



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: Matt Bryner
Acting Director, Public Works Right of Way Services

PROJECT NO: 2018-RELINQ-0000007

DATE: September 18, 2018

SUBJECT: Request for an Ordinance to relinquish the perpetual non-exclusive easement, in its entirety, as established in the Vacating Ordinance No. 20161315, Series of 2017. Located at 1420 38th St. at the intersection of Blake St. and Downing St.

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 c/o Matthew Valente, dated March 30, 2018 on behalf of Blake TOD, LLC c/o Ben Krasnow for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; the City Councilman Albus Brooks – District 9; 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 2018-RELINQ-0000007-001 HERE

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

MB:bp

cc:
City Councilman Albus Brooks & Aides
City Council Staff – Zach Rothmier
Department of Law – Brent Eisen
Department of Law – Deanne Durfee
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Sarah Stanek
Public Works, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Sarah Stanek

at Sarah.Stanek@DenverGov.org by **12:00pm on Monday**. Contact her with questions.

Date of Request: September 18, 2018

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
- Dedication/Vacation Appropriation/Supplemental DRMC Change
- Other: Easement Relinquishment

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Harris Kocher Smith c/o Matthew Valente on behalf of Blake TOD, LLC c/o Ben Krasnow, requests for an Ordinance to relinquish the perpetual non-exclusive easement, in its entirety, as established in the Vacating Ordinance No. 20161315, Series of 2017. Located at 1420 38th St. at the intersection of Blake St. and Downing St.

3. Requesting Agency: Public Works; Engineering & Regulatory Dept.

4. Contact Person:

| | |
|---|---|
| Contact person with knowledge of proposed ordinance/resolution | Contact person to present item at Mayor-Council and Council |
| Name: Brittany Pirtle | Name: Sarah Stanek |
| Email: Brittany.Pirtle@denvergov.org | Email: Sarah.Stanek@denvergov.org |

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for an Ordinance to relinquish the perpetual non-exclusive easement, in its entirety, as established in the Vacating Ordinance No. 20161315, Series of 2017. Located at 1420 38th St. at the intersection of Blake St. and Downing St.

6. City Attorney assigned to this request (if applicable): Brent Eisen

7. City Council District: District 9; Councilman Albus Brooks

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

| <i>Current Contract Amount</i> (A) | <i>Additional Funds</i> (B) | <i>Total Contract Amount</i> (A+B) |
|---------------------------------------|--------------------------------|---------------------------------------|
| | | |
| <i>Current Contract Term</i> | <i>Added Time</i> | <i>New Ending Date</i> |
| | | |

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2018-RELINQ-0000007, Blake and Downing 1420 38th St Relinquishment

Owner name: Blake TOD, LLC c/o Ben Krasnow

Description of Proposed Project: Harris Kocher Smith c/o Matthew Valente on behalf of Blake TOD, LLC c/o Ben Krasnow, requests for an Ordinance to relinquish the perpetual non-exclusive easement, in its entirety, as established in the Vacating Ordinance No. 20161315, Series of 2017. Located at 1420 38th St. at the intersection of Blake St. and Downing St.

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

Background: Parcel was vacated under project 2016-VACA-0000008 Blake and Downing 1420 38th St.

Location Map:

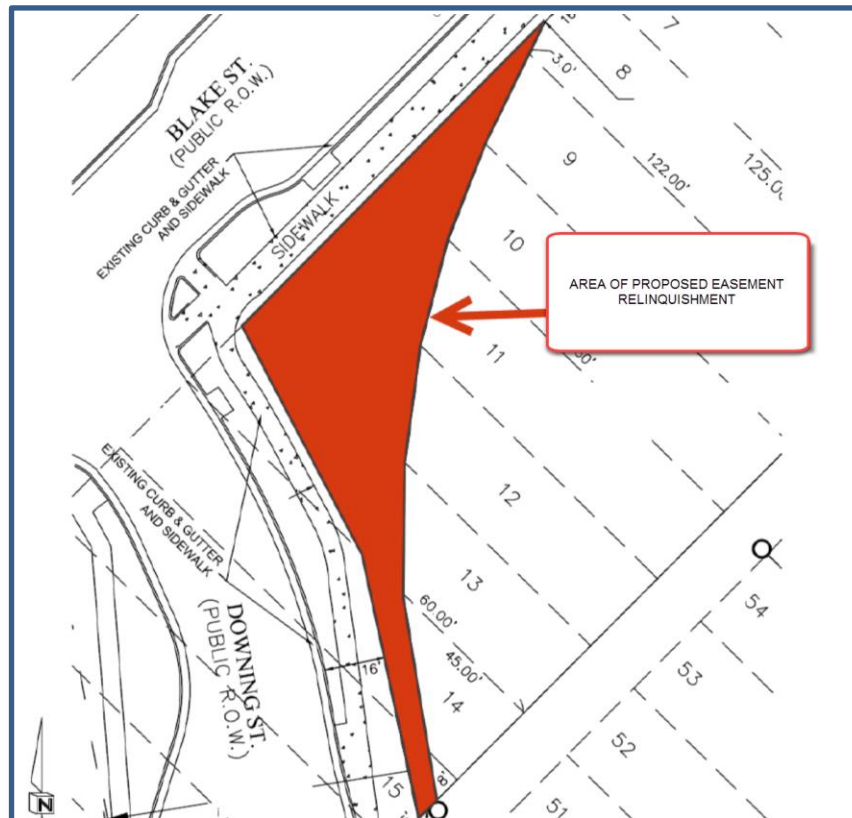


EXHIBIT A
SHEET 1 OF 2
LAND DESCRIPTION

ALL OF THAT PARCEL OF LAND DESCRIBED BY ORDINANCE NUMBER 20161315 SERIES OF 2017 RECORDED AT RECEPTION NUMBER 2017003935 OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER, SAID PARCEL ALSO BEING A PORTION OF LOTS 8 TO 15, INCLUSIVE, BLOCK 25, RIVERSIDE ADDITION TO DENVER, ALSO BEING A PORTION OF DOWNING STREET RIGHT-OF-WAY DESCRIBED AS PARCEL 2 IN ORDINANCE 127 SERIES 2010, BEING IN THE SOUTHWEST ONE QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPLE MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF LOT 8 WHICH IS 16 FEET SOUTHWESTERLY OF THE NORTHERN MOST CORNER OF LOT 8, THENCE ALONG SAID PARCEL 2 OF ORDINANCE 127, SERIES 2010 THE FOLLOWING SEVEN (7) COURSES:

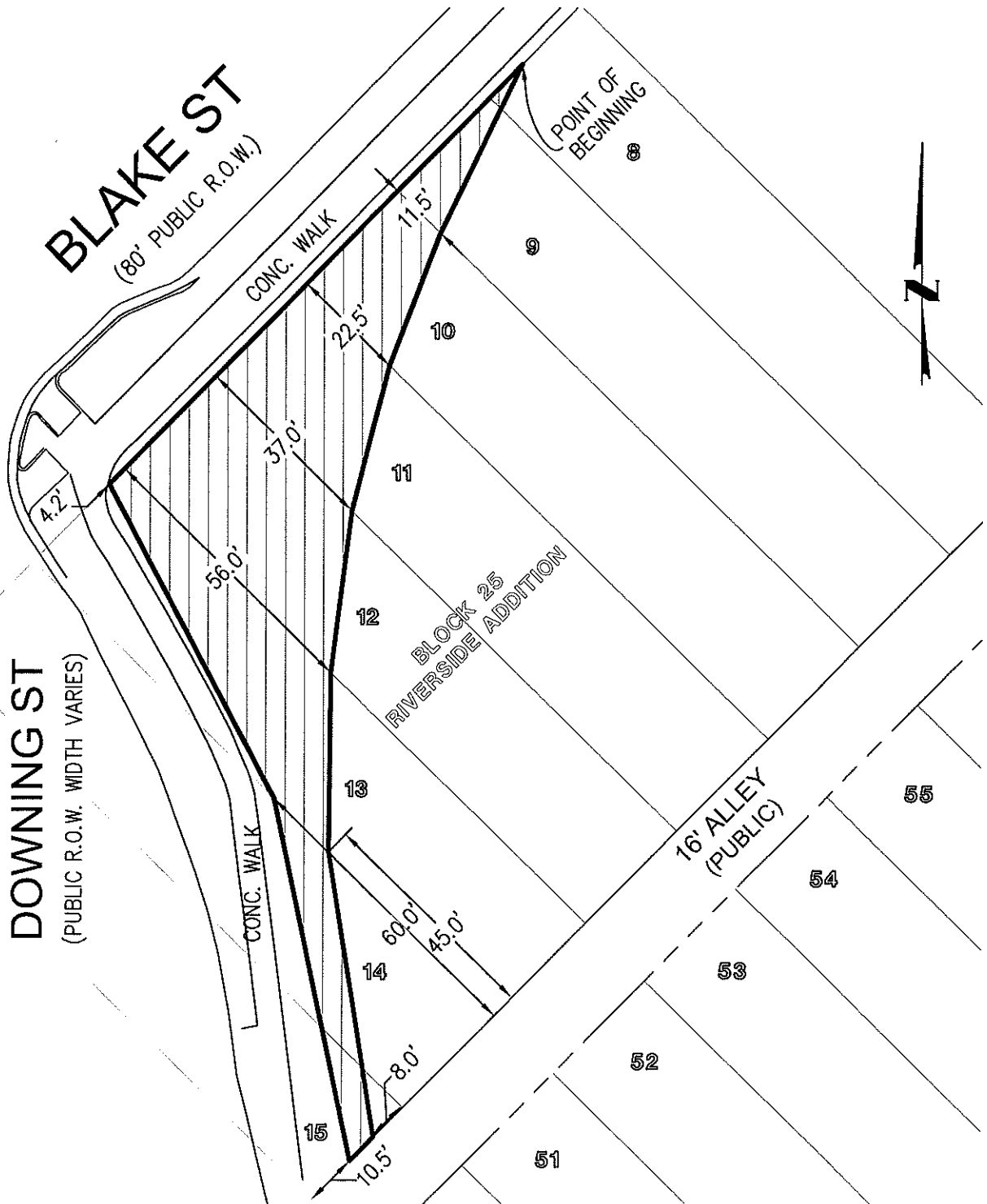
- 1) SOUTHWESTERLY TO A POINT 3 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 8;
- 2) SOUTHWESTERLY TO A POINT 11.5 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 9;
- 3) SOUTHWESTERLY TO A POINT 22.5 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 10;
- 4) SOUTHERLY TO A POINT 37 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 11;
- 5) SOUTHERLY TO A POINT 56 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 12;
- 6) SOUTHERLY TO A POINT 45 FEET NORTHWESTERLY FROM THE MOST EASTERLY CORNER OF LOT 14;
- 7) SOUTHERLY TO A POINT ON THE NORTHWESTERLY LINE OF ALLEY AND 8 FEET SOUTHWESTERLY FROM THE EAST CORNER OF LOT 15;

THENCE SOUTHWESTERLY ALONG SAID ALLEY LINE TO A POINT 10.5 FEET NORTHEASTERLY FROM THE SOUTHERLY CORNER OF LOT 15; THENCE NORTHERLY TO A POINT 60 FEET NORTHWESTERLY FROM THE EASTERLY CORNER OF LOT 14; THENCE NORTHWESTERLY TO A POINT 4.2 FEET SOUTHWESTERLY FROM THE NORTHERLY CORNER OF LOT 13; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID BLOCK 25 TO THE POINT OF BEGINNING.

CONTAINING 3,993 S.F. (0.092 ACRES) MORE OR LESS.



EXHIBIT A
PAGE 2 OF 2



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: 05-30-2018 | | PROJECT #: 170810 |
| DATE | REVISION COMMENTS | |
| | | |
| | | |
| | | |
| | | |

RIGHT-OF-WAY EXHIBIT

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: JAF
 SHEET NO
2
 2 OF 2

BY AUTHORITY

ORDINANCE NO. 20161315

COUNCIL BILL NO. CB16-1315

SERIES OF 2017

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of right-of-way at the intersection of Blake Street and Downing Street, with reservations.

WHEREAS, the Executive Director of Public Works of the City and County of Denver has found and determined that the public use, convenience and necessity no longer require that certain area 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;

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

Section 1. That the action of the Executive Director of Public Works in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2016-VACA-0000008-001:

A PORTION OF LOTS 8 TO 15, INCLUSIVE, BLOCK 25, RIVERSIDE ADDITION TO DENVER, ALSO BEING A PORTION OF DOWNING STREET RIGHT-OF-WAY DESCRIBED AS PARCEL 2 IN ORDINANCE 127 SERIES 2010, BEING IN THE SOUTHWEST ONE QUARETER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF LOT 8 WHICH IS 16 FEET SOUTHWESTERLY OF THE NORTHERN MOST CORNER OF LOT 8, THENCE ALONG SAID PARCEL 2 OF ORDINANCE 127, SERIES 2010 THE FOLLOWING SEVEN (7) COURSES:

1. SOUTHWESTERLY TO A POINT 3 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 8;
2. SOUTHWESTERLY TO A POINT 11.5 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 9;
3. SOUTHWESTERLY TO A POINT 22.5 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 10;
4. SOUTHERLY TO A POINT 37 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 11;
5. SOUTHERLY TO A POINT 56 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 12;
6. SOUTHERLY TO A POINT 45 FEET NORTHWESTERLY FROM THE MOST EASTERLY CORNER OF LOT 14;
7. SOUTHERLY TO A POINT ON THE NORTHWESTERLY LINE OF ALLEY AND 8 FEET SOUTHWESTERLY FROM THE EAST CORNER OF LOT 15,

THENCE SOUTHWESTERLY ALONG SAID ALLEY LINE TO A POINT 10.5' NORTHEASTERLY FROM THE SOUTHERLY CORNER OF LOT 15; THENCE NORTHERLY TO A POINT 60 FEET NORTHWESTERLY FROM THE EASTERLY CORNER OF LOT 14, THENCE NORTHWESTERLY TO A POINT 4.2 FEET SOUTHWESTERLY FROM THE NORTHERLY CORNER OF LOT 13, THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID BLOCK 25 TO THE POINT OF BEGINNING.

CONTAINING 3,993 S.F. (0.092 ACRES) MORE OR LESS

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



01/11/2017 04:42 PM
City & County of Denver

R \$2.00

ORD

2017003935

Page: 1 of 2

D \$0.00

1 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:
 2 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
 3 successors and assigns, over, under, across, along and through the vacated area for the purposes
 4 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
 5 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard
 6 surface shall be maintained by the property owner over the entire easement area. The City reserves
 7 the right to authorize the use of the reserved easement by all utility providers with existing facilities
 8 in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed
 9 over, upon or under the easement area. Any such obstruction may be removed by the City or the
 10 utility provider at the property owner's expense. The property owner shall not re-grade or alter the
 11 ground cover in the easement area without permission from the City and County of Denver. The
 12 property owner shall be liable for all damages to such utilities, including their repair and replacement,
 13 at the property owner's sole expense. The City and County of Denver, its successors, assigns,
 14 licensees, permittees and other authorized users shall not be liable for any damage to property
 15 owner's property due to use of this reserved easement.

16

17 COMMITTEE APPROVAL DATE: December 20, 2016, by consent

18 MAYOR-COUNCIL DATE: December 27, 2016

19 PASSED BY THE COUNCIL: January 9, 2017

20 Al Bink - PRESIDENT

21 APPROVED: [Signature] - MAYOR Jan 11, 2017

22 ATTEST: Debra Johnson - CLERK AND RECORDER,
 23 EX-OFFICIO CLERK OF THE
 24 CITY AND COUNTY OF DENVER
 25

26 NOTICE PUBLISHED IN THE DAILY JOURNAL: Jan 9, 2017, Jan. 13, 2017

27 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: December 29, 2016

28 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
 29 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
 30 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
 31 3.2.6 of the Charter.

32

33 Kristin M. Bronson, Denver City Attorney

34 BY: [Signature], Assistant City Attorney DATE: Dec 29, 2016

