




Department of Public Works
Engineering Regulatory & Analytics
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3003
www.denvergov.org

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Caroline Martin, City Attorney's Office

FROM: Ted Christianson
Director, Public Works Right of Way Services 

PROJECT NO: 2017-RELINQ-0000005

DATE: August 21, 2017

SUBJECT: Request for an Ordinance to relinquish the easement, in its entirety, reserved in Vacation Ordinance No. 15-0741, Series of 2015, Recordation No. 2015154997. Located at 1251-1295 Knox Ct.

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

This office has investigated the request of John Lyda, dated March 6, 2017 on behalf of Town View MHA LTD, for the relinquishment of said easements.

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 area(s):

INSERT PARCEL DESCRIPTION 2017-RELINQ-0000005-001 HERE

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

TC:bp

cc:
City Councilperson & Aides
City Council Staff – Zach Rothmier
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: August 21, 2017

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 for an Ordinance to relinquish the easement, in its entirety, reserved in Vacation Ordinance No. 15-0741, Series of 2015, Recordation No. 2015154997. Located at 1251-1295 Knox Ct.

3. Requesting Agency: PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Brittany Pirtle
- **Phone:** 720-865-3129
- **Email:** Brittany.Pirtle@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:

Request for an Ordinance to relinquish the easement, in its entirety, reserved in Vacation Ordinance No. 15-0741, Series of 2015, Recordation No. 2015154997. Located at 1251-1295 Knox 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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** 1251-1295 Knox Ct.
- d. **Affected Council District:** Dist # 3, Paul D. Lopez
- 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?) **Please explain.**

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2017-RELINQ-0000005 Arroyo Village at 1251-1295 Knox Ct

Owner name: Town View MHA LTD

Description of Proposed Project: Request for an Ordinance to relinquish the easement, in its entirety, reserved in Vacation Ordinance No. 15-0741, Series of 2015, Recordation No. 2015154997. Located at 1251-1295 Knox Ct.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: To combine parcels and redevelop the land.

Background: The alley bounded by Knox Court, King Street and West 13th Ave was vacated with reservations in Vacation Ordinance No. 15-0741, Series of 2015, Recordation No. 2015154997, preventing use of the property for redevelopment. Xcel and Century Link have approved the relocation of their utilities. The City and County of Denver Development Services Wastewater and ERA Wastewater departments have approved plans for the relocation of the sanitary sewer line.

Location Map:



EXHIBIT A
LAND DESCRIPTION
PAGE 1 OF 2

A PARCEL OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; AND LOCATED IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO; AND BEING ALL OF THAT 15' ALLEY VACATED BY ORDINANCE 741, SERIES OF 2015, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 2, OF SAID VILLA PARK SUBDIVISION;

THENCE S89°59'12"E ALONG THE NORTHERLY LINE OF SAID VACATED ALLEY, 15.00 FEET TO THE NORTHEAST CORNER OF VACATED ALLEY;

THENCE S00°08'31"E ALONG THE EAST OF VACATED ALLEY, 274.96 FEET TO THE SOUTHEASTERLY CORNER OF SAID VACATED ALLEY;

THENCE ALONG THE SOUTHERLY LINE OF SAID VACATED ALLEY, N89°59'39"W 15.00 FEET TO THE SOUTHWEST CORNER OF SAID VACATED ALLEY;

THENCE ALONG THE WESTERLY LINE OF SAID VACATED ALLEY, N00°08'31"W, 274.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,124 SQUARE FEET OR 0.095 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE VACATED ALLEY OF BLOCK 2, VILLA PARK, BEING S00°08'28"E, AS MONUMENTED ON THE NORTH BY A NAIL AND SHINER PLS 38162, AND ON THE SOUTH BY A NAIL AND SHINER PLS 38162.

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS H. ORT III, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

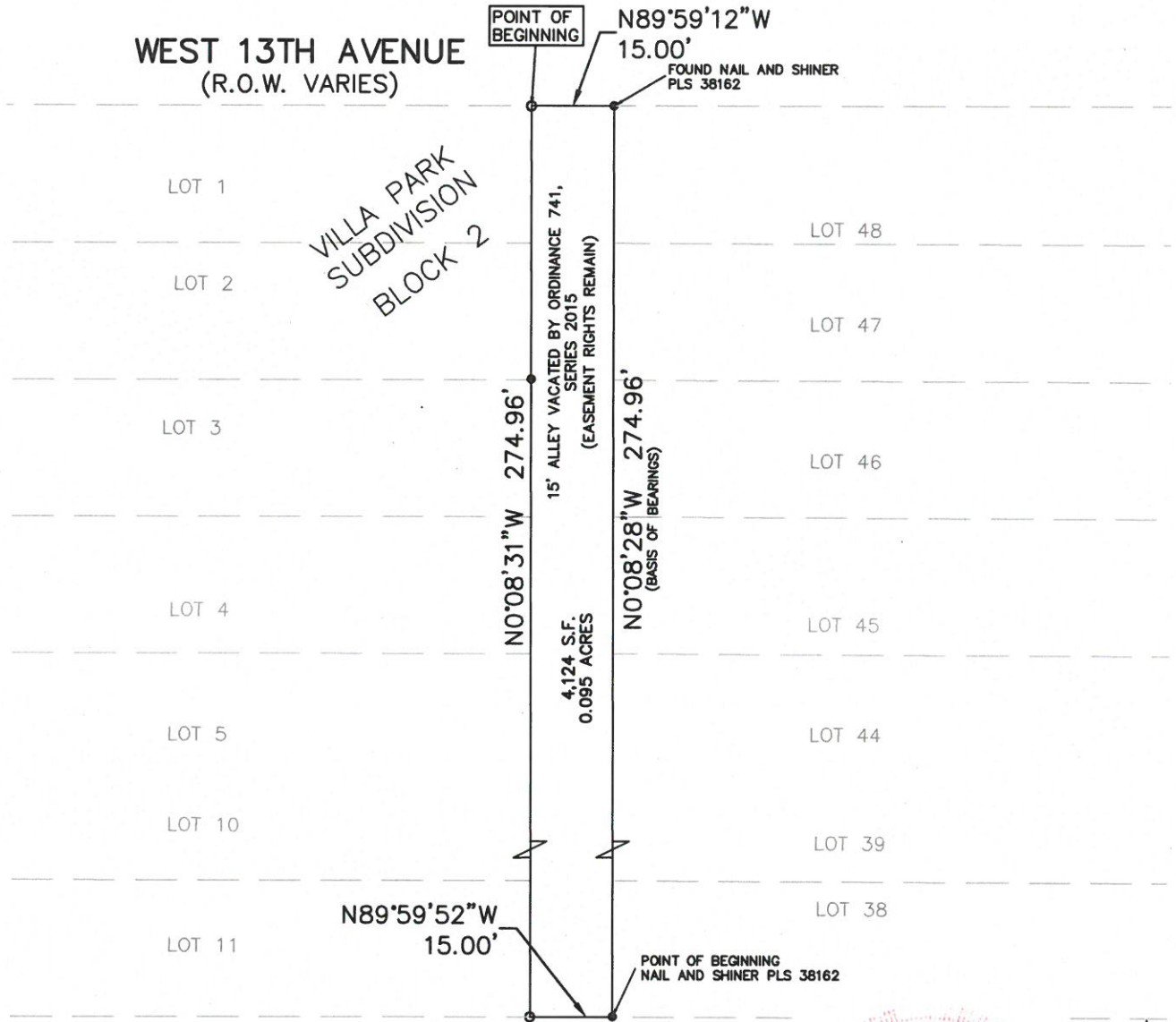
DOUGLAS H. ORT III, COLORADO PLS 37066
WILSON & COMPANY
1675 BROADWAY, SUITE 200
DENVER, CO 80202
DHORTIII@WILSONCO.COM
PH 303-501-1221
FAX 303-297-2693



A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-
 QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
 CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT "A"

PAGE 2 OF 2



BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE VACATED ALLEY OF BLOCK 2, VILLA PARK, BEING S00°08'28"E, AS MONUMENTED ON THE NORTH BY A NAIL AND SHINER PLS 38162, AND ON THE SOUTH BY A NAIL AND SHINER PLS 38162.

16-300-088



M:\SR16-300-088-002_Disciplines\ SHEETS\1_Sheets_general\ARROYO VILLAGE SURVEY RELINQUISHMENT.dwg Plotted on: Feb 28, 2017 - 8:26am By: dhoriil

| | | | | | | | | |
|-----|----------------------|----|------|-------|-------|---|--------------------|--|
| | | | | | | SHT. NO: 2 OF 2 | | <p>1675 Broadway Suite 200 Denver, CO 80202 Phone: 303-297-2976 Fax: 303-297-2693</p> |
| | | | | | | SCALE: 1" = 30' | | |
| | | | | | | DWN. BY: TJB | DATE: 2-20-2017 | |
| | | | | | | CHK. BY: | | |
| | | | | | | PROJ. MGR: DHO | 2-20-2017 | |
| | | | | | | CLIENT APP: | | |
| NO. | REVISION-DESCRIPTION | BY | DATE | CHK'D | APP'D | VACATED 15' ALLEY VILLA PARK SUBDIVISION CITY AND COUNTY OF DENVER STATE OF COLORADO | | |

1 BY AUTHORITY

2 ORDINANCE NO. ORD15-0741
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0741
COMMITTEE OF REFERENCE:
Infrastructure & Culture

6 A BILL

7 For an ordinance vacating the alley bounded by Knox Court, King Street, and
8 West 13th Avenue, with reservations.

9
10 WHEREAS, the Manager of Public Works of the City and County of Denver has found and
11 determined that the public use, convenience and necessity no longer require that certain area in the
12 system of thoroughfares of the municipality hereinafter described and, subject to approval by
13 ordinance, has vacated the same with the reservations hereinafter set forth;

14 NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF
15 DENVER:

16
17 Section 1. That the action of the Manager of Public Works in vacating the following
18 described right-of-way in the City and County of Denver, State of Colorado, to wit:

19
20 PARCEL DESCRIPTION ROW NO. 2015-VACA-0006701-001:

21
22 A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH,
23 RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING A PORTION
24 OF THE ALLEY LOCATED IN BLOCK 2, VILLA PARK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

25
26 BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, VILLA PARK, WHENCE THE NORTHWEST
27 CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5 BEARS
28 N86°37'12"W 518.52 FEET, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 13TH
29 AVENUE;

30
31 THENCE S89°59'12"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 13TH AVENUE 15.00 FEET TO
32 THE NORTHWEST CORNER OF LOT 48, BLOCK 2, VILLA PARK;

33
34 THENCE S00°08'31"E ALONG THE WEST LINE OF LOTS 38 THROUGH 48, INCLUSIVE, BLOCK 2, VILLA PARK,
35 274.96 FEET TO THE SOUTHWEST CORNER OF LOT 38, BLOCK 2, VILLA PARK;

36
37 THENCE N89°59'39"W 15.00 FEET TO THE SOUTHEAST CORNER OF LOT 11, BLOCK 2, VILLA PARK;

38
39 THENCE N00°08'31"W ALONG THE EAST LINE OF LOTS 1 THROUGH 11, INCLUSIVE, BLOCK 2, VILLA PARK,
40 274.96 FEET TO THE POINT OF BEGINNING.

41
42 CONTAINING 4,124 SQUARE FEET OR 0.095 ACRES, MORE OR LESS.

43
44
45 BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF LOTS 38 THROUGH 48, INCLUSIVE,
46 BLOCK 2, VILLA PARK, BEING S00°08'31"E AS MONUMENTED ON THE NORTH BY A NAIL WITH SHINER, PLS
47 38162 AND ON THE SOUTH BY A NAIL WITH SHINER, PLS 38162.



City & County of Denver

R \$0.00

ORD

2015154997

Page: 1 of 3

D \$0.00

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

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

4 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
5 successors and assigns, over, under, across, along, and through the 15 foot alley between Knox
6 Court and King Street area as described below ("Easement Area") for the purposes of constructing,
7 operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not
8 limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities.
9 A hard surface shall be maintained by the property owner over the entire Easement Area. The City
10 reserves the right to authorize the use of the reserved easement by all utility providers with existing
11 facilities in the Easement Area. No trees, fences, retaining walls, landscaping or structures shall be
12 allowed over, upon or under the Easement Area. Any such obstruction may be removed by the City
13 or the utility provider at the property owner's expense. The property owner shall not re-grade or alter
14 the ground cover in the Easement Area without permission from the City and County of Denver. The
15 property owner shall be liable for all damages to such utilities, including their repair and replacement,
16 at the property owner's sole expense. The City and County of Denver, its successors, assigns,
17 licensees, permittees and other authorized users shall not be liable for any damage to property
18 owner's property due to use of this reserved easement.

19
20

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1 COMMITTEE APPROVAL DATE: October 15, 2015 by Consent

2 MAYOR-COUNCIL DATE: October 20, 2015

3 PASSED BY THE COUNCIL: November 2, 2015

4 Christopher J. Henderson - PRESIDENT

5 APPROVED: [Signature] - MAYOR NOVEMBER 3, 2015

6 ATTEST: Debra Johnson - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: OCT 29, 2015; NOV 5, 2015

11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 22, 2015

12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.
16

17 D. Scott Martinez, Denver City Attorney

18
19 BY: [Signature], Assistant City Attorney DATE: 22 Oct, 2015

