONG SAID NORTH LINE OF LOT 15, A DISTANCE OF 13.53 FEET FROM SAID NORTHEAST CORNER OF LOT 14.

THENCE CONTINUING THENCE N89°44'00"E ALONG SAID NORTH LINE OF LOT 15, A DISTANCE OF 6.46 FEET TO THE EAST LINE OF SAID LOT 15; THENCE S14°42'15"E ALONG SAID EAST LINE, A DISTANCE OF 6.43 FEET; THENCE N52°35'19"W A DISTANCE OF 10.19 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 21 SQUARE FEET OF LAND OR 0.001 ACRES, MORE OR LESS.

I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



 Christopher P. Juliana (Signature) 01/31/19

 CHRISTOPHER P. JULIANA, S. 31158 DATE

 FOR AND ON BEHALF OF PRECISION SURVEY & MAPPING, INC.



Precision Survey & Mapping, Inc.

professional land surveying consultants

9025 E. Kenyon Ave., Suite 150, Denver, CO 80237
Tel:(303) 753-9799 Fax:(303) 753-4044

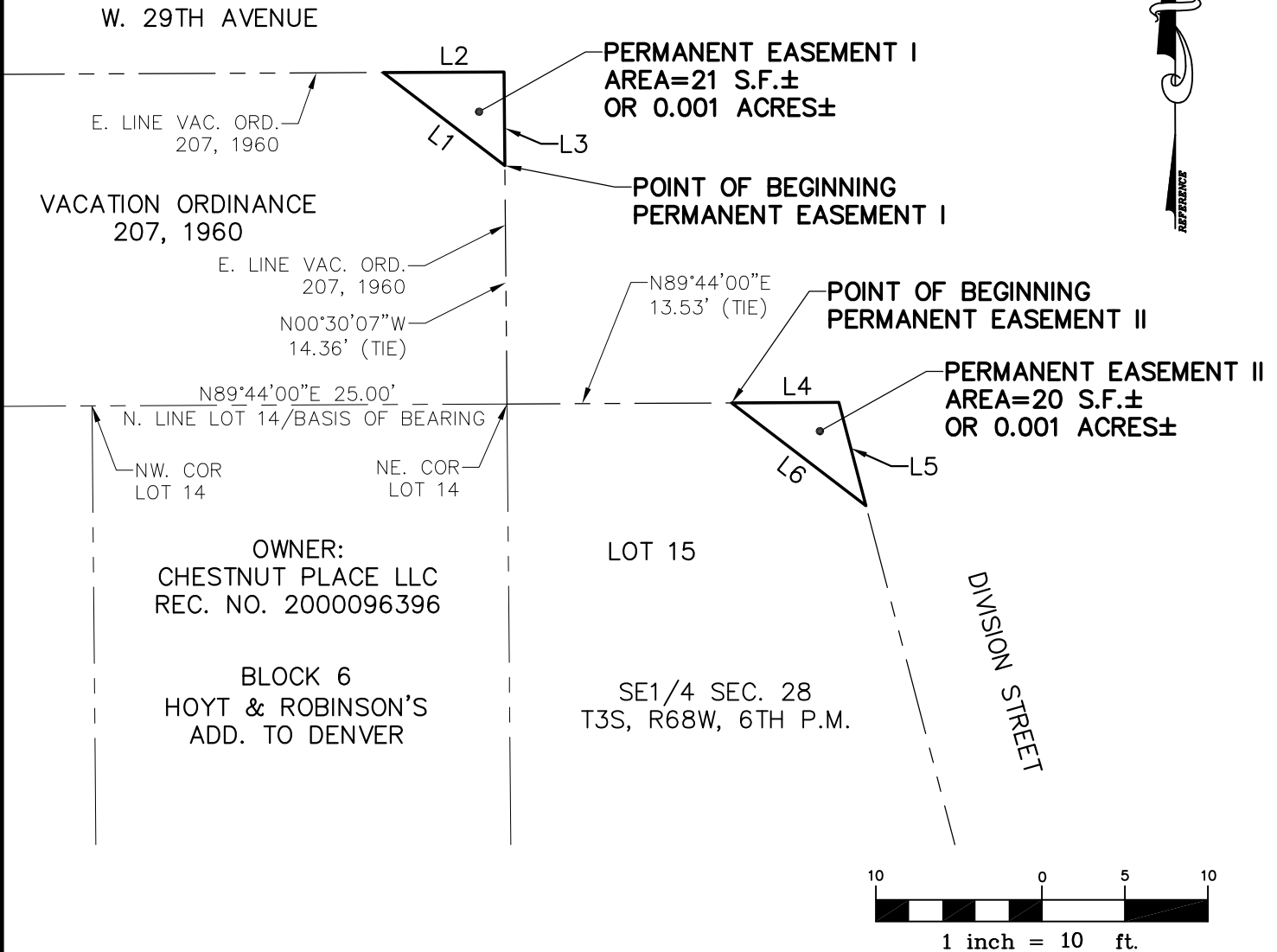
DRN. BY: R.M.
CHKD. BY: C.P.J.
DATE: 01/31/19
SCALE: 1" = 10'

FILE: R12690
SHEET: 1 OF 2

SEWER EASEMENT

EXHIBIT "A"

LINE TABLE					
LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE
L1	N52°37'37"W	9.24'	L4	N89°44'00"E	6.46'
L2	N89°44'00"E	7.29'	L5	S14°42'15"E	6.43'
L3	S00°30'07"E	5.64'	L6	N52°35'19"W	10.19'



- 1.) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 2.) THE ONLY PURPOSE OF THIS EXHIBIT IS TO SHOW THE LOCATION OF THE DEDICATION.
- 3.) THIS DOCUMENT SHALL BE CONSIDERED NULL AND VOID IF IT DOES NOT BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE PROFESSIONAL LAND SURVEYOR OR IF ALTERED IN ANY WAY.



Precision Survey & Mapping, Inc.

professional land surveying consultants

9025 E. Kenyon Ave., Suite 150, Denver, CO 80237
Tel:(303) 753-9799 Fax:(303) 753-4044

DRN. BY: R.M.
CHKD. BY: C.P.J.
DATE: 01/31/19
SCALE: 1" = 10'

FILE: R12690
SHEET: 2 OF 2

SEWER EASEMENT

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That BEN FISHMAN of the City and County of Denver, State of Colorado, for and in consideration of One (\$1.00) Dollar and other good and valuable considerations in hand paid, do es hereby grant and convey to the CITY AND COUNTY OF DENVER, a municipal corporation duly organized and existing under and by virtue of the Constitution of the State of Colorado, an easement and right of way for a sewer over, upon, across, in, through and under the following described real property situate in the City and County of Denver, State of Colorado, to-wit:

000.00 A 00

SEE ATTACHED EXHIBIT "A" WHICH IS HEREBY A PART OF THIS INSTRUMENT

STATE OF COLORADO
CITY & COUNTY OF DENVER
FILED IN MAY 26 1977
RECORDED IN 1446 314
CLERK AND RECORDER

099893

1405.02 \$1405.03
Plat # W75-044

APPROVED FOR RECORDING
LAND OFFICE
65

RESERVING, however, to the undersigned, his heirs and assigns, the right to utilize and enjoy the above described premises providing the same shall not interfere with the construction, maintenance, repairing, inspection, and operation of said sewer, and providing further that the Grantor shall not erect or place any building or tree on the above described right-of-way and the City shall not be liable for their removal if they are so placed.

Signed and delivered this 25th day of May A.D., 1977.

BEN FISHMAN

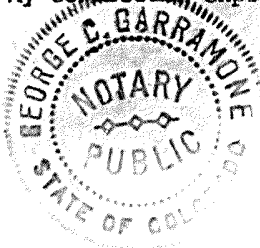
Ben Fishman

STATE OF COLORADO)
CITY AND) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 25th day of May A.D., 1977, by BEN FISHMAN

Witness my hand and official seal.

My commission expires July 21, 1978



George C. Garramore
Notary Public

1446 314

OWNER: BEN FISHMAN

PERMANENT EASEMENT I - 1405.02

A SEWER EASEMENT LYING WITHIN THAT PARCEL OF LAND DESCRIBED IN WEST 29TH AVENUE VACATION ORDINANCE 207, SERIES OF 1960, AND SITUATED IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

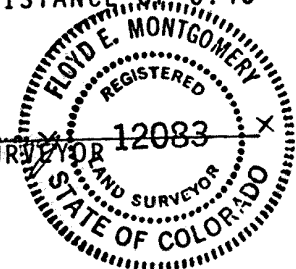
COMMENCING AT THE NORTHEAST CORNER OF LOT 14, BLOCK 6, HOYT AND ROBINSON'S ADDITION TO DENVER, SAID POINT BEING THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN SAID VACATION ORDINANCE; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 14 EXTENDED AND OF SAID PARCEL A DISTANCE OF 14.36 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG SAID EAST LINE A DISTANCE OF 5.64 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN VACATION ORDINANCE 207, SERIES OF 1960; THENCE ON AN ANGLE TO THE LEFT OF 89°51'00" ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 7.29 FEET; THENCE ON AN ANGLE TO THE LEFT OF 142°17'47" A DISTANCE OF 9.23 FEET TO THE TRUE POINT OF BEGINNING.

PERMANENT EASEMENT II - 1405.03

A SEWER EASEMENT LYING WITHIN LOT 15, BLOCK 6, HOYT AND ROBINSON'S ADDITION TO DENVER AND SITUATED IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 15; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 15 A DISTANCE OF 6.43 FEET; THENCE ON AN ANGLE TO THE RIGHT OF 142°05'13" A DISTANCE OF 10.19 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 15; THENCE ON AN ANGLE TO THE RIGHT OF 142°17'47" ALONG SAID NORTH LINE A DISTANCE OF 6.46 FEET TO THE POINT OF BEGINNING.

Floyd E. Montgomery
REGISTERED LAND SURVEYOR



1446 315

EXHIBIT A REVISED: 3/17/77



DEPT. OF PUBLIC WORKS WASTEWATER MANAGEMENT DIVISION			
EASEMENT LEGAL DESCRIPTION PARCEL 1405.02 & .03			
DATE 10 27 76	PROJECT NO W 75-044	WO NO 42-75	SHEET 1 of 2

63-3-23 44

02.002

INCA. ST.

W. 29th AVE.

89°51'00"

7.29'

PERMANENT EASEMENT I

T.P.O.B. PERMANENT EASEMENT I 9.29'
VACATION ORDINANCE
207, 1360

52°08'47"

PERMANENT EASEMENT II
SEWER

5.64'

142°17'47"

6.45'

6.45'

10.19'

142°05'15"

T.P.O.B. PERMANENT
EASEMENT II

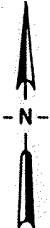
HOYT & ROBINSON'S ADD. TO DENVER

BLOCK 6

LOT 12 LOT 13 LOT 14 LOT 15

DIVISION ST.

CHESTNUT PL.



SCALE 1" = 20'

EXHIBIT A

REVISED: 3/17/77

DEPT. OF PUBLIC WORKS
WASTEWATER MANAGEMENT DIVISION

EASEMENT MAP
PARCEL 1405.02 & .03

DATE	PROJECT NO	WO NO	SHEET
12-27-76	W 75-044	42-75	2 OF 2

 **Gingery Associates, Inc.**
CONSULTING ENGINEERS
2840 SOUTH VALLEJO STREET
ENGLEWOOD, COLORADO 80110
TELEPHONE 303 761-4860

P. 12, 13

1446 316

68-3-20-44