



September 27, 2019

Denver Public Works Engineering Regulatory & Analytics Department  
201 W. Colfax Avenue, Department 507  
Denver, CO 80202

Re: Broadway Park – Parcel C Easement Relinquishment Request  
Martin/Martin, Inc. Project No.: 15.0575

On behalf of BMP Northwest, LLC, Martin/Martin Inc. is requesting to fully relinquish existing easements associated with Record Documents BK1077 PG427 and 2014046017. The property owner, BMP Northwest, LLC, is requesting that the easements be released to construct an apartment building, an open space plaza, and to dedicate Bannock Street between Alameda Avenue and Dakota Avenue as public right-of-way. See attached Site Plan.

For Record Document BK1077 PG427, the existing easement covered by this document is being requested to be fully relinquished. The easement was put in place for sewer mains and laterals for the South Side Sanitary Sewer District No. 2. There is an existing sanitary sewer main that runs through the Parcel C development that will be re-routed through Bannock Street. Since the sanitary sewer will be located within public right-of-way, any existing easements for the sanitary main are no longer necessary.

For Record Document 2014046017, Access Easement No. 2 is being requested to be fully relinquished, with Access Easement No. 1 being maintained. Access Easement No. 2 currently provides emergency access through vacated South Bannock Street. As part of the re-development, Bannock Street will be dedicated as public right-of-way, making an emergency access easement no longer necessary.

Refer to the included original record documents and prepared legal descriptions and exhibits showing the locations of the easements to be relinquished.

If additional information is required to further clarify the intent of the project, please contact me at the number below.

Sincerely,

Tracy Scurlock, PE  
Professional Engineer  
720.544.5479

*Attachments:*

Legal Descriptions for BK1077 PG429 and 2014046017

Exhibits for BK1077 PG429 and 2014046017

Site Plan

Original Record Documents for BK1077 PG427 and 2014046017

G:\SCHLAGETER\15.0575-Denver Design District-Master Plan Refresh-Development Strategy\DOCS\Kmart Parcel Docs\Parcel C\Easement Relinquishment\Easement Relinquishment Letter-4-7-12.docx

BROADWAY PARK  
EASEMENT RELINQUISHMENT

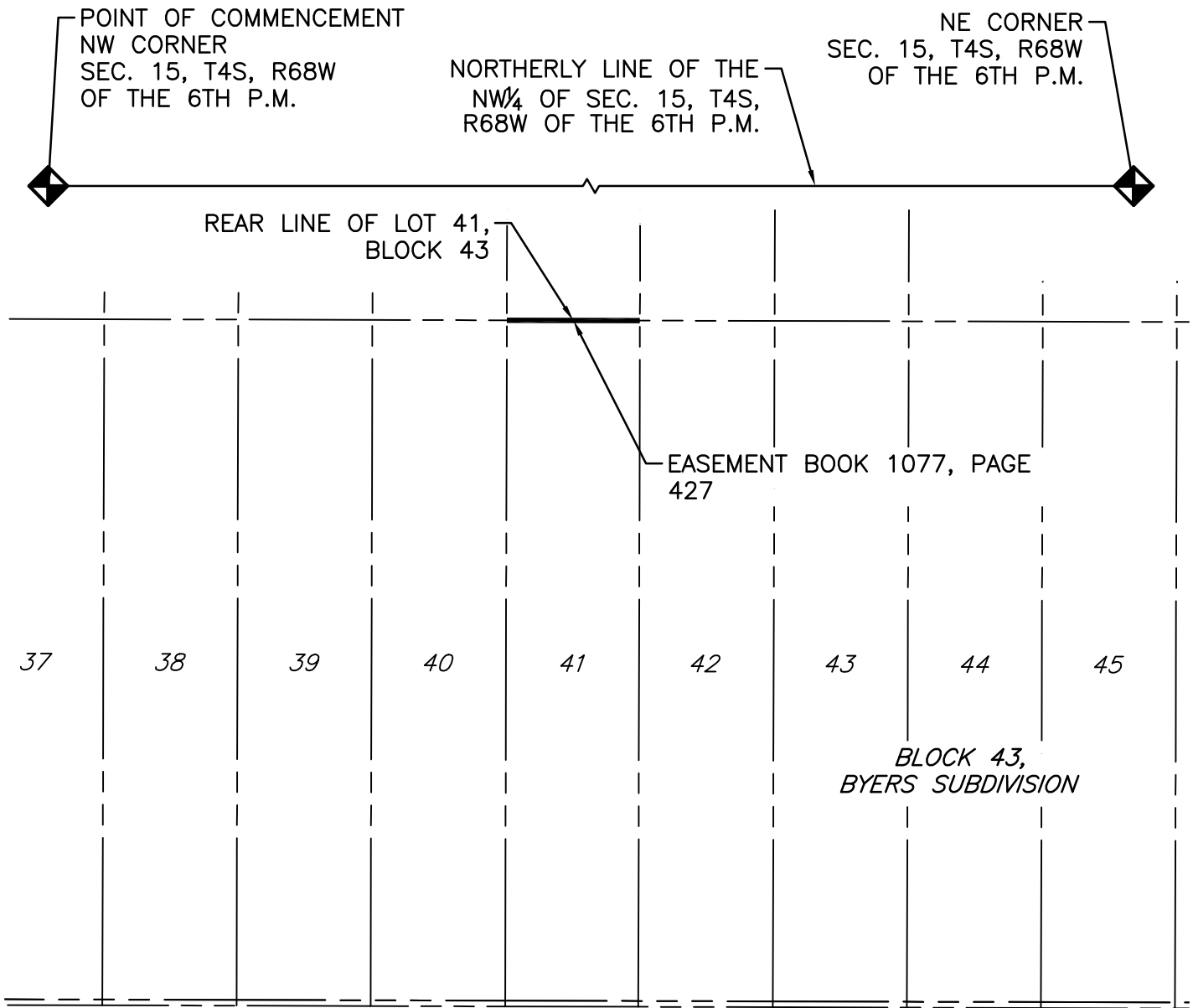
LAND DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING THE REAR LINE OF LOT 41, BLOCK 43, BYER'S SUBDIVISION AS RECORDED IN BOOK 1077 AT PAGE 427.

PREPARED BY JAKE TIHANSKY  
REVIEWED BY SCOTT A. AREHART, PLS  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVENUE  
LAKEWOOD, COLORADO 80215  
303-431-6100  
OCTOBER 02, 2019

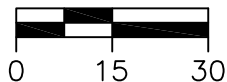
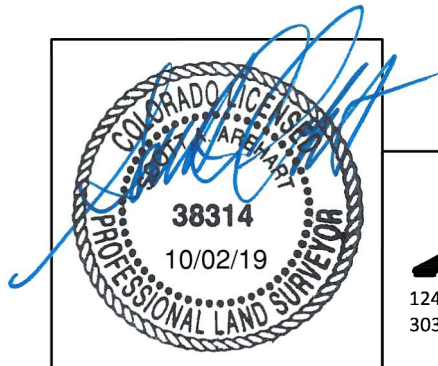


EASEMENT RELINQUISHMENT EXHIBIT  
EASEMENT BOOK 1077, PAGE 427



**WEST DAKOTA AVENUE**  
(CITY AND COUNTY OF DENVER)

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



SCALE: 1"=30'  
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET

OCTOBER 02, 2019

**MARTIN/MARTIN**  
CONSULTING ENGINEERS

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

BROADWAY PARK  
EASEMENT RELINQUISHMENT

LAND DESCRIPTION

A PARCEL OF LAND BEING AN ACCESS EASEMENT RECORDED AT RECEPTION NO. 2014046017, LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A PART OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2005004412, RECORDED ON JANUARY 07, 2005 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15 (A FOUND STONE WITH CROSS IN RANGE BOX), WHENCE THE WEST QUARTER CORNER OF SAID SECTION 15 (A 3 1/4"ALUMINUM CAP STAMPED "CHICHESTER LAND CORNER T4S R67W SL6 SIS 1987 RLS 7735") BEARS S00°38'52"E, A DISTANCE OF 2641.10 FEET (BASIS OF BEARING - ASSUMED);

THENCE S88°36'19"E A DISTANCE OF 1903.36 FEET TO THE NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2005004412, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF ALAMEDA AVENUE AND THE POINT OF BEGINNING;

THENCE S89°59'35"E, COINCIDENT WITH SAID NORTHERLY LINE, A DISTANCE OF 46.61 FEET;  
THENCE S00°02'48"E A DISTANCE OF 571.66 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF A PUBLIC RIGHT-OF-WAY AS DESCRIBED IN RECEPTION NO. 2013157909, RECORDED OCTOBER 30, 2013 IN SAID CLERK AND RECORDER'S OFFICE;  
THENCE N89°58'01"W, COINCIDENT WITH SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET;  
THENCE N00°02'48"W A DISTANCE OF 332.25 FEET;  
THENCE N01°42'25"W A DISTANCE OF 33.10 FEET;  
THENCE N07°38'32"W A DISTANCE OF 117.87 FEET;  
THENCE N00°05'46"W A DISTANCE OF 89.49 FEET TO THE POINT OF BEGINNING.

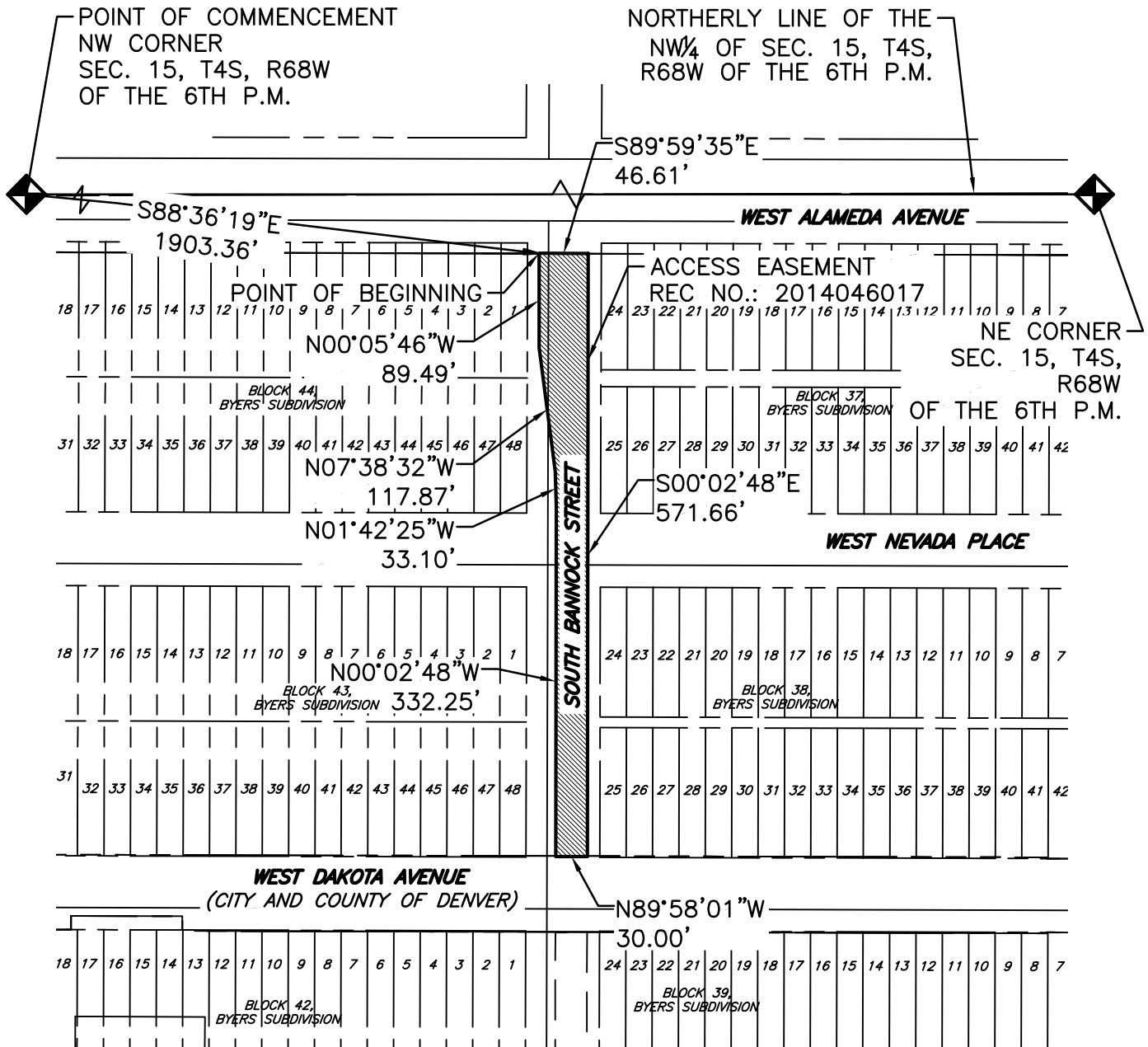
SAID PARCEL CONTAINS 0.452 ACRES OR 19,671 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE U.S. SURVEY FEET.

PREPARED BY JAKE TIHANSKY  
REVIEWED BY SCOTT A. AREHART, PLS  
FOR AND ON BEHALF OF  
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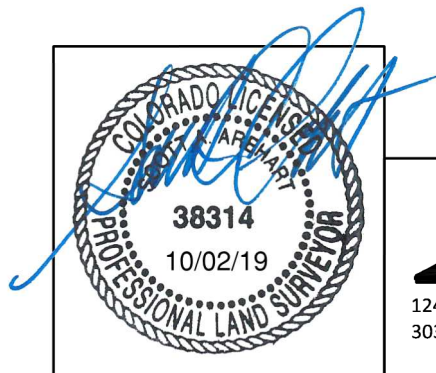


EASEMENT RELINQUISHMENT EXHIBIT  
ACCESS EASEMENT  
REC. NO. 2014046017



EASEMENT 2014046017 CONTAINS 19,704 SQ.FT±

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



0 75 150  
SCALE: 1"=150'  
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET

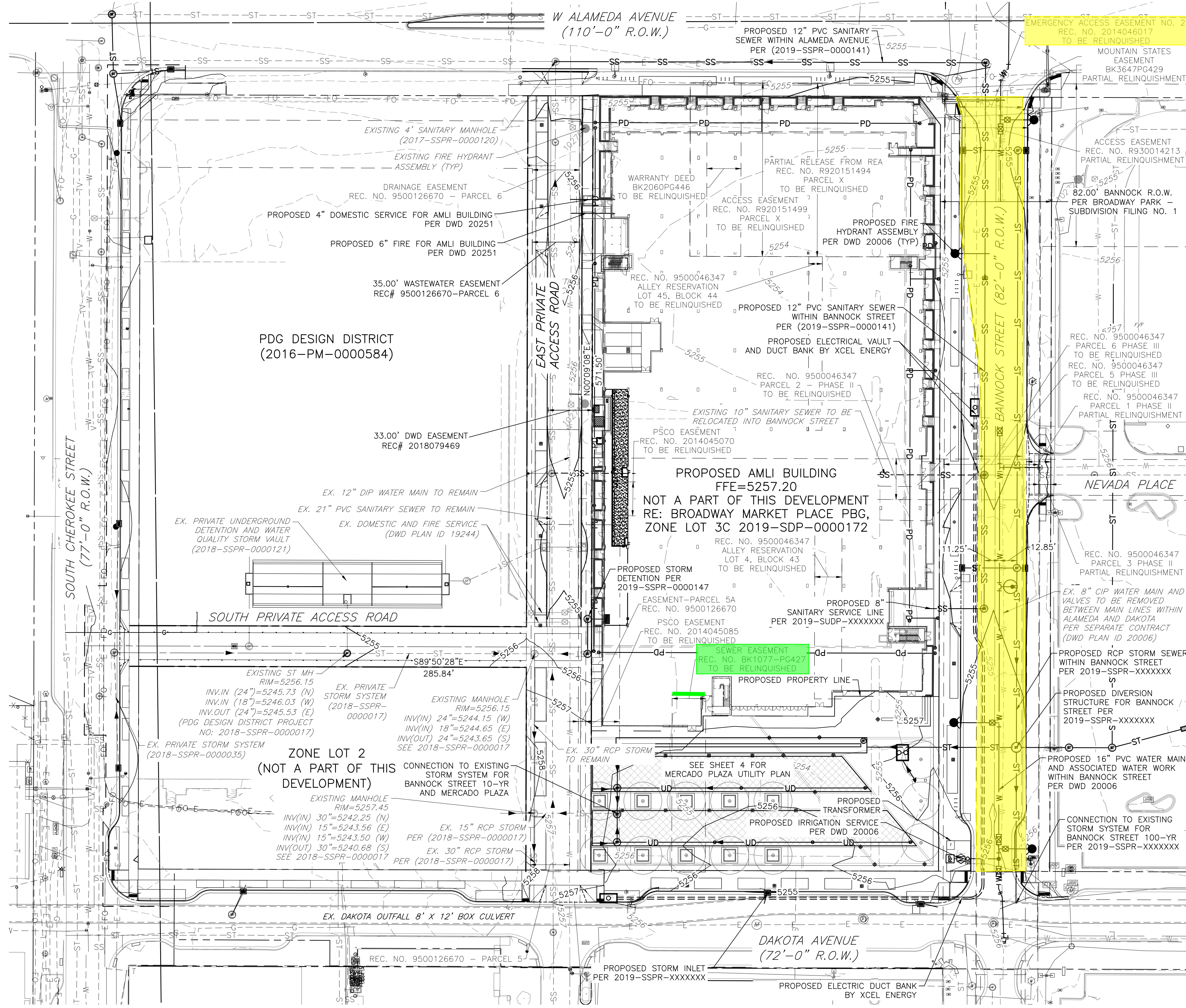
OCTOBER 02, 2019

**MARTIN/MARTIN**  
CONSULTING ENGINEERS

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

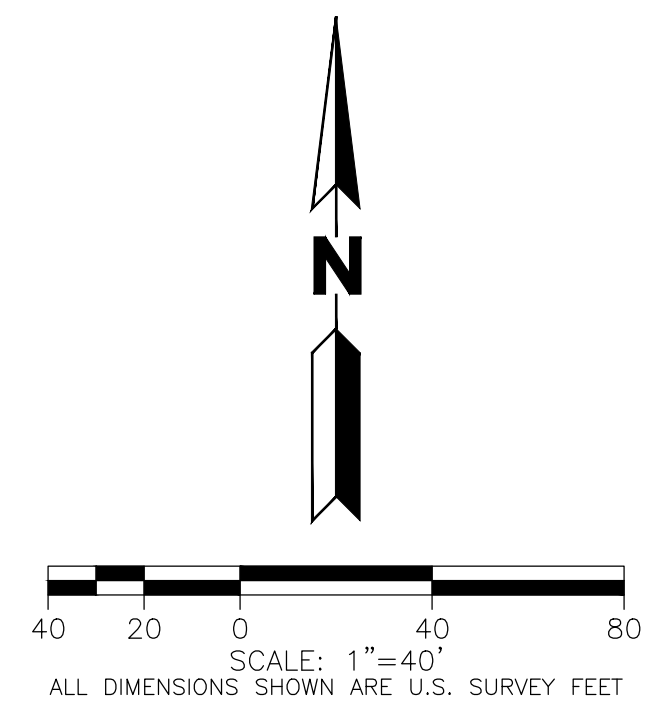


PLOT DATE: Tuesday, September 24, 2019 9:58 AM LAST SAVED BY: TSCURLOCK  
 DRAWING LOCATION: G:\SCHLAGETER\15.0575-Denver Design District-Master Plan Refresh-Development Strategy\PLANS\PARCEL C\MERCADO SDP\UTILITY PLAN.dwg



**NOTES:**

- SEE SHEETS 1 AND 2 FOR ADDITIONAL NOTES, LEGEND AND ABBREVIATIONS.
- THE PROPOSED MERCADO PLAZA WILL UTILIZE PERMEABLE PAVEMENT AREAS FOR WATER QUALITY AND 10-YEAR DETENTION. THE WATER QUALITY AND 10-YEAR DETENTION STRUCTURES FOR BANNOCK STREET ARE LOCATED WITHIN THE PLAZA AREA AND ARE DETAILED AS PART OF THIS PLAN SET.
- THE PROPOSED AMLI BUILDING TO THE NORTH TO BE CONSTRUCTED PER CCD PROJECT NO. 2018-PM-000648/2019-SDP-0000172/2019-SSPR-0000147.
- THE PRIVATE ACCESS ROAD TO THE WEST WAS APPROVED IN BROADWAY MARKET PLACE ZONE LOT 3 PBG, CCD PROJECT NO. 2018PM000248/2018SDP0000142. SAID PRIVATE ACCESS ROAD IS INCLUDED AS PART OF THE BROADWAY PARK-MERCADO PLAZA SITE DEVELOPMENT PLAN, 2019-SDP-0000182.
- THE BANNOCK STREET AND DAKOTA AVENUE ROADWAY, STREETSCAPE, AND UTILITY IMPROVEMENTS TO BE CONSTRUCTED PER CCD PROJECT NO. 2019TRAN000137/2019SSPRXXXXXX.
- BANNOCK STREET 16" WATER MAIN IMPROVEMENTS TO BE CONSTRUCTED PER DENVER WATER PLAN ID#20006.



CALL **811** 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR MARKING OF UNDERGROUND MEMBER UTILITIES

MARTIN/MARTIN ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM (PROVIDED) ASCE (38) UTILITY QUALITY LEVEL D (Q<sub>6</sub>) AVAILABLE INFORMATION. IT IS, HOWEVER, THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE SIZE, MATERIAL, HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES (DEPICTED OR NOT DEPICTED) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

CITY AND COUNTY OF DENVER Department of Public Works Development Engineering Services			
DES PROJECT NO. 2018-PM-648/ 2019-SSPR-XXXXXX			
PROJECT NAME: BROADWAY PARK - MERCADO PLAZA ON-SITE PRIVATE STORM SEWER SSPR			
DESIGNED BY: TFS	DATE: 09/11/19	DATE ISSUED: 09/11/19	DRAWING NO. 3
DRAWN BY: AEL	DATE: 09/11/19	SHEET 3 OF 11 SHEETS	
CHECKED BY: DCW	DATE: 09/11/19		

**BASIS OF BEARINGS:**  
 BEARINGS ARE BASED ON THE NORTH LINE OF PARCEL ONE(A) BEARING S89°59'35"E AS REFERENCED AND BOUNDED BY THE MONUMENTS SHOWN HEREON.

**BENCHMARK:**  
 CITY AND COUNTY OF DENVER BM#35A - 2" DIAMETER BRASS CAP AT THE TOP BACK OF CURB AT THE NORTHEAST CORNER OF ALAMEDA AVENUE AND BROADWAY.

ELEVATION: 5260.26 FEET (NAVD 1988 DATUM)

**MERCADO PLAZA  
ON-SITE PRIVATE STORM  
SEWER SSPR  
OVERALL UTILITY PLAN**

No.	Issue / Revision	Submittal #1	Date	Name
1	SSPR (STORM)		09/11/19	TFS

Job Number	15.0575
Project Manager	D. WEBER
Design By	T. SCURLOCK
Drawn By	T. SCURLOCK
Principal In Charge	M. SCHLAGETER

Sheet Number:

**3**

NOT FOR CONSTRUCTION



a. D 1895

(Notarial seal)

A. A. Perkins  
Notary Public

Right of Way  
Mary M. Evans  
to

The City of Denver  
Filed for record at 2<sup>40</sup>  
o'clock P.M.

Dec. 3, 1895

R. E. Bert

Recorder

This Indenture made this 30<sup>th</sup> day of October  
A. D 1895 by and between Mary M. Evans of the first part  
and the City of Denver of the second part Witnesseth.

Whereas the party of the first part is the owner of the  
land hereinafter described the same being included in  
South Side Sanitary Sewer District No 2 of the City of  
Denver and

Whereas the party of the second part is constructing  
or is about to construct a sewer in and for said district  
in accordance with certain plans and specifications

prepared by the Board of Public Works of said City including certain mains  
and laterals to be constructed in the streets and alleys hereinafter designated  
said streets and alleys being the property of the party of the first part and

Whereas the construction of said sewer would be of mutual benefit to  
both parties aforesaid

Now therefore know all men by these presents that the party of the  
first part in consideration of one dollar paid by the party of the second  
part the receipt whereof is hereby acknowledged doth hereby release and  
convey to the party of the second part a right of way for the construction  
of said mains and laterals strictly in accordance with said plans and  
specifications now exhibited to the party of the first part across the following  
lands in the County of Arapahoe and State of Colorado to wit: along the  
rear line of lot forty one (41) Block forty three (43) in Byers Subdivision

Witness the hand and seal of the party of the first part on the day and  
year aforesaid.

Mary M. Evans (Handwritten seal)

State of New York }  
County of Tioga }

Before me the undersigned a Notary Public in  
and for said County and State personally appeared  
this day Mary M. Evans personally known to me to be the same person  
who is described in and who subscribed the foregoing instrument of  
writing and acknowledged the same as her act and deed

My Commission expires on the 30<sup>th</sup> day of March A. D. 1897.

Witness my hand and Notarial seal this 30<sup>th</sup> day of October A. D. 1895

(Notarial seal)

Stephen S. Wallis  
Notary Public

and for said District  
known to me to be  
the foregoing instru-  
ment and deed.

a. D. 1897  
October A. D. 1895  
Notary Public

30<sup>th</sup> day of Oct. A. D.  
J. J. Zollars Trustee  
of the second

is the owner of  
me being included  
District No 2 of the City

part is constructing  
and for said district  
prepared by the Board  
and laterals to be

of said streets and  
mutual benefit to

at the party of the  
of the second part  
and convey to the

of said mains and  
specifications now ex-  
hibits in the County  
lines of lots thirteen  
Block six (6) and

at part on the

(Scroll seal)  
(Printed seal)

Notary Public in and  
appeared this day  
is the same person  
instrument of writing

25<sup>th</sup> day of Oct

**WHEN RECORDED MAIL TO:**  
City and County of Denver  
Division of Real Estate  
201 W. Colfax Ave., Dept. 1010  
Denver, CO 80202



2014046017  
Page: 1 of 7  
D \$0.00

**SPACE ABOVE THIS LINE IS FOR RECORDER'S USE**

## **EMERGENCY ACCESS PERMANENT EASEMENT**

**(Alameda Station Village/Virginia/Alaska Place)**

THIS PERMANENT EASEMENT ("Easement") is granted this 21<sup>st</sup> day of April, 2014 (the "Effective Date") by for WJF Property, LLC, Sunset Coast Property, LLC, BMP Property, LLC, and JFW Property, LLC, each a Delaware limited liability company, whose address is 595 S. Broadway, Suite 200, Denver, CO 80202, ("Grantor") to the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado ("Grantee" or the "City"), whose address is 1437 Bannock Street, Denver, Colorado 80202.

For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby sell, convey, transfer, and deliver to the Grantee and its successors and assigns a permanent non-exclusive easement to have and to hold the perpetual right to enter upon, over, across, and through the lands located in the City and County of Denver and described in Exhibit A, attached hereto and incorporated herein ("Property") for emergency access purposes.

The Grantor hereby covenants that it is lawfully seized and possessed of the Property, and that it has good and lawful right to grant this Easement in the Property. Grantor further hereby covenants and agrees that no building, structure, or other above or below ground facility or encumbrance may be placed, erected, installed, or permitted upon the Property without the prior written consent of the City's Manager of Public Works. In the event any term of this Easement is violated, upon receipt of written notice from the City's Manager of Public Works, the Grantor shall immediately correct the violation(s) to the City's satisfaction. Notwithstanding the preceding sentence, the City may elect to correct or eliminate any violation itself at the Grantor's sole expense. The Grantor shall promptly reimburse the City for any costs or expenses the City incurs in enforcing the terms of this Easement.

Grantor further agrees that all laws, ordinances, and regulations pertaining to streets, sidewalks, and public places apply to the Property such that the public use of the Improvements and the Property is consistent with the use and enjoyment of the adjacent dedicated public right-of-way.



For the purpose of this Easement, the Grantor further grants to the Grantee the right of ingress to and egress over and across adjacent lands owned by the Grantor by the route or routes that will result in the least practical damage and inconvenience to the Grantor.

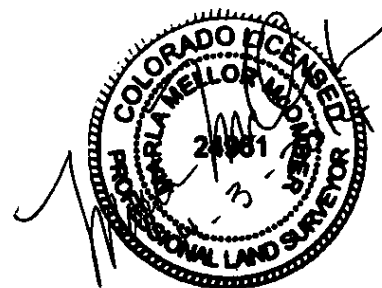
Every term and covenant of this Easement is subject to and is to be construed in accordance with the provisions of Colorado law, any applicable State or federal law, the Charter of the City and County of Denver and the ordinances, regulations, and Executive Orders enacted or promulgated pursuant thereto. These applicable laws, as the same may be amended from time to time, are hereby incorporated into this Easement as if fully set out herein by this reference. Venue for any action arising under the Easement is in the Denver District Court in the City and County of Denver, Colorado.

The provisions of the Easement inure to the benefit of and bind the successors and assigns of the respective parties hereto. All covenants in this Easement apply to and run with the land.

**[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]**



**EXHIBIT "A"**  
**EASEMENT DESCRIPTION**  
**JANUARY 21, 2014**  
**PAGE 1 OF 2**



**ACCESS EASEMENT NO.1:**

A parcel of land lying in the Northwest Quarter of Section 15, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being a part of a parcel of land described in Reception No. 2005004412, recorded on January 07, 2005 in the City and County of Denver Clerk and Recorder's Office, being more particularly described as follows:

**COMMENCING** at the Northwest Corner of said Section 15 (a found Stone with Cross in Range Box), **WHENCE** the West Quarter Corner of said Section 15 (a 3 1/4" Aluminum Cap stamped "CHICHESTER LAND CORNER T4S R67W S16 S15 1987 RLS 7735") bears S00°38'52"E, a distance of 2641.10 feet (Basis of Bearing - assumed);

**THENCE** S70°13'53"E a distance of 2040.01 feet to the southerly Right-of-Way line of a public Right-of-Way described in Reception No. 2013157909, recorded October 30, 2013 in said Clerk and Recorder's Office and the **POINT OF BEGINNING**;

**THENCE** S89°58'01"E, coincident with said southerly Right-of-Way, a distance of 30.00 feet;

**THENCE** S00°00'07"W a distance of 631.43 feet;

**THENCE** N89°59'34"W a distance of 353.94 feet;

**THENCE** S88°22'50"W a distance of 33.69 feet;

**THENCE** S89°43'37"W a distance of 55.79 feet to a westerly line of said parcel of land described in Reception No. 2005004412;

**THENCE** coincident with said westerly line and a southerly line of said parcel of land the following two courses:

1. N01°32'12"W a distance of 8.00 feet;
2. S89°43'37"W a distance of 139.90 feet to the most easterly line of a parcel of land described in Reception No. 9400145167, recorded on September 21, 1994 in said Clerk and Recorder's Office;

**THENCE** N00°09'34"W, coincident with said most easterly line, a distance of 24.89 feet;

**THENCE** N89°43'37"E a distance of 195.28 feet;

**THENCE** S00°16'23"E a distance of 2.89 feet;

**THENCE** N88°22'50"E a distance of 33.94 feet;

**THENCE** S89°59'34"E, tangent with the following described curve, a distance of 299.36 feet;

**THENCE** along the arc of a curve to the left, having a central angle of 90°00'19", a radius of 25.00 feet, a chord bearing of N45°00'17"E a distance of 35.36 feet, and an arc distance of 39.27 feet;

**THENCE** N00°00'07"E tangent with the last described curve a distance of 576.44 feet to the **POINT OF BEGINNING**.

Containing 35,127 square feet, (0.806 Acres), more or less.

**ACCESS EASEMENT NO.2:**

A parcel of land lying in the Northwest Quarter of Section 15, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being a part of a parcel of land described in Reception No. 2005004412, recorded on January 07, 2005 in the City and County of Denver Clerk and Recorder's Office, being more particularly described as follows:




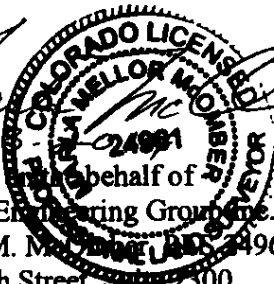
**EXHIBIT "A"**  
**EASEMENT DESCRIPTION (CONTINUED)**  
**JANUARY 21, 2014**  
**PAGE 2 OF 2**

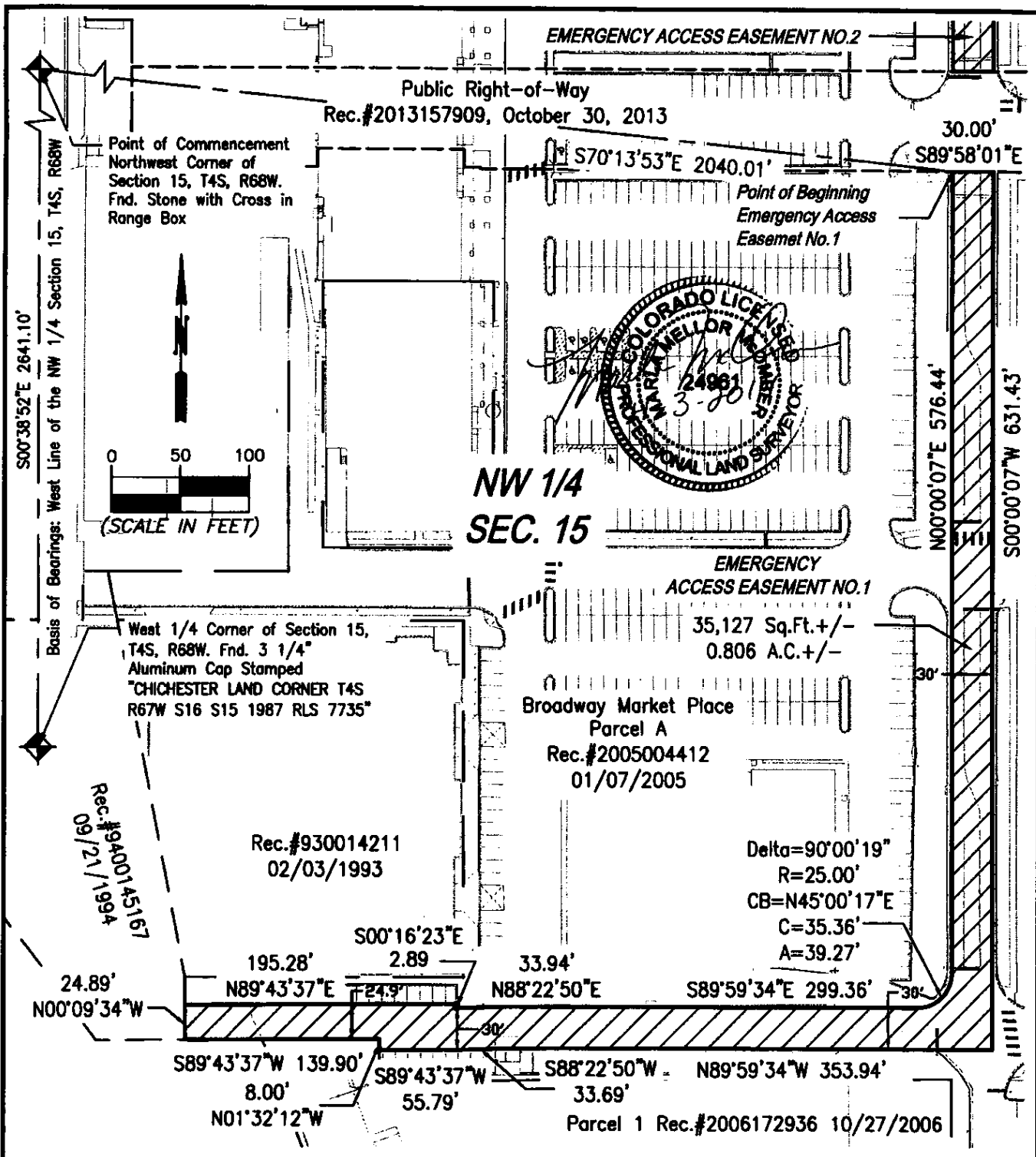
**COMMENCING** at the Northwest Corner of said Section 15 (a found Stone with Cross in Range Box), **WHENCE** the West Quarter Corner of said Section 15 (a 3 1/4" Aluminum Cap stamped "CHICHESTER LAND CORNER T4S R67W S16 S15 1987 RLS 7735") bears S00°38'52"E, a distance of 2641.10 feet (Basis of Bearing - assumed); **THENCE** S88°36'19"E a distance of 1903.36 feet to the northerly line of said parcel of land described in Reception No. 2005004412, also being the southerly Right-of-Way line of Alameda Avenue and the **POINT OF BEGINNING**;

**THENCE** S89°59'35"E, coincident with said northerly line, a distance of 46.61 feet;  
**THENCE** S00°02'48"E a distance of 571.66 feet to the northerly Right-of-Way line of a public Right-of-Way as described in Reception No. 2013157909, recorded October 30, 2013 in said Clerk and Recorder's Office;  
**THENCE** N89°58'01"W, coincident with said northerly Right-of-Way line, a distance of 30.00 feet;  
**THENCE** N00°02'48"W a distance of 332.25 feet;  
**THENCE** N01°42'25"W a distance of 33.10 feet;  
**THENCE** N07°38'32"W a distance of 117.87 feet;  
**THENCE** N00°05'46"W a distance of 89.49 feet to the **POINT OF BEGINNING**.

Containing 19,670 square feet, (0.452 Acres), more or less.

  
4-  
For and on behalf of  
Jacobs Engineering Group, Inc.  
Marla M. McLaughlin, J.D. #4961  
707 17th Street, Suite 2300  
Denver, CO 80202

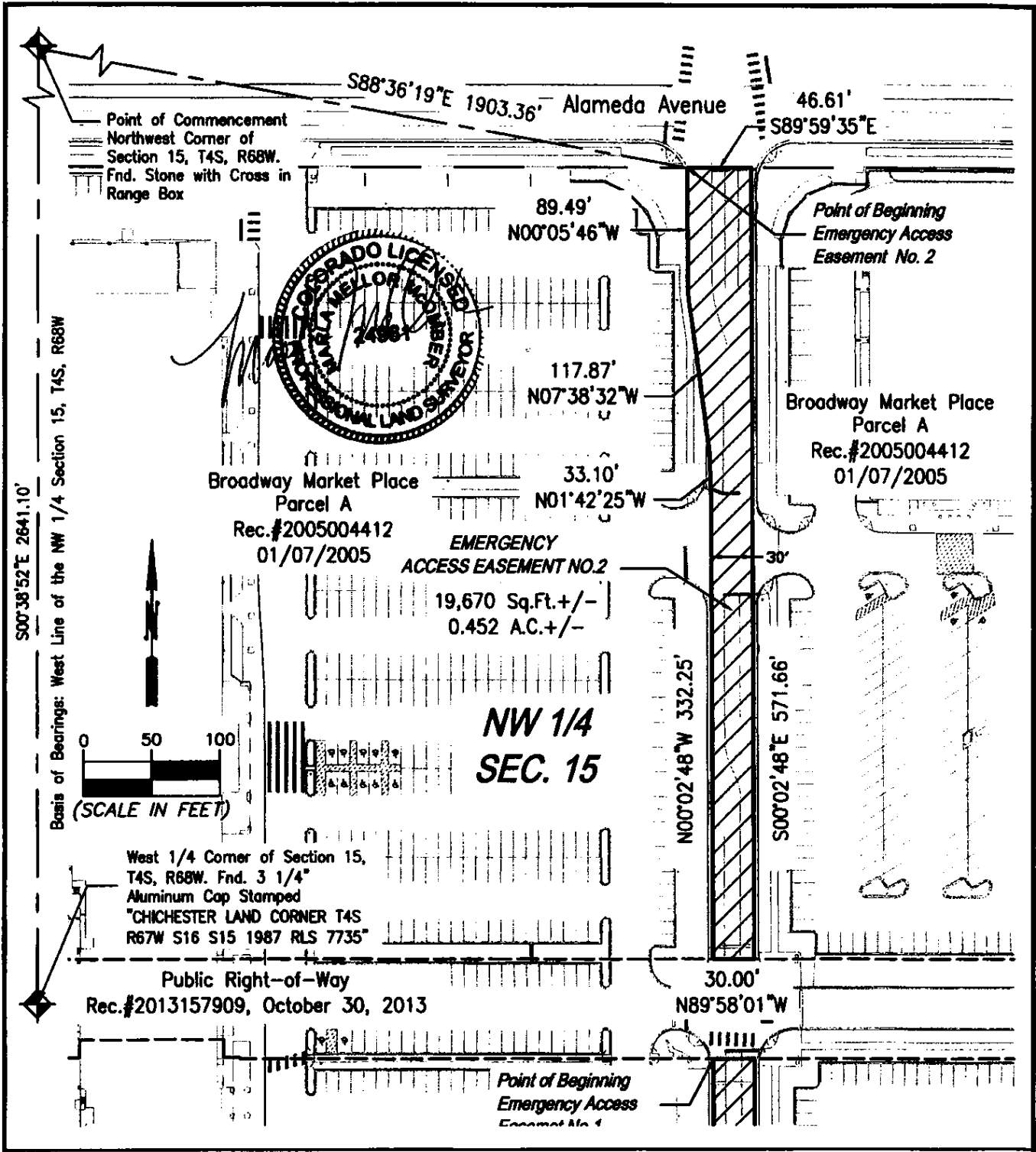




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JACOBS PROJECT NO.		072120	
CLIENT PROJECT NO.			
REVISION DESCRIPTION			
DRAWN	DRH	DATE 1/21/2014	SCALE 1" = 100'
<b>JACOBS</b>			
707 17th Street, Suite 2400, Denver CO 80202 <small>(303) 888-8800 Fax (303) 888-8800</small>			
THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY JACOBS FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF JACOBS SHALL BE AT THE SOLE RISK OF THE USER.			

<b>Broadway Market Place</b> NW 1/4 Section 15 Township 4 South, Range 68 West		
TITLE:		
Exhibit "B" <b>Emergency Access Easement No.1</b>		
REVISION:	DRAWING NO.	SHEET NO.
		1 of 2



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JACOBS PROJECT NO.		072120	
CLIENT PROJECT NO.			
REVISION DESCRIPTION			
DRAWN	DRN	DATE 1/21/2014	SCALE 1" = 100'
<b>JACOBS</b>			
707 17th Street, Suite 2400, Denver CO 80202 (303) 880-2200 Fax: (303) 880-2202			
THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY JACOBS FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF JACOBS SHALL BE AT THE SOLE RISK OF THE USER.			

<b>Broadway Marketplace</b>		
NW 1/4 Section 15		
Township 4 South, Range 68 West		
TITLE:		
<b>Exhibit "C"</b>		
<b>Emergency Access Easement No.2</b>		
REVISION:	DRAWING NO.	SHEET NO.
		2 of 2