



DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

****Unique project****

TO: Melinda Olivarez, City Attorney's Office
FROM: *for* Robert J. Duncanson, P.E. *Robert J. Duncanson*
Manager 2, Development Engineering Services
PROJECT NO: 2007-0697-04
DATE: September 23, 2010
SUBJECT: Request for an Ordinance to relinquish a portion of the easement reserved in Ordinance number **380**, Series of **2009**.

****NOTE**** Not all easements reserved in Ordinance number 380, Series of 2009 will be relinquished.

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

This office has investigated the request of Matt Palmer, property owner, dated 07/21/2008, for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson 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 described portion of the reserved easement.

Therefore, you are requested to initiate Council action to relinquish that portion of the reserved easement described as follows:

INSERT PARCEL DESCRIPTION ROW 2007-0697-002 HERE

A map is attached showing the portion of the reserved easement to be relinquished. A copy of the Ordinance creating the easement is also attached.

Attachments

RJD:BV/VLH *gd*



cc: Councilperson Montero and Aides
Gretchen Williams, City Council
Melinda Olivarez, Department of Law
Steve Wirth, Asset Mgmt.
Christine Downs, Public Works
Debra Baca, Public Works
Karen Aviles, Department of Law
Arlene Dykstra, Department of Law
Public Works Survey-Paul Rogalla
Project File **2007-0697-04**

Property Owner Or Agent:
Matt Palmer
1325 W 13th Ave
Broomfield, Co 80020

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at daelene.mix@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: September 24, 2010

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** easement reserved in Ordinance number **380**, Series of **2009**.

3. **Requesting Agency:** PW Right-of-Way Services

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

- **Name:** Barbara Valdez & Vanessa Herman
- **Phone:** 720-865-3108 & 720-913-0719
- **Email:** Barbara.valdez@denvergov.org & 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:** Daelene Mix
- **Phone:** 720-865-9820
- **Email:** Daelene.mix@denvergov.org

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

Request for an Ordinance to relinquish **a portion of the** easement reserved in Ordinance number **380**, Series of **2009**.

****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:** 33rd Ave and Walnut
- d. **Affected Council District:** Dist #9 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: _____

BY AUTHORITY

ORDINANCE NO. 380
SERIES OF 2009

COUNCIL BILL NO.: 357
COMMITTEE OF REFERENCE:
Public Works

A BILL

For an ordinance vacating the L-shaped alley bordered by 33rd Street, Walnut Street and Blake Street, with reservations.

WHEREAS, the Manager 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;

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

Section 1. That the action of the Manager of Public Works in vacating the following described area in the City and County of Denver and State of Colorado, to wit:

A PARCEL OF LAND BEING A PORTION OF A 16 FOOT WIDE ALLEY LOCATED IN BLOCK 21, CASE AND EBERT'S ADDITION TO THE CITY AND COUNTY OF DENVER RECORDED APRIL 7, 1868 IN BOOK 1 PAGE 5, ARAPAHOE COUNTY RECORDS AND BLOCK 4, H. WITER'S ADDITION TO THE CITY AND COUNTY OF DENVER RECORDED MAY 25, 1869 IN BOOK 1 PAGE 10, ARAPAHOE COUNTY RECORDS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHWESTERLY LINE OF SAID BLOCK 21, CASE AND EBERT'S ADDITION TO BEAR NORTH 45°24'19" WEST WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

BEGINNING AT THE WESTERN MOST CORNER OF LOT 2 OF SAID BLOCK 21, CASE AND EBERT'S ADDITION; THENCE NORTH 44°35'41" EAST ALONG THE NORTHWESTERLY LINE OF LOTS 2 THROUGH 5 OF SAID BLOCK 21, CASE AND EBERT'S ADDITION AND LOTS 21 THROUGH 24 OF SAID BLOCK 4, H. WITER'S ADDITION A DISTANCE OF 195.60 FEET TO THE NORTHERN MOST CORNER OF SAID LOT 24; THENCE SOUTH 87°23'33" EAST A DISTANCE OF 13.45 FEET; THENCE SOUTH 45°24'19" EAST ALONG A LINE PARALLEL WITH AND 9 FEET NORTHEASTERLY OF THE NORTHEASTERLY LINE OF LOT 24 OF SAID BLOCK 4, H. WITER'S ADDITION A DISTANCE OF 115.00 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID BLOCK 4, H. WITER'S ADDITION; THENCE NORTH 44°35'41" EAST ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 16.00 FEET TO THE SOUTHERN MOST CORNER OF LOT 26 OF SAID BLOCK 4, H. WITER'S ADDITION; THENCE NORTH 45°24'19" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 26 A DISTANCE OF 125.00 FEET TO THE WESTERN MOST CORNER THEREOF; THENCE NORTH 44°35'41" EAST ALONG THE NORTHWESTERLY LINE OF LOTS 26 AND 27 OF SAID BLOCK 4, H. WITER'S ADDITION A DISTANCE OF 50.00 FEET TO THE NORTHERN MOST CORNER OF SAID LOT 27; THENCE NORTH 45°24'19" WEST A DISTANCE OF 16.00 FEET TO THE EASTERN MOST CORNER OF LOT 6 OF SAID BLOCK 4, H. WITER'S ADDITION; THENCE SOUTH 44°35'41" WEST ALONG THE SOUTHEASTERLY LINE OF LOTS 6 THROUGH 14 OF SAID BLOCK 4, H. WITER'S ADDITION AND LOT 1 OF SAID BLOCK 21, CASE AND EBERT'S ADDITION A DISTANCE OF 270.60 FEET TO THE SOUTHERN MOST CORNER OF SAID LOT 1, BLOCK 21, CASE AND EBERT'S ADDITION; THENCE SOUTH 45°24'19" EAST ALONG THE SOUTHWESTERLY LINE SAID BLOCK 21, CASE AND EBERT'S ADDITION A DISTANCE OF 16.00 FEET TO THE WESTERN MOST CORNER OF SAID LOT 2, BLOCK 21, CASE AND EBERT'S ADDITION AND TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 6,375 SQ. FT. OR 0.15 ACRES MORE OR LESS.

1 be and the same is hereby approved and the described area is hereby vacated and declared
2 vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations
3 covering the land described below:

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

18
19 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: June 16, 2009

20 PASSED BY THE COUNCIL June 29 2009

21 [Signature] - PRESIDENT

22 APPROVED: [Signature] ACTING MAYOR June 30, 2009

23 ATTEST: [Signature] - CLERK AND RECORDER,
24 EX-OFFICIO CLERK OF THE
25 CITY AND COUNTY OF DENVER
26

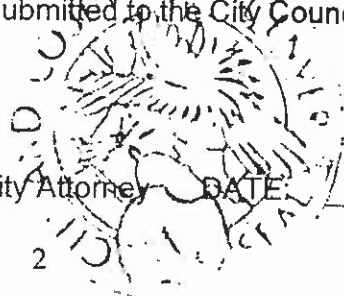
27 NOTICE PUBLISHED IN THE DAILY JOURNAL June 26, 2009; July 2, 2009

28 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY, June 16, 2009

29
30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
31 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
33 3.2.6 of the Charter.
34

35 David R. Fine, City Attorney:

36 BY: [Signature], Assistant City Attorney DATE: 17 June, 2009



A PARCEL OF LAND BEING A PORTION OF A VACATED 16 FOOT WIDE ALLEY LOCATED IN BLOCK 4, H. WITER'S ADDITION TO THE CITY AND COUNTY OF DENVER RECORDED MAY 25, 1869 IN BOOK 1 PAGE 10, ARAPAHOE COUNTY RECORDS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LARIMER STREET TO BEAR SOUTH 44°35'41" WEST WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

BEGINNING AT THE SOUTHERLY MOST CORNER OF LOT 26 OF SAID BLOCK 4, H. WITER'S ADDITION; THENCE SOUTH 44°35'41" WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 16.00 FEET, TO THE NORTHEASTERLY LINE OF A PART OF LOT 25, H. WITER'S ADDITION; THENCE NORTH 45°24'19" WEST ALONG SAID PART OF LOT 25 A DISTANCE OF 115.00 FEET; THENCE NORTH 87°23'33" WEST ALONG THE NORTHERLY LINE OF SAID PART OF LOT 25 A DISTANCE OF 13.45 FEET, TO A POINT ON THE SOUTHEASTERLY LINE OF A 16 FOOT WIDE ALLEY; THENCE NORTH 44°35'41" EAST ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 25.00 FEET, TO THE WESTERN MOST CORNER OF LOT 26 OF SAID BLOCK 4; THENCE SOUTH 45°24'19" EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 26 A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING;

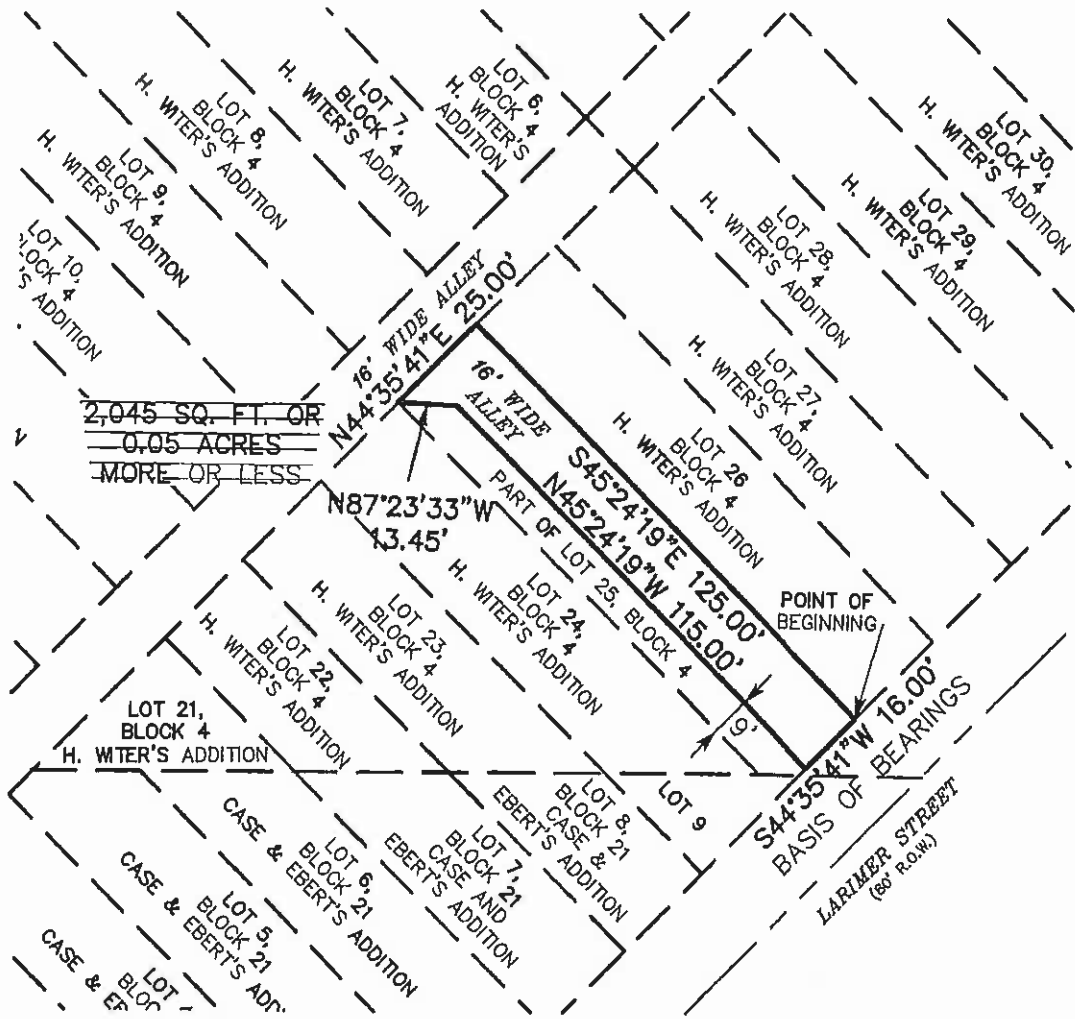
SAID PARCEL CONTAINING 2,042 SQ. FT. OR 0.05 ACRES MORE OR LESS.

2007-0697-007

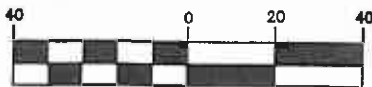
EXHIBIT "A"

LOCATED IN BLOCK 4, H. WITER'S ADDITION TO THE CITY AND COUNTY OF DENVER
 RECORDED MAY 25, 1869 IN BOOK 1 PAGE 10, ARAPAHOE COUNTY RECORDS, LOCATED IN
 THE NW QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH
 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2



GRAPHIC SCALE




(IN FEET)
 1 inch = 40 ft.

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. THIS EXHIBIT IS INTENDED TO DEPICT THE ACCOMPANYING PARCEL DESCRIPTIONS. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.



FSI JOB NO. 10-57,281
 DRAWN BY: E.DAVIS
 DATE: JUNE 25, 2010

Flatirons, Inc.
 Surveying, Engineering & Geomatics

 3825 IRIS AVE, STE 100
 BOULDER, CO 80301
 PH: (303) 443-7001
 FAX: (303) 443-9830
www.FlatironsInc.com

2007-0697-002