



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: Matt Bryner
Director, Public Works Right of Way Services

PROJECT NO: 2019-RELINQ-0000013

DATE: January 23, 2020

SUBJECT: Request for an Ordinance to relinquish a portion of the forty (40') foot permanent easement (Parcel PE-238) as established in the Fee Simple Title Recordation No. 9800022578, located at 2901 N. Broadway St.

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

This office has investigated the request of Kimley Horn c/o Meaghan M. Turner, dated August 19, 2019 on behalf of BW-2901 Land, LP c/o Dudley Simmons for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; the City Councilperson; CPD: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forestry; Parks and Recreation; Engineering, Regulatory, and Analytics Transportation and Wastewater; Public Works: Construction Engineering; Public Works – Policy and Planning; Metro Wastewater Reclamation District; Survey; CenturyLink; 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.

Therefore, you are requested to initiate Council action to relinquish the easements in the following described area(s):

INSERT PARCEL DESCRIPTION 2019-RELINQ-0000013-001 HERE

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

MB:je

cc:

- City Councilperson & Aides
- City Council Staff – Zach Rothmier
- Department of Law – Bradley Beck
- Department of Law – Deanne Durfee
- Department of Law – Maureen McGuire
- Department of Law – Martin Plate
- Public Works, Manager's Office – Alba Castro
- Public Works, Legislative Services – Jason Gallardo
- Public Works, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo
at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: **January 23, 2020**

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
 Dedication/Vacation Appropriation/Supplemental DRMC Change
 Other: Easement Relinquishment

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Request for an ordinance to relinquish a portion of the forty (40') foot permanent easement (parcel PE-238), as established in the Fee Simple Title, Recordation No. 9800022578, located at 2901 N. Broadway St. On behalf of BW-2901 Land, LP c/o Dudley Simmons.

3. Requesting Agency: Department of Transportation and Infrastructure, Engineering and Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Jessica Eusebio	Name: Jason Gallardo
Email: Jessica.Eusebio@denvergov.org	Email: Jason.Gallardo@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for an ordinance to relinquish a portion of the forty (40') foot permanent easement (parcel PE-238), as established in the Fee Simple Title, Recordation No. 9800022578, located at 2901 N. Broadway St.

6. City Attorney assigned to this request (if applicable): Martin Plate

7. City Council District: District 9, Candi CdeBaca

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

Key Contract Terms

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2019-RELINQ-0000013 Denargo Market Phase IV

Owner name: BW-2901 Land, LP c/o Dudley Simmons

Description of Proposed Project: Request for an ordinance to relinquish a portion of the forty (40') foot permanent easement (parcel PE-238), as established in the Fee Simple Title, Recordation No. 9800022578, located at 2901 N. Broadway St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This phase of the Denargo Market redevelopment is to create several hundred multi-family units, with integrated parking and common amenity space for this development. The forty (40') foot permanent easement was intended to service the existing thirty (30") inch sanitary sewer main. The existing thirty (30") inch sewer main will continue to be serviced by the thirty (30') foot permanent easement, Recordation No. 2000076721. No other utilities are present in this requested forty (40') permanent easement.

Background: N/A

Location Map:



EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF THAT PORTION OF A 40-FOOT PERMANENT EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 9800022578 IN THE RECORDS OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, THAT LIES WITHIN ZONE LOT 2 AS DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 2019048433 IN SAID RECORDS; SITUATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27, HAVING A BEARING OF SOUTH 89°59'53" WEST.

BEGINNING AT THE SOUTHEAST CORNER OF SAID ZONE LOT 2;

THENCE, ALONG THE SOUTHERLY BOUNDARY OF SAID ZONE LOT 2, THE FOLLOWING TWO (2) COURSES;

1. SOUTH 48°04'18" WEST, A DISTANCE OF 10.49 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 562.51 FEET;
2. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°27'12", AN ARC LENGTH OF 14.27 FEET;

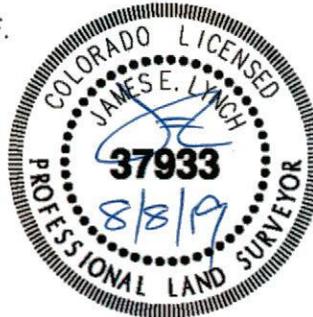
THENCE NORTH 12°16'50" WEST, A DISTANCE OF 65.80 FEET;

THENCE NORTH 48°16'05" EAST, A DISTANCE OF 43.55 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID ZONE LOT 2;

THENCE SOUTH 00°01'41" EAST, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 76.87 FEET TO THE **POINT OF BEGINNING**.

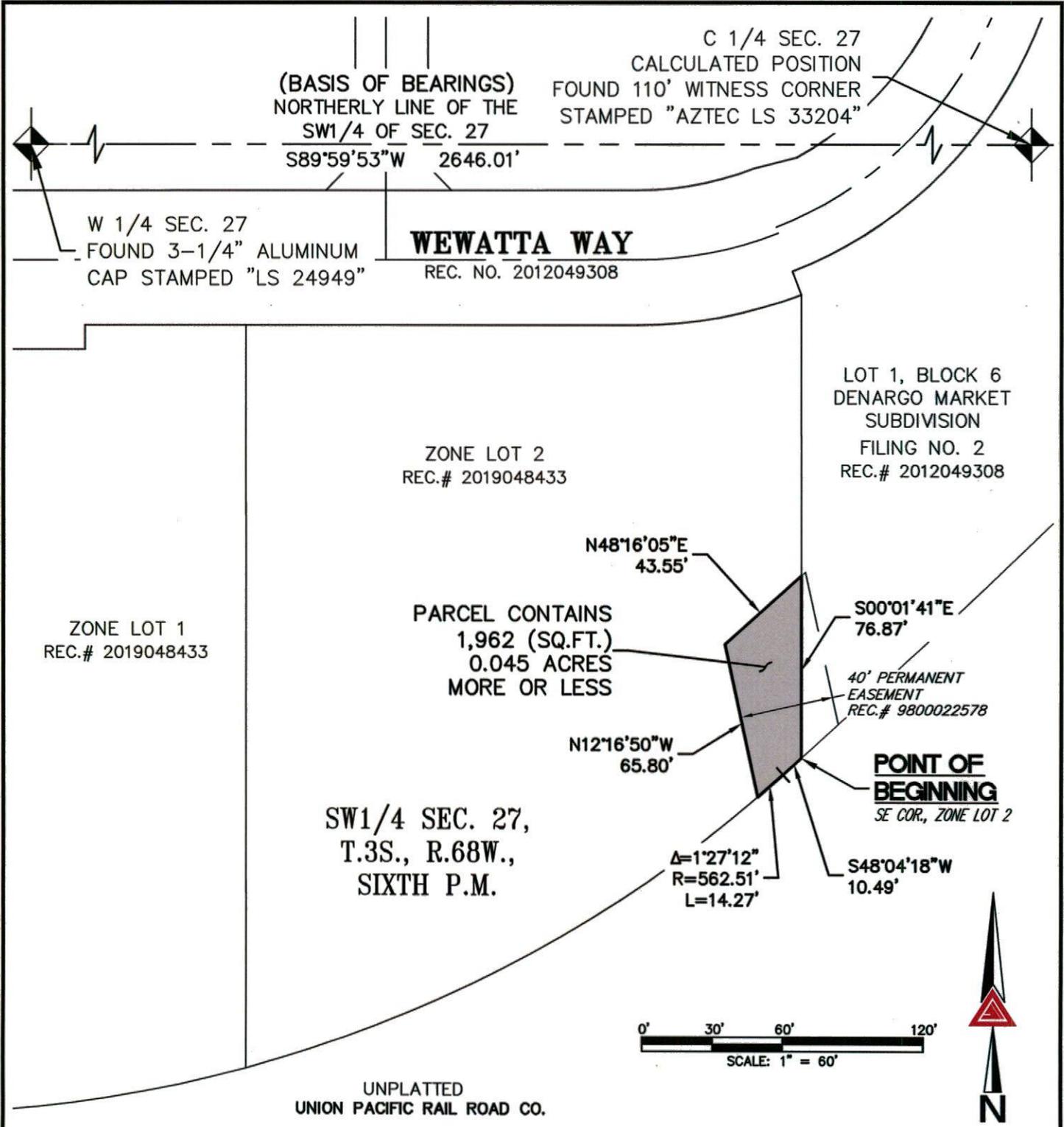
CONTAINING AN AREA OF 0.045 ACRES, (1,962 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JAMES E. LYNCH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 37933
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1, LITTLETON, CO 80122
(303) 718-1898

ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: G:\DWG\EXHIBITS\
DWG NAME: VACATION.DWG
DWG: JEL CHK: JRW
DATE: 8/8/2019
SCALE: 1"=60'

AZTEC
CONSULTANTS, INC.

300 East Mineral Ave,
Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898
Fax: (303)713-1897
www.aztecconsultants.com

PARCEL EXHIBIT
SW 1/4, SEC. 27, T3S, R68W, 6TH P.M.
DENVER, COLORADO
JOB NUMBER 48119-15 2 OF 2 SHEETS