



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: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

PROJECT NO: 2016-RELINQ-0000004

DATE: December 12, 2016

SUBJECT: Request for an Ordinance to relinquish certain easements established in the Vacating Ordinance No. 35, Series of 1933. Located at Marion Street and Park 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 John Stafford, dated March 2, 2016 on behalf of Lynd Development Partners 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; 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 2016-RELINQ-0000004-001 HERE

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

RJD:cs

cc:
City Councilperson & Aides
City Council Staff – Shelley Smith
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



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TO: Caroline Martin, City Attorney's Office

FROM: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

PROJECT NO: 2016-RELINQ-0000004

DATE: December 16, 2016

SUBJECT: Request for an Ordinance to relinquish certain easements established in the Vacating Ordinance No. 35, Series of 1933. Located at Marion Street and Park 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 John Stafford, dated March 2, 2016 on behalf of Lynd Development Partners 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; Survey; CenturyLink; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

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City Council Staff – Shelley Smith
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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 12:00 pm 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: December 16, 2016

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

Request for an Ordinance to relinquish certain easements established in the Vacating Ordinance No. 35, Series of 1933. Located at Marion Street and Park Avenue.

3. Requesting Agency: Public Works – Right of Way Services – Engineering, Regulatory, and Analytics

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

- Name: Chaunda Sinn
- Phone: 720-865-3036
- Email: chaunda.sinn@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/background of proposed ordinance including contract scope of work if applicable:

Request for an Ordinance to relinquish certain easements established in the Vacating Ordinance No. 35, Series of 1933. Located at Marion Street and Park Avenue.

****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 – please do not leave blank.)

- a. Contract Control Number: N/A
- b. Contract Term: N/A
- c. Location: Marion Street and Park Avenue
- d. Affected Council District: District 9, Albus Brooks
- e. Benefits: N/A
- f. Contract Amount (indicate amended amount and new contract total): 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: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2016-RELINQ-0000004 Park 17 Park Ave and Marion St

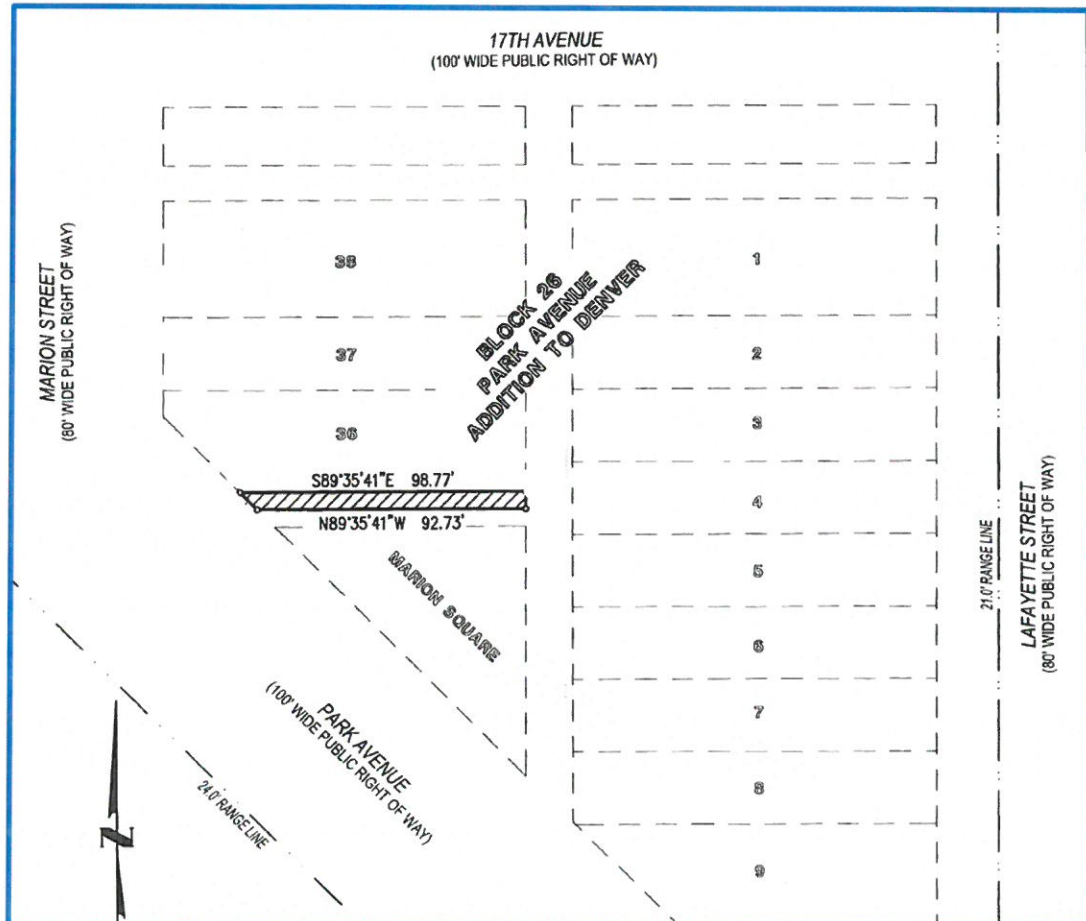
Owner name: Lynd Development Services

Description of Proposed Project: Request for an Ordinance to relinquish certain easements established in the Vacating Ordinance No. 35, Series of 1933. Located at Marion Street and Park Avenue.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The customer would like to redevelop a multi-family residential in the area in which the easement is located.

Background: Xcel Energy had lines in the area but have since been relocated.

Location Map:



EXHIBIT

PAGE 1 OF 2

LAND DESCRIPTION

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO

A PARCEL OF LAND BEING THE NORTH HALF OF THE EAST WEST PUBLIC ALLEY LYING BETWEEN THE SOUTH LINE OF LOT 36 AND THE NORTH LINE OF MARION SQUARE IN BLOCK 26, AS RECORDED AT ORDINANCE NO. 35, SERIES OF 1933 AND AS SHOWN ON THE PLAT OF PARK AVENUE ADDITION TO DENVER, RECORDED IN BOOK 2, PAGE 66, OF THE OFFICIAL ARAPAHOE COUNTY RECORDS, SAID PARCEL BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT LOCATED AT THE INTERSECTION OF MARION STREET AND 17TH AVENUE ALSO BEING THE INTERSECTION OF A 27.50' RANGE LINE RUNNING EAST/ WEST AND A 21.00' RANGE LINE RUNNING NORTH/ SOUTH;

THENCE SOUTH 25°59'42" EAST, A DISTANCE OF 192.58 FEET TO THE SOUTHWEST CORNER OF LOT 36 AND THE NORTH LINE OF A 12.00 FOOT WIDE ALLEY LOCATED IN BLOCK 26, OF SAID PARK AVENUE ADDITION TO DENVER, SAID POINT ALSO BEING THE POINT OF BEGINNING.

THENCE SOUTH 89°35'41" EAST ALONG THE NORTH LINE OF SAID 12.00 WIDE ALLEY, A DISTANCE OF 98.77 FEET TO THE SOUTHEAST CORNER OF LOT 36, BLOCK 26 OF SAID PARK AVENUE ADDITION TO DENVER;

THENCE SOUTH 00°18'49" WEST, A DISTANCE OF 6.00 FEET TO THE CENTERLINE OF SAID 12.00 FOOT WIDE ALLEY;

THENCE NORTH 89°35'41" WEST PARALLEL WITH THE NORTH LINE OF SAID 12.00 WIDE ALLEY, A DISTANCE OF 92.73 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PARK AVENUE;

THENCE NORTH 44°48'41" WEST ALONG SAID RIGHT OF WAY, A DISTANCE OF 8.52 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 574.50 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE ASSUMPTION THAT THE NORTHERLY (27.5') RANGE LINE COINCIDENT WITH SEVENTEENTH AVENUE REFERENCED IN PARK AVENUE ADDITION TO DENVER, RECORDED IN BOOK 2, PAGE 66, OF THE OFFICIAL ARAPAHOE COUNTY RECORDS, BEARS SOUTH 89°35'41" EAST. WEST END OF SAID LINE IS LOCATED AT THE INTERSECTION OF MARION STREET & 17TH AVENUE AS MONUMENTED WITH A 1" AXLE IN MONUMENT BOX, EAST END OF SAID LINE IS LOCATED AT THE INTERSECTION OF LAFAYETTE STREET AND SEVENTEENTH AVENUE AS MONUMENTED WITH A 1" AXLE IN MONUMENT BOX.

PREPARED BY: AARON J. HANDL, PLS
PLS 38328

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



FILED: P:\150607\SURVEY\ALLEY VACATION 2216C LAYOUT: DESCRIPTION
NO. 38328
PLOTED: JUL 03/29/16 7:38:58A BY: AARON HANDL

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE:	PROJECT #:
02-29-2016	150607
DATE	REVISION COMMENTS
03/29/16	Revised per City & County of Denver's comments.

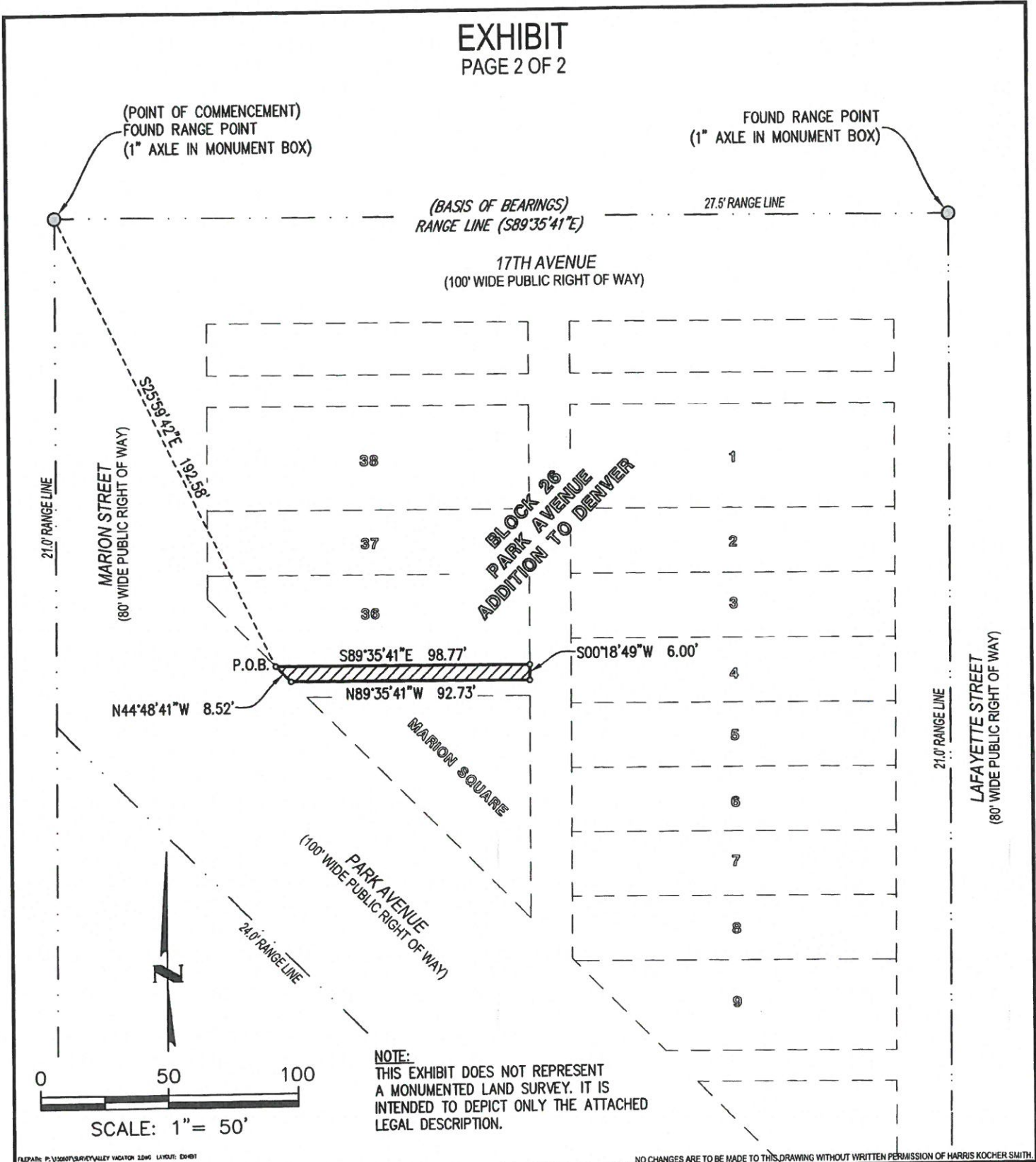


PARK AVENUE & 17TH AVENUE
ALLEY VACATION

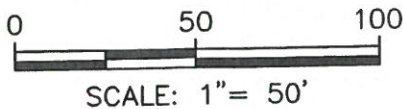
HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: AJH
SHEET NO. 1
1 OF 2

EXHIBIT
PAGE 2 OF 2



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



FILEPATH: P:\150607\SURVEY\ALLEY VACATION 2246 LAYOUT: EXHIBIT
NO. 2829
PLOTTER: TUE 03/29/16 7:42:16A. BY: ANTHON HANDEL

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE:	02-29-2016	PROJECT #:	150607
DATE	REVISION COMMENTS		
03/29/16	Revised per City & County of Denver's comments.		



**PARK AVENUE & 17TH AVENUE
ALLEY VACATION**

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

CHKD BY: AWM DRAWN BY: AJH
SHEET NO. 2 2 OF 2

B Y A U T H O R I T Y

ORDINANCE NO. 25.....

SERIES OF 1933

COUNCILMAN'S BILL NO. 57....

INTRODUCED BY COUNCILMAN

HARRINGTON

A B I L L

FOR AN ORDINANCE VACATING THE EAST AND WEST PUBLIC ALLEY LYING BETWEEN THE SOUTH LINE OF LOT 36 AND THE NORTH LINE OF MARION SQUARE IN BLOCK 26, PARK AVENUE ADDITION TO DENVER, IN THE CITY AND COUNTY OF DENVER.

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

WHEREAS, WALTER B. LOWRY, Manager of Improvements and Parks did heretofore make the following order, to-wit:

"It is hereby found and determined that the public use, convenience and necessity do not now require,

The East and West public alley lying between the South line of Lot 36 and the North line of Marion Square in Block 26, Park Avenue Addition to Denver, in the City and County of Denver, in the State of Colorado, be and the same hereby is vacated.

And 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.

Done at Denver in the State of Colorado this... 5th..... day of June, A. D. 1933.

(Signed) Walter B. Lowry
Manager."

NOW, THEREFORE

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

Section 2: That, the East and West public Alley lying between the South line of Lot 56 and the North line of Marion Square in Block 26, Park Avenue Addition to Denver, in the City and County of Denver, in the State of Colorado, be and the same hereby is vacated, reserving to the City and County of Denver at all times the right to construct, maintain and remove sewers, water pipe and appurtenances and to authorize the construction, maintenance and removal of the same therein and therefrom, and subject to the continued right of the owners to maintain and operate existing Electric Light and Power Lines, Telephone Lines, Gas mains and pipes.

Section 3: In the opinion of the Council this Ordinance is necessary for the immediate preservation of the public health and public safety and shall be in full force and effect immediately after its passage and final publication.

Passed by the Council and signed by its President this 9th day of June A. D. 1933.

Signed and approved by me this 9th day of June A. D. 1933.

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

Published in Denver Post First publication June 12 1933 Last publication June 24 1933

Eugene Heraldic PRESIDENT
Mayor
Albert C. Morrison
CLERK AND RECORDER, EX OFFICIO
CLERK OF THE CITY AND COUNTY OF DENVER
By Raymond A. Tate Deputy Clerk