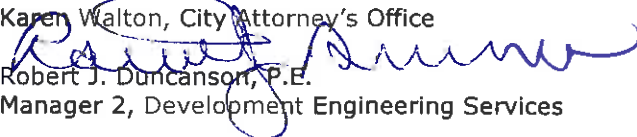




REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office
FROM: 
 Robert J. Durcanson, P.E.
 Manager 2, Development Engineering Services
PROJECT NO: 2011-0427 -08
DATE: April 10, 2013
SUBJECT: Request for an Ordinance to relinquish the 7 foot easements in blocks 10 and 11, established in the Evans Park Estates Subdivision plat recorded through Arapahoe County in June of 1940.

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

This office has investigated the request of Erin Griffin, dated February 7, 2013, on behalf of Cedar Holding Company LLC for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Nevitt; 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 2011-0427-08-001 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:VLH

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams
 Councilperson Nevitt and Aides
 Department of Law, Karen Aviles
 Department of Law, Brent Eisen
 Department of Law, Karen Walton
 Department of Law, Arlene Dykstra
 Public Works, Alba Castro
 Public Works, Nancy Kuhn
 Public Works Survey-Paul Rogalla
 Project File **2011-0427-08**

Property Owner
 Cedar Holdings Company, LLC
 c/o Paul Schmidt
 222 Grand Avenue
 Englewood, NJ 07631

Agent
 Kimley-Horn and Associates
 c/o Erin Griffin
 990 S Broadway Suite 200
 Denver Co 80209

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix 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: April 10, 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 the 7 foot easements in blocks 10 and 11, established in the Evans Park Estates Subdivision plat recorded through Arapahoe County in June of 1940.

3. Requesting Agency: PW Right of Way Engineering Services

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

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: vanessa.herman@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:

To relinquish the 7 foot easements in blocks 10 and 11 established in the Evans Park Estates Subdivision plat recorded through Arapahoe County in June of 1940

****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: Decatur St and W Warren Ave
- d. Affected Council District: Dist # 7 Nevitt
- 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: 2011-0427-08 Easement Relinquishment Walmart 2770 W Evans

Description of Proposed Project: Request for an Ordinance to relinquish the 7 foot easements in blocks 10 and 11, established in the Evans Park Estates Subdivision plat recorded through Arapahoe County in June of 1940.

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

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

EXHIBIT A

A strip of land within Lots 11 through 20 inclusive, Block 10, Evans Park Estates recorded June 5th, 1940 in the Arapahoe County records, situated in the Northeast Quarter (NE1/4) of Section 29, Township 4 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado, more particularly described as follows:

COMMENCING at the range point (1 1/4" axle in range box) at the intersection of vacated S. Decatur Street and W. Warren Avenue and considering the 20 foot range line along vacated S. Decatur Street to bear North 00°11'49" West, (711.92 feet) along said 20' range line between the range point (1 1/4" axle in range box) at the intersection of vacated S. Decatur Street and W. Warren Avenue and the range point (1 1/4" axle in range box) at the intersection of vacated S. Decatur Street and W. Evans Avenue, said line forming the Basis of Bearing for this legal description;

Thence North 00°11'49" West, 20.00 feet along said 20' range line to the south line of Evans Park Estates and the north right of way line of W. Warren Avenue;

Thence South 89°18'34" West a distance of 20.00 feet along said south line and north right of way line to the west right of way line of vacated S. Decatur Street, the southeast corner of Lot 15, Block 10, Evans Park Estates and the **POINT OF BEGINNING**;

Thence continuing along said south line and north right of way line South 89°18'34" West, 7.00 feet to the west line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence North 00°11'49" West, 288.96 feet along said west line to the south line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence South 89°18'34" West, 285.78 feet along said south line to the east line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence North 00°10'22" West, 14.00 feet along said east line to the north line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence North 89°18'34" East, 285.78 feet along said north line to the west line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence North 00°11'49" West, 113.98 feet along said west line;

Thence North 89°18'34" East, 7.00 feet to the east line of Lot 16 of said Evans Park Estates and the west right of way line of said vacated S. Decatur Street;

Thence South 00°11'49" East, 416.94 feet along said east line and the east line of Lot 15 of said Evans Park Estates and continuing along said west right of way line, more or less to the **POINT OF BEGINNING**.

Parcel contains 6,920 square feet (0.159 acres), more or less.

Together with:

A strip of land within Lots 1 through 9 inclusive and Lots 11 through 20 inclusive, Block 11, Evans Park Estates recorded June 5th, 1940 in the Arapahoe County records, situated in the Northeast Quarter (NE1/4) of Section 29, Township 4 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado, more particularly described as follows:

COMMENCING at the range point (1 1/4" axle in range box) at the intersection of vacated S. Decatur Street and W. Warren Avenue and considering the 20 foot range line along vacated S. Decatur Street to bear North 00°11'49" West, (711.92 feet) along said 20' range line between the range point (1 1/4" axle in range box) at the intersection of vacated S. Decatur Street and W. Warren Avenue and the range point (1 1/4" axle in range box) at the intersection of vacated S. Decatur Street and W. Evans Avenue, said line forming the Basis of Bearing for this legal description;

Thence North 00°11'49" West, 20.00 feet along said 20' range line to the south line of Evans Park Estates and the north right of way line of W. Warren Avenue;

Thence North 89°18'34" East a distance of 40.00 feet along said south line and north right of way line to the east right of way line of vacated S. Decatur Street, the southwest corner of Lot 20, Block 11, Evans Park Estates and the **POINT OF BEGINNING**;

Thence North 00°11'49" West, 416.94 feet along said east right of way line and the west line of Lot 1, Block 11, Evans Park Estates;

Thence North 89°18'34" East, 7.00 feet to the east line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence South 00°11'49" East, 113.98 feet along said east line to the north line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence North 89°18'34" East, 533.07 feet along said north line to the east line of Lot 9, Block 11 of said Evans Park Estates;

Thence South 00°10'15" East, 7.00 feet along said east line to the southeast corner of said Lot 9 and the northwest corner of Lot 11, Block 11 of said Evans Park Estates;

Thence North 89°18'34" East, 53.01 feet along the north line of said Lot 11 to the west line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence South 00°10'03" East, 7.00 feet along said west line to the south line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence South 89°18'34" West, 586.08 feet along said south line to the east line of a 7 foot wide easement as shown on the plat of said Evans Park Estates;

Thence South 00°11'49" East, 288.96 feet along said east line to said south line of Evans Park Estates and the north right of way line of W. Warren Avenue;

Thence South 89°18'34" West, 7.00 feet along said south line and said north right of way line, more or less to the **POINT OF BEGINNING**.

Parcel contains 10,753 square feet (0.247 acres), more or less.

Contains a total of 17,673 square feet (0.406 acres), more or less.

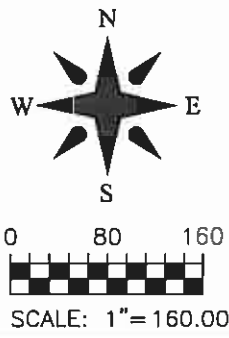
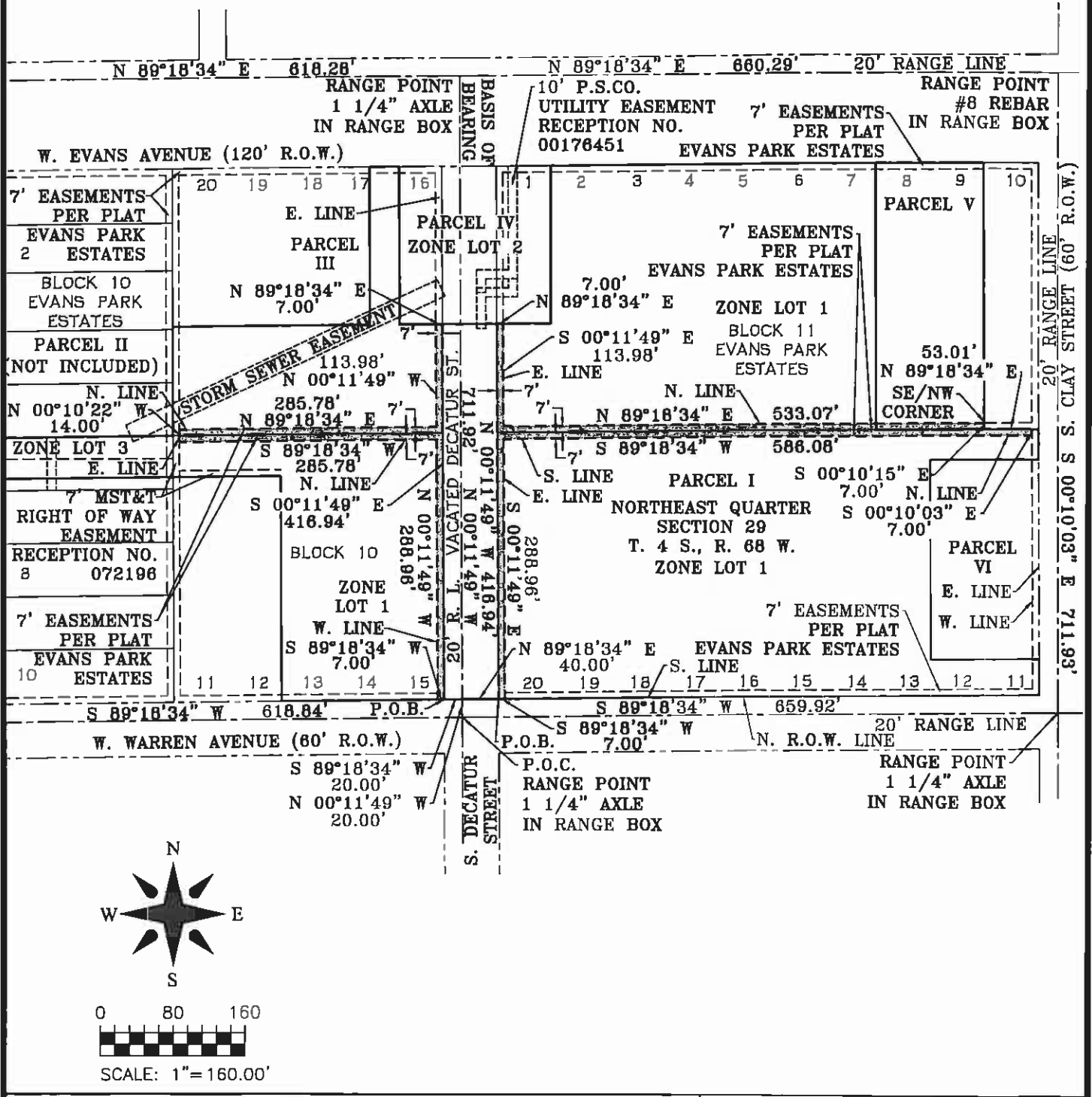
I hereby certify that the above legal description was prepared under my direct supervision.



Albert V. Valletta, Jr., PLS 23524
WSSI Job No. : 09919:035p10
Federal and Evans Easement Relinquishment
Date: February 5, 2013
For and on Behalf of
Western States Surveying, Inc.
12753 S. Parker Road, Suite 205
Parker, CO 80134
(303) 841-7436

Notice: According to Colorado law you must commence any legal actions based upon a defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT



Western States
SURVEYING, Inc.
 12753 SOUTH PARKER ROAD, SUITE 205
 PARKER, CO 80134-3486 (303) 841-7436

NOTE: THIS DOES NOT REPRESENT
 A MONUMENTED SURVEY. IT IS
 INTENDED ONLY TO DEPICT THE
 ATTACHED DESCRIPTION.

OWNER: CEDAR HOLDING
 ASSOCIATES/PAUL SCHMIDT

KIMLEY-HORN ASSOCIATES

CALC: AVV DATE: 02/05/13
 DRWN: AVV COMMIT. NO.

AREA OF PARCELS: 0.406 AC.

17,673 SQ. FT.

JOB NO. 09919:035p10
 DWG. NAME: Relinquish

SHEET 4 OF 4