

September 27, 2019

Denver Public Works Engineering Regulatory & Analytics Department 201 W. Colfax Avenue, Department 507 Denver, CO 80202

Re: Broadway Park – Parcel C Easement Relinquishment Request

Martin/Martin, Inc. Project No.: 15.0575

On behalf of BMP Northwest, LLC, Martin/Martin Inc. is requesting to fully relinquish existing easements associated with Record Documents BK1077 PG427 and 2014046017. The property owner, BMP Northwest, LLC, is requesting that the easements be released to construct an apartment building, an open space plaza, and to dedicate Bannock Street between Alameda Avenue and Dakota Avenue as public right-of-way. See attached Site Plan.

For Record Document BK1077 PG427, the existing easement covered by this document is being requested to be fully relinquished. The easement was put in place for sewer mains and laterals for the South Side Sanitary Sewer District No. 2. There is an existing sanitary sewer main that runs through the Parcel C development that will be re-routed through Bannock Street. Since the sanitary sewer will be located within public right-of-way, any existing easements for the sanitary main are no longer necessary.

For Record Document 2014046017, Access Easement No. 2 is being requested to be fully relinquished, with Access Easement No. 1 being maintained. Access Easement No. 2 currently provides emergency access through vacated South Bannock Street. As part of the re-development, Bannock Street will be dedicated as public right-of-way, making an emergency access easement no longer necessary.

Refer to the included original record documents and prepared legal descriptions and exhibits showing the locations of the easements to be relinquished.

If additional information is required to further clarify the intent of the project, please contact me at the number below.

Sincerely,

Tracy Scurlock, PE

**Professional Engineer** 

Tracy Surlock

720.544.5479

Attachments:

Legal Descriptions for BK1077 PG429 and 2014046017 Exhibits for BK1077 PG429 and 2014046017

Site Plan

Original Record Documents for BK1077 PG427 and 2014046017

G:\SCHLAGETER\15.0575-Denver Design District-Master Plan Refresh-Development Strategy\DOCS\Kmart Parcel Docs\Parcel C\Easement Relinquishment\Easement Relinquishment Letter-4-7-12.docx

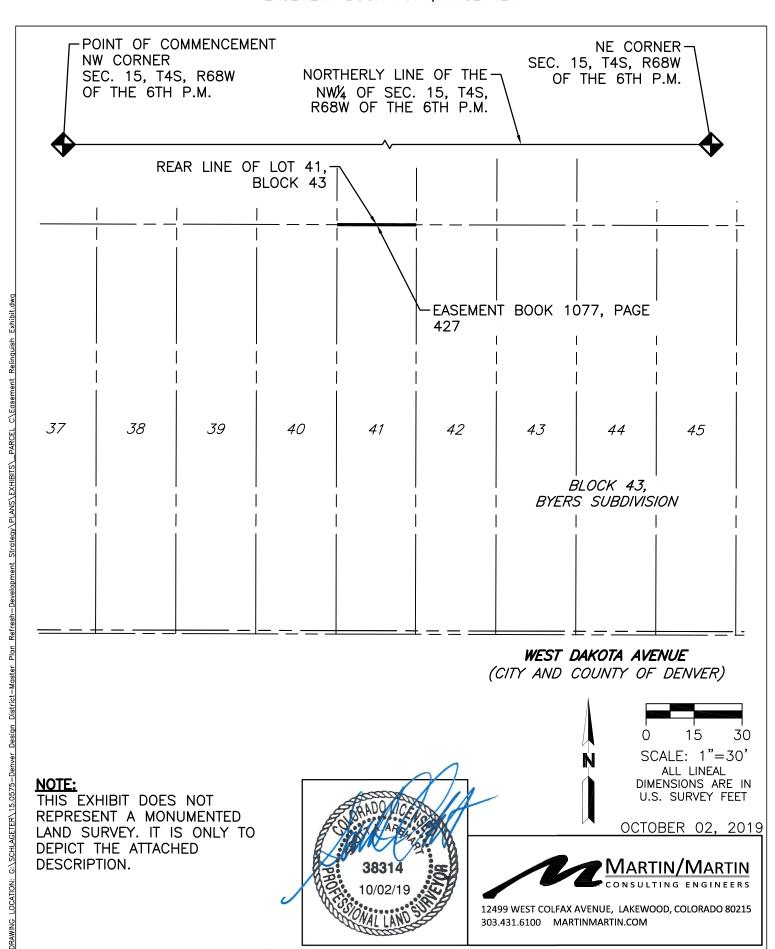
## BROADWAY PARK EASEMENT RELINQUISHMENT

#### **LAND DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING THE REAR LINE OF LOT 41, BLOCK 43, BYER'S SUBDIVISION AS RECORDED IN BOOK 1077 AT PAGE 427.

PREPARED BY JAKE TIHANSKY
REVIEWED BY SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
303-431-6100
OCTOBER 02, 2019

## EASEMENT RELINQUISHMENT EXHIBIT EASEMENT BOOK 1077, PAGE 427



## BROADWAY PARK EASEMENT RELINQUISHMENT

#### LAND DESCRIPTION

A PARCEL OF LAND BEING AN ACCESS EASEMENT RECORDED AT RECEPTION NO. 2014046017, LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A PART OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2005004412, RECORDED ON JANUARY 07, 2005 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15 (A FOUND STONE WITH CROSS IN RANGE BOX), WHENCE THE WEST QUARTER CORNER OF SAID SECTION 15 (A 3 1/4"ALUMINUM CAP STAMPED "CHICHESTER LAND CORNER T4S R67W SL6 SIS 1987 RLS 7735") BEARS S00°38'52"E, A DISTANCE OF 2641.10 FEET (BASIS OF BEARING - ASSUMED);

THENCE S88°36'19"E A DISTANCE OF 1903.36 FEET TO THE NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2005004412, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF ALAMEDA AVENUE AND THE POINT OF BEGINNING;

THENCE S89°59'35"E, COINCIDENT WITH SAID NORTHERLY LINE, A DISTANCE OF 46.61 FEET; THENCE S00°02'48"E A DISTANCE OF 571.66 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF A PUBLIC RIGHT-OF-WAY AS DESCRIBED IN RECEPTION NO. 2013157909, RECORDED OCTOBER 30, 2013 IN SAID CLERK AND RECORDER'S OFFICE:

THENCE N89°58'01"W, COINCIDENT WITH SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET;

THENCE N00°02'48"W A DISTANCE OF 332.25 FEET;

THENCE N01°42'25"W A DISTANCE OF 33.10 FEET;

THENCE N07°38'32"W A DISTANCE OF 117.87 FEET;

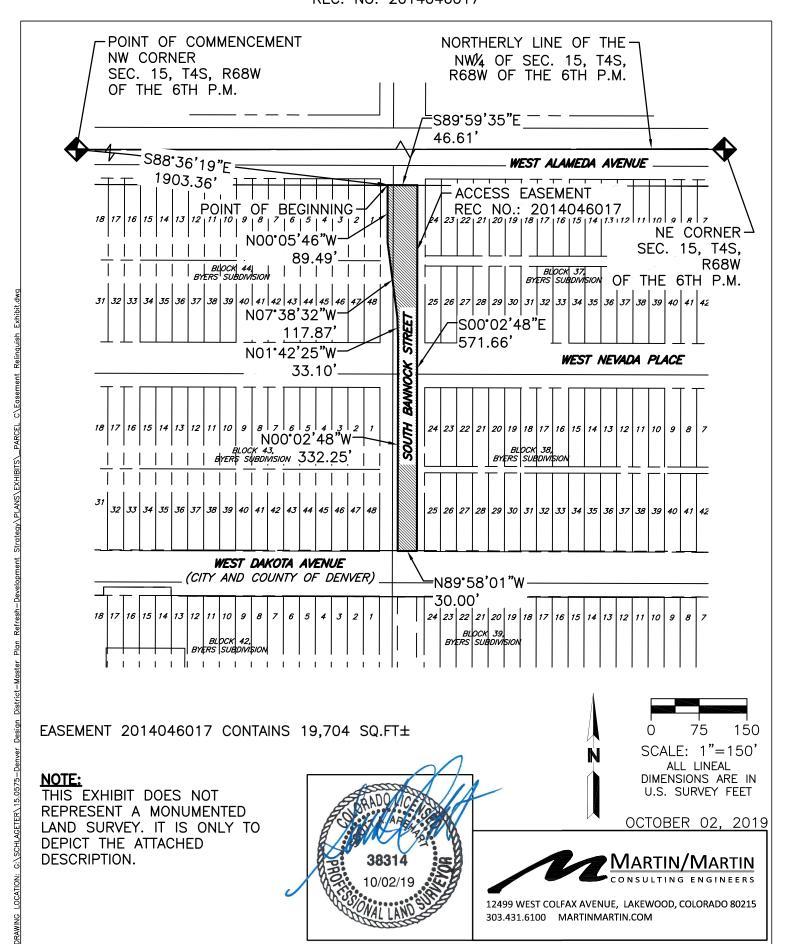
THENCE N00°05'46"W A DISTANCE OF 89.49 FEET TO THE POINT OF BEGINNING.

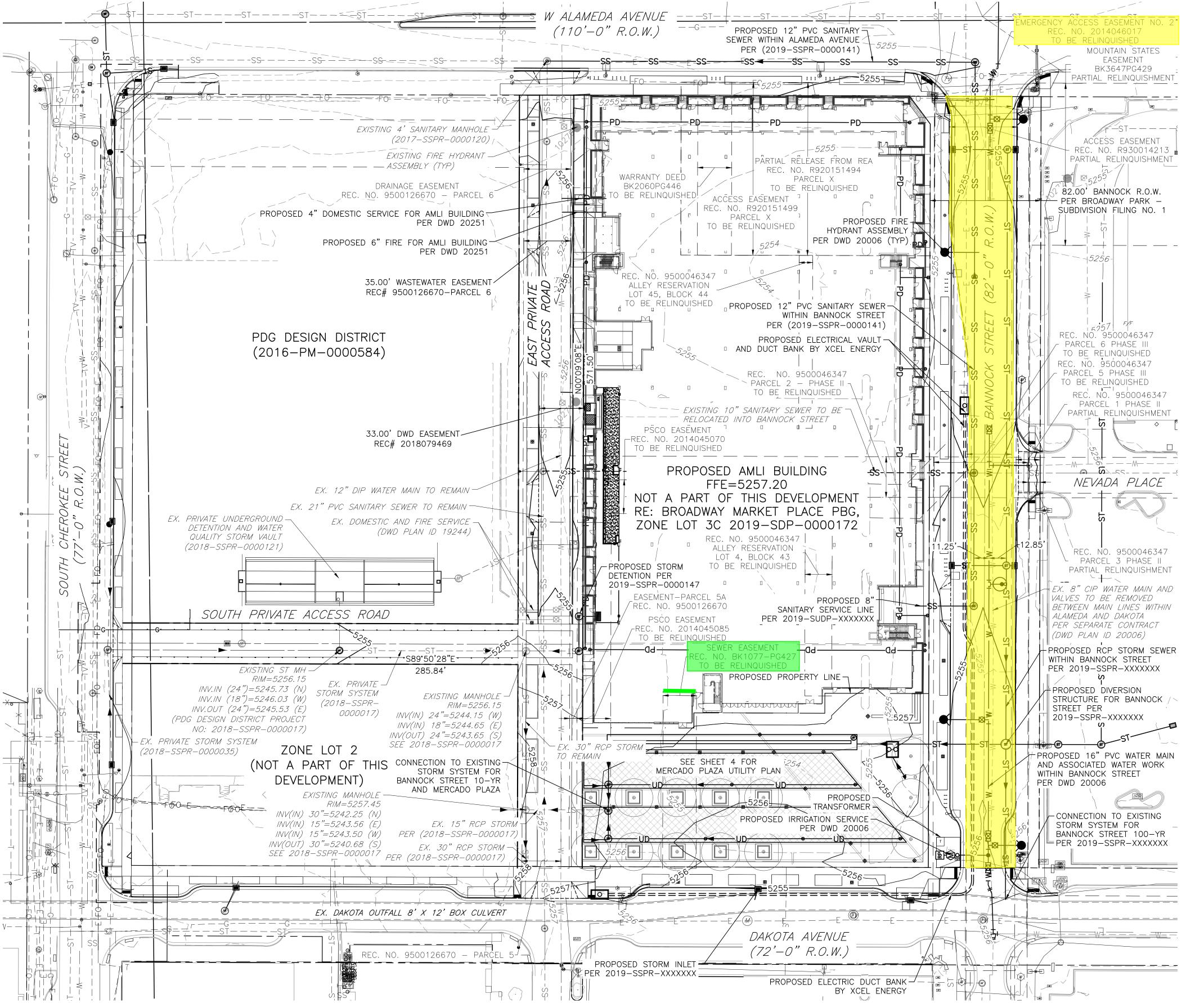
SAID PARCEL CONTAINS 0.452 ACRES OR 19,671 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE U.S. SURVEY FEET

PREPARED BY JAKE TIHANSKY
REVIEWED BY SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF
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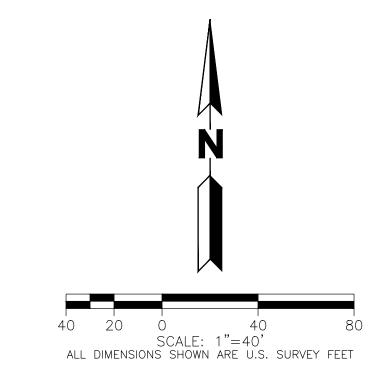
## EASEMENT RELINQUISHMENT EXHIBIT ACCESS EASEMENT REC. NO. 2014046017





### NOTES:

- 1. SEE SHEETS 1 AND 2 FOR ADDITIONAL NOTES, LEGEND AND ABBREVIATIONS.
- 2. THE PROPOSED MERCADO PLAZA WILL UTILIZE PERMEABLE PAVER AREAS FOR WATER QUALITY AND 10-YEAR DETENTION. THE WATER QUALITY AND 10-YEAR DETENTION STRUCTURES FOR BANNOCK STREET ARE LOCATED WITHIN THE PLAZA AREA AND ARE DETAILED AS PART OF THIS PLAN SET.
- 3. THE PROPOSED AMLI BUILDING TO THE NORTH TO BE CONSTRUCTED PER CCD PROJECT NO. 2018-PM-0000648/2019-SDP-0000172/2019-SSPR-0000147.
- 4. THE PRIVATE ACCESS ROAD TO THE WEST WAS APPROVED IN BROADWAY MARKET PLACE ZONE LOT 3 PBG, CCD PROJECT NO. 2018PM0000248/2018SDP0000142. SAID PRIVATE ACCESS ROAD IS INCLUDED AS PART OF THE BROADWAY PARK-MERCADO PLAZA SITE DEVELOPMENT PLAN, 2019-SDP-0000182.
- 5. THE BANNOCK STREET AND DAKOTA AVENUE ROADWAY, STREETSCAPE, AND UTILITY IMPROVEMENTS TO BE CONSTRUCTED PER CCD PROJECT NO. 2019TRAN0000137/2019SSPRXXXXXXX.
- 6. BANNOCK STREET 16" WATER MAIN IMPROVEMENTS TO BE CONSTRUCTED PER DENVER WATER PLAN ID#20006.





CALL 811 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR MARKING OF UNDERGROUND MEMBER UTILITIES

MARTIN/MARTIN ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM (PROVIDED) ASCE (38) UTILITY QUALITY LEVEL D (QID) AVAILABLE INFORMATION. IT IS, HOWEVER, THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE SIZE, MATERIAL, HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES (DEPICTED OR NOT DEPICTED) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

CITY AND COUNTY OF DENVER  Department of Public Works						
Development Engineering Services						
DES PR	ROJEC	T NO.	2018-PM	-648/ 2019-SS	PR-XXXXX	
	ADW.	AY PAR		RCADO PLAZ // SEWER SS		
DESIGNED BY:	TFS	DATE: 09/11/19	DATE ISSUED:	09/11/19	DRAWING N	
DRAWN BY:	A []	DATE:		·		

SHEET 3 OF 11 SHEETS

MARTIN/MARTIN

ORM

Sheet Number:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF PARCEL ONE(A) BEARING S89°59'35"E AS REFERENCED AND BOUNDED BY THE MONUMENTS SHOWN HEREON.

CITY AND COUNTY OF DENVER BM#35A - 2" DIAMETER BRASS CAP AT THE TOP BACK OF CURB AT THE NORTHEAST CORNER OF ALAMEDA AVENUE AND BROADWAY.

ELEVATION: 5260.26 FEET (NAVD 1988 DATUM)

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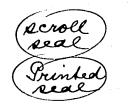
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y Jublic in and appeared this day ; be the same person trument of writing

25th day of Oct

a. 2 1895

a. a. Perkins notary Sublic

Right of Way Mary M. Evans

The City of Denver Filed for record at 2 40 o'clock I.m.

Dec- 3. 1895

This Indenture made this 30th day of October a & 1895 by and between Mary M Evans of the first part and the bity of Denver of the second part Witnesseth

Whereas the party of the first part is the owner of the land hereinafter described the same being included in South Side Sanitary Sewer District Too 2 of the bity of Denver and

Whereas the party of the second part is constructing or is about to construct a sewer in and for said district in accordance with certain plans and specifications

prepared by the Board of Jublie Works of said bity including certain mains and laterals to be constructed in the streets and alleys hereinafter designated said streets and alleys being the property of the party of the first part and

Whereas the construction of said sewer would be of mutual denefet to both parties aforesaid

Now therefore Know all men by these presents that the party of the first part in consideration of one dollar paid by the party of the second part the receipt whereof is hereby acknowledged doth hereby release and convey to the party of the second part a right of way for the construction of said mains and laterals strictly in accordance with said plans and specifications now exhibited to the party of the first part across the following lands in the County of arapahoe and State of Colorado to wit. along the

rear line of lot forty one (41) Block forty three (43) in Byers Subdivision Witness the hand and seal of the party of the first part on the day and year aforesaid.

Mary M. Evans

State of New York ( so Before me the undersigned a hotory Sublic in bounty of Troga ) and for said bounty and State personally appeared this day mary m. Evans personally known to me to be the same person who is described in and who subscribed the foregoing instrument of writing and acknowledged the same as her act and deed my Commission expires on the 30 day of march a. D. 1897.

Witness my hand and notarial seal this 30th day of October a 2 1895 Stephen S-Wallis

notary Sublec

#### WHEN RECORDED MAIL TO:

City and County of Denver Division of Real Estate 201 W. Colfax Ave., Dept. 1010 Denver, CO 80202



141.00 EAS 2014046017 Page: 1 of 7 D \$0.00

#### SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

#### **EMERGENCY ACCESS PERMANENT EASEMENT**

City & County of Denver

(Alameda Station Village/Virginia/Alaska Place)

THIS PERMANENT EASEMENT ("Easement") is granted this 21 day of April, 2014 (the "Effective Date") by for WJF Property, LLC, Sunset Coast Property, LLC, BMP Property, LLC, and JFW Property, LLC, each a Delaware limited liability company, whose address is 595 S. Broadway, Suite 200, Denver, CO 80202, ("Grantor") to the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("Grantee" or the "City"), whose address is 1437 Bannock Street, Denver, Colorado 80202.

For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby sell, convey, transfer, and deliver to the Grantee and its successors and assigns a permanent non-exclusive easement to have and to hold the perpetual right to enter upon, over, across, and through the lands located in the City and County of Denver and described in Exhibit A, attached hereto and incorporated herein ("Property") for emergency access purposes.

The Grantor hereby covenants that it is lawfully seized and possessed of the Property, and that it has good and lawful right to grant this Easement in the Property. Grantor further hereby covenants and agrees that no building, structure, or other above or below ground facility or encumbrance may be placed, erected, installed, or permitted upon the Property without the prior written consent of the City's Manager of Public Works. In the event any term of this Easement is violated, upon receipt of written notice from the City's Manager of Public Works, the Grantor shall immediately correct the violation(s) to the City's satisfaction. Notwithstanding the preceding sentence, the City may elect to correct or eliminate any violation itself at the Grantor's sole expense. The Grantor shall promptly reimburse the City for any costs or expenses the City incurs in enforcing the terms of this Easement.

Grantor further agrees that all laws, ordinances, and regulations pertaining to streets, sidewalks, and public places apply to the Property such that the public use of the Improvements and the Property is consistent with the use and enjoyment of the adjacent dedicated public right-of-way.

For the purpose of this Easement, the Grantor further grants to the Grantee the right of ingress to and egress over and across adjacent lands owned by the Grantor by the route or routes that will result in the least practical damage and inconvenience to the Grantor.

Every term and covenant of this Easement is subject to and is to be construed in accordance with the provisions of Colorado law, any applicable State or federal law, the Charter of the City and County of Denver and the ordinances, regulations, and Executive Orders enacted or promulgated pursuant thereto. These applicable laws, as the same may be amended from time to time, are hereby incorporated into this Easement as if fully set out herein by this reference. Venue for any action arising under the Easement is in the Denver District Court in the City and County of Denver, Colorado.

The provisions of the Easement inure to the benefit of and bind the successors and assigns of the respective parties hereto. All covenants in this Easement apply to and run with the land.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

**IN WITNESS WHEREOF,** the undersigned have executed this Easement on the Effective Date.

#### **GRANTOR:**

WJF Property, LLC, Sunset Coast Property, LLC, BMP Property, LLC, and JFW Property, LLC, each a Delaware limited liability company	
By: CFPM, LLC	
a Colorado limited liability company as Agent for Licensor	
By:	
Title:	
STATE OF COLORADO ) ss.	
CITY AND COUNTY OF DENVER)	
The foregoing instrument was acknowledged before me this 18th day Christopher C. Souther as CFO  Colorado limited liability company.	of April, 2014, by of CFPM, LLC, a

Witness my hand and official seal.

My commission expires:

6/17/2015

Notary Public

# EXHIBIT "A" EASEMENT DESCRIPTION JANUARY 21, 2014 PAGE 1 OF 2



#### **ACCESS EASEMENT NO.1:**

A parcel of land lying in the Northwest Quarter of Section 15, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being a part of a parcel of land described in Reception No. 2005004412, recorded on January 07, 2005 in the City and County of Denver Clerk and Recorder's Office, being more particularly described as follows:

COMMENCING at the Northwest Corner of said Section 15 (a found Stone with Cross in Range Box), WHENCE the West Quarter Corner of said Section 15 (a 3 1/4" Aluminum Cap stamped "CHICHESTER LAND CORNER T4S R67W S16 S15 1987 RLS 7735") bears S00°38'52"E, a distance of 2641.10 feet (Basis of Bearing - assumed);

THENCE S70°13'53"E a distance of 2040.01 feet to the southerly Right-of-Way line of a public Right-of-Way described in Reception No. 2013157909, recorded October 30, 2013 in said Clerk and Recorder's Office and the **POINT OF BEGINNING**;

THENCE S89°58'01"E, coincident with said southerly Right-of-Way, a distance of 30.00 feet;

THENCE S00°00'07"W a distance of 631.43 feet:

THENCE N89°59'34"W a distance of 353.94 feet;

THENCE S88°22'50"W a distance of 33.69 feet;

THENCE S89°43'37"W a distance of 55.79 feet to a westerly line of said parcel of land described in Reception No. 2005004412;

THENCE coincident with said westerly line and a southerly line of said parcel of land the following two courses:

- 1. N01°32'12"W a distance of 8.00 feet;
- S89°43'37"W a distance of 139.90 feet to the most easterly line of a parcel of land described in Reception No. 9400145167, recorded on September 21, 1994 in said Clerk and Recorder's Office;

THENCE N00°09'34"W, coincident with said most easterly line, a distance of 24.89 feet;

THENCE N89°43'37"E a distance of 195.28 feet;

THENCE S00°16'23"E a distance of 2.89 feet;

THENCE N88°22'50"E a distance of 33.94 feet;

THENCE S89°59'34"E, tangent with the following described curve, a distance of 299.36 feet;

THENCE along the arc of a curve to the left, having a central angle of 90°00'19", a radius of 25.00 feet, a chord bearing of N45°00'17"E a distance of 35.36 feet, and an arc distance of 39.27 feet;

THENCE N00°00'07"E tangent with the last described curve a distance of 576.44 feet to the **POINT OF BEGINNING.** 

Containing 35,127 square feet, (0.806 Acres), more or less.

#### **ACCESS EASEMENT NO.2:**

A parcel of land lying in the Northwest Quarter of Section 15, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being a part of a parcel of land described in Reception No. 2005004412, recorded on January 07, 2005 in the City and County of Denver Clerk and Recorder's Office, being more particularly described as follows:

# EXHIBIT "A" EASEMENT DESCRIPTION (CONTINUED) JANUARY 21, 2014 PAGE 2 OF 2

COMMENCING at the Northwest Corner of said Section 15 (a found Stone with Cross in Range Box), WHENCE the West Quarter Corner of said Section 15 (a 3 1/4" Aluminum Cap stamped "CHICHESTER LAND CORNER T4S R67W S16 S15 1987 RLS 7735") bears S00°38'52"E, a distance of 2641.10 feet (Basis of Bearing - assumed);

THENCE S88°36'19"E a distance of 1903.36 feet to the northerly line of said parcel of land described in Reception No. 2005004412, also being the southerly Right-of-Way line of Alameda Avenue and the **POINT OF BEGINNING**;

THENCE S89°59'35"E, coincident with said northerly line, a distance of 46.61 feet;

THENCE S00°02'48"E a distance of 571.66 feet to the northerly Right-of-Way line of a public Right-of-Way as described in Reception No. 2013157909, recorded October 30, 2013 in said Clerk and Recorder's Office;

THENCE N89°58'01"W, coincident with said northerly Right-of-Way line, a distance of 30.00 feet;

THENCE N00°02'48"W a distance of 332.25 feet;

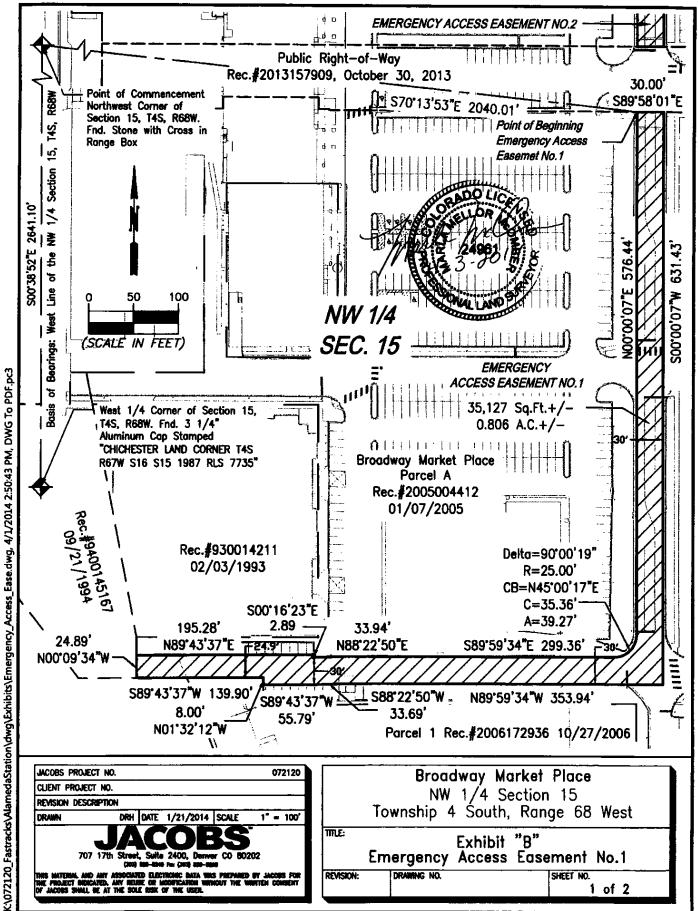
THENCE N01°42'25"W a distance of 33.10 feet;

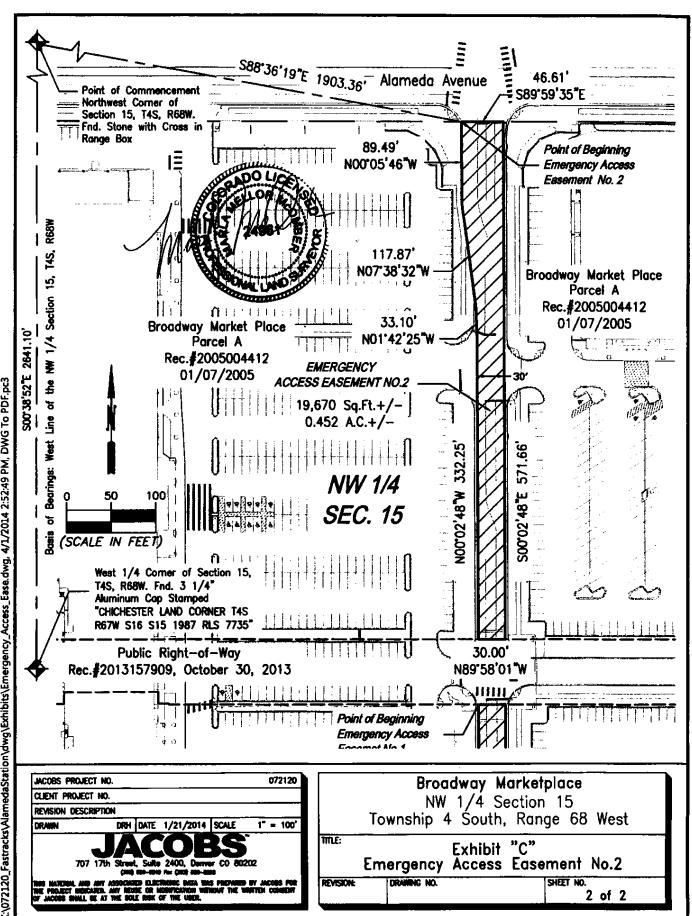
THENCE N07°38'32"W a distance of 117.87 feet;

For and spite beha Jacobs Englishing Marla M. Ma. Jacob 707 17th Street, Sa Denver, CO 80202

THENCE N00°05'46"W a distance of 89.49 feet to the POINT OF BEGINNING.

Containing 19,670 square feet, (0.452 Acres), more or less.





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