



REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Charlene Thompson, City Attorney's Office
FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

PROJECT NO: 2013-RELINQ-0012202

DATE: January 29, 2016

SUBJECT: Request to relinquish two easements at 2980 Huron St.
Ord 15-Series 1946, and Ord 339-Series 2001.

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

This office has investigated the request of Harris Kocher Smith, on behalf of the owner, 2980 Huron LLC.

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 areas:

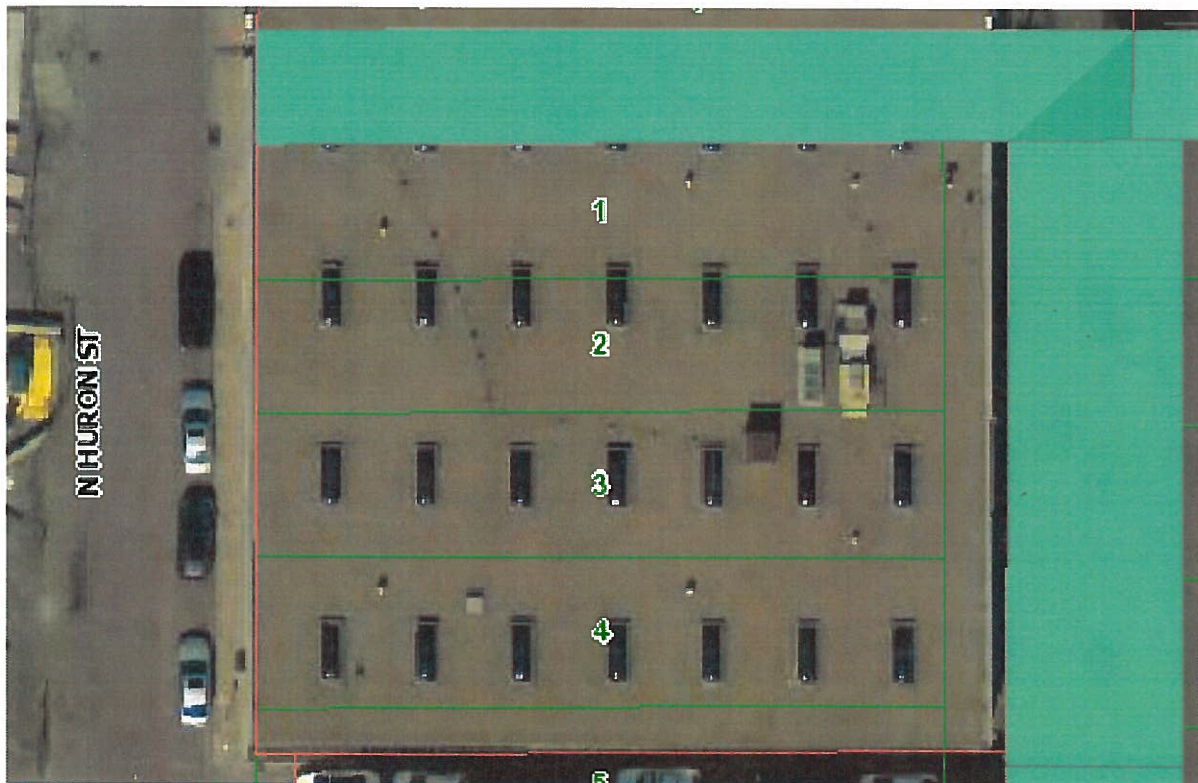
INSERT PARCEL DESCRIPTION 2013-RELINQ-0012202-001 HERE

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

RJD:cmc

Attachments

cc: City Councilperson & Aides (#9 – Albus Brooks)
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: January 29, 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 to relinquish two utility easements located at 2980 N Huron Street, dedicated by Ord. 15, Series of 1946, and Ord. 339, Series of 2001. (Submitted by Harris Kocher Smith on behalf of the owner.)

3. Requesting Agency: Public Works – Right of Way Services – Survey

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

- **Name:** Cindy Cooley
- **Phone:** 720-913-4527
- **Email:** Cindy.Cooley@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:

The utilities have been removed and are no longer used, leaving no need for the easements to remain. Clearing title is needed to move forward with redevelopment of the area.

****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:** 2980 Huron Street, Denver, CO 80202
- d. **Affected Council District:** #9 – Albus Brooks (Aides: Chy Montoya and Brandé Micheau)
- 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?)* No.

Please explain. None.

EXECUTIVE SUMMARY

**Project Title: 2013-RELINQ-0012202 – 2980 Huron Street
Easement Relinquishments**

Description of Proposed Project:

Request to relinquish two easements at 2980 Huron St., originally reserved in Ord 15 - Series 1946, and Ord 339 - Series 2001.

Background:

These two easements are located in portions of vacated roadways of Cactus Lane and Galapago Street. Utilities have been removed/relocated resulting in no need for the easements previously reserved to remain.

Redevelopment of the property into a condominium building is desired. Removal of the two easements are necessary for title purposes.

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

The easements are no longer applicable and need to be removed for title purposes.

Will an easement relinquishment be submitted at a later date: No.

Additional information:

None.

DESCRIPTION

**SITUATED IN THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF
COLORADO**

A PARCEL OF LAND BEING A PORTION OF CACTUS LANE VACATED BY ORDINANCE NO. 15, SERIES OF 1946, AND A PORTION OF GALAPAGO STREET VACATED BY ORDINANCE NO. 339, SERIES OF 2001 AND ORDINANCE NO. 439, SERIES OF 1969, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 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 NORTHWEST CORNER OF SAID VACATED CACTUS LANE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, HOYT AND ROBINSON'S ANNEX;
THENCE NORTH 89°43'50" EAST ALONG THE NORTH LINE OF SAID VACATED CACTUS LANE, A DISTANCE OF 142.52 FEET TO THE NORTH CORNER OF A TRIANGULAR PORTION OF GALAPAGO STREET DEDICATED BY BOOK 115 AT PAGE 405 AND BY BOOK 81 AT PAGE 649 AND VACATED BY ORDINANCE NO. 339 SERIES OF 2001;
THENCE SOUTH 00°18'26" EAST ALONG THE EAST LINE OF SAID TRIANGULAR PORTION, A DISTANCE OF 16.00 FEET;
THENCE SOUTH 89°43'50" WEST ALONG THE SOUTH LINE OF SAID TRIANGULAR PORTION, A DISTANCE OF 2.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 25.00 FEET OF VACATED GALAPAGO STREET;
THENCE SOUTH 00°19'38" EAST ALONG SAID EAST LINE, A DISTANCE OF 107.71 FEET;
THENCE SOUTH 89°43'50" WEST, A DISTANCE OF 25.00 FEET TO THE WEST LINE OF GALAPAGO STREET VACATED BY ORDINANCE NO. 439, SERIES OF 1969;
THENCE NORTH 00°19'38" WEST ALONG SAID WEST LINE, A DISTANCE OF 107.71 FEET TO A POINT ON THE SOUTH LINE OF SAID VACATED CACTUS LANE;
THENCE SOUTH 89°43'50" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 115.54 FEET TO A POINT ON THE EAST LINE OF HURON STREET;
THENCE NORTH 00°14'44" WEST ALONG SAID EAST LINE, A DISTANCE OF 16.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 4,973 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF CACTUS LANE, VACATED BY ORDINANCE NO. 15, SERIES OF 1946, ASSUMED TO BEAR NORTH 89°43'50" EAST.

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



FILED IN P:\V\2013\RELINQ\CACTUS GALAPAGO EXHIBIT.DWG LAYOUT: SHEET 1
 2:58PM 03/17/14 BY: AARON MURPHY
 FILED IN 16/25/13 10:50 AM BY: AARON MURPHY

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

ISSUE DATE: 3-17-14	
DATE	REVISION COMMENTS
10-28-15	REV CORR

2980 HURON STREET
 DENVER, CO 80202

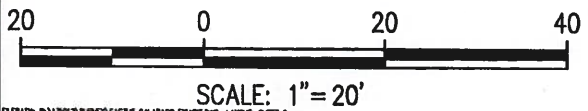
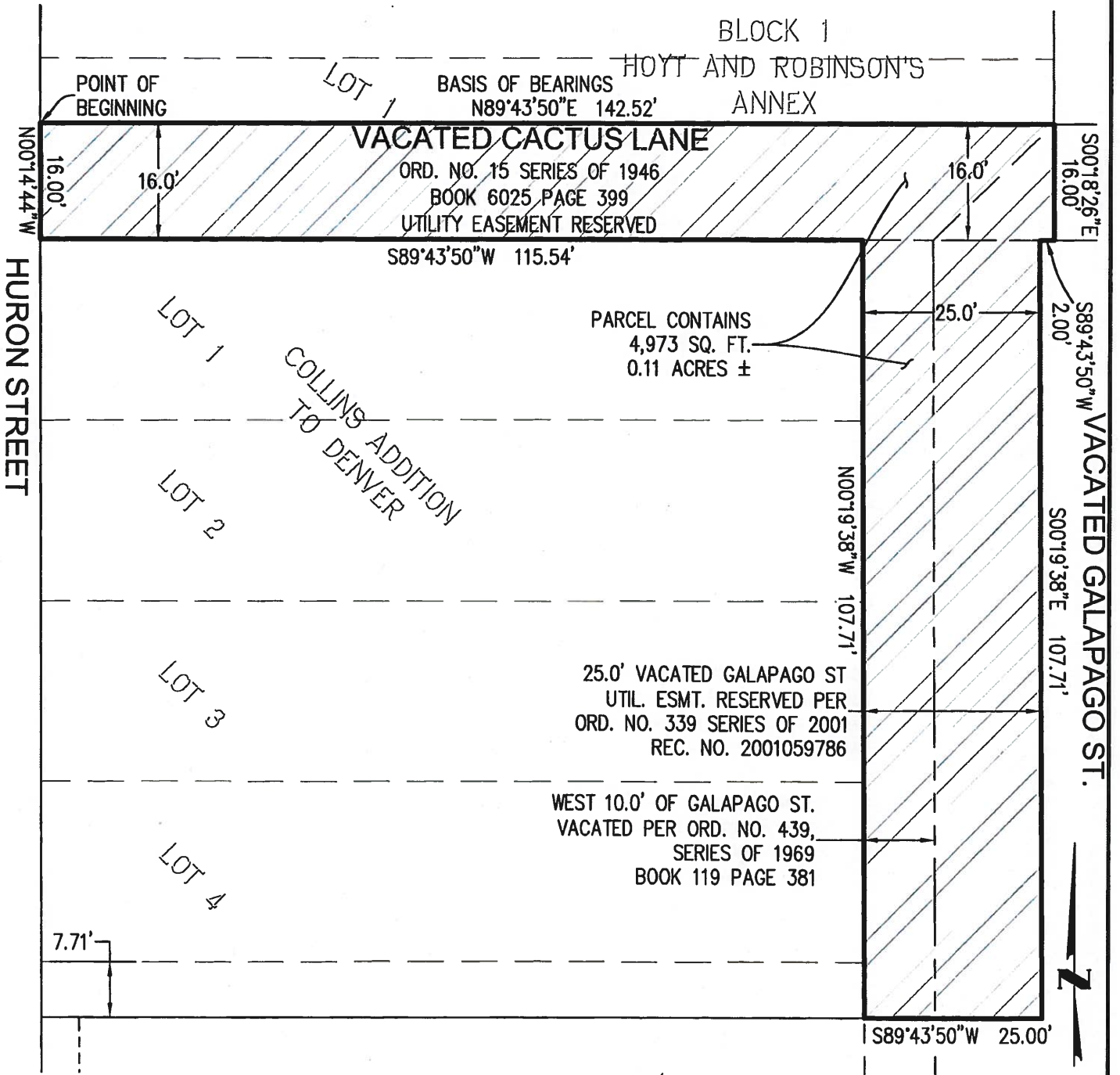
DESCRIPTION

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: KDW JOB NUM: 131012
SHEET NO 1 1 OF 2

EXHIBIT

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



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: 3-17-14	
DATE	REVISION COMMENTS
10-23-15	REV CONF

2980 HURON STREET
DENVER, CO 80202

EXHIBIT

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: KDW
JOB NUM: 131012
SHEET NO:
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2 OF 2

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BY AUTHORITY

ORDINANCE NO. **339**
SERIES OF 2001

COUNCIL BILL NO. **294**
COMMITTEE OF REFERENCE:

A BILL

PUBLIC WORKS

For an ordinance vacating a portion of West 30th Avenue and vacating two portions of Galapago Street.

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 areas 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 areas in the City and County of Denver and State of Colorado, to wit:

WEST 30TH AVENUE

A 40 FOOT WIDE STRIP OF LAND KNOWN AS WEST 30TH AVENUE, AS PLATTED IN GERSPACH'S FIRST ADDITION TO DENVER, SITUATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF WEST 30TH AVENUE LYING WEST OF THE WESTERLY RIGHT-OF-WAY OF FOX STREET AND LYING EAST OF THE WESTERLY LINE OF SAID GERSPACH'S FIRST ADDITION TO DENVER.

2001050786 2001/04/20 12:50:54 17 3 ORD
DENVER COUNTY CLERK AND RECORDER .00 .00 SMP

GALAPAGO STREET

A PARCEL OF LAND BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 27, 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:

ALL THAT PORTION OF GALAPAGO STREET AS SHOWN ON THE PLAT OF COLLINS ADDITION TO DENVER (ORIGINALLY PLATTED AS ARGO STREET), RECORDED IN THE PUBLIC RECORDS OF THE CITY AND COUNTY OF DENVER, BOUND ON THE SOUTH BY A LINE 7.71 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOT 5, SAID COLLINS ADDITION, EXTENDED EASTERLY; AND BOUND ON THE NORTH BY THE NORTHERLY LINE OF SAID COLLINS ADDITION TO DENVER;

AND

THE TRIANGULAR SHAPED PARCEL OF LAND DEDICATED AS GALAPAGO STREET IN THE CITY AND COUNTY OF DENVER BY ORDANACE NO. 439 OF SERIES 1969, RECORDED IN BOOK 81 AT PAGE 649 IN THE CLERK AND RECORDER'S OFFICE OF THE CITY AND COUNTY OF DENVER

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be and the same is hereby approved and the described areas are hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

That a full width easement be and is hereby retained for utility purposes which include power lines, and no trees, structures, or retaining walls are allowed over, across, or below the easement limits and access for utility purposes will not be denied or restricted for any reason.

PASSED BY THE COUNCIL April 16 2001

Samona E. Martinez - PRESIDENT

APPROVED: Wally Schacht - MAYOR April 17 2001

ATTEST: Gracia E. Gray - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL Apr. 13, 2001 Apr. 20, 2001

The Manager of Public Works has made the findings and determinations as set forth in the above and foregoing draft or form of a proposed bill for an ordinance, and subject to approval by ordinance, has vacated and does hereby vacate those described areas subject to certain reservations and requests the Council of the City and County of Denver to approve such vacation subject to certain reservations, by the enactment of an appropriate ordinance. The Manager of Public Works approves said draft or form of a proposed bill for an ordinance and recommends the introduction and passage thereof.

PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY 4/3/01

REVIEWED BY: Wally Schacht ^{for} CITY ATTORNEY 4/5 2001

SPONSORED BY COUNCIL MEMBER(S) _____



RECORDED 9:40 A.M. APR. 1, 1946

PAUL F. FERRELL, RECORDER

BY AUTHORITY

ORDINANCE NO. 17

SERIES OF 1946

COUNCILMAN'S BILL NO. 17

INTRODUCED BY COUNCILMAN

FRESQUES

A BILL

FOR AN ORDINANCE VACATING CACTUS LANE, A PUBLIC STREET, IN BLOCK 1, HOYT AND ROBINSON ANNEX, IN THE CITY AND COUNTY OF 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 Cactus Lane, a public street 16 feet in width, lying south of and adjoining the south line of Lot 1, in Block 1, Hoyt and Robinson Annex, in the City and County of Denver, and State of Colorado, and the same is hereby vacated."

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 14th day of February

A. D. 1946.

(Signed) George E. Cranmer,
Manager.

NOW, THEREFORE,

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, Cactus Lane, a public street 16 feet in width, lying south of and adjoining the south line of Lot 1, in Block 1, Hoyt Robinson Annex, in the City and County of Denver, and State of Colorado, and the same is hereby vacated.

At all times, the right to construct, maintain and remove sewers, pipes, and appurtenances, and to authorize the construction, maintenance and removal of the same, shall be reserved to the City and County of Denver.

light and power lines, telephone lines, gas mains, and pipes.

Section 31- 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 of the City and County of Denver, and signed by its President, this 25 day of February A. D. 1946.

Paul Sammartino
PRESIDENT
Pres - Jho. Tom

Signed and approved by me this 27 day of February A. D. 1946.

Ben Fitzpatrick
MAYOR

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

Paul C. Perche
CLERK AND RECORDER, EX-OFFICIO
CLERK OF THE CITY AND COUNTY
OF DENVER.

By *James Penner*
DEPUTY CLERK

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Published in *The Daily Journal*
First publication 2-23 1946
Last publication 2-2- 1946

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CITY AND COUNTY OF DENVER
William H. ...
Clerk of the Board