


REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Katie Ehlers, City Attorney's Office

FROM: Glen Blackburn, PE, Director, Right of Way Services 

PROJECT NO: 2024-RELINQ-0000010

DATE: January 23, 2025

SUBJECT: Request for an Ordinance to relinquish two (2) easements in their entirety established in Vacating Ordinance No. 20, Series of 1923 and Vacating Ordinance No. 307, Series of 1969. Located at 123 East Speer Boulevard.

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

This office has investigated the request of Martin/Martin, Inc., dated June 26, 2024 on behalf of 123 Speer Owner LP for the relinquishment of the subject easements.

This matter has been coordinated with Asset Management; City Forester; Comcast; Denver Water; DOTI ROWS Survey; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Emergency Management; Parks & Recreation; DOTI ROWS Construction Engineering; DOTI Policy and Planning; DOTI Sign & Stripe; CenturyLink; Xcel Energy; City Councilperson Alvidrez, District 7; CPD DS Project Coordinator; DOTI ROWS DES Transportation and Wastewater; RTD; and CDOT, all of whom have indicated no objection to the proposed easement relinquishments.

As a result of these investigations, it has been determined that there is no objection to relinquishing the subject easements.

Therefore, you are requested to initiate Council action to relinquish the subject easements.

A vicinity map of the subject easement areas and a copy of the documents creating the easements are attached.

GB:je

cc: City Councilperson & Aides
City Council Staff – Luke Palmisano
Department of Law – Bradley Beck
Department of Law – Deanne Durfee
Department of Law – Maureen McGuire
Department of Law – Martin Plate
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Alaina McWhorter
DOTI, Survey – Paul Rogalla

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services | Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/rowplanreview
Phone: (720) 865-3003

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: January 23, 2025

Please mark one: ☒ Bill Request or ☐ Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

☐ Yes ☒ No

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.)

Approves an Ordinance to relinquish two (2) easements in their entirety established in Vacating Ordinance No. 20, Series of 1923 and Vacating Ordinance No. 307, Series of 1969. Located at 123 East Speer Boulevard.

3. **Requesting Agency:** Department of Transportation & Infrastructure, Right of Way Services, Engineering & Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Jessica Eusebio	Name: Alaina McWhorter
Email: Jessica.Eusebio@denvergov.org	Email: Alaina.mcwhorter@denvergov.org

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

Request for an Ordinance to relinquish two (2) easements in their entirety established in Vacating Ordinance No. 20, Series of 1923 and Vacating Ordinance No. 307, Series of 1969. Located at 123 East Speer Boulevard.

6. **City Attorney assigned to this request (if applicable):** Martin Plate

7. **City Council District:** Councilperson Alvidrez, District 7

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 (including any dba's):

Contract control number (legacy and new):

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> <i>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</i> <i>(A+B)</i>
<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

Application Title: 2024-RELINQ-0000010 123 Speer Alley Relinquishment

Property Owner: 123 Speer Owner LP

Description of Proposed Easement Relinquishment: Relinquishing two (2) easements in their entirety established in Vacating Ordinance No. 20, Series of 1923 and Vacating Ordinance No. 307, Series of 1969. Located at 123 East Speer Boulevard.

Project Background: The applicant is seeking to relinquish the easements to allow development of the area. The utilities that were located within the proposed relinquishment area have been relocated, removed, or abandoned in place.

Location Map:



City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services | Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/rowplanreview
Phone: (720) 865-3003

BY AUTHORITY

ORDINANCE NO. 20, SERIES OF 1923
COUNCILMAN'S BILL NO. 23, IN-
TODUCED BY COUNCILMAN
AZPELL.A BILL
FOR AN ORDINANCE VACATING A
PART OF THE PUBLIC ALLEY
IN BLOCK TWENTY-FOUR (24),
ARLINGTON HEIGHTS ADDITION
TO DENVER AND ACCEPTING A
DEED FOR A PORTION OF LOT
THIRTY-SEVEN (37) THEREIN
FOR PUBLIC ALLEY PURPOSES
IN LIEU THEREOF.BE IT ENACTED BY THE COUN-
CIL OF THE CITY AND COUNTY
OF DENVER:WHEREAS W. B. Lowry, Manager
of Improvements and Parks of the
City and County of Denver, hereto-
fore did make the following order,
to-wit:WHEREAS, The public use, ne-
cessity and convenience require the
vacation of that part of the public
alley in Block Twenty-four (24), Ar-
lington Heights Addition to Denver,
in the City and County of Denver,
and State of Colorado, described as
follows, to-wit:Commencing at the northeast cor-
ner of Lot 1, Block 24, Arlington
Heights Addition to Denver; thence
south along the west line of said
Public Alley 134 feet; thence east
sixteen feet to the east line of said
alley; thence north along the east
line of said alley 134 feet to the
northwest corner of Lot 42, Block
24, Arlington Heights Addition to
Denver; thence west sixteen feet to
the place of beginning,
and the acceptance in lieu thereof
for public alley purposes of the
south sixteen feet (S. 16 ft.) of Lot
Thirty-seven (37) in said block, a
deed for which has been tendered to
the City and County of Denver by
The MacFarland Auto Company, the
owner; andWHEREAS, The owners and per-
sons interested in said block desire
and have petitioned said Manager for
the vacation, and the acceptance of
the deed, aforesaid.NOW, THEREFORE, it hereby is
ordered:That that part of the public alley
in Block Twenty-four (24), Arling-
ton Heights Addition to Denver, in
the City and County of Denver, State
of Colorado, described as follows,
to-wit:Commencing at the Northeast cor-
ner of Lot 1, Block 24, Arlington
Heights Addition to Denver; thence
South along the West line of said
Public Alley 134 feet; thence east 16
feet to the east line of said alley;
thence North along the east line of
said alley 134 feet to the Northwest
corner of Lot 42, Block 24, Arling-
ton Heights Addition to Denver;
thence West 16 feet to the place of
beginning,be and the same is hereby vacated,
reserving, however, unto the City
and County of Denver, the right at
all times to construct, maintain and
remove sewers and water pipes and
appurtenances, and to authorize theconstruction, maintenance and re-
moval of the same, and that in lieu
of said vacated part there hereby is
accepted from The MacFarland Auto
Company, owner, for public alley
purposes, a deed to the City and
County of Denver of the south six-
teen feet (S. 16 ft.) of Lot Thirty-
seven (37) in said block.And the Council of the City and
County of Denver hereby is requested
to give effect to this order by the
passage of a suitable ordinance.

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 hereby is ratified,
approved and confirmed.Section 2. That that part of the
public alley in Block Twenty-Four
(24), Arlington Heights Addition to
Denver, in the City and County of
Denver and State of Colorado, de-
scribed as follows, to-wit:
Commencing at the Northeast cor-
ner of Lot 1, Block 24, Arlington
Heights Addition to Denver; thence
South along the West line of said
Public Alley 134 feet; thence east 16
feet to the east line of said alley;
thence North along the east line of
said alley 134 feet to the Northwest
corner of Lot 42, Block 24, Arlington
Heights Addition to Denver; thence
west 16 feet to the place of begin-
ning,be and the same hereby is vacated,
reserving, however, unto the City
and County of Denver, the right at
all times to construct, maintain and
remove sewers and water pipes and
appurtenances, and to authorize the
construction, maintenance and re-
moval of the same.Section 3. That in lieu of said va-
cated part there hereby is accepted
from The MacFarland Auto Company,
owner, for public alley purposes, the
South Sixteen Feet (S. 16 ft.) of Lot
Thirty-Seven (37), in said block, a
deed for which has been tendered by
that said company to the City and
County of Denver, duly approved by
the Attorney for the City and
County of Denver, which deed is
hereby accepted.Section 4. That in the opinion of
the Council this ordinance is neces-
sary 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.Recommended by the Manager of
Improvements and Parks, this 5th
day of February, 1923.W. B. LOWRY, Manager.
Passed by the council and signed by
its president this 12th day of Febru-
ary, A. D. 1923.THOMAS F. AZPELL, President.
Signed and approved by me this
13th day of February, A. D. 1923.D. C. BAILEY, Mayor.
Attested by me with the corporate
seal of the City and County of Denver.
(Seal.) CHARLES MORGAN,
Clerk and Recorder, Ex Officio Clerk
of the City and County of Denver.
By W. S. PECK, Deputy Clerk.
Published in The Denver Times.
First publication February 8, 1923.
Last publication February 16, 1923.

STATE OF COLORADO

CITY AND COUNTY OF DENVER

I, Albert C. Monson, Clerk and Recorder,
Ex-Officio Clerk of the City and County of Denver, do
heretby certify that the above and foregoing is a true
and correct copy of Ordinance No. 20 Series 1923,
signed and approved by the Mayor on the 13 day
of July 1923.

Given under my hand and corporate
Seal of the City and County of
Denver this 20 day of August
1925

Albert C. Monson

Clerk and Recorder, Ex-officio
City and County of Denver

By

T. H. Skins

Deputy Clerk

66156

SEP 10 1969
BY AUTHORITY

ORDINANCE NO. 307

COUNCILMAN'S BILL NO. 334

SERIES OF 1969

INTRODUCED BY COUNCILMEN

Hentzell, Hook & Temple

A B I L L

FOR AN ORDINANCE VACATING A CERTAIN
PART OF THE SYSTEM OF THOROUGHFARES
OF THE MUNICIPALITY; i. e., VACATING A
CERTAIN DESCRIBED ALLEY IN BLOCK 24,
ARLINGTON HEIGHTS ADDITION TO DENVER,
SUBJECT TO CERTAIN RESERVATIONS.

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 that certain alley 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 alley in the City and County of Denver, State of
Colorado, to-wit:

The alley in Block 24, Arlington Heights Addition to Denver;
be and the same is hereby approved and the described alley is hereby vacated
and declared vacated; provided, however, said vacation shall be subject to the
following conditions and reservations:

There is reserved to the City and County of Denver the
continued use and the right to construct, operate and maintain
an 8-inch sanitary sewer line.

Section 2. The Council finds this Ordinance is necessary for the
immediate preservation of the public health and public safety and determines
that it shall take effect immediately upon its final passage and publication.

PASSED BY the Council September 2, 1969

Edward F. Burk President

APPROVED: Carl Nichols Mayor September 4, 1969

ATTEST: D. J. [Signature] Clerk and Recorder, Ex-Officio
Clerk of the City and County
of Denver

PUBLISHED IN The Daily Journal Aug. 29, 1969 Sept 5, 1969

I have made the findings and determinations set forth in the above and foregoing draft or form of a proposed Bill for An Ordinance and, subject to approval by ordinance, have vacated and do hereby vacate that certain alley therein described, subject to the reservations therein set forth and request the Council of the City and County of Denver to approve such vacation, subject to such reservations by the enactment of an appropriate ordinance. I approve said draft or form of a proposed Bill for An Ordinance and recommend the introduction and passage thereof.

R. S. [Signature]
Manager of Public Works

PREPARED BY: Max P. Zall City Attorney
WHD

APPROVED: _____ Planning Director

Ordinance No. 307 Series 1969

Councilman's Bill No. 334

Introduced by Councilmen

Montgomery, Wood & Thompson

A BILL

For

An Ordinance VACATING A CERTAIN PART
OF THE SYSTEM OF THOROUGHFARES OF
THE MUNICIPALITY; I. E., VACATING A
CERTAIN DESCRIBED ALLEY IN BLOCK 24,
ARLINGTON HEIGHTS ADDITION TO DENVER,
SUBJECT TO CERTAIN RESERVATIONS.

Meeting Date of August 25, 1969
Read in full in the Board of Councilmen and
referred to the Committee on

Public Improvements

Meeting Date of August 25, 1969
Reported back by the Committee on

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

Published in The Daily Journal
this 29 day of Aug, A. D. 1969
Meeting Date of Sept. 2, 1969

Read by title, placed upon its passage and
passed.

Presented to the Mayor and signed by him
this 4 day of Sept, A. D. 1969

Ent'd as Ordinance No. 307, Series 1969

Published in The Daily Journal
this 5 day of Sept, A. D. 1969

066156

STATE OF COLORADO
CITY & COUNTY
OF DENVER

FILED IN MY OFFICE ON

SEP 10 2 59 PM '69

RECORDED IN

83 269

F. J. SERAFINI
CLERK AND RECORDER

83 271

CITY COUNCIL
CITY & COU
DENVER
RECEIVED

AUG 21 1969

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