



Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
www.denvergov.org/pwprs

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
PROJECT NO: 2013-0070-05
DATE: August 29, 2014
SUBJECT: Request for an Ordinance to relinquish certain easements established by Ordinance # **92**, Series of **1922**.

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

This office has investigated the request of Kyle O'Connor of KJO Construction, dated March 6, 2014, on behalf of Park Place XII, LLC for the relinquishment of said easement.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson; CPD: Planning Services; Denver Water Board; Fire Department; Metro Wastewater Reclamation District; Office of Telecommunications; PW: DES Engineering, and DES Survey; CenturyLink Corporation; 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(s).

Therefore, you are requested to initiate Council action to relinquish the easements in the following described areas:

INSERT PARCEL DESCRIPTION ROW 2013-0070-05-001 HERE

A map is attached showing the area in which the subject easement is to be relinquished. A copy of the Ordinance creating the easement is also attached.

Attachments

RJD:aal

c: Asset Management: Steve Wirth
City Council Staff: Shelley Smith
Councilperson Shepherd and Aides
Department of Law: Karen Aviles
Department of Law: Brent Eisen
Department of Law: Karen Walton
Department of Law: Shaun Sullivan
Public Works: Alba Castro
Public Works: Nancy Kuhn
Public Works Survey: Paul Rogalla

Property Owner:
Park Place XII, LLC
3116 Newton St
Denver, CO 80211-3644

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
Nancy.khun@denvergov.org by **NOON on Monday.**

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

Date of Request: August 29, 2014

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

2013-0070-05 Easement Relinquishment at 3420 W 17th Ave

3. Requesting Agency: Public Works Survey

4. Contact Person: *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@denvergov.org

5. Contact Person: *(With 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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** Nancy.Kuhn@denvergov.org

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

This is a request to relinquish an easement at 3420 W 17th. Ordinance #92, Series 1922.

****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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** 3420 W 17th Ave
- d. **Affected Council District:** #1 – Susan Shepherd
- e. **Benefits:** N/A
- f. **Costs:** N/A

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

None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2013-0070-05 Easement Relinquishment at 3420 W 17th Ave

Description of Proposed Project: This is a request to relinquish an easement at 3420 W 17th - Ordinance #92, Series 1922.

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

Has a Temp MEP been issued, and if so, what work is underway: N/A

What is the known duration of an MEP:N/A

Will land be dedicated to the City if the vacation goes through:N/A

Will an easement be placed over a vacated area, and if so explain:N/A

Will an easement relinquishment be submitted at a later date:N/A

Additional information:None.

BY AUTHORITY
ORDINANCE NO. 91.....
COUNCILMAN'S BILL NO. 94.....

SERIES OF 1922
INTRODUCED BY COUNCILMAN
Kusley.....

A B I L L

FOR AN ORDINANCE VACATING THE NORTH 180 FEET OF THE ALLEY IN BLOCK NUMBERED 34, IN HARMAN'S SUBDIVISION, AND ACCEPTING THE DEDICATION OF AN ALLEY, BEING THE SOUTH 20 FEET OF LOT NUMBERED 4, IN SAID BLOCK NUMBERED 34, IN HARMAN'S SUBDIVISION; ALSO VACATING THAT PORTION OF THE ALLEY RUNNING EAST AND WEST THROUGH MONTELIUS & WALKER'S SUBDIVISION OF BLOCK 33, CHELTENHAM HEIGHTS LYING BETWEEN LOTS NUMBERED 1 to 8 INCLUSIVE, AND THE EAST 5 FEET OF LOT NUMBERED 9 ON THE SOUTH, IN SAID MONTELIUS & WALKER'S RESUBDIVISION, AND LOTS NUMBERED 19 to 24 INCLUSIVE, BLOCK 33, CHELTENHAM HEIGHTS, AND THE EAST 30 FEET OF LOT NUMBERED 26 IN SAID MONTELIUS AND WALKER'S RESUBDIVISION ON THE NORTH; ALSO THE ALLEY LYING BETWEEN LOTS NUMBERED 23 and 24 ON THE NORTH, AND THE EAST 30 FEET OF LOT NUMBERED 25 ON THE SOUTH, IN SAID MONTELIUS AND WALKER'S RESUBDIVISION OF BLOCK 33, CHELTENHAM HEIGHTS, AND ACCEPTING THE DEDICATION OF AN ALLEY, BEING THE WEST 10 FEET OF LOTS NUMBERED 25 AND 26, IN SAID MONTELIUS & WALKER'S RESUBDIVISION OF BLOCK 33, CHELTENHAM HEIGHTS; ALSO VACATING THE ALLEY RUNNING NORTH AND SOUTH IN BLOCK NUMBERED 1 IN ANDERSON'S SUBDIVISION, AND THAT PORTION OF THE ALLEY RUNNING EAST AND WEST IN SAID BLOCK LYING BETWEEN LOTS NUMBERED 15 TO 22 INCLUSIVE, AND THE WEST 5 FEET OF LOT NUMBERED 23 ON THE NORTH, AND LOTS NUMBERED 37 TO 44 INCLUSIVE, AND THE WEST 5 FEET OF LOT NUMBERED 36 ON THE SOUTH, ALL IN SAID BLOCK NUMBERED 1 IN ANDERSON'S SUBDIVISION, AND ACCEPTING THE DEDICATION AS AN ALLEY ON THE EAST 20 FEET OF LOT NUMBERED 36, IN SAID BLOCK NUMBERED 1, IN ANDERSON'S SUBDIVISION; ALSO VACATING THAT PORTION OF THE ALLEY IN BLOCK NUMBERED 67 IN CASE & EBERT'S ADDITION TO THE CITY OF

DENVER BEING SOUTHWEST CORNER OF SAID BLOCK, AND ACCEPTING THE DEDICATION AS AN ALLEY OF A STRIP OF GROUND 4 FEET IN WIDTH, BOUNDED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHEAST LINE OF LOT NUMBERED 24 IN SAID BLOCK, 4 FEET SOUTHWEST OF THE SOUTHWEST LINE OF THE ALLEY NOW EXISTING IN SAID BLOCK, THENCE NORTHWESTERLY TO THE SOUTHEAST LINE OF LOT NUMBERED 9 IN SAID BLOCK, THENCE NORTHEASTERLY ALONG THE SOUTHEAST LINE OF SAID LOT NUMBERED 9, 4 FEET, THENCE SOUTHEASTERLY ALONG THE LINE OF THE ALLEY NOW ESTABLISHED IN SAID BLOCK, TO THE SOUTHEAST LINE OF SAID LOT NUMBERED 24, THENCE SOUTHWESTERLY ALONG THE SOUTHEAST LINE OF SAID LOT NUMBERED 24, 4 FEET TO THE PLACE OF BEGINNING, ALL IN SAID BLOCK NUMBERED 67 IN CASE & EBERT'S ADDITION TO THE CITY OF DENVER; ALSO VACATING THE ALLEY IN BLOCK NUMBERED 11, IN KNOX AND CURRIER'S SUBDIVISION, AND THE NORTH 30.26 FEET OF THE ALLEY IN BLOCK NUMBERED 3, IN LINCOLN SUBDIVISION, AND ACCEPTING THE DEDICATION AS AN ALLEY OF THE SOUTH 20 FEET OF LOT NUMBERED 2 IN SAID BLOCK NUMBERED 3, IN LINCOLN SUBDIVISION; ALSO VACATING THE ALLEY IN BLOCK NUMBERED 2 IN PARK AVENUE; ALSO VACATING THE ALLEY IN BLOCK NUMBERED 57, IN P. T. BARNUM'S SUBDIVISION TO THE CITY OF DENVER; ALSO VACATING THE NORTH 277.56 FEET OF THE ALLEY, IN BLOCK NUMBERED 102, IN BYER'S EAST SUBDIVISION, AND ACCEPTING THE DEDICATION AS AN ALLEY OF THE SOUTH 20 FEET OF LOT NUMBERED 12, IN SAID BLOCK NUMBERED 102 IN BYER'S EAST SUBDIVISION; ALSO VACATING THE ALLEY IN BLOCK NUMBERED 6, IN HUMPHREY'S ADDITION; ALSO VACATING ALL THE ALLEYS IN BLOCK NUMBERED 20, IN THE RESUBDIVISION OF BLOCKS, 7, 14, 18, 20, 30 and 36 CHELTEMHAM HEIGHTS; ALSO VACATING WEST TENTH AVENUE BETWEEN THE EAST LINE OF FOX STREET AND THE WEST LINE OF ELATI STREET.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

WHEREAS, The Manager of Improvements and Parks did heretofore make the following order and direction, to-wit:

(3)

It is hereby found and determined that the public use, necessity and convenience require that the north 180 feet of the alley in Block numbered 34 in Harman's Subdivision; also that portion of the alley running east and west through Montelius and Walker's Subdivision of Block 33 Cheltenham Heights lying between Lots numbered 1 to 8 inclusive, and the east 5 feet of lot numbered 9 on the south, in said Montelius and Walkers Resubdivision, and lots numbered 19 to 24 inclusive in Block 33, Cheltenham Heights, and the east 30 feet of lot numbered 26 in said Montelius and Walker's Resubdivision on the north; also the alley lying between lots numbered 23 and 24 on the north, and the east 30 feet of lot numbered 25 on the south, in said Montelius and Walker's Resubdivision of Block 33 Cheltenham Heights; also the alley running north and south in Block numbered 1 in Anderson's Subdivision, and that portion of the alley running east and west in said Block lying between lots numbered 15 to 22 inclusive, and the west 5 feet of lot numbered 23 on the north, and lots numbered 37 to 44 inclusive, and the west 5 feet of lot numbered 36 on the south, all in said Block 1 in Anderson's Subdivision; also that portion of the alley in Block numbered 67 in Case and Ebert's Addition to the City of Denver lying southwest of and adjoining said lot numbered 8 in said block; also the alley in Block numbered 11 in Knox and Currier's Subdivision, and the north 30.26 feet of the alley in block numbered 3 in Lincoln Subdivision; also the alley in block numbered 2 in Park Avenue; also the alley in Block numbered 57 in P. T. Barnum's Subdivision to the City of Denver; also the north 277.56 feet of the alley in Block numbered 102 in Beer's East Subdivision; also the alley in Block numbered 6 in Humphrey's Addition; also all the alleys in Block numbered 20, in the re-subdivision of Blocks 7, 14, 18, 20, 30 and 36, Cheltenham

Heights; also West Tenth Avenue between the east line of Fox Street and the west line of Elati Street, be and the same are hereby vacated, reserving to the City and County of Denver at all times the right to construct, maintain and remove sewers and water pipes and their appurtenances, and to authorize the construction, maintenance and removal of the same therein and thereupon.

The Council of the City and County of Denver is hereby requested to give effect to this order by the passage of a suitable ordinance.

NOW, THEREFORE,

Section 1. That the action of the Manager of Improvements and Parks, as set forth in the foregoing order, be and the same is hereby ratified, approved and confirmed.

Section 2. That that part of the north 180 feet of the alley in Block numbered 34 in Harman's Subdivision; also that portion of the alley running east and west through Montelius and Walker's Subdivision of block 33 Cheltenham Heights lying between Lots numbered 1 to 8 inclusive, and the east 5 feet of Lot numbered 9 on the south in said Montelius and Walker's Resubdivision, and lots numbered 19 to 24 inclusive, Block 33 Cheltenham Heights and the east 30 feet of lot numbered 26 in said Montelius and Walker's Resubdivision on the north; also the alley lying between lots numbered 23 and 24 on the north, and the east 30 feet of lot numbered 25 on the south, in said Montelius and Walker's Resubdivision of Block 33, Cheltenham Heights; also the alley running north and south in block numbered 1 in Anderson's Subdivision and that portion of the alley running east and west in said block lying between lots numbered 15 to 22 inclusive, and the west 5 feet of lot numbered 23 on the north, and lots numbered 37 to 44 inclusive, and the west 5 feet of lot numbered 36 on the south,

all in said block 1 in Anderson's Subdivision; also that portion of the alley in block numbered 67 in Case and Ebert's Addition to the City of Denver, ^{lying} Southwest of and adjoining said lot numbered 8 of said block; also the alley in block numbered 11 in Knox and Currier's Subdivision, and the north 30.26 feet of the alley in block numbered 3 in Lincoln Subdivision; also the alley in block numbered 2 in Park Avenue; also the alley in Block numbered 57 in P. T. Barnum's Subdivision to the City of Denver; also the north 277.56 feet of the alley in block numbered 102 in Byer's East Subdivision; also the alley in block numbered 6 in Humphrey's Addition; also all the alleys in Block numbered 20 in the re-subdivision of Blocks 7, 14, 18, 20, 30 and 36 Cheltenham Heights; also West Tenth Avenue between the east line of Fox Street and the west line of Elati Street, be and the same are hereby vacated, reserving at all times to the City and County of Denver the right to construct, maintain and remove sewers and water pipes and their appurtenances, and to authorize ~~and~~ the construction, maintenance and removal of the same therein and therefrom, upon condition, however, that School District Number One in the City and County of Denver and the State of Colorado, shall, by good and sufficient deed or deeds convey to the City and County of Denver for use as public alleys (the dedication of which is hereby accepted) the following described lots or parcels of land; The south 20 feet of lot numbered 4 in Block numbered 34 in Harmon's Subdivision; also the west 10 feet of Lots numbered 25 and 26, Montelius and Walker's Resubdivision of block 33 Cheltenham Heights; also the east 20 feet of lot numbered 36 in Block numbered 1 in Anderson's Subdivision; also a strip of ground 4 feet in width, bounded as follows:

beginning at a point on the southeast line of Lot numbered 24, in Block numbered 67 in Case and Ebert's Addition to the City of Denver, 4 feet southwest of the southwest line of the alley now existing in said block, thence northwesterly to the southeast line of Lot numbered 9 in said block; thence northeasterly along the said southeast line of said lot numbered 9, 4 feet; thence southeasterly along the line of the alley now established in said block to the southeast line of said lot numbered 24; thence southwesterly along the southeast line of said lot numbered 24, a distance of 4 feet to the place of beginning; also the south 20 feet of lot numbered 2, in block numbered 3, in Lincoln Subdivision; also the south 20 feet of Lot numbered 12, in block numbered 102, in Byers' East Subdivision.

Recommended by the Manager of Improvements and Parks this 18th day of August, A. D. 1922.

Passed by the Council of the City and County of Denver, and signed by its President, this 5th day of September, A.D. 1922.

M. Boury
M A N A G E R

Thomas F. Appell
P R E S I D E N T

Signed and approved by me this 6th day of September, A. D. 1922

D. C. Bailey
M A Y O R

Attested by the undersigned with the corporate seal of the City and County of Denver.

Charles Mowbray
Clerk & Recorder, Ex-officio
Clerk of the City and County of Denver.

BY H. S. Cook
Deputy

Published in The Denver Times

First publication August 31, 1922
Last publication September 9th, 1922

**EASEMENT TO BE RELINQUISHED
PART OF SW ¼, SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST
CITY AND COUNTY OF DENVER, STATE OF COLORADO**

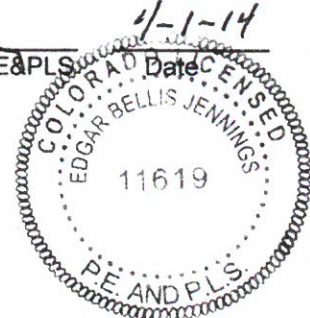
LEGAL DESCRIPTION:

Part of Block 20, CHARLES D. GURLEY'S RESUBDIVISION OF BLOCKS 7, 14, 18, 20, 30 AND 36 CHELTENHAM HEIGHTS, City and County of Denver, State of Colorado, more particularly described as follows:

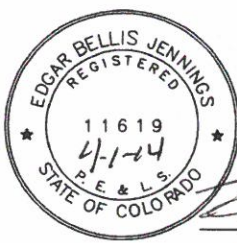
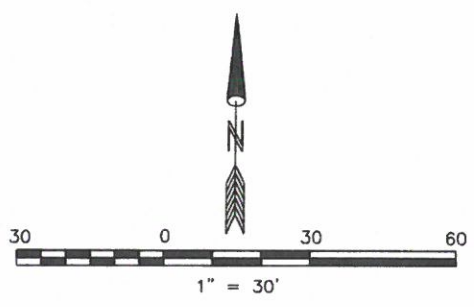
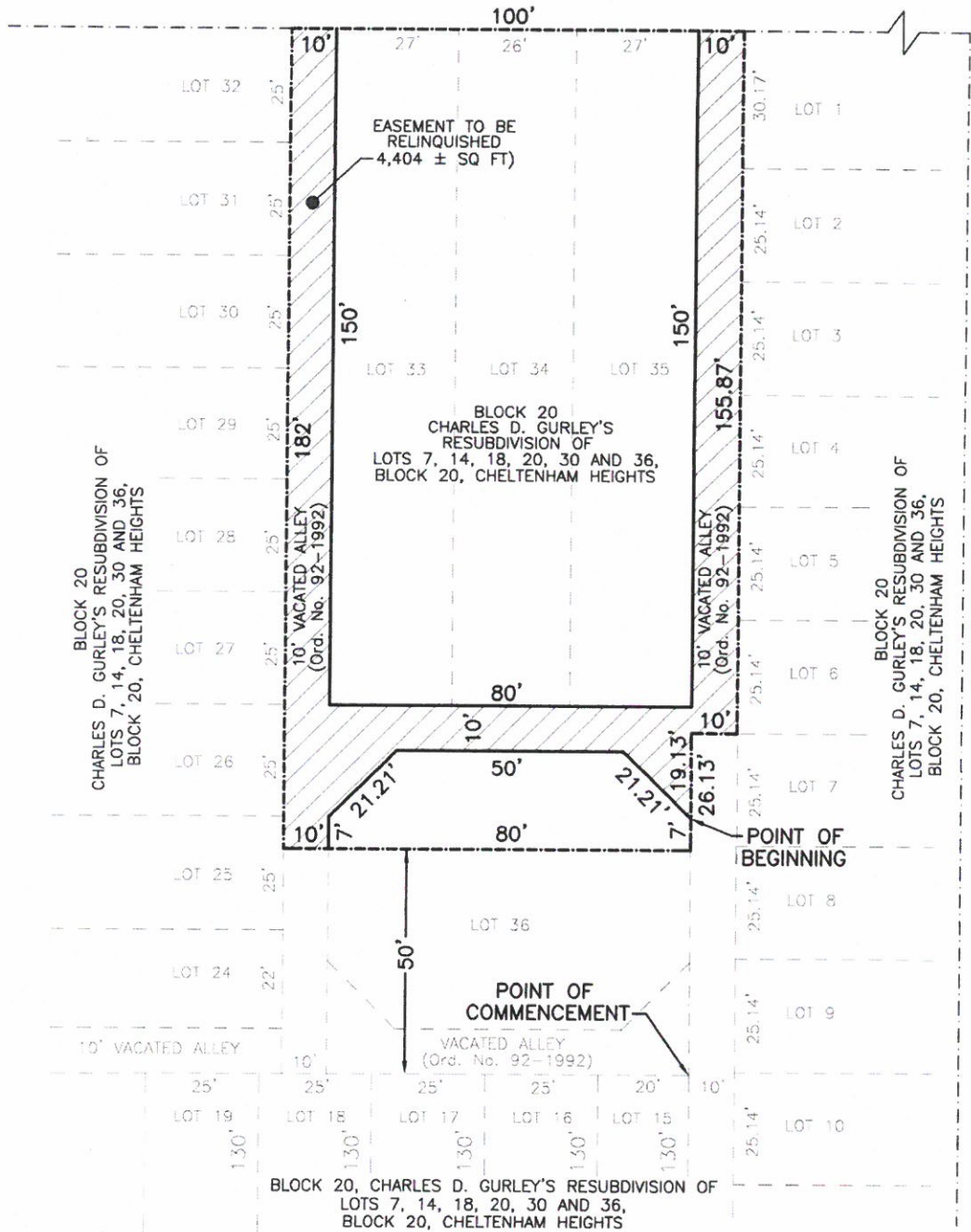
Commencing at the northeast corner of Lot 15, Block 20, CHARLES D. GURLEY'S RESUBDIVISION OF BLOCKS 7, 14, 18, 20, 30 AND 36 CHELTENHAM HEIGHTS; Thence north, along the east line of said Lot 15 extended north and along the east line of Lot 36 of said Block 20, a distance of 57.00 feet to a point on the northeast line of said Lot 36, which point is the POINT OF BEGINNING; Thence north, along the east line of said Lot 36 extended north, a distance of 19.13 feet to the north line of Lot 7 of said Block 20, extended west; Thence east, along said north line extended west, a distance of 10.00 feet to the northwest corner of said Lot 7; Thence north, along the west lines of lots 1 through 6 of said Block 20, a distance of 155.87 feet to the north line of said Block 20; Thence west, along the north line of said Block 20, a distance of 10.00 feet to the northeast corner of Lot 35 of said Block 20; Thence south, along the east line of said Lot 35, a distance of 150.00 feet to the southeast corner of said Lot 35; Thence west, along the south lines of Lots 33 through 35, a distance of 80.00 feet to the southwest corner of said Lot 33; Thence north, along the west line of said Lot 33, a distance of 150.00 feet to the north line of said Block 20; Thence west, along the north line of said Block 20, a distance of 10.00 feet to the northeast corner of Lot 32 of said Block 20; Thence south, along the east lines of Lots 25 through 32 of said Block 20, a distance of 182.00 feet to a point 50 feet north from the north line of Lot 18 of said Block 20; Thence east, parallel with the north line of said Lot 18, a distance of 10.00 feet to the west line of said Lot 36; Thence north, along the west line of said Lot 36, a distance of 7.00 feet to the northwest line of said Lot 36; Thence northeast, along said northwest line, a distance of 21.21 feet to the north line of said Lot 36; Thence east, along the north line of said Lot 36, a distance of 50.00 feet to the northeast line of said lot 36; Thence southeast, along the northeast line of said Lot 36 a distance of 21.21 feet to the POINT OF BEGINNING, containing 4,404 square feet or 0.101 acres more or less, City and County of Denver, State of Colorado.



PREPARED BY: Edgar Jennings PE&PLS
PO Box 200662
Denver, Colorado
303-388-1867
Job No: 13103-00
File No: EA603103
Date: 3-13-14



EASEMENT TO BE RELINQUISHED
WEST 17 TH AVE.
(80' ROW)



Edgar Jennings

PREPARED BY:
EDGAR JENNINGS PE&PLS
PO BOX 200662 DENVER, CO.
303-388-1867 edjennings@comcast.net
DATE: 3-12-14
JOB NO: 13103-00
FILE NO: ES613103.DWG