



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: Ted Christianson
Director, Public Works Right of Way Services

PROJECT NO: 2017-RELINO-0000014 2714 Welton St

DATE: July 11, 2017

SUBJECT: Request for an Ordinance to relinquish the easements **in their entirety** established in the vacating Ordinance No. **20170470**, Series of **2017**. Located at the intersection of E. 26th Ave and Clarkson St, at 2714 Welton St.

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

This request is to rectify the mistake on the vacating ordinance that reserved the standard hard surface easements, which should have not been reserved in that ordinance.

Therefore, you are requested to initiate Council action to relinquish the easements in Ordinance No. 20170470.

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

TC:vw

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: July 11, 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 easements in their entirety established in the vacating Ordinance No. 20170470, Series of 2017. Located at the intersection of E. 26th Ave and Clarkson St, at 2714 Welton St.

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

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

- **Name:** Vanessa West
- **Phone:** 720-913-0719
- **Email:** Vanessa.west@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:

This is to rectify an error from the original vacating Ordinance No. 20170470, that reserved easements, where easements were not needed.

****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:**
- d. **Affected Council District:** Dist # 9, Brooks
- 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-0000014 2714 Welton St

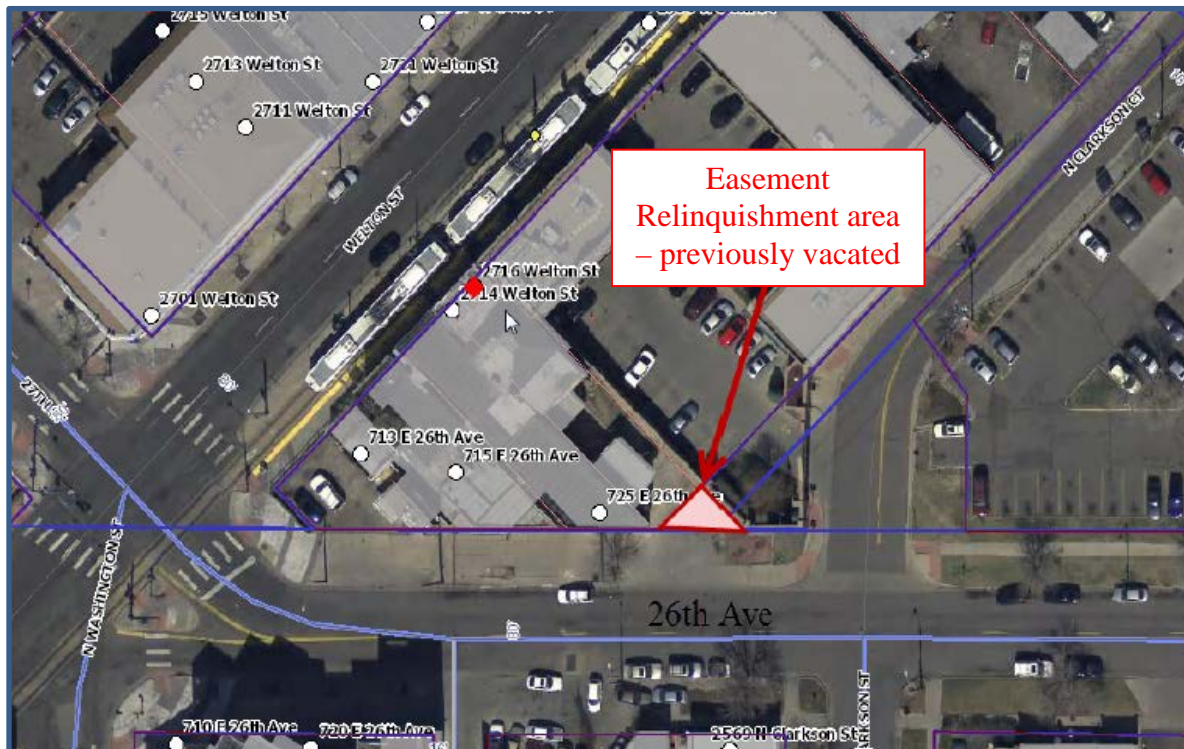
Owner name: Blair Dunn

Description of Proposed Project: To relinquish easements that were never needed

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This is to rectify the error of reserving easements in the original vacating Ordinance No. 20170470

Background: N/A

Location Map:



BY AUTHORITY

ORDINANCE NO. 20170470
SERIES OF 2017

COUNCIL BILL NO. CB17-0470
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of right-of-way near the intersection of East 26th Avenue and Clarkson 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-000028-001:

A PARCEL OF LAND BEING A PORTION OF A 16' WIDE PLATTED ALLEY LYING SOUTHEASTERLY AND ADJACENT TO LOT 12, BLOCK 78, CASE & EBERT'S ADDITION TO THE CITY OF DENVER RESURVEY AS DESCRIBED IN THE RECORDS OF THE CITY AND COUNTY OF DENVER IN PLAT BOOK 6 AT PAGE 63, AND A PORTION OF ORDINANCE NUMBER 104 OF SERIES 1998 AS DESCRIBED IN THE RECORDS OF THE CITY AND COUNTY OF DENVER ON FEBRUARY 17, 1998, LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHEASTERLY LINE OF LOT 12, SAID BLOCK 78, TO BEAR NORTH 44°44'20" EAST, A DISTANCE OF 22.52 FEET BETWEEN A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958" AT THE EASTERLY OF THE TWO SOUTH CORNERS OF SAID LOT 12 AND A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958", AT THE EASTERLY CORNER OF SAID LOT 12, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE EAST CORNER OF SAID LOT 12 AND A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958";
THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 12 EXTENDED SOUTHEASTERLY, SOUTH 45°15'40" EAST, A DISTANCE OF 22.73 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 26TH AVENUE;

1 THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST 26TH AVENUE, NORTH
2 90°00'00" WEST, A DISTANCE OF 31.99 FEET;

3 THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 12, NORTH 44°44'20" EAST, A
4 DISTANCE OF 22.52 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

5 SAID PARCEL CONTAINING 256 SQ. FT. OR 0.006 ACRES, MORE OR LESS

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

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

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

23

24

REMAINDER OF PAGE INTENTIONALLY BLANK

1 COMMITTEE APPROVAL DATE: April 25, 2017 by Consent
 2 MAYOR-COUNCIL DATE: May 2, 2017
 3 PASSED BY THE COUNCIL: May 22, 2017
 4 [Signature] - PRESIDENT
 5 APPROVED: [Signature] - MAYOR May 23, 2017
 6 ATTEST: [Signature] - CLERK AND RECORDER,
 7 EX-OFFICIO CLERK OF THE
 8 CITY AND COUNTY OF DENVER
 9
 10 NOTICE PUBLISHED IN THE DAILY JOURNAL: May 19, 2017 ; May 26, 2017
 11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 4, 2017
 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 Kristin M. Bronson, Denver City Attorney
 18 BY: [Signature], Assistant City Attorney DATE: May 4, 2017

