


REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Ivone Avila-Ponce, City Attorney's Office

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

PROJECT NO: 2023-RELINQ-0000018

DATE: September 19, 2023

SUBJECT: Request for an Ordinance to relinquish a non-exclusive easement in its entirety established in Bill, Ordinance No. 20230681, Series of 2023. Located at 3300 Blake 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 Carmel Partners, dated July 5, 2023 on behalf of CP VII Blake, LLC for the relinquishment of the subject easement.

This matter has been coordinated with Asset Management; City Forester; Comcast; Denver Water; DOTI: Survey, Construction Engineering, Policy & Planning, TES Signing and Striping, DES Transportation & Wastewater; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Emergency Management; Parks & Recreation; CenturyLink; Xcel Energy; Council District 9; CPD: DS Project Coordinator; RTD; and CDOT all of whom have indicated no objection to the proposed easement relinquishment(s).

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

A vicinity map of the subject easement area and a copy of the document creating the easement is attached.

GB:bw

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 – Jason Gallardo
DOTI, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo
at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: September 19, 2023

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.)

Request for an Ordinance to relinquish a non-exclusive easement in its entirety established in Bill, Ordinance No. 20230681, Series of 2023. Located at 3300 Blake Street.

3. Requesting Agency: DOTI: Right of Way Services; Engineering and Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brianne White	Name: Jason Gallardo
Email: Brianne.white@denvergov.org	Email: Jason.Gallardo@denvergov.org

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

Request for an Ordinance to relinquish a non-exclusive easement in its entirety established in Bill, Ordinance No. 20230681, Series of 2023. Located at 3300 Blake Street.

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

7. City Council District: Council Person Watson, District 9

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

Key Contract Terms

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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

Project Title: 2023-RELINQ-0000018, 3300 Blake Street

Property Owner: CP VII Blake, LLC

Description of Proposed Project: Request for an Ordinance to relinquish a non-exclusive easement in its entirety established in Bill, Ordinance No. 20230681, Series of 2023. Located at 3300 Blake Street.

Background: The relinquishment is being requested to build a 481 unit apartment community with 29 affordable housing units in the location of the easement.

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/doti
Phone: 720-865-3003

BY AUTHORITY

1
2 ORDINANCE NO. 20230681
3 SERIES OF 2023

COUNCIL BILL NO. CB23-0681
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating the alley bounded by 33rd Street, Blake Street, 34th Street and Walnut Street, located at 3300 Blake Street, with reservations.

8 **WHEREAS**, the Executive Director of the Department of Transportation and Infrastructure of
9 the City and County of Denver has found and determined that the public use, convenience and
10 necessity no longer require that certain area in the system of thoroughfares of the municipality
11 hereinafter described and, subject to approval by ordinance, has vacated the same with the
12 reservations hereinafter set forth;

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

14 **Section 1.** That the action of the Executive Director of the Department of Transportation
15 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,
16 State of Colorado, to wit:

17 **PARCEL DESCRIPTION ROW NO. 2022-VACA-0000004-001:**

18 A PARCEL OF LAND BEING A PART OF BLOCK 3, H. WITTER'S ADDITION TO DENVER,
19 SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE
20 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
21 COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22
23 BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH-SOUTH RANGE LINE ON
24 BLAKE STREET, BETWEEN 33RD STREET AND 34TH STREET, AS BEARING NORTH
25 45°08'13" EAST, WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO;

26
27 **COMMENCING** AT THE NORTHERLY CORNER OF SAID BLOCK 3, POINT ALSO BEING THE
28 NORTH CORNER OF LOT 1, OF SAID BLOCK 3 WHICH IS SOUTH 21°52'21" EAST, A
29 DISTANCE OF 65.17 FROM THE SAID RANGE POINT AT THE INTERSECTION OF BLAKE
30 STREET AND 34TH STREET;

31
32 THENCE SOUTH 44°43'07" EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 AND
33 BLOCK 3, A DISTANCE OF 124.89 FEET TO THE EASTERLY CORNER OF SAID LOT 1, POINT
34 ALSO BEING THE NORTHERLY CORNER OF THE ALLEY IN SAID BLOCK 3, POINT ALSO
35 BEING THE **POINT OF BEGINNING**;

36
37 THENCE SOUTH 44°43'07" EAST CONTINUING ALONG THE NORTHEASTERLY LINE OF



1 SAID BLOCK 3 AND SAID ALLEY, A DISTANCE OF 16.00 FEET TO THE EASTERLY CORNER
2 OF SAID ALLEY, POINT ALSO BEING THE NORTHERLY CORNER OF LOT 32 OF SAID
3 BLOCK 3;

4
5 THENCE SOUTH 45°07'45" WEST ALONG THE NORTHWESTERLY LINE OF LOTS 17
6 THROUGH 32 OF SAID BLOCK 3, LINE ALSO BEING THE SOUTHEASTERLY LINE OF SAID
7 ALLEY, A DISTANCE OF 400.00 FEET TO THE SOUTHERLY CORNER OF SAID ALLEY, POINT
8 ALSO BEING THE WESTERLY CORNER OF SAID LOT 17;

9
10 THENCE NORTH 44°52'41" WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 3
11 AND SAID ALLEY, A DISTANCE OF 16.00 FEET TO THE WESTERLY CORNER OF SAID
12 ALLEY, POINT ALSO BEING THE SOUTHERLY CORNER OF LOT 16 OF SAID BLOCK 3;

13
14 THENCE NORTH 45°07'45" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 1
15 THROUGH 16, LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID ALLEY, A
16 DISTANCE OF 400.04 FEET TO THE POINT OF BEGINNING.

17
18 SAID PARCEL CONTAINS 6,400 SQUARE FEET OR 0.15 ACRES, MORE OR LESS
19 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
20 vacated;

21 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

22 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
23 successors and assigns, over, under, across, along and through the vacated area for the purposes
24 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
25 including, without limitation, storm drainage, sanitary sewer, and water facilities and all
26 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the
27 entire easement area. The City reserves the right to authorize the use of the reserved easement by
28 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,
29 landscaping or structures shall be allowed over, upon or under the easement area. Any such
30 obstruction may be removed by the City or the utility provider at the property owner's expense. The
31 property owner shall not re-grade or alter the ground cover in the easement area without permission
32 from the City and County of Denver. The property owner shall be liable for all damages to such
33 utilities, including their repair and replacement, at the property owner's sole expense. The City and
34 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall
35 not be liable for any damage to property owner's property due to use of this reserved easement.

1 COMMITTEE APPROVAL DATE: June 6, 2023 by Consent

2 MAYOR-COUNCIL DATE: June 13, 2023 by Consent

3 PASSED BY THE COUNCIL: June 26, 2023

4 [Signature] - PRESIDENT

5 APPROVED: [Signature] - MAYOR Jun 29, 2023

6 ATTEST: [Signature] - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: June 23rd, 2023 ; June 29th, 2023

10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: June 15, 2023

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.

15
16 Kerry Tipper, Denver City Attorney

17
18 BY: Anshul Bagga, Assistant City Attorney DATE: Jun 15, 2023

