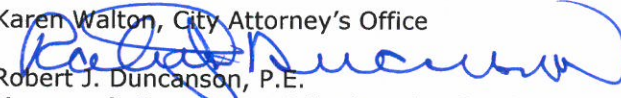




Department of Public Works
Right-of-Way Services
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3001
www.denvergov.org/survey

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office

FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

PROJECT NO: 2014-0882-02

DATE: October 16, 2014

SUBJECT: Request for an Ordinance to relinquish certain easements established by:
Ordinance # 151, Series of 1953

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

This office has investigated the request of Michael Bruckner of Sprocket Design-Build, dated September 24, 2014, on behalf of Iselo Investment Partners LLC for the relinquishment of said easement.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; the City Councilperson; CPD: Planning Services; Denver Water; Fire Department; Metro Wastewater Reclamation District; Office of Telecommunications; PW: DES Engineering and 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 ROW 2014-0882-02-001 HERE

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

RJD:aal

C: Asset Management: Steve Wirth
City Council: Shelley Smith
Councilperson and Aides
Department of Law: Karen Aviles
Department of Law: Brent Eisen
Department of Law: Karen Walton
Department of Law: Shaun Sullivan
Public Works: Alba Castro
Public Works: Nancy Kuhn
Public Works Survey: Paul Rogalla

Property Owner
Iselo Investment Partners LLC
2109 E 9th Ave
Denver, CO 80206

Agent
Michael Bruckner
Sprocket Design-Build

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
Nancy.khun@denvergov.org by **NOON 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: October 16, 2014

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, amendment, municipal code change, supplemental request, etc.)*

2014-0882-02: Easement Relinquishment at 3301 Brighton Blvd and 3400 Arkins Ct.

3. Requesting Agency: Public Works Survey

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

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** Nancy.Kuhn@denvergov.org

6. General description of proposed ordinance including contract scope of work if applicable:

This is a proposal the relinquish an easement at 3301 Brighton Blvd and 3400 Arkins Ct.

****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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** 3301 Brighton Blvd and 3400 Arkins Ct
- d. **Affected Council District:** #9 – Judy Montero
- e. **Benefits:** N/A
- f. **Costs:** 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2014-0882-02 Easement Relinquishment at 3301 Brighton Blvd and 3400 Arkins Ct.

Description of Proposed Project: This is a proposal to relinquish an easement established by Ordinance #151, Series of 1953.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For overall lot redevelopment.

Has a Temp MEP been issued, and if so, what work is underway: N/A

What is the known duration of an MEP: N/A

Will land be dedicated to the City if the vacation goes through: N/A

Will an easement be placed over a vacated area, and if so explain: N/A

Will an easement relinquishment be submitted at a later date: N/A

Additional information: None.

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AUG -5 1953

BY AUTHORITY

ORDINANCE NO. 151

COUNCILMAN'S BILL NO. 154

SERIES OF 1953

INTRODUCED BY COUNCILMAN

Mr. Williams, Rauhof and Mr. Callum

A B I L L

FOR AN ORDINANCE VACATING A PORTION OF DELGANY STREET, A PORTION OF THIRTY-FOURTH STREET, THE PUBLIC ALLEYS IN BLOCKS FOURTEEN (14) AND FIFTEEN (15) AND A PORTION OF THE PUBLIC ALLEY IN BLOCK THIRTEEN (13), FIRST ADDITION TO IRONTON, CITY AND COUNTY OF DENVER, COLORADO.

WHEREAS, T. P. Campbell, Manager of Improvements and Parks, did heretofore make the following Order:

"O R D E R

"It is hereby found and determined that the public use, convenience and necessity no longer require a portion of Delgany Street, a portion of Thirty-Fourth Street, the public alleys in Blocks Fourteen (14) and Fifteen (15) and a portion of the public alley in Block Thirteen (13), First Addition to Ironton in the City and County of Denver, described as follows:

That portion of Delgany Street from the south line of First Addition to Ironton to the southwesterly line of Thirty-Fifth Street;

That portion of Thirty-Fourth Street from the southeasterly line of Arkins Court to the south line of First Addition to Ironton;

and

The public alleys in Blocks Fourteen (14) and Fifteen (15) and that portion of the public alley in Block Thirteen (13) lying northeasterly from the southwesterly line of Lots Nine (9) and Twenty-four (24) in said Block Thirteen (13) extended, all in First Addition to Ironton,

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 same, therein and therefrom and subject to the continued right of the utility owners to maintain and operate existing electric light and power lines, telephone lines, gas mains and pipes; and,

44 284
249718

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"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 16th day of July, A.D., 1953.

/s/ T. J. Owens
Acting as Manager of Improvements & Parks"

NOW, THEREFORE,

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

Section 1. That the action of the Manager of Improvements and Parks as set forth in the foregoing Order wherein a portion of Delgany Street, a portion of Thirty-Fourth Street, the public alleys in Blocks Fourteen (14) and Fifteen (15) and a portion of the public alley in Block Thirteen (13), First Addition to Ironton, as described in said Order, are vacated subject to the reservations contained therein, is hereby ratified, approved and confirmed.

Section 2. In the opinion of the Council this Ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience and general 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 and signed by its President this 27th day of July, A.D., 1953.

George A. Bower
President

Signed and approved by me this 28th day of July, A.D., 1953.

T. P. Campbell
Mayor

Attested by me with the Corporate Seal of the City and County of Denver.



Mae Hynes
Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver.

By Clare Mancini
Deputy City Clerk

RECOMMENDED AND APPROVED:
T. J. Owens
Manager of Improvements & Parks

APPROVED:
J. H. ...
Director of Planning & Land Office

FORM APPROVED:

John C. Banks
JOHN C. BANKS, Attorney
City and County of Denver.

PUBLISHED IN: Daily Journal Acting as
FIRST PUBLICATION: July 28, 1953
LAST PUBLICATION: July 31, 1953

249718

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O R D E R

It is hereby found and determined that the public use, convenience and necessity no longer require a portion of Delgany Street, a portion of Thirty-Fourth Street, the public alleys in Blocks Fourteen (14) and Fifteen (15) and a portion of the public alley in Block Thirteen (13), First Addition to Ironton in the City and County of Denver, described as follows:

That portion of Delgany Street from the south line of First Addition to Ironton to the southwesterly line of Thirty-Fifth Street;

That portion of Thirty-Fourth Street from the southeasterly line of Arkins Court to the south line of First Addition to Ironton;


and

The public alleys in Blocks Fourteen (14) and Fifteen (15) and that portion of the public alley in Block Thirteen (13) lying northeasterly from the southwesterly line of Lots Nine (9) and Twenty-four (24) in said Block Thirteen (13) extended, all in First Addition to Ironton,

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 same, therein and therefrom and subject to the continued right of the utility owners to maintain and operate existing electric light and power lines, telephone lines, gas mains and pipes; and,

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 16th day of July,
A.D., 1953.


Acting as Manager of Improvements & Parks

2014-0882-02-001

**EXHIBIT A
Legal Description**

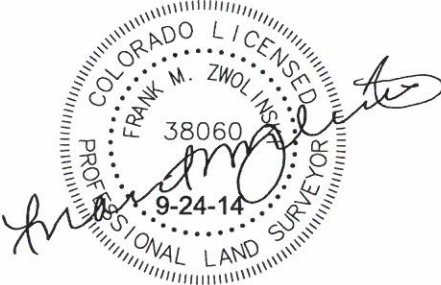
BEING A PORTION OF A 16' WIDE UTILITY EASEMENT AS RESERVED AUGUST 5, 1953 BY CITY & COUNTY OF DENVER PER ORDINANCE No. 151, SERIES 1953, AND BEING A PORTION OF THAT CERTAIN PARCEL AS DESCRIBED AS EXHIBIT A IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED AUGUST 28, 2007 AT RECEPTION No. 2007134206, LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4), FROM WHENCE THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4) BEARS NORTH 89°40'38" EAST A DISTANCE OF 2645.63 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;
THENCE NORTH 78°10'22" EAST, 1725.43 FEET TO THE NORTHERNMOST CORNER OF THAT CERTAIN AFORMENTIONED PARCEL AS DESCRIBED IN EXHIBIT A IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED AUGUST 28, 2007 AT RECEPTION No. 2007134206;
THENCE ALONG THE BOUNDARY OF SAID PARCEL, SOUTH 45°22'44" EAST, 1.38 FEET TO A POINT ON THE BOUNDARY OF SAID 16' WIDE UTILITY EASEMENT, AND BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID PARCEL BOUNDARY, SOUTH 45°22'44" EAST, 16.00 FEET TO A POINT ON SAID BOUNDARY OF SAID 16' WIDE UTILITY EASEMENT;
THENCE LEAVING SAID PARCEL BOUNDARY, ALONG SAID EASEMENT BOUNDARY, SOUTH 44°31'14" WEST, 73.57 FEET TO A POINT ON THE AFORMENTIONED PARCEL BOUNDARY;
THENCE ALONG SAID PARCEL BOUNDARY, NORTH 31°13'51" EAST, 69.60 FEET TO A POINT ON THE BOUNDARY OF SAID 16' WIDE UTILITY EASEMENT;
THENCE LEAVING SAID PARCEL BOUNDARY, ALONG SAID EASEMENT BOUNDARY, NORTH 44°31'14" EAST, 5.86 FEET TO THE POINT OF BEGINNING.

Containing 635 Square Feet or 0.014 Acres of Land, more or less.

End of Legal Description.



Frank M. Zwolinski, P.L.S.
Colorado License #38060
For and on behalf of Power Surveying Company, Inc.
303-702-1617

| | | |
|--|--|--|
|  POWER TM Surveying Company, Inc. <i>Established 1948</i> | <small>120 W. 84TH AVENUE THORNTON, COLORADO 80260</small> | <small>PH. 303-702-1617 FAX. 303-702-1488 WWW.POWERSURVEYING.COM</small> |
| | DRAWING BY: FMZ DATE: 9-24-2014 PROJECT NO. 501-14-050 | |

2014-0882-02-001

EXHIBIT A Legal Description Exhibit

BLOCK 14 OF IRONTON
FIRST ADDITION

NORTHERNMOST CORNER OF
PARCEL DESCRIBED IN EXHIBIT A
OF SPECIAL WARRANTY DEED AT
REC. #2007134206

16' WIDE UTILITY EASEMENT RESERVED BY
CITY & COUNTY OF DENVER PER ORD. 151,
SERIES 1953 (8-5-1953)

N44°31'14"E 5.86'

S45°22'44"E 1.38'

POINT OF BEGINNING

S45°22'44"E 16.00'

N31°13'51"E 69.60'

BLOCK 14 OF IRONTON
FIRST ADDITION

Address: 3400 Arkins Ct.
Owner: City & County of Denver
NOT A PART

ARKINS COURT
Public Right-of-Way (Width Varies)

1725.43'

N78°10'22"E

Land described in Exhibit A per
Special Warranty Deed
at Reception #2007134206
(8-28-2007)

N70°30'15"W 1014.98'

N89°40'38"E 2645.63'(M)
"BASIS OF BEARINGS"

AZTEC CONSULTANTS, INC.
T3S R68W
S22
S27
2007
PLS 3320A

POINT OF COMMENCEMENT
FOUND REBAR & 3-1/4" DIAM. ALUM. CAP IN
ASPHALT, MARKED AS SHOWN (ACCEPTED AS S 1/4
CORNER OF SEC. 22, T. 3S., R. 68W.)

FOUND 6"x6" STONE WITH CUT + IN TOP; DESCRIPTION
MATCHES MONUMENT RECORDS (ACCEPTED AS NE
CORNER OF SEC. 27, T. 3S., R. 68W.)



SCALE: 1" = 40'



40' 0 20' 40'

POWERTM
Surveying Company, Inc.
Established 1948

120 W. 84TH AVENUE
THORNTON, COLORADO 80260

PH. 303-702-1617
FAX. 303-702-1488
WWW.POWERSURVEYING.COM

DRAWING BY: FMZ DATE: 9-24-2014
PROJECT NO. 501-14-050