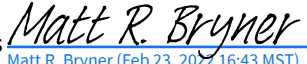


## REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

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

**FROM:** Matt R. Bryner, PE, Director, Right of Way Services   
Matt R. Bryner (Feb 23, 2022 16:43 MST)

**PROJECT NO:** 2021-RELINQ-0000019

**DATE:** February 23, 2022

**SUBJECT:** Request for an Ordinance to relinquish the easements in their entirety as established in the Vacating Ordinance No. 400 Series of 1983 and as reserved in the PNEE with Rec. No. 2020006498 located at 1390 North Decatur Street.

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

This office has investigated the request of Kimley-Horn & Associates, dated June 4, 2021 on behalf of O'Fallon's Partners, LLC, and O'Fallon's 2, LLC for the relinquishment of the subject easement(s).

This matter has been coordinated with City Councilperson Torres, District 3; Asset Management; Emergency Management; Community Planning & Development: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; DOTI: DES Transportation & Wastewater, Construction Engineering, Policy and Planning, TES Signing and Striping, Survey; Colorado Department of Transportation; Regional Transportation District; Comcast; Metro Wastewater Reclamation District; CenturyLink; and Xcel Energy, all of whom have indicated no objection to the proposed easement relinquishment(s).

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

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

**INSERT PARCEL DESCRIPTION 2021-RELINQ-0000019-001 HERE**  
**INSERT PARCEL DESCRIPTION 2021-RELINQ-0000019-002 HERE**

A vicinity map of the subject easement area(s) and a copy of the document(s) creating the easement(s) are attached.

MB:dp



**DENVER**  
THE MILE HIGH CITY

cc: 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](http://www.denvergov.org/doti)  
Phone: 720-865-3003

**311 | POCKETGOV.COM | DENVERGOV.ORG | DENVER 8 TV**

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Jason Gallardo

at [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

Date of Request: February 23, 2022

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 easements in their entirety as established in the Vacating Ordinance No. 400 Series of 1983 and as reserved in the PNEE with Rec. No. 2020006498 located at 1390 North Decatur Street.

**3. Requesting Agency:** Department of Transportation and 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: <a href="mailto:devin.price@denvergov.org">devin.price@denvergov.org</a>	Email: <a href="mailto:Jason.Gallardo@denvergov.org">Jason.Gallardo@denvergov.org</a>

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

Request for an Ordinance to relinquish the easements in their entirety as established in the Vacating Ordinance No. 400 Series of 1983 and as reserved in the PNEE with Rec. No. 2020006498 located at 1390 North Decatur Street.

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

**7. City Council District:** Councilperson Torres; District 3

**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:** 2021-RELINQ-0000019 - 1390 N Decatur Street

**Property Owner:** O’Fallon’s Partners, LLC, and O’Fallon’s 2, LLC

**Description of Proposed Project:** Request for an Ordinance to relinquish the easements in their entirety as established in the Vacating Ordinance No. 400 Series of 1983 and as reserved in the PNEE with Rec. No. 2020006498 located at 1390 North Decatur Street.

**Background:** Applicant is requesting the relinquishment of the easement established in the Vacating Ordinance No. 400 Series of 1983 to provide the ability to fully develop the property without the encumbrance of future utilities being installed within this easement area. The applicant is also requesting the relinquishment of the PNEE with Rec. No. 2020006498 since the proposed detention facilities that the PNEE was intended to cover were not, and never will be, constructed.

**Location Map:** Continued on next page



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/dotj](http://www.denvergov.org/dotj)  
Phone: 720-865-3003

# EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP  
4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2

## LAND DESCRIPTION

ALL OF THAT 16' ALLEY AS DESCRIBED IN BOOK 2848, PAGE 695, AND VACATED BY ORDINANCE 400 OF SERIES 1983, LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 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 30' RANGE LINE OF MORRISON ROAD TO BEAR NORTH 41°16'28" EAST, A DISTANCE OF 482.24 FEET BETWEEN FOUND #6 REBAR WITH 3 1/4" ALUMINUM CAPS STAMPED "PLS 34592" IN RANGE BOXES AT THE INTERSECTION OF MORRISON ROAD AND MILE HIGH STADIUM CIRCLE AND AT THE INTERSECTION OF MORRISON ROAD AND WEST COLFAX AVENUE, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID #6 REBAR WITH 3 1/4" ALUMINUM CAP AT THE INTERSECTION OF MILE HIGH STADIUM CIRCLE AND MORRISON ROAD; THENCE ALONG SAID 30' RANGE LINE, NORTH 41°16'28" EAST, A DISTANCE OF 276.96 FEET; THENCE SOUTH 48°43'32" EAST, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF MORRISON ROAD AND THE SOUTHERLY LINE OF LOT 1, JACOB'S ADDITION TO HIGHLAND, AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 1, NORTH 86°24'58" EAST, A DISTANCE OF 73.06 FEET TO A POINT ON THE WESTERLY LINE OF LOT 8, ASHTON; THENCE ALONG SAID WESTERLY LINE OF LOT 8, SOUTH 00°05'46" EAST, A DISTANCE OF 16.03 FEET TO THE NORTHEASTERLY CORNER OF LOT 20, SAID JACOB'S ADDITION TO HIGHLAND; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 20, SOUTH 86°24'58" WEST, A DISTANCE OF 88.01 FEET TO A POINT ON SAID SOUTHEASTERLY RIGHT-OF-WAY OF MORRISON ROAD; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF MORRISON ROAD, NORTH 41°16'28" EAST, A DISTANCE OF 22.57 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,289 SQ. FT. OR 0.03 ACRES, MORE OR LESS.

I, JOSHUA BREEDLOVE, 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, ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND ARE NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED. SAID PARCEL DESCRIPTION AND EXHIBIT WERE PREPARED AT THE REQUEST OF THE CLIENT AND ARE NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOSHUS BREEDLOVE  
COLORADO P.L.S. #38174  
VICE PRESIDENT, FLATIRONS, INC.

JOB NUMBER: 21-74,670  
DRAWN BY: C. HARPER  
DATE: 09-28-2021

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.**  
*Land Surveying Services*



4501 LOGAN ST.  
DENVER, CO 80216  
PH: (303) 936-6997  
FAX: (303) 923-3180

[www.FlatironsInc.com](http://www.FlatironsInc.com)



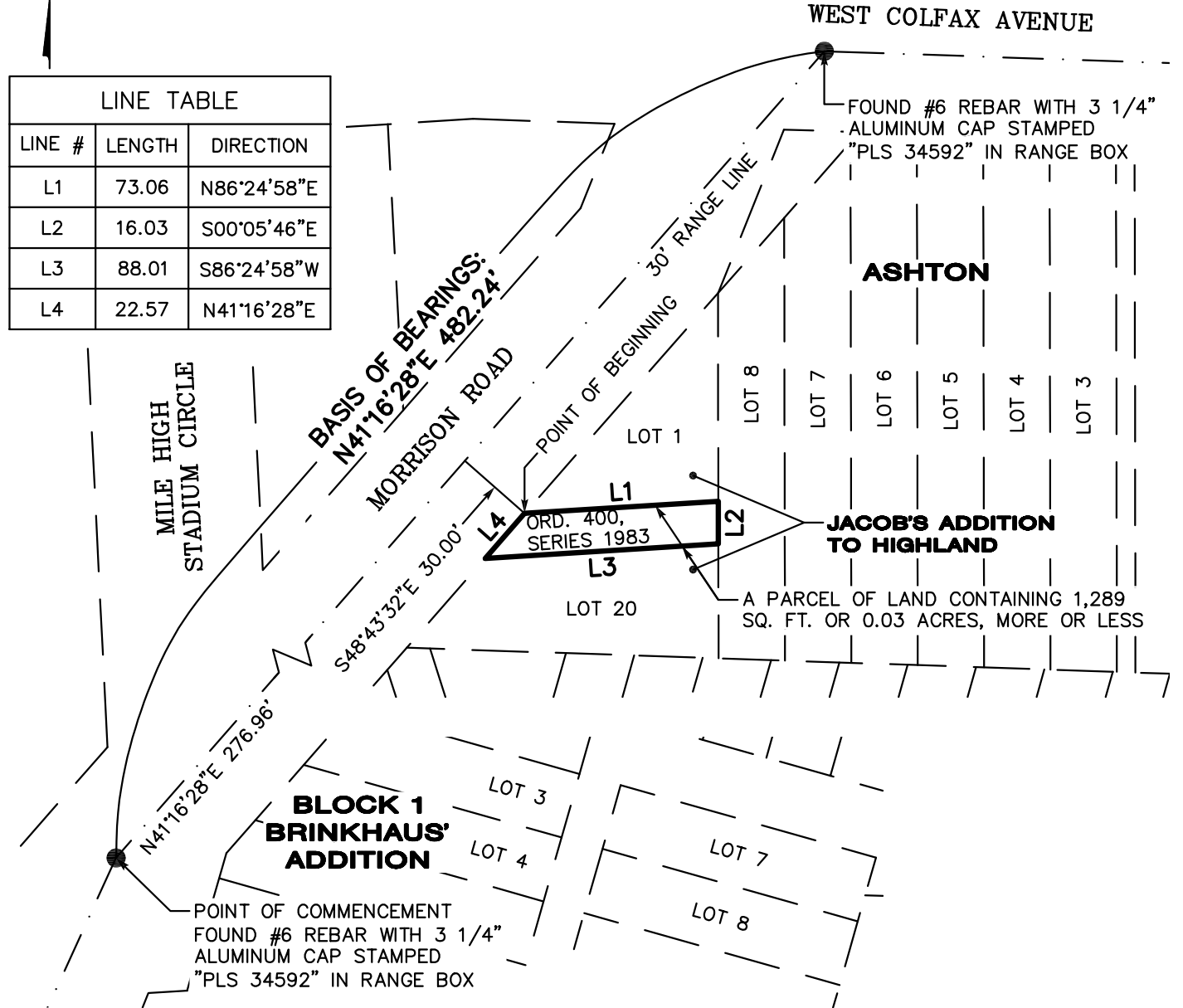
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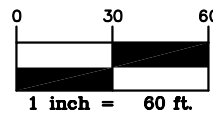
SHEET 2 OF 2



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	73.06	N86°24'58"E
L2	16.03	S00°05'46"E
L3	88.01	S86°24'58"W
L4	22.57	N41°16'28"E



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4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 3

## LAND DESCRIPTION

ALL OF THAT PERMANENT NON-EXCLUSIVE EASEMENT RECORDED AT RECEPTION #20200006498 LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 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 30' RANGE LINE OF MORRISON ROAD TO BEAR NORTH 41°16'28" EAST, A DISTANCE OF 482.24 FEET BETWEEN FOUND #6 REBAR WITH 3 1/4" ALUMINUM CAPS STAMPED "PLS 34592" IN RANGE BOXES AT THE INTERSECTION OF MORRISON ROAD AND MILE HIGH STADIUM CIRCLE AND AT THE INTERSECTION OF MORRISON ROAD AND WEST COLFAX AVENUE, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID #6 REBAR WITH 3 1/4" ALUMINUM CAP AT THE INTERSECTION OF MILE HIGH STADIUM CIRCLE AND MORRISON ROAD; THENCE ALONG SAID 30' RANGE LINE, NORTH 41°16'28" EAST, A DISTANCE OF 387.30 FEET; THENCE SOUTH 48°43'32" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF MORRISON ROAD, ALSO BEING THE NORTHWESTERLY CORNER LOT 8, ASHTON; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY, SOUTH 41°16'28" WEST, A DISTANCE OF 152.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°05'13" EAST, A DISTANCE OF 100.64 FEET; THENCE SOUTH 00°05'46" EAST, A DISTANCE OF 1.50 FEET; THENCE SOUTH 88°05'13" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°05'46" EAST, A DISTANCE OF 5.50 FEET; THENCE SOUTH 88°05'13" EAST, A DISTANCE OF 23.00 FEET; THENCE SOUTH 00°05'46" WEST, A DISTANCE OF 12.99 FEET; THENCE SOUTH 88°05'13" EAST, A DISTANCE OF 33.99 FEET; THENCE SOUTH 00°05'46" EAST, A DISTANCE OF 69.81 FEET; THENCE 29.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 51.00 FEET, AN INCLUDED ANGLE OF 33°23'06" AND SUBTENDED BY A CHORD BEARING SOUTH 16°47'19" EAST, A DISTANCE OF 29.30 FEET; THENCE SOUTH 89°59'52" WEST, A DISTANCE OF 377.10 FEET TO A POINT ON SAID SOUTHEASTERLY RIGHT-OF-WAY OF MORRISON ROAD; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY, NORTH 41°16'28" EAST, A DISTANCE OF 168.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 37,569 SQ. FT. OR 0.86 ACRES, MORE OR LESS.

I, JOSHUA BREEDLOVE, 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, ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND ARE NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED. SAID PARCEL DESCRIPTION AND EXHIBIT WERE PREPARED AT THE REQUEST OF THE CLIENT AND ARE NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOSHUA BREEDLOVE  
COLORADO P.L.S. #38174  
BRANCH MANAGER, FLATIRONS, INC.

JOB NUMBER: 21-74,670  
DRAWN BY: C. HARPER  
DATE: 12-10-2021

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Land Surveying Services



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4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 3 OF 3

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	100.64	S88°05'13"E
L2	1.50	S00°05'46"E
L3	100.00	S88°05'13"E
L4	5.50	S00°05'46"E
L5	23.00	S88°05'13"E
L6	12.99	S00°05'46"E
L7	33.99	S88°05'13"E
L8	69.81	S00°05'46"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	29.72	51.00	33°23'06"	S16°47'19"E	29.30



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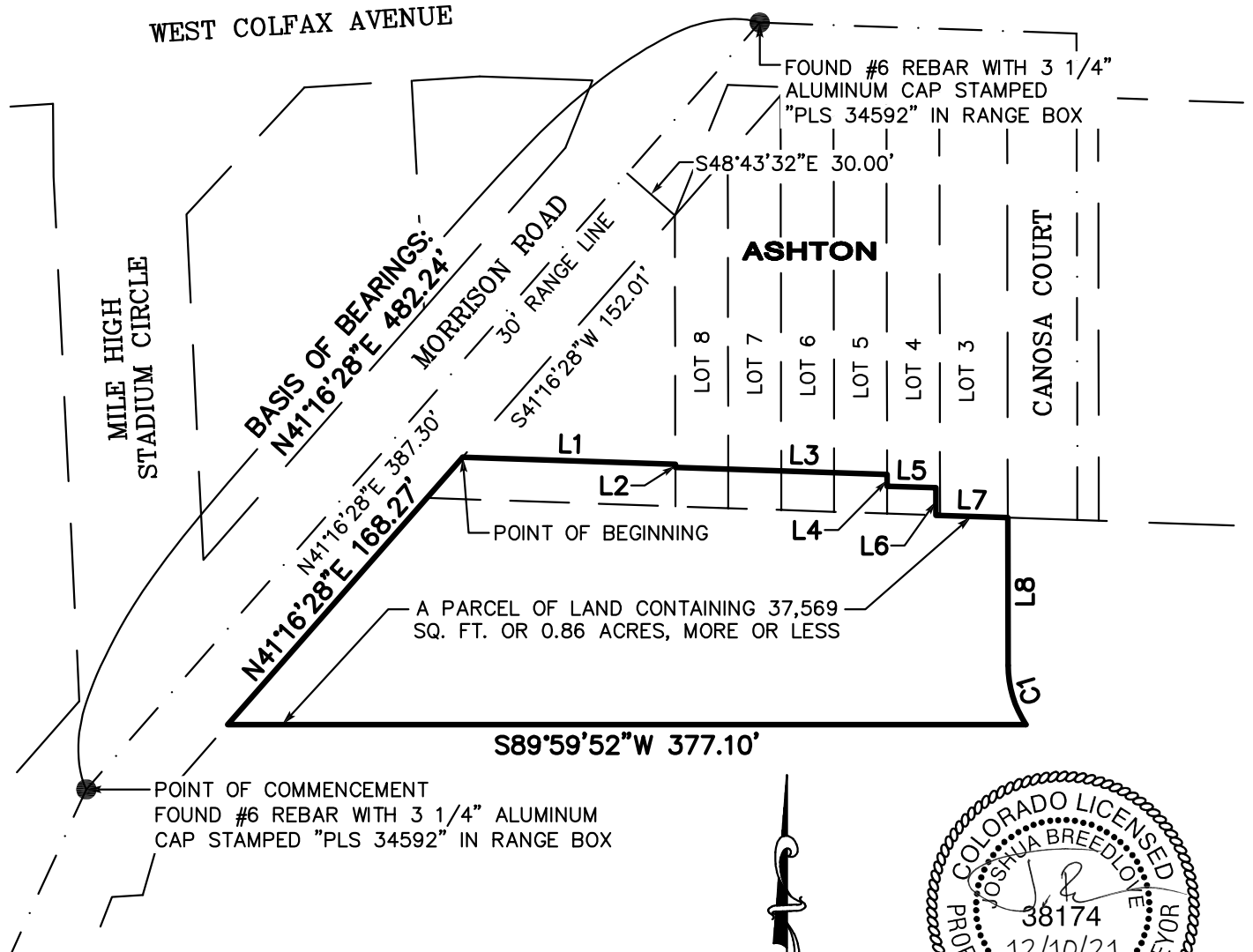
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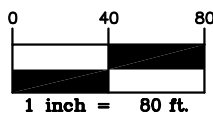
SHEET 2 OF 3



BY:MLUND FILE:74670 PNEE EXHIBIT (C21).DWG DATE:12/10/2021 12:04 PM

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