




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: Ted Christianson
Director, Public Works Right of Way Services 

PROJECT NO: 2017-RELINQ-0000008

DATE: May 8, 2017

SUBJECT: Request for an Ordinance to relinquish **a portion of the easement reserved in Vacating Ordinance No. 137, Series of 1948 located adjacent to 255 S. Cherokee Street.**

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 April 3, 2017 on behalf of Tim McEntee of Wood 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 2017-RELINQ-0000008-001 HERE

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

TC: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

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: May 8, 2017

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 a portion of the easement reserved in Vacating Ordinance No. 137, Series of 1948 located adjacent to 255 S. Cherokee Street.

3. **Requesting Agency:** PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Brittany Pirtle
- **Phone:** (720) 865-3129
- **Email:** Brittany.pirtle.@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 a portion of the easement reserved in Vacating Ordinance No. 137, Series of 1948 located adjacent to 255 S. Cherokee Street.

****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:** 255 S. Cherokee Street
- d. **Affected Council District:** Dist # 7, Jolon Clark
- 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: 2017-RELINQ-0000008 Alta SOBO Station at 255 S Cherokee St

Owner name: The City and County of Denver

Description of Proposed Project: Request for an Ordinance to relinquish a portion of the easement reserved in Vacating Ordinance No. 137, Series of 1948 located adjacent to 255 S. Cherokee Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The customer would like to use the land for a multi-family residential redevelopment.

Background: This relinquishment request it to completely relinquish the easement that was obtained in the vacating Ordinance No. 137, series of 1948. This portion of the original easement was erroneously omitted from the easement relinquishment request (Ordinance No. 1200, Series of 2016) which relinquished the two other portions of the original easement.

Location Map:



EXHIBIT A
"EASEMENT AREA"
SHEET 1 OF 2
LAND DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE UNNAMED STREET ADJOINING WEST BYERS PLACE AS VACATED BY ORDINANCE NO. 137 SERIES OF 1948, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 51, FIRST ADDITION TO THE BYERS' SUBDIVISION;
THENCE SOUTH 00°01'31" EAST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID BLOCK 51, A DISTANCE OF 30.00 FEET;
THENCE SOUTH 89°58'57" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE PARCEL VACATED BY ORDINANCE NO. 329, SERIES OF 2008 RECORDED AT RECEPTION NO. 2008089175;
THENCE NORTH 00°01'03" WEST ALONG SAID WEST LINE EXTENDED, A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF SAID VACATED PARCEL;
THENCE NORTH 89°58'57" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 900 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF BLOCK 51, FIRST ADDITION TO BYERS' SUBDIVISION, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ASSUMED TO BEAR SOUTH 00°01'03" EAST.

PREPARED BY: AARON MURPHY, PLS 38162
ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300

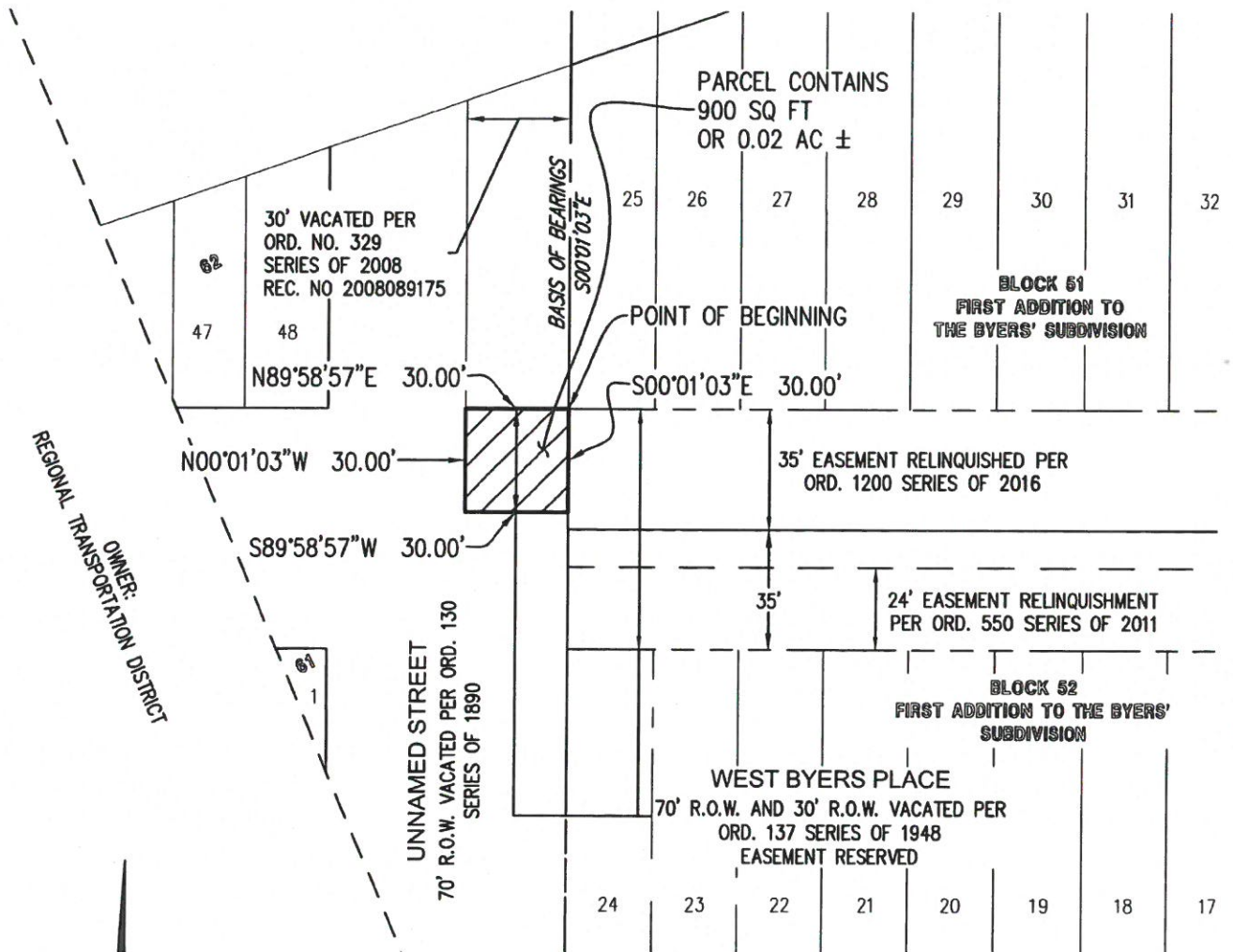


EXHIBIT A

"EASEMENT AREA"

SHEET 2 OF 2

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



REGIONAL TRANSPORTATION DISTRICT
OWNER

UNNAMED STREET
70' R.O.W. VACATED PER ORD. 130
SERIES OF 1890

PARCEL CONTAINS
900 SQ FT
OR 0.02 AC ±

BLOCK 51
FIRST ADDITION TO
THE BYERS' SUBDIVISION

BLOCK 52
FIRST ADDITION TO THE BYERS'
SUBDIVISION

WEST BYERS PLACE
70' R.O.W. AND 30' R.O.W. VACATED PER
ORD. 137 SERIES OF 1948
EASEMENT RESERVED



SCALE: 1" = 50'

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

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

ISSUE DATE: 3-27-2017		PROJECT #: 140104	
DATE	REVISION COMMENTS		

EXHIBIT

UNNAMED STREET
EASEMENT RELINQUISHMENT

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: TWG
SHEET NO 2
2 OF 2

563615

BY AUTHORITY

ORDINANCE NO. 137

SERIES OF 1948

COUNCILMAN'S BILL NO. 170

INTRODUCED BY COUNCILMAN

McWILLIAMS

A B I L L

FOR AN ORDINANCE VACATING WEST BYERS PLACE INTERJACENT TO BLOCKS 51 AND 52, FIRST ADDITION TO THE BYERS SUBDIVISION; AND A PORTION OF SAID WEST BYERS PLACE, IF PRODUCED, LYING WEST OF THE WEST LINES OF SAID BLOCKS, IN THE CITY AND COUNTY OF DENVER.

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

WHEREAS, T. P. CAMPBELL, 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

West Byers Place interjacent to Blocks 51 and 52, First Addition to The Byers Subdivision; also,

That portion of said West Byers Place, if produced west, located within a normal distance of thirty (30) feet from the extended west and south lines of said Block 51, First Addition to The Byers Subdivision,

in the City and County of Denver, and State of Colorado, and said portions of West Byers Place are hereby vacated; reserving 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 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.

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, Colorado this 31st day of August A. D. 1948.

(Signed) T. P. Campbell
Manager

NOW, THEREFORE,

563815
CIRCS

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 the portions of West Byers Place described in the foregoing order of the Manager of Improvements and Parks, in the City and County of Denver, and State of Colorado, 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, water pipes, 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 ex-isting 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 protection and preservation of the public health, safety, convenience and welfare, and it is enacted for that purpose and shall be in full force and effect immediately after its passage and final publication.

Passed by the Council of the City and County of Denver, and signed by its President, this

20th day of September A.D. 1948

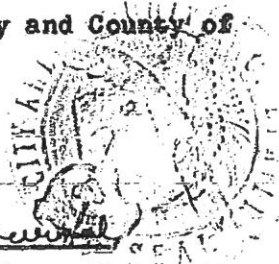
[Signature]
PRESIDENT

Signed and approved by me this

23rd day of September
A. D. 1948

[Signature]
MAYOR

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



[Signature]
CLERK AND RECORDER, EX-OFFICIO
CLERK OF THE CITY AND COUNTY
OF DENVER

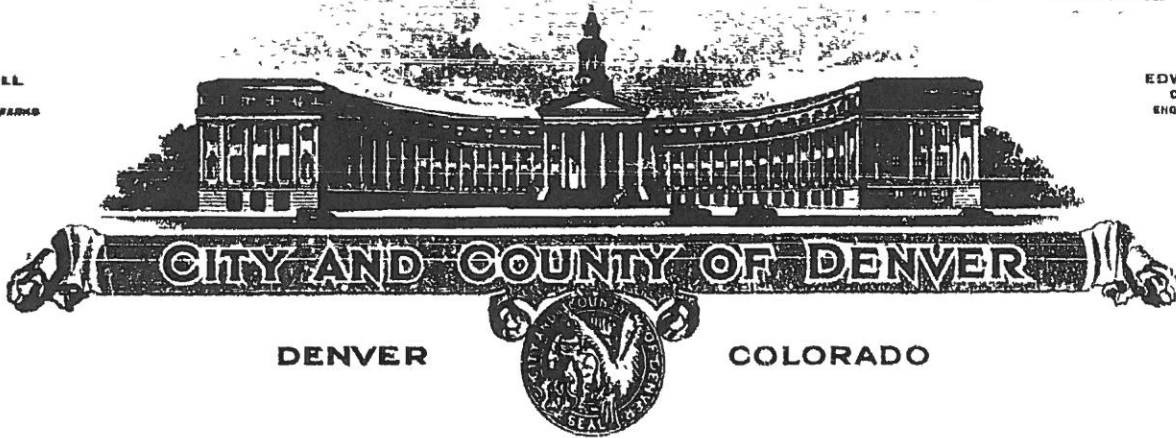
Published in The Daily Journal
First Publication September 18 1948
Last Publication September 25 1948

[Signature]
Deputy Clerk

Approved as to form only, J. GLENN DONALDSON,
Attorney at Law

T P CAMPBELL
MANAGER
IMPROVEMENTS AND PARKS

EDWARD A SMITH
CITY ENGINEER
ENGINEERING DIVISION



LETTER OF TRANSMITTAL

TO: GLENN DONALDSON
City Attorney

FROM: E. A. SMITH
City Engineer

SUBJECT: VACATION OF STREETS.

Ordinance vacating W. Byers Place between So.
Cherokee and Santa Fe Drive.

The Continental Can Company and the Western
Motor Corporation desire to vacate W. Byers
Place in order to expand their building construction
which is now in progress.

Request on file in the office of the City Engineer.

Approved by Mr. T. P. Campbell, Manager of Improvements
and Parks.

Approved by Councilman McWilliams

P.S. The consideration agreed upon by the parties involved
and Mr. Campbell for vacating the street in question
is \$1000.00. JGD.

City Council Copy

ORDER

563815

It is hereby found and determined that the public use, convenience and necessity no longer require

West Byers Place interjacent to Blocks 51 and 52, First Addition to The Byers Subdivision; also,

That portion of said West Byers Place, if produced west, located within a normal distance of thirty (30) feet from the extended west and south lines of said Block 51, First Addition to The Byers Subdivision,

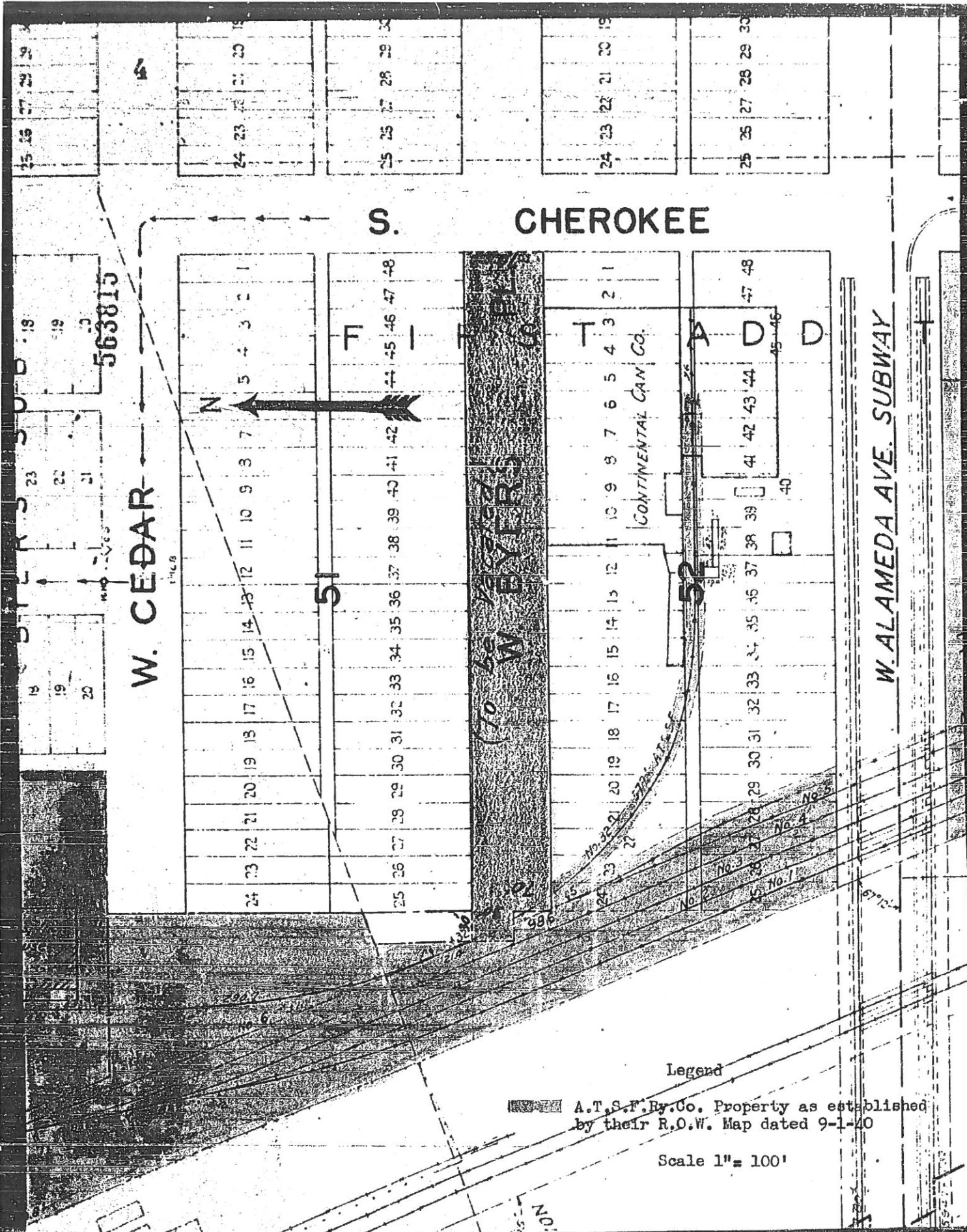
in the City and County, of Denver, and State of Colorado, and said portions of West Byers Place are hereby vacated; reserving to the City and County of Denver, at all times, the right to construct, maintain and remove sewers, water pipes, and appurtenances, and to authorize the construction, maintenance and removal of the same 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.

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, Colorado this 31st day of August A. D. 1948.

T. P. Campbell
Manager

O.K. Smith



S. CHEROKEE

W. CEDAR

W. ALAMEDA AVE. SUBWAY

W. BYERS

CONTINENTAL CAN. Co.

Legend

A.T.S.F. Ry. Co. Property as established by their R.O.W. Map dated 9-1-40

Scale 1" = 100'

24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48

24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48

Ordinance No. 137 Series 1948

Councilman's Bill No. 170

Introduced by Councilman

M^e Williams

ABILL

For

An Ordinance the adding
West Ryerson Place, with intent
to Redeem 51 and 52, that
Application to the Ryerson
Subdivision; and a
portion of Road West
Ryerson Place, of purchase,
beginning west of the west
line of said Ryerson
in the City and County of
Denver

Meeting Date of September 13, 1948
Read in full in the Board of Councilmen and
referred to the Committee on

Public Improvements

Meeting Date of September 13, 1948
Reported back by the Committee on

Public Improvements
Recommended that the bill be ordered published
and report adopted.

Published in The Daily Journal
this 18th day of September, A. D. 1948

Meeting Date of September 20, 1948
Read by title, placed upon its passage and
passed.

Presented to the Mayor and signed by him
this 23rd day of September, 1948

En'd as Ordinance No. 137, Series 1948

Published in The Daily Journal
this 25 day of Sept., A. D. 1948

563815

STATE OF COLORADO }
City and County of Denver } SS.

I hereby certify that this instrument is a true and correct copy of the original as recorded in my office on Sept. 19, 1948 at 5:19 o'clock P. M. and duly recorded in Book 0-1 Page 319

Mae Hynes

CLERK AND RECORDER

By Mary Q. Perry Deputy

FREE

CITY BUSINESS NO FEE