


REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Glen Blackburn, PE, Director, Right of Way Services 

PROJECT NO: 2023-RELINQ-0000022

DATE: 1/23/2024

SUBJECT: Request for an Ordinance to relinquish a portion of an easement reserved in Ordinance No. 24, Series of 1939, and a portion of an easement reserved in Ordinance No. 661, Series 1978. Located at 1062 Auraria Parkway.

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

This office has investigated the request of Martin/Martin, dated November 15, 2023, on behalf of Auraria Higher Education Center Foundation for the relinquishment of the subject easement.

This matter has been coordinated with Asset Management; City Forester; Comcast; Denver Water; DOTI: Survey, Construction Engineering, Policy & Planning, TES Signing and Striping, DES Transportation & Wastewater, ER Transportation & Wastewater; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Emergency Management; Parks & Recreation; CenturyLink; Xcel Energy; City Councilperson Torres, District 3; CPD: DS Project Coordinator; RTD; and CDOT all of whom have indicated no objection to the proposed easement relinquishment.

As a result of these 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 easement in the following described area:

INSERT PARCEL DESCRIPTION 2023-RELINQ-000022-001 HERE
INSERT PARCEL DESCRIPTION 2023-RELINQ-000022-002 HERE

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

GB:bw

cc: City Councilperson & Aides
City Council Staff – Luke Palmisano
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 nicholas.williams@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: **January 23, 2024**

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 a portion of an easement reserved in Ordinance No. 24, Series of 1939, and a portion of an easement reserved in Ordinance No. 661, Series 1978. Located at 1062 Auraria Parkway.

3. Requesting Agency: DOTI: Right-of-Way Services, 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: Brianne White	Name: Nicholas Williams
Email: Brianne.white@denvergov.org	Email: Nicholas.williams@denvergov.org

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

Request for an Ordinance to relinquish a portion of an easement reserved in Ordinance No. 24, Series of 1939, and a portion of an easement reserved in Ordinance No. 661, Series 1978. Located at 1062 Auraria Parkway.

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****

Key Contract Terms

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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> <i>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</i> <i>(A+B)</i>
<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: 2023-RELINQ-0000022- AHEC Ballfield Buildings 1062 Auraria Parkway

Property Owner: Auraria Higher Education Center Foundation

Description of Proposed Project: Request for an Ordinance to relinquish a portion of an easement reserved in Ordinance No. 24, Series of 1939, and a portion of an easement reserved in Ordinance No. 661, Series 1978. Located at 1062 Auraria Parkway.

Background: The easement is requested to be relinquished because there are no existing utilities in the alley and the proposed building will be located within the existing easement area.

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/dotj
Phone: 720-865-3003

EXHIBIT A
EASEMENT RELINQUISHMENT
ORDINANCE NO. 24, SERIES 1939
ORDINANCE NO. 661, SERIES 1978
PAGE 1 OF 2

LAND DESCRIPTION

TWO PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

2023-RELINQ-000022-001

PARCEL 1

ALL OF THAT PORTION OF THE VACATED 16.50 FOOT WIDE ALLEY IN BLOCK 33, WEST DENVER (EBERT'S) DESCRIBED BY ORDINANCE 24, SERIES 1939, WHICH LIES BETWEEN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY PER ORDINANCE 258, SERIES 1989 AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF VACATED WALNUT STREET PER ORDINANCE 661, SERIES 1978, ALL IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO.

PARCEL 1 CONTAINS 0.115 ACRES OR 5,012 SQUARE FEET MORE OR LESS.

TOGETHER WITH:

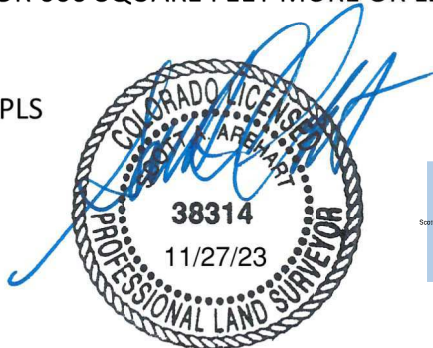
2023-RELINQ-000022-002

PARCEL 2

BEING THE NORTHWESTERLY HALF EXTENSION OF THE 16.50 FOOT WIDE ALLEY IN BLOCK 32, WEST DENVER (EBERT'S), DESCRIBED BY ORDINANCE 661, SERIES 1978 WHICH IS ALSO ACROSS THE NORTHWESTERLY HALF OF VACATED WALNUT STREET ALSO DESCRIBED BY SAID ORDINANCE, IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO.

PARCEL 2 CONTAINS 0.015 ACRES OR 660 SQUARE FEET MORE OR LESS.

PREPARED BY AARON MARSHALL
REVIEWED BY SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
303-431-6100
NOVEMBER 27, 2023
JOB. NO. 23.1086



7 ILLUSTRATION FOR 6
EXHIBIT A
 PAGE 2 OF 2

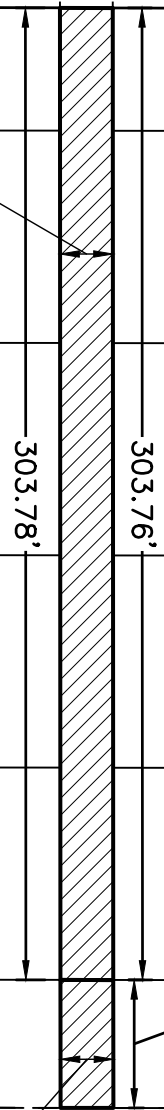
AURARIA PKWY
 (R.O.W. VARIES)
 (ORD. 258-1989)

8
 PARCEL 1
 16.50' ALLEY VACATED BY
 ORD. 24, SERIES 1939
 W/RSVN. FOR WATER AND
 SANITARY SEWER LINES

10TH STREET
 VAC. BY ORD. 24-1939 W/RSVN. OF
 ESMT. TO THE CITY AND COUNTY
 OF DENVER FOR SEWERS, WATER

5
 4
 3
 2
 1
 BLOCK 33
 WEST DENVER (EBERT'S)

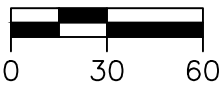
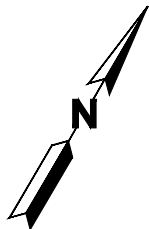
11TH STREET
 VAC. BY ORD. 661-1978 W/RSVN. OF ESMT.
 FOR STORM SEWER, SANITARY SEWER



12
 PARCEL 2
 EXTENSION OF THE 16.50'
 ALLEY IN BLOCK 32, WEST
 DENVER, W/RSVN. FOR
 SANITARY SEWER LINES
 ORD. 661-1978

WALNUT STREET
 VAC. BY ORD. 661-1978 W/RSVN.
 FOR SANITARY SEWER LINES

BLOCK 32
 WEST DENVER (EBERT'S)



SCALE: 1"=60'
 ALL DIMENSIONS ARE
 U.S. SURVEY FEET

THIS EXHIBIT DOES NOT REPRESENT A
 MONUMENTED SURVEY. IT IS INTENDED ONLY
 TO DEPICT THE ATTACHED DESCRIPTION.

NOVEMBER 27, 2023



12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
 303.431.6100 MARTINMARTIN.COM

BY AUTHORITY

ORDINANCE NO. 24
 SERIES OF 1939

COUNCILMAN'S BILL NO. 28
 INTRODUCED BY
 COUNCILMAN Rosenthal

A B I L L

FOR AN ORDINANCE VACATING NINTH AND TENTH STREETS
 BETWEEN THE SOUTHEASTERLY LINE OF WAZEE STREET
 AND THE NORTHWESTERLY LINE OF WALNUT STREET, IN
 WEST DENVER, AND ALSO THE ALLEYS IN BLOCKS 8,
 33 AND 38, IN WEST DENVER.

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

Whereas, George E. Cranmer, Manager of Improvements and
 Parks, did heretofore make the following order and direction, to-
 wit:

"It is hereby found and determined that the public
 use, convenience and necessity no longer require that por-
 tion of Ninth Street lying between the southeasterly line
 of Wazee Street and the northwesterly line of Walnut
 Street, in West Denver, in the City and County of Denver,
 nor that part of Tenth Street lying between the same
 lines, nor the alleys of and in Blocks numbered eight (8),
 thirty-three (33) and thirty-eight (38), in said West Den-
 ver; and said streets between said lines, and said alleys
 in said Blocks, are each and all hereby vacated, excepting
 the rights of way therein for sewer and water pipes.

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

"Done at Denver, Colorado this 16th day of March,
 A.D. 1939.

(Signed) George E. Cranmer,
 Manager of Improvements
 and Parks."

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 all that portion of Ninth Street, in West Denver, in the City and County of Denver, in the State of Colorado, lying between the southeasterly line of Wazee Street, and the northwesterly line of Walnut Street, be, and the same hereby is, vacated and closed; reserving, however, to the City and County of Denver at all times, the right to construct, maintain and remove sewers, water pipes and appurtenances, and to authorize the construction, maintenance and removal of the same within the area heretofore occupied by said part of said Ninth Street.

Section 3. That all that portion of Tenth Street, in West Denver, in the City and County of Denver, in the State of Colorado, lying between the southeasterly line of Wazee Street, and the northwesterly line of Walnut Street, be, and the same hereby is, vacated and closed; reserving, however, to the City and County of Denver at all times, the right to construct, maintain and remove sewers, water pipes and appurtenances, and to authorize the construction, maintenance and removal of the same within the area heretofore occupied by said part of said Tenth Street.

Section 4. That all of the alley in Block numbered eight (8), in West Denver, in the City and County of Denver, in the State of Colorado, be, and the same hereby is, vacated and closed; reserving, however, to the City and County of Denver at all times, the right to construct, maintain and remove sewers, water pipes and appurtenances, and to authorize the construction, maintenance and removal of the same within the area heretofore occupied by said alley in said Block numbered eight (8).

Section 5. That all of the alley in Block numbered thirty-three (33), in West Denver, in the City and County of Denver, in the State of Colorado, be, and the same hereby is, va-

cated and closed; reserving, however, to the City and County of Denver at all times, the right to construct, maintain and remove sewers, water pipes and appurtenances, and to authorize the construction, maintenance and removal of the same within the area heretofore occupied by said alley in said Block numbered thirty-three (33).

Section 6. That all of the alley in Block numbered thirty-eight (38), in West Denver, in the City and County of Denver, in the State of Colorado, be, and the same hereby is, vacated and closed; reserving, however, to the City and County of Denver at all times, the right to construct, maintain and remove sewers, water pipes and appurtenances, and to authorize the construction, maintenance and removal of the same within the area heretofore occupied by said alley in said Block numbered thirty-eight (38).

Section 7. In the opinion of the Council, this Ordinance is necessary for the immediate preservation of the public health and public safety, and the same shall be in full force and effect immediately after its passage and final publication.

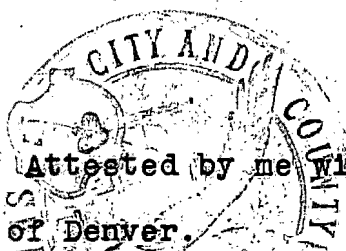
Passed by the Council and signed by its President this 27th day of March, A.D. 1939.

Harvey R. Pease
President.

Signed and approved by me this 29th day of March A.D. 1939.

Ben Fitzpatrick
Mayor.

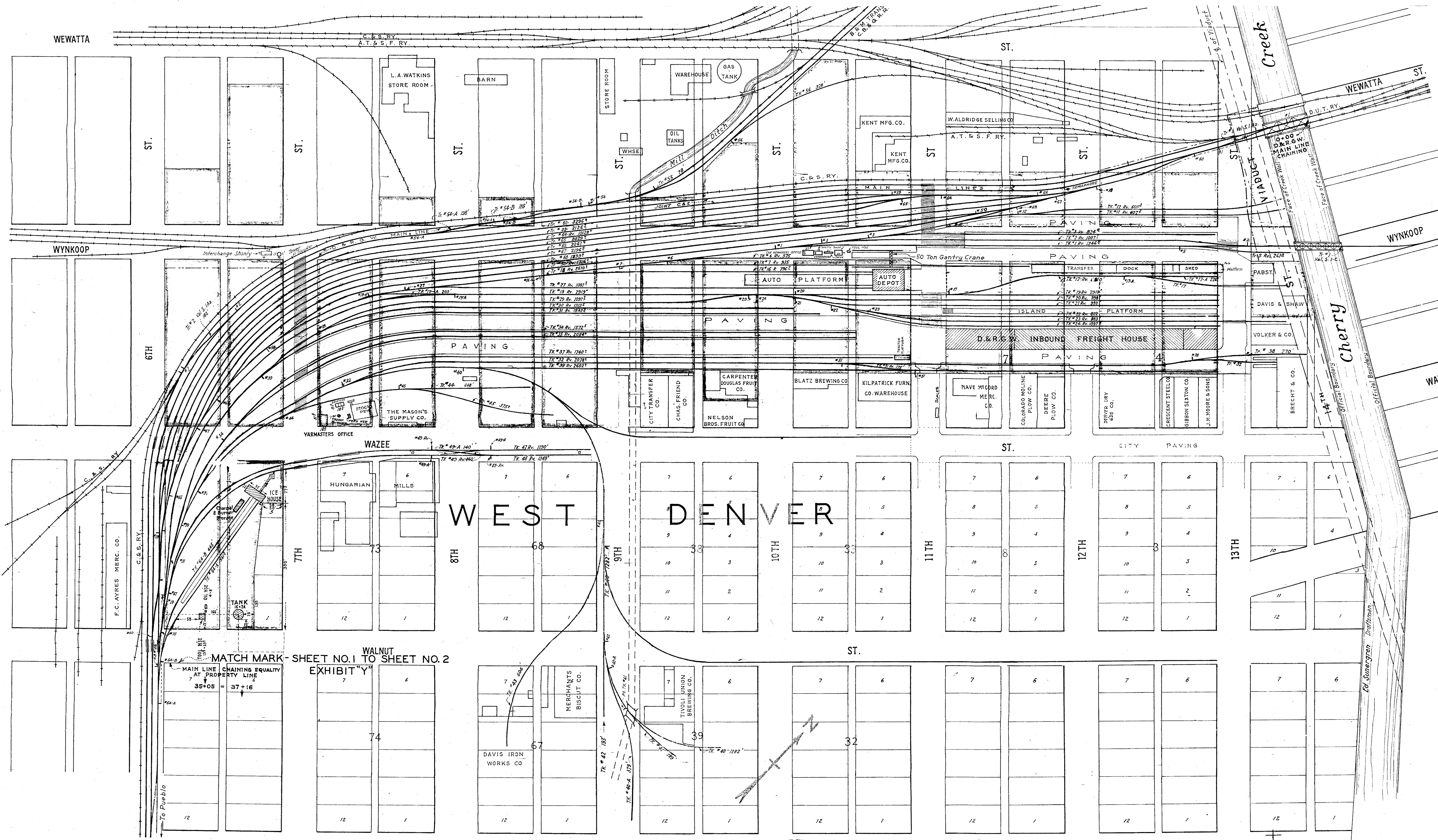
Attested by me with the corporate seal of the City and County of Denver.



Albert C. Morrison
Clerk and Recorder, Ex-Officio
Clerk of the City and County
of Denver
By Edward Fincher
Deputy.

FORM APPROVED:
MALCOLM LINDSEY, Attorney
City and County of Denver,
BY Malcolm Lindsey
Assistant City Attorney

Published in Denver Rocky Mtn. News
1st Publication March 25, 1939
Last " April 1, 1939



WEST DENVER

MATCH MARK - SHEET NO. 1 TO SHEET NO. 2
EXHIBIT "Y"

Ed. Smergen Draughtsman

Ordinance No. 24 Series 1939

Councilman's Bill No. 28

Introduced by Councilman

Rosenthal

A BILL

For

An Ordinance

vacating 9th
& 10th streets
between Wazee
& Walnut alleys.
do

Meeting Date of 3/20/, 1939

Read in full in the Board of Councilmen and referred to the Committee on

Viaducts & Railroads Taken from
Committee
hands and
Council ordered
same published.

Meeting Date of 3/20, 1939

Reported back by the Committee on

Y

Recommended that the bill be ordered published and report adopted.

Published in The Denver Post & News
this 25th day of March, A. D. 1939

Meeting Date of March 27, 1939

Read by title, placed upon its passage and passed.

Presented to the Mayor and signed by him
this 29 day of March, 1939

Ent'd as Ordinance No. 24, Series 1939

Published in The Denver Post & News
this 24 day of April, A. D. 1939

BY AUTHORITY

ORDINANCE NO. 661

COUNCIL BILL NO. 731

SERIES OF 1978

INTRODUCED BY

*Anders, Burke, Howland,
Mundtich and Nolan*

A B I L L

FOR AN ORDINANCE VACATING CERTAIN PARTS OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY; i.e., VACATING PORTIONS OF CHAMPA STREET, CURTIS STREET, WALNUT STREET, 9TH STREET, 10TH STREET AND 11TH STREET IN THE AURARIA HIGHER EDUCATION CENTER, SUBJECT TO CERTAIN RESERVATIONS.

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

WHEREAS, the Manager of Public Works of the City and County of Denver has found and determined that the public use, convenience and necessity no longer require those certain portions of those certain streets in the system of thoroughfares of the municipality hereinafter described, and, subject to approval by ordinance, has vacated the same with the reservations hereinafter set forth; now, therefore,

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

Section 1. That the action of the Manager of Public Works in vacating the following described portions of those certain streets in the City and County of Denver and State of Colorado, to-wit:

Champa Street from the northeasterly line of 8th Street to the southwesterly line of 11th Street.

103 521

1825 595

ALSO

Curtis Street from the northeasterly line of 8th Street to a line that begins at a point on the southeasterly line of Block 11, West Denver, that is 9.22 feet

southwesterly from the most easterly corner of said Block 11 and extends southerly to a point on the northwesterly line of Block 12, West Denver, that is 81.78 feet northeasterly from the most westerly corner of Lot 6, said Block 12.

Also

Walnut Street from the northeasterly line of 9th Street to the southwesterly line of 12th Street.

Also

9th Street from the southeasterly line of Lawrence Street to the south line of the SE $\frac{1}{4}$ of Section 33, T.3S, R68W. of the 6th P.M.

Also

10th Street from the northwesterly line of Stout Street to the southeasterly line of Lawrence Street.

And

10th Street from the northwesterly line of Lawrence Street to the southeasterly line of Larimer Street.

And

10th Street from the northwesterly line of Larimer Street to the southeasterly line of Walnut Street.

Also

11th Street from the southeasterly line of Champa Street to a line that begins at a point on the southwesterly line of Block 13, West Denver, that is 30.94 feet northwesterly of the most southerly corner of said Block 13 and extends southerly to a point on the northeasterly line of Block 27, West Denver, that is 24 feet southeasterly of the most northerly corner of said Block 27.

And

11th Street from the northwesterly line of Curtis Street to the southeasterly line of Lawrence Street.

And

11th Street from the northwesterly line of Lawrence Street to the southeasterly line of Larimer Street.

And

11th Street from the northwesterly line Larimer Street to the southeasterly line of Wazee Street.

be and the same is hereby approved and the described portions of these certain streets are hereby vacated and declared vacated, provided, however, said vacations shall be subject to the following conditions and reservations: That the following described easements to protect the following utilities be and are hereby retained:

- a. In Champa Street between 8th Street and 11th Street to protect existing telephone lines;
In Curtis Street between 8th Street and 12th Street for a proposed underground telephone conduit.
- b. In Curtis Street from 8th Street to 12th Street;
In Walnut Street from 9th Street to 10th Street;
and in 10th Street from Walnut Street to Larimer Street for electric distribution facilities.
- c. In 9th Street from Champa Street to Lawrence Street;
In Champa Street from 8th Street to 11th Street;
In 11th Street from Curtis Street to Lawrence Street and Lawrence Street to Larimer Street;
And in Walnut Street from 9th Street to 12th Street to protect existing gas mains.
- d. In Champa Street between 8th Street and 9th Street;
In Curtis Street between 8th Street and 12th Street;
In Walnut Street between 9th Street and 12th Street;
In 9th Street from West Colfax Avenue to Curtis Street;
In 10th Street between Champa Street and Curtis Street and between Larimer Street and Walnut Street;
In 11th Street between Lawrence Street and Larimer Street and between Larimer Street and Wazee Street for storm sewer lines.

Also

In Curtis Street between 9th Street and 12th Street;
In 11th Street between Stout Street and Champa Street;
between Curtis Street and Lawrence Street;
between Lawrence Street and Larimer Street;
And between Larimer Street and Wazee Street;
In the extension of the alleys in Blocks 28, 43, and 63 West Denver, across Champa Street;
In the extension of alleys in Block 64 West Denver, across Curtis Street;
In the extension of the alleys in Blocks 32 and 39 West Denver, across Walnut Street to protect sanitary sewer lines.

Section 3. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety, and determines that it shall take effect immediately upon its final passage and publication.

PASSED BY The Council October 30 1978

Salvatore Caspio -President

APPROVED Cosmumehols -Mayor November 1 1978

ATTEST B. J. Seagins -Clerk and Recorder, Ex-Officio Clerk
of the City and County of Denver

PUBLISHED IN The Daily Journal Oct. 27 1978 and Nov. 6 1978

PREPARED BY: max p. Zall -City Attorney
W HU



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1979 JAN -5 AM 11:54

1825 595
F. J. SERAFINI
COUNTY CLERK
DENVER COUNTY

Ordinance No. 661 Series 19 71
Councilman's Bill No. 731

Meeting Date Oct. 23, 78

Read in full to the Board of Councilmen and referred to the Committee on

Public Works

Committee report adopted and bill ordered published.

Meeting Date Oct. 23, 1978

Read by title and passed.

Meeting Date Oct. 30, 1978

CITY COUNCIL
CITY OF DENVER

OCT 19 1978

AM
FISHERMAN, 1, 2, 3, 4, 5, 6
PM

1825 599