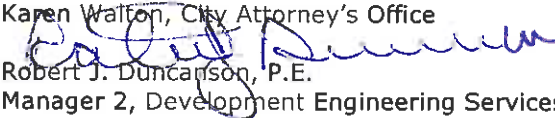


REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office
FROM: 
Robert J. Duncan, P.E.
Manager 2, Development Engineering Services
PROJECT NO: 2012-0293-02
DATE: July 26, 2013
SUBJECT: Request for an Ordinance to relinquish certain easements established in Ordinance number **578** Series of **2012**.

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

This office has investigated the request of Edee Anesi, dated May 20, 2013, on behalf of Cavaliere Enterprises for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Judy Montero; 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 2012-0293-02-001 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:lra/bvs

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams
Councilperson Judy Montero 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 **2012-0293-02**

Property Owner
Cavaliere Enterprises
c/o Edee Anesi
1440 W 33rd Ave
Denver, CO 80211

Agent
Tres Birds Workshop
c/o Shawn Mather
3990 Franklin St
Denver, CO 80205

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: July 26, 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 certain easements established in Ordinance number 578 Series of 2012.

3. Requesting Agency: PW Right of Way Engineering Services

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

- Name: Lisa Ayala
- Phone: 720-865-3153
- Email: Lisa.Ayala@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 easement reserved in Ordinance No 578 Series of 2012

****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: N/A
- c. Location: 1440 W 33rd Avenue (Easement bounded by W 33rd Avenue, Navajo Street and I-25)
- 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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2012-0293-02 Easement Relinquishment, 1440 W 33rd Ave

Description of Proposed Project: Request for an Ordinance to relinquish certain easements established in Ordinance number 578 Series of 2012

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

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

EASEMENT RELINQUISHMENT DESCRIPTION

A PARCEL OF LAND SITUATED THE NORTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING A FIFTEEN FOOT (15') ALLEYWAY THAT WAS VACATED BY ORDINANCE NO. 578 AT RECEPTION NO. 2012162132, BLOCK 108 VIADUCT ADDITION TO DENVER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 30, BLOCK 108, VIADUCT ADDITION TO DENVER AND MEASURING THE WESTERLY LINE OF SAID BLOCK 108 AS BEARING NORTH 00°00'00" WEST WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE ALONG THE WESTERLY LINE OF LOTS 28, 29 AND 30 OF SAID BLOCK 108, SOUTH 00°34'37" EAST 50.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-25:

THENCE ALONG SAID WESTERLY LINE OF INTERSTATE I-25, SOUTH 33°23'19" WEST 26.85 FEET TO A POINT ON THE EASTERLY LINE OF LOT 3 OF SAID BLOCK;

THENCE ALONG SAID EASTERLY LINE OF LOT 3 AND ALONG THE EASTERLY LINE OF LOTS 1 AND 2 OF SAID BLOCK, NORTH 00°34'37" WEST 72.80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF W. 33RD AVE.;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 89°58'26" EAST 15.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL DESCRIBED CONTAINS 924 SQUARE FEET, 0.021 ACRES MORE OR LESS(±).

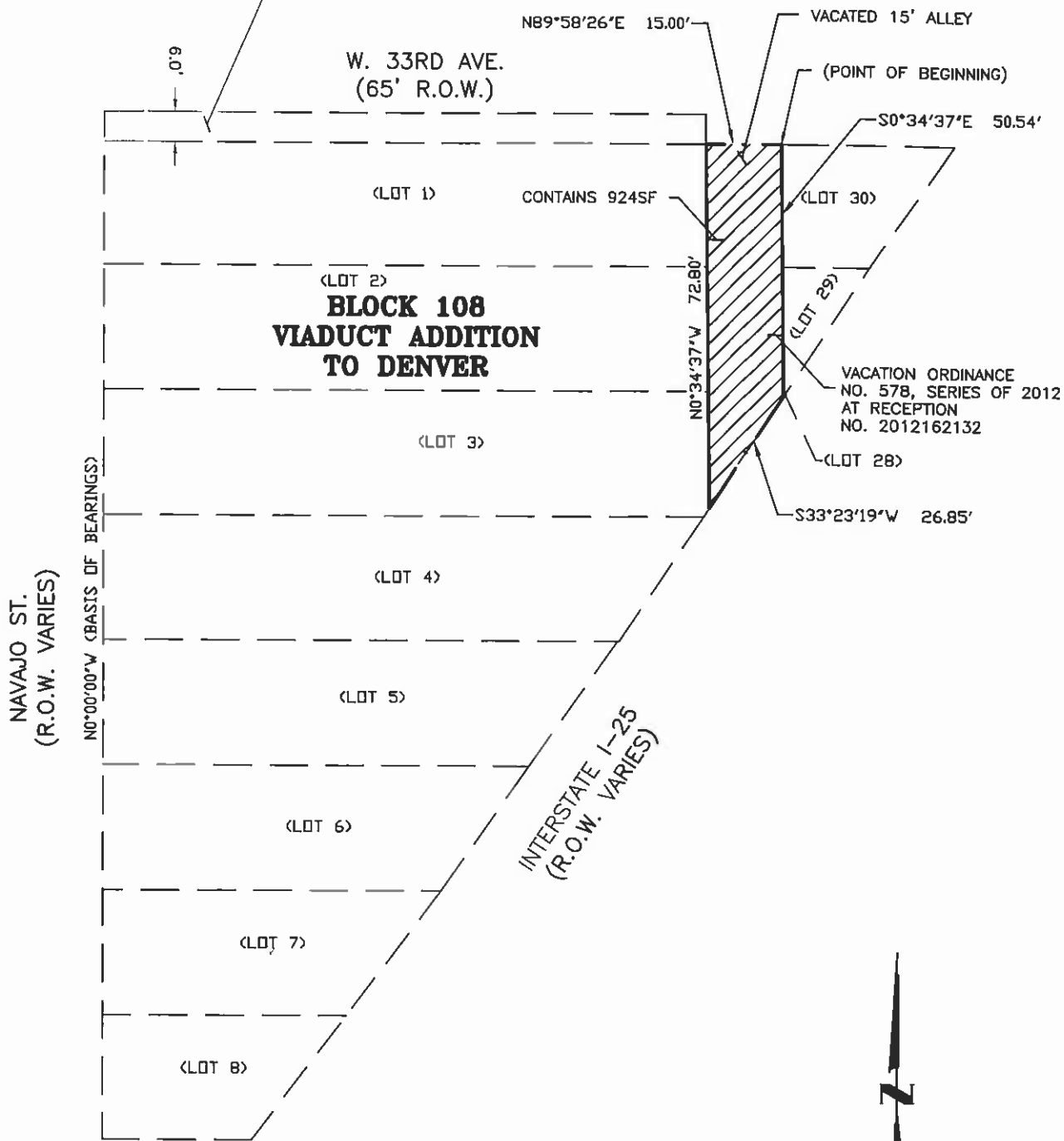


GREGORY A. CLARK
PLS 32430
FOR AND ON BEHALF OF BOUNDARY BOYS, LLC
PO BOX 461122
AURORA, COLORADO 80046
303-709-7899

EXHIBIT

PORTION OF THE NE¼ OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6TH P.M.
 CITY AND COUNTY OF DENVER, STATE OF COLORADO

6' VACATED STRIP PER
 ORDINANCE 276, SERIES OF 1951



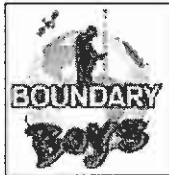
NAVAJO ST.
 (R.O.W. VARIES)

N0°00'00\"/>

INTERSTATE I-25
 (R.O.W. VARIES)



ORIGINAL SCALE: 1"=30'



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