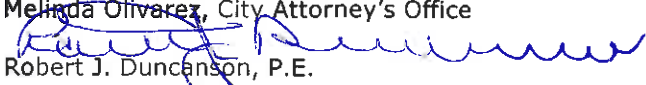




**DENVER**  
THE MILE HIGH CITY

**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**

**TO:** Melinda Olivarez, City Attorney's Office  
**FROM:**   
Robert J. Duncanson, P.E.  
Manager 2, Development Engineering Services

**PROJECT NO:** 2007-0642-14

**DATE:** June 4, 2010

**SUBJECT:** Request for an Ordinance to relinquish certain easements established in Ordinance number **379** Series of **2009**.

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

This office has investigated the request of Ali Gulaid, dated 6/4/2010, on behalf of Tejon34 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 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 2007-0642-002 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: Councilperson Montero and Aides  
Gretchen Williams, City Council  
Melinda Olivarez, Department of Law  
Steve Wirth, Asset Mgmt.  
Revekka Balancier, Public Works  
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 **2007-0642-14**

**Property Owner Or Agent**  
TEJON34 LLC  
3838 South Andes Way  
Aurora, CO 80013



**ORDINANCE/RESOLUTION REQUEST**

Please email requests to the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto: MileHighOrdinance@DenverGov.org) by NOON on Wednesday.

*\*All fields must be completed.\*  
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: June 4, 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 one sentence description that clearly indicates the type of request – grant acceptance, contract execution, municipal code change, supplemental request, etc.)

Request for an Ordinance to relinquish certain easements established in Ordinance number 379 Series of 2009.

3. Requesting Agency: PW Right of Way Engineering Services

4. Contact Person: (with actual knowledge of proposed ordinance)

- Name: Ali Gulaid, Vanessa Herman
- Phone: 720-865-3132, 720-913-0719
- Email: ali.gulaid@denvergov.org, vanessa.herman@denvergov.org

5. Contact Person: (with actual knowledge of proposed ordinance who will present the item at Mayor Council and who will be available for first and second reading, if necessary)

- Name: Debra Baca
- Phone: 720-865-8712
- Email: debra.baca@denvergov.org

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

Request for an Ordinance to relinquish certain easements established in Ordinance number 379 Series of 2009.

*Please include the following:*

- a. Duration: n/a
- b. Location: 34<sup>th</sup> and Tejon
- c. Affected Council District: Dist # 9 Montero
- d. Benefits: n/a
- e. 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: \_\_\_\_\_

Ordinance Request Number: \_\_\_\_\_

Date: \_\_\_\_\_

# DESCRIPTION FOR ALLEY VACATION

ROW PROJECT NO. 2007-0642  
DES PARCEL NO. 2007-0642-002

**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING A PORTION OF THE ALLEY CONVEYED IN BOOK 609 PAGE 316 AND BOOK 609 PAGE 317 AS RECORDED IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SITUATED IN A PORTION OF LOT NUMBER TWO (2) AND A PORTION OF LOT NUMBER THREE (3), BLOCK FIFTEEN (15) OF H. WITTER'S NORTH DENVER ADDITION, AS FILED FOR RECORD IN COUNTY OF ARAPAHOE RECORDS IN THE BOOK OF PLATS ON PAGE 32, LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

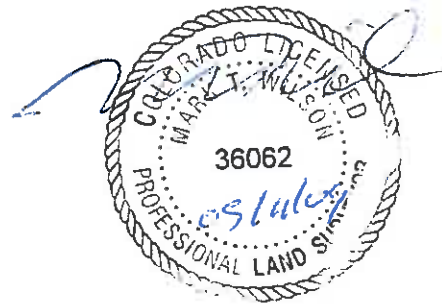
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2;  
 THENCE SOUTH 89°56'24" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF WEST 34TH AVENUE A DISTANCE OF 125.00 FEET TO SOUTHWEST CORNER OF SAID ALLEY AND THE POINT OF BEGINNING;  
 THENCE NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID ALLEY A DISTANCE OF 200.37 FEET;  
 THENCE SOUTH 35°28'24" EAST A DISTANCE OF 16.56 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2;  
 THENCE SOUTH 89°57'07" EAST ALONG SAID NORTH LINE OF SAID LOT 2, A DISTANCE OF 5.14 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY;  
 THENCE SOUTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 186.89 FEET TO THE SOUTH LINE OF SAID LOT 2 AND THE NORTH RIGHT OF WAY LINE OF WEST 34TH AVENUE;  
 THENCE NORTH 89°56'24" WEST ALONG SAID LINE A DISTANCE OF 14.75 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 2,821 SQUARE FEET OR 0.065 ACRES, MORE OR LESS.

BASIS OF BEARING IS THE SOUTH LINE OF BLOCK 15, H. WITTER'S NORTH DENVER ADDITION BEARING NORTH 89°56'24" WEST.

PREPARED BY: MARK T. WILSON  
 PLS 36062

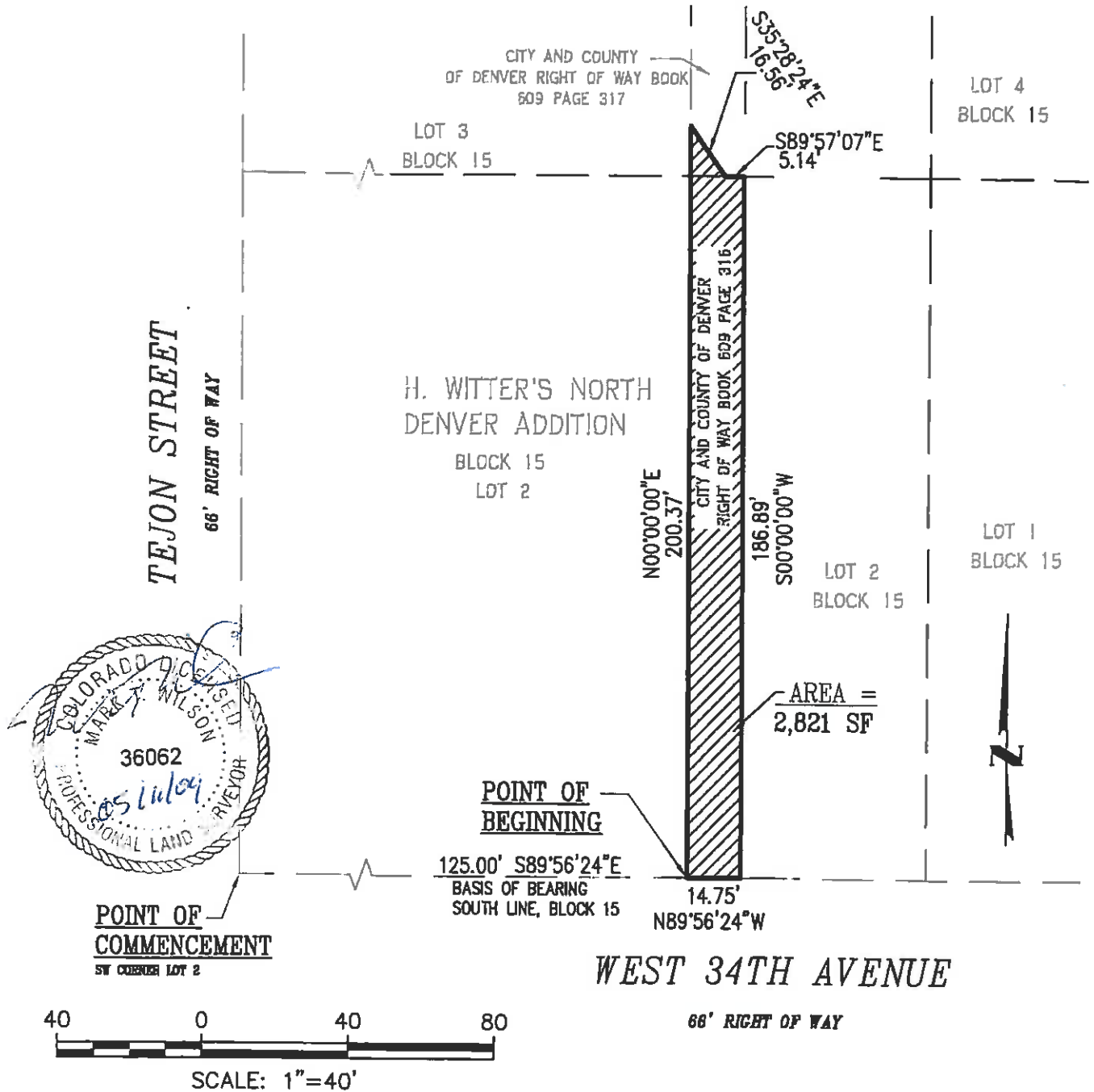
ON BEHALF OF: HARRIS KOCHER SMITH  
 1391 SPEER BLVD., SUITE 390  
 DENVER, CO 80204  
 303-623-6300



REVISIONS:			EXHIBIT FOR ALLEY VACATION	RIVER MEADOWS, LLC	<b>HARRIS KOCHER SMITH</b> <small>ENGINEER • LAND SURVEYOR</small> 1391 Speer Blvd. - Suite 390 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311	DATE: 07-03-08
NO.	DESCRIPTION	DATE				DESIGN: MW
						SHEET NO. 1
						1 OF 2

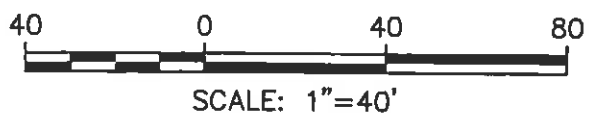
# EXHIBIT FOR ALLEY VACATION

ROW PROJECT NO. 2007-0642  
DES PARCEL NO. 2007-0642-002



**POINT OF COMMENCEMENT**  
SW CORNER LOT 2

**POINT OF BEGINNING**



REVISIONS:		
NO.	DESCRIPTION	DATE

EXHIBIT FOR  
ALLEY VACATION

RIVER MEADOWS, LLC

**HARRIS KOCHER SMITH**  
ENGINEER & LAND SURVEYOR  
1391 Speer Blvd. - Suite 390  
Denver, Colorado 80204  
Phone (303) 823-8300  
Fax (303) 823-8311

DATE: 1-28-08  
DESIGN: AMZ  
CHECKED: MW  
JOB NO. 07004  
  
SHEET NO.  
1  
1 OF 2

BY AUTHORITY

ORDINANCE NO. 379  
SERIES OF 2009

COUNCIL BILL NO. 356  
COMMITTEE OF REFERENCE:  
**Public Works**

A BILL

**For an ordinance vacating portions of an alley between West 34<sup>th</sup> Avenue, West 35<sup>th</sup> Avenue, North Tejon Street, and North Shoshone 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 portion of that certain area in the system of thoroughfares of the municipality hereinafter described and, subject to approval by ordinance, has vacated the same with reservations;

**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 THE ALLEY CONVEYED IN BOOK 609 PAGE 316 AND BOOK 609 PAGE 317 AS RECORDED IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SITUATED IN A PORTION OF LOT NUMBER TWO (2) AND A PORTION OF LOT NUMBER THREE (3), BLOCK FIFTEEN (15) OF H. WITTER'S NORTH DENVER ADDITION, AS FILED FOR RECORD IN COUNTY OF ARAPAHOE RECORDS IN THE BOOK OF PLATS ON PAGE 32, LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 58 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2;  
THENCE SOUTH 89°56'24" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF WEST 34TH AVENUE A DISTANCE OF 125.00 FEET TO SOUTHWEST CORNER OF SAID ALLEY AND THE POINT OF BEGINNING;  
THENCE NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID ALLEY A DISTANCE OF 200.37 FEET;  
THENCE SOUTH 35°28'24" EAST A DISTANCE OF 16.56 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2;  
THENCE SOUTH 89°57'07" EAST ALONG SAID NORTH LINE OF SAID LOT 2, A DISTANCE OF 5.14 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY;  
THENCE SOUTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 186.89 FEET TO THE SOUTH LINE OF SAID LOT 2 AND THE NORTH RIGHT OF WAY LINE OF WEST 34TH AVENUE;  
THENCE NORTH 89°56'24" WEST ALONG SAID LINE A DISTANCE OF 14.75 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 2,821 SQUARE FEET OR 0.065 ACRES, MORE OR LESS.

BASIS OF BEARING IS THE SOUTH LINE OF BLOCK 15, H. WITTER'S NORTH DENVER ADDITION BEARING NORTH 89°56'24" WEST.

be and the same is hereby approved and the described portion of that certain alley is hereby vacated and declared vacated with reservations; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its

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Page 1 of 2  
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ORD  
City & County of Denver

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

15 .

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

17 PASSED BY THE COUNCIL June 29 2009

18 James F. Kelly - PRESIDENT

19 APPROVED: Stephen J. Toledano ACTING MAYOR: June 30, 2009

20  
21 ATTEST: Stephanie Kelly - CLERK AND RECORDER,  
22 EX-OFFICIO CLERK OF THE  
23 CITY AND COUNTY OF DENVER

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

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

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

30 David R. Fine, City Attorney

31 BY: David R. Fine, Assistant City Attorney, DATE: 17 June, 2009

