

**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:** 2013-0451-01

**DATE:** December 6, 2013

**SUBJECT:** Request for an Ordinance to relinquish a portion of the easements established in **Ordinance No. 38, Series of 1939.**

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

This office has investigated the request of Larsen Development Company, dated September 11, 2013, on behalf of Sean and Alexis Kearns for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Mary Beth Susman; CPD: Planning Services; Denver Water Board; Fire Department; Metro Wastewater Reclamation District; Office of Telecommunications; PW: DES Engineering, and DES Survey; Qwest Corporation; 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(s).

Therefore, you are requested to initiate Council action to relinquish the easements in the following described areas:

**INSERT PARCEL DESCRIPTION ROW 2013-0451-01-001 HERE**

A map is attached showing the area in which the subject easement is to be relinquished. A copy of the Ordinance creating the easement is also attached.

Attachments

RJD:BA

cc: Asset Mgmt. Steve Wirth  
Council, Gretchen Williams  
Councilperson Mary Beth Susman 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  
Project File **2013-0451-01**

**Property Owner**

Sean and Alexis Kearns  
458 Eudora St  
Denver, Colorado 80220

**Agent**

Larsen Development Company  
c/o Larry Larsen  
900 E Louisiana Ave., Suite 201  
Denver, Colorado 80210

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at  
[Nancy.kuhn@denvergov.org](mailto:Nancy.kuhn@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: December 6, 2013

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.)*

Request for an Ordinance to relinquish a portion of the easements established in Ordinance No. 38, Series of 1939.

3. **Requesting Agency:** Public Works Right of Way

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

- **Name:** Beverly Aragon
- **Phone:** 720-865-3125
- **Email:** [Beverly.Aragon@denvergov.org](mailto:Beverly.Aragon@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](mailto:Nancy.Kuhn@denvergov.org)

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

To relinquish a portion of the easements established in Ordinance No. 38, Series of 1939.

**\*\*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:** 458 Eudora St
- d. **Affected Council District:** Mary Beth Susman, District #5
- 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: 2013-0451-01 Easement Relinquishment 458 Eudora St**

**Description of Proposed Project: To relinquish a portion of the easements established in Ordinance No. 38, Series of 1939.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For improvements**

**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: N/A**

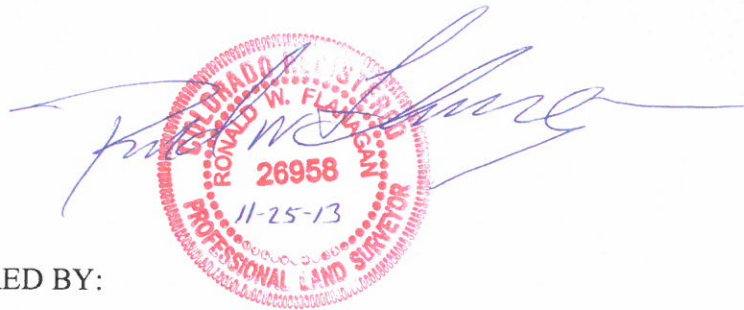
LAND DESCRIPTION

A PORTION OF LAND LOCATED WITHIN THE NORTHEAST ¼, SECTION 7,  
TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M. AND BEING A  
PORTION OF VACATED 5<sup>TH</sup> AVENUE LOCATED WITHIN THE MALONE AND  
DUBOIS SUBDIVISION,

MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THE SOUTH ½ OF VACATED 5<sup>TH</sup> AVENUE LYING NORTH OF AND ADJACENT  
TO THE WEST 117 FEET OF LOT 30, BLOCK 27, MALONE AND DUBOIS  
SUBDIVISION,

CITY AND COUNTY OF DENVER,  
STATE OF COLORADO



A handwritten signature in blue ink is written over a red circular professional seal. The seal contains the text: "COLORADO", "RONALD W. FLANAGAN", "26958", "11-25-13", and "PROFESSIONAL LAND SURVEYOR".

AUTHORED BY:

RONALD W. FLANAGAN, PLS #26958  
4750 S SANTA FE CR. # 8,  
ENGLEWOOD, CO 80110  
303-761-8055

2013-0451-01-001



# COLORADO ENGINEERING & SURVEYING, INC.

NO. 2013-1029-Ex

Surveying Colorado Since 1972

www.copls.com

3470 So. Sherman St., Suite 2

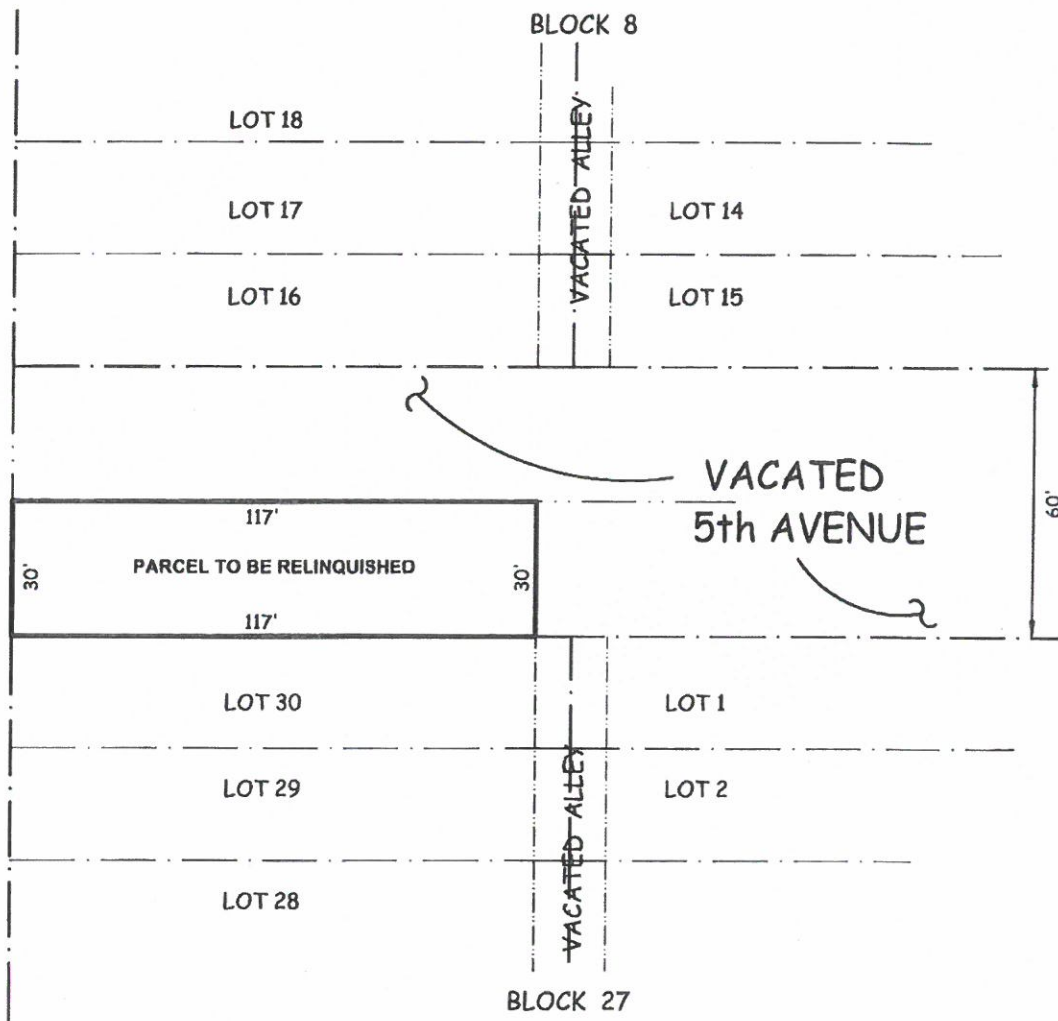
Englewood, Colorado 80113

PHONE: (303)761-8055

FAX: (303) 761-0841

SCALE 1" = 40'

EUDORA STREET  
60' RIGHT OF WAY



## PARCEL DESCRIPTION:

SOUTH 1/2 OF VACATED 5TH AVENUE LYING  
 NORTH OF AND ADJACENT TO THE WEST 117 FEET  
 OF LOT 30, BLOCK 27, MALONE AND DUBOIS SUBDIVISION,  
 CITY AND COUNTY OF DENVER,  
 STATE OF COLORADO

THE PURPOSE OF THIS DRAWING IS TO DESCRIBE THE PARCEL  
 OF GROUND FOR RELINQUISHMENT OF EASEMENT OVER  
 PART OF VACATED 5TH AVENUE



9/11/13

BY AUTHORITY

ORDINANCE NO. 78.....

SERIES OF 1939

COUNCILMAN'S BILL NO. 47.....

INTRODUCED BY COUNCILMAN  
STAFFORD

A B I L L

FOR AN ORDINANCE VACATING CERTAIN PORTIONS  
OF FIFTH AVENUE LYING BETWEEN THE EAST LINE  
OF EUDORA STREET (FORMERLY MINNESOTA AVE.)  
AND THE EAST LINE OF MALONE AND DU BOIS  
SUBDIVISION, IN THE CITY AND COUNTY OF DENVER.

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

WHEREAS, George E. Cranmer, Manager of Improvements and Parks

did heretofore make the following order and direction to-wit:

"It is hereby found and determined that the public use,  
convenience and necessity no longer require those portions  
of Fifth Avenue lying between the east line of Eudora Street  
(formerly Minnesota Ave.) and the east line of Malone and  
DuBois Subdivision, lying between Blocks 8 and 27, 7 and 28,  
6 and 29, 5 and 30, 4 and 31, 3 and 32, 2 and 33, 1 and 34,  
in Malone and DuBois Subdivision, in the City and County of  
Denver, and State of Colorado, and the same are hereby  
vacated.

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, in the State of Colorado, this 19<sup>th</sup>  
day of April, A. D. 1939.

(Signed) George E. Cranmer  
Manager."

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 is hereby  
ratified, approved and confirmed. " 7-4-67

Section 2:-That those portions of Fifth Avenue lying between  
the east line of Eudora Street (formerly Minnesota Ave.) and the East  
line of Malone and DuBois Subdivision, lying between Blocks 8 and 27,

2

7 and 28, 6 and 29, 5 and 30, 4 and 31, 3 and 32, 2 and 33, 1 and 34, in Malone and DuBois Subdivision, in the City and County of Denver, in the State of Colorado, be and the same are hereby vacated; reserving to the City and County of Denver at all times, the right to construct, maintain, operate, replace, enlarge, and remove sewers, water pipes and appurtenances, and to authorize the construction, maintenance and removal of the same therein and therefrom; and reserving and subject to the continued right of the present owners and their successors to relocate, alter, maintain, replace, remove, and operate electric light and power lines, telephone lines, gas mains and pipes, together with conduits or other devices for the consolidation, improvement or replacement thereof, above or below the surface of the ground.

Section 3: In the opinion of the Council this Ordinance is necessary 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.

Passed by the Council and signed by its President this 8<sup>th</sup> day of May A. D. 1939.

Charles M. Webster  
PRESIDENT

Signed and approved by me this 10<sup>th</sup> day of May A. D. 1939.

Ben H. Hamilton  
MAYOR

Attest the corporate seal of the City and County of Denver.



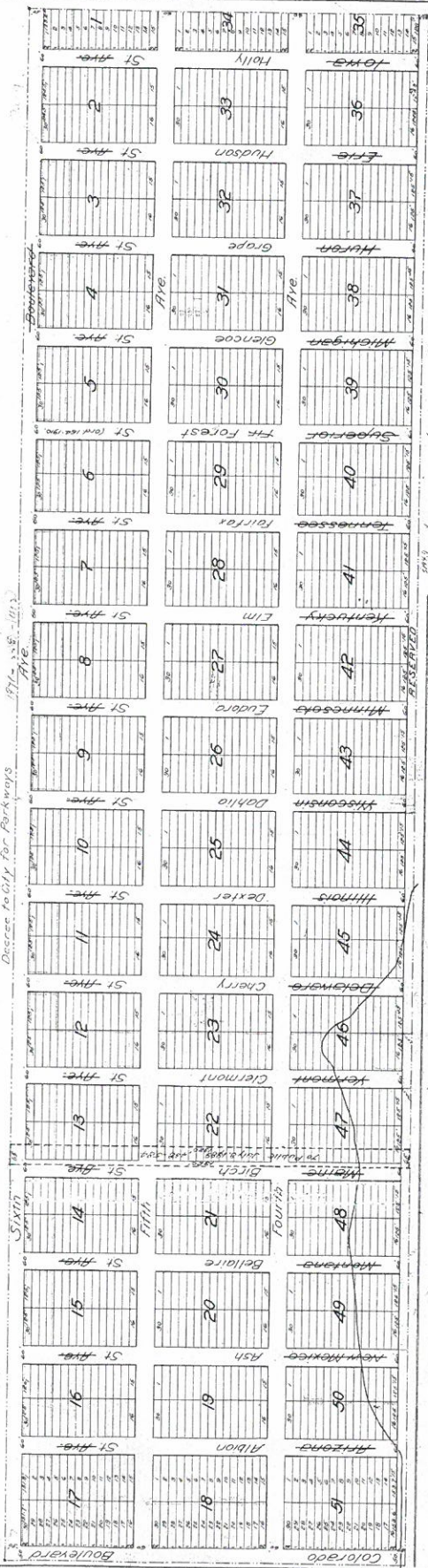
Albert C. Morrison  
CITY CLERK AND RECORDER, EX-OFFICIO  
CLERK OF THE CITY AND COUNTY OF DENVER.

By James Guichen  
DEPUTY CLERK

Published in Denver Post  
First publication May 6 - 1939  
Last publication May 13 - 1939

# MALONE DU BOIS SUB-DIVISION

of the N½ of NE¼ and N½ of NW¼ of Sec. 7 T4 S. R. 67 West.  
Scale: 1 inch = 200 feet



State of Colorado  
County of Pueblo } ss.  
I, Charles J. Blaney, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, Charles J. Blaney, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, Charles J. Blaney, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

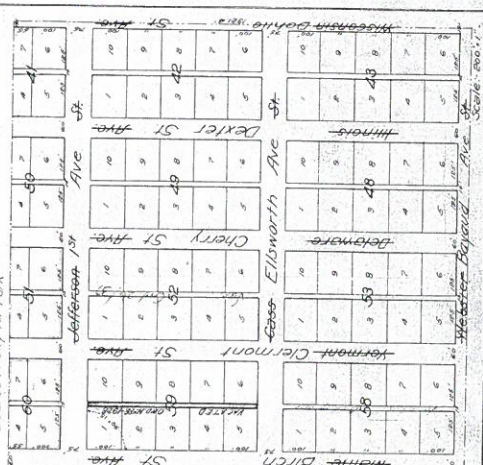
State of Colorado  
County of Pueblo } ss.  
I, Charles J. Blaney, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, Charles J. Blaney, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, Charles J. Blaney, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

## MILLER'S EAST CAPITOL HILL SUBDIVISION

Being the NE¼ of the S¼ of Sec. 7 T4 S. R. 67 W.



State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.

State of Colorado  
County of Pueblo } ss.  
I, David Mitchell, Clerk and Ex-Officio of Pueblo County, Colorado, do hereby certify that the instrument herein is duly recorded in Book 6, page 18.