

Department of Public Works

Right-of-Way Services 201 W. Colfax Avenue, Dept. 507 Denver, CO 80202 720-865-3001 www.denvergov.org/survey

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:

2013-0585-02

DATE:

January 15, 2015

SUBJECT: Request for an Ordinance to relinquish certain easements established by the conditions of the Vacation 2013-0585-01 / 3124 W 20th Avenue.

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

This office has investigated the request of Michelle Berger of Foster, Graham, Milstein & Calisher, dated December 30, 2014 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; Office of Telecommunication; 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(s).

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

INSERT PARCEL DESCRIPTION ROW 2013-0585-02-001 HERE

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

RJD:aal

Asset Management – Steve Wirth
City Councilperson & Aides
City Council Staff – Shelley Smith
Department of Law – Karen Aviles
Department of Law – Brent Eisen
Department of Law – Shaun Sullivan
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias at

Angela.Casias@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: January 15, 201 | | |
|-----|---|--|--|
| Ple | ase 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 <u>name of company or contractor</u> and <u>contract control number</u> - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.) | | |
| | 2013-0585-02: Easement Relinquishment at 3124 W 20 th 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: Angela Casias Phone: 720-913-8529 Email: Angela.Casias@denvergov.org | | |
| 6. | General description of proposed ordinance including contract scope of work if applicable: | | |
| | A proposal to relinquish the hard surface easement created by the conditions of the vacation 2013-0585-01 3124 W 20th Ave | | |
| | **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: 3124 W 20 th Ave | | |
| | d. Affected Council District: #1 - 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. | | |
| | | | |
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| | | | |
| | To be completed by Mayor's Legislative Team: | | |
| SIR | E Tracking Number: Date Entered: | | |



EXECUTIVE SUMMARY

Project Title: 2013-0585-02 Easement Relinquishment at 3124 W 20th Ave

Description of Proposed Project: This is a proposal to relinquish the hard surface easement created by the conditions of the vacation 2013-0585-01 3124 W 20th Ave.

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

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.



LEGAL DESCRIPTION FOR ALLEY VACATION SW 1/4, SECTON 32, T3S, R68W, 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO

A PARCEL OF LAND(ALLEY) SITUATED IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PART OF BLOCK 2, GRAHAM'S RESUBDIVISION OF BLOCK 2 CHELTENHAM HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 35 OF SAID BLOCK 2; THENCE N89°55'50"W ALONG THE SOUTH LINE OF SAID LOT 35, 3.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°55'50"W ALONG THE SOUTH LINE OF LOTS 33, 34, AND 35 OF SAID BLOCK 2, 74.00' TO A POINT 3.00 FEET EAST OF THE WEST LINE OF LOT 33 OF SAID BLOCK 2; THENCE SOO'00'47"E, 17.00 FEET TO A POINT ON THE NORTH LINE OF LOT 36 OF SAID BLOCK 2; THENCE ALONG SAID NORTH LINE FOR THE FOLLOWING 3 COURSES; THENCE N45'04'10"E, 9.90 FEET; THENCE S89'55'50"E, 60.00 FEET; THENCE S44'55'50"E, 9.90 FEET; THENCE NOO'00'47"W, 17.00 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 789 SQUARE FEET MORE OR LESS. BEARINGS ARE BASED ON THE SOUTH LINE OF LOTS 33 TO 35 OF SAID BLOCK 2, ASSUMED TO BEAR N89°55'50"W.

I, Richard Fill Heins, a Postessional Land Surveyor, Registered in the State of Colorado, do hereby certify that the above legal descriptions was prepared by me or under my direct supervision.

POWAL LAND

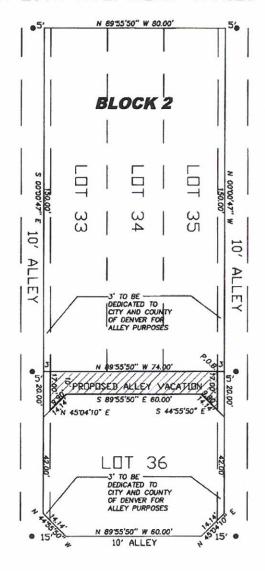
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EXHIBIT FOR ALLEY VACATION SW 1/4, SECTON 32, T3S, R68W, 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO

Scale 1" = 40

W. 20TH AVE. R.O.W. VARIES



GROVE ST. (80' R.O.W.)

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

AAA SURVEYING SERVICES, LLC

P.O. BOX 2055 ARVADA,CO 80001-2055 303-519-7015/FAX 303-940-4927

| JOB NO. 13-0350 | PAGE 2 OF 2 |
|------------------|-------------|
| DATE: 12/02/2013 | |
| SCALE 1"=40' | |
| | |



2014057054 Page: 1 of 2 D \$0.00

City & County of Denver ORD 1 BY AUTHORITY" 254 2 ORDINANCE NO. COUNCIL BILL NO. CB14-0311 3 **SERIES OF 2014** COMMITTEE OF REFERENCE: 4 Land Use, Transportation, and Infrastructure 5 6 A BILL 7 For an ordinance vacating the alley south of 3124 West 20th Avenue, with 8 reservations. 9 10 WHEREAS, the Manager of Public Works of the City and County of Denver has found and 11 determined that the public use, convenience and necessity no longer require that certain area in 12 the system of thoroughfares of the municipality hereinafter described and, subject to approval by 13 ordinance, has vacated the same with the reservations hereinafter set forth; 14 NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER: 15 16 17 Section 1. That the action of the Manager of Public Works in vacating the following 18 described right-of-way in the City and County of Denver and State of Colorado, to wit: 19 20 PARCEL DESCRIPTION ROW NO. 2013-0585-01-001 21 A PARCEL OF LAND (ALLEY) SITUATED IN THE SOUTHWEST 1/4 OF 22 SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL 23 MERIDIAN AND A PART OF BLOCK 2, GRAHAM'S RESUBDIVISION OF 24 BLOCK 2 CHELTENHAM HEIGHTS, CITY AND COUNTY OF OENVER. 25 STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS 26 FOLLOWS: 27 COMMENCING AT THE SOUTHEAST CORNER OF LOT 35 OF SAID BLOCK 2; 28 THENCE N89'55'50"W ALONG THE SOUTH LINE OF SAID LOT 35, 3.00 FEET 29 TO THE POINT OF BEGINNING; THENCE CONTINUING N89°55'50"W ALONG 30 THE SOUTH LINE OF LOTS 33, 34, AND 35 OF SAID BLOCK 2, 74.00' TO A 31 POINT 3.00 FEET EAST OF THE WEST LINE OF LOT 33 OF SAID BLOCK 2; THENCE S00'00'47"E. 17.00 FEET TO A POINT ON THE NORTH LINE OF LOT 32 33 36 OF SAID BLOCK 2; THENC ALONG SAID NORTH LINE FOR THE 34 FOLLOWING 3 COURSES; THENCE N45°04'10"E, 9.90 FEET; THENCE 35 S89°55'50"E, 60.00 FEET; THENCE S44°55'50"E, 9.90 FEET; THENCE 36 N00°00'47"W, 17.00 FEET TO THE POINT OF BEGINNING. 37 PARCEL CONTAINS 789 SQUARE FEET MORE OR LESS.

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be and the same is hereby approved and the described right-of-way is hereby vacated and declared vacated;

PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its

. . . .

| 1 | successors and assigns, over, under, across, along, and through the vacated portion for the | | |
|----------|--|--|--|
| 2 | purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or | | |
| 3 | private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and | | |
| 4 | all appurtenances to said utilities. A hard surface shall be maintained by the property owner over | | |
| 5 | the entire vacated area. The City reserves the right to authorize the use of the reserved easement | | |
| 6 | by all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls, | | |
| 7 | landscaping or structures shall be allowed over, upon or under the vacated area. Any such | | |
| 8 | obstruction may be removed by the City or the utility provider at the property owner's expense. | | |
| 9 | The property owner shall not re-grade or alter the ground cover in the vacated area without | | |
| 10 | permission from the City and County of Denver. The property owner shall be liable for all damages | | |
| 11 | to such utilities, including their repair and replacement, at the property owner's sole expense. The | | |
| 12 | City and County of Denver, its successors, assigns, licensees, permittees and other authorized | | |
| 13 | users shall not be liable for any damage to property owner's property due to use of this reserved | | |
| 14 | easement. | | |
| 15 | COMMITTEE APPROVAL DATE: April 17, 2014 [by consent] | | |
| 16 | MAYOR-COUNCIL DATE: April 22, 2014 | | |
| 17 | PASSED BY THE COUNCIL: | | |
| 18 | - PRESIDENT | | |
| 19 | APPROVED: | | |
| 20 | ATTEST: Jehran - CLERK AND RECORDER, | | |
| 21 22 | EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER | | |
| 23 | NOTICE PUBLISHED IN THE DAILY JOURNAL: MM 2 , 2014; MAY9 , 2014 | | |
| 24 | | | |
| 25 | PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: April 24, 2014 | | |
| 26 27 | Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed | | |
| 28 | ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter. | | |
| 29 30 | 3.2.6 of the Charter. | | |
| 31 | D. Scott Martinez, Denver City Attorney | | |
| 32 | BY: DATE: 24 Dec., 2014 | | |
| | The same of the sa | | |