




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

**REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT**

**TO:** Karen Walton, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.   
Manager 2, Development Engineering Services  
**PROJECT NO:** 2013-0239-05  
**DATE:** June 2, 2014  
**SUBJECT:** Request for an Ordinance to relinquish a certain easement established by Ordinance #56, Series of 2014.

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

This office has investigated the request of Celeste Tanner of The Opus Group, dated April 30, 2014, on behalf of Platte Land, 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; 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 2013-0239-05-001 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:aal

- c: Asset Management: Steve Wirth
- City Council: Gretchen Williams
- Councilperson 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

**Property Owner**  
**Platte Land, LLC**  
**c/o Brue Capital Partners**  
**1601 Arapahoe St, 11<sup>th</sup> Floor**  
**Denver, CO 80202**

**Agent**  
**Celeste Tanner**  
**Opus Development Company, LLC**  
**999 18<sup>th</sup> St, Suite 2110S**  
**Denver, CO 80202**



**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2013-0239-05 Easement Relinquishment at 2420 17<sup>th</sup> St.**

**Description of Proposed Project: This is a request to relinquish a hard surface utility easement that was established by a vacation of land at this property.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The owner and developer chose to reconfigure their site plan in order to accommodate the concerns of the neighbors.**

**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.**

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Nancy Kuhn 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: June 2, 2014**

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 to relinquish an easement created by 2013-0239-02 Vacation, Ordinance 56, Series of 2014. CB13-1017

**3. Requesting Agency:** Public Works Survey

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

- **Name:** Adrienne.Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@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](mailto:Nancy.Kuhn@denvergov.org)

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

*\*\*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:** Permanent
- c. **Location:** 2420 17<sup>th</sup> Street
- d. **Affected Council District:** #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: \_\_\_\_\_



**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING A PORTION OF 17TH STREET, LYING BETWEEN BLOCKS 7 & 8 OF KASSERMAN'S ADDITION TO DENVER. LOCATED IN THE SOUTHWEST ONE- QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

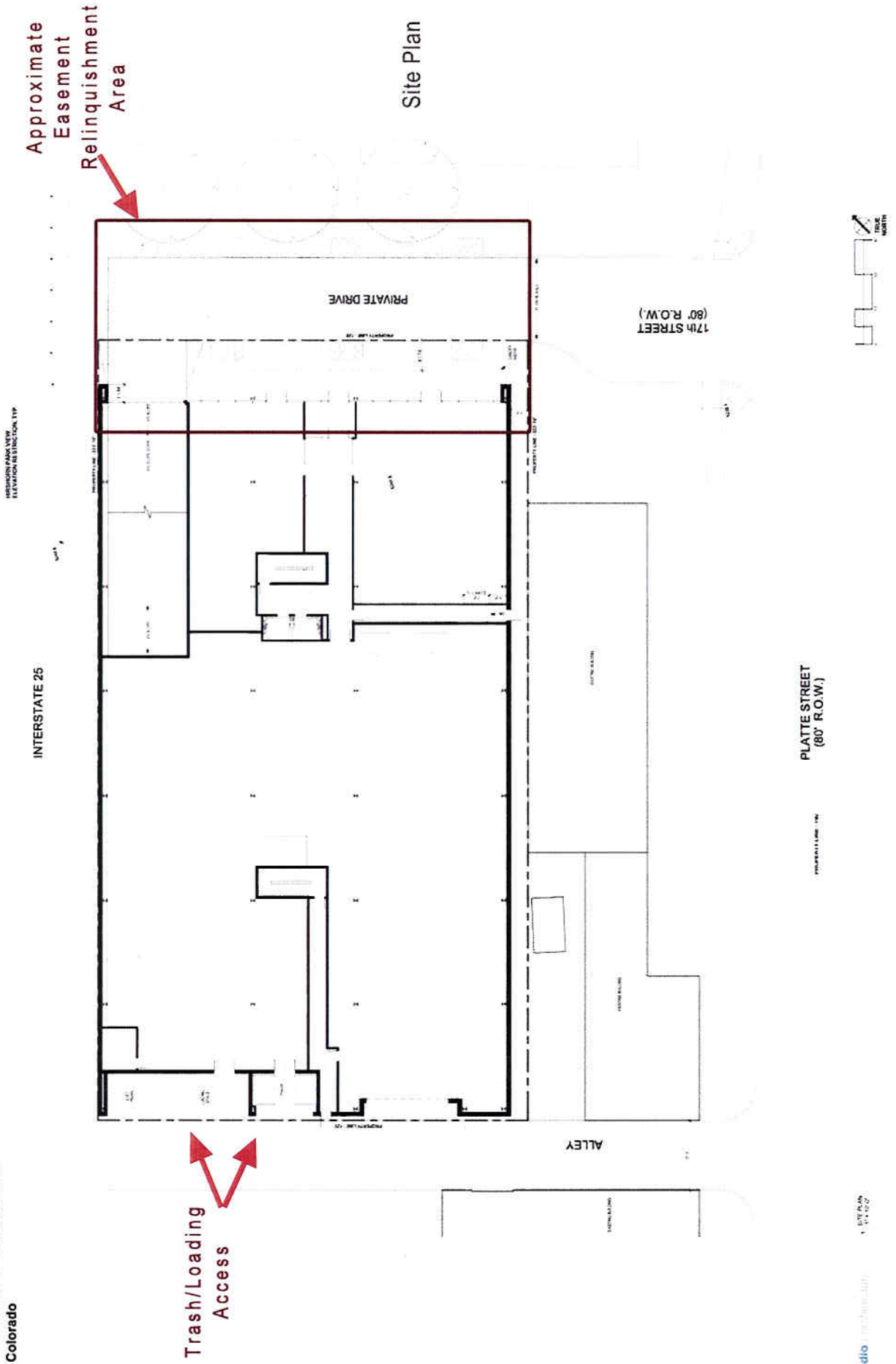
**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE 20' RANGE LINE IN PLATTE STREET BETWEEN 16TH AND 17TH STREETS, MONUMENTED AT THE NORTH END BY A 3.0' ALUMINUM CAP STAMPED 'COLORADO DEPT. OF HIGHWAYS DENVER RANGE POINT 1988' AND MONUMENTED AT THE SOUTH END BY A 3.25' ALUMINUM CAP STAMPED 'COLORADO DEPT. OF HIGHWAYS RANGE POINT', WITH THE LINE BEARING S44°33'03"W PER COLORADO STATE PLANE COORDINATE SYSTEMS, CENTRAL ZONE, NAD 83.

COMMENCING AT THE NORTH END OF SAID RANGE LINE; THENCE N62°31'01"W, A DISTANCE OF 73.24 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 30 AND THE **POINT OF BEGINNING**; THENCE N45°26'44"W ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LOTS 26 THROUGH 30, A DISTANCE OF 125.00 FEET; THENCE THE FOLLOWING TWO COURSES ALONG THE COLORADO DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PER ORDINANCE NO.3 SERIES OF 1962:

- 1) N44°33'03"E, A DISTANCE OF 68.00 FEET;
- 2) S45°26'44"E, ALONG A LINE PARALLEL TO AND 68.00' NORTHEASTERLY OF THE NORTHEAST LINE OF LOTS 26 THROUGH 30, A DISTANCE OF 125.00 FEET; THENCE S44°33'03"W, A DISTANCE OF 68.00 FEET TO THE **POINT OF BEGINNING**,

CONTAINING A CALCULATED AREA OF 8,500 SQUARE FEET OR 0.195 ACRES.

THE OPUS GROUP :: 17th and Platte  
Denver, Colorado



**BY AUTHORITY**

ORDINANCE NO. 56  
SERIES OF 2014

COUNCIL BILL NO. CB13-1017  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

**A BILL**

**For an ordinance vacating a portion of 17<sup>th</sup> Street adjacent to 2420 17<sup>th</sup> 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 right-of-way in the City and County of Denver and State of Colorado, to wit:

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**



**PARCEL DESCRIPTION ROW 2013-0239-2-001**

A PARCEL OF LAND BEING A PORTION OF 17TH STREET, LYING BETWEEN BLOCKS 7 & 8 OF KASSERMAN'S ADDITION TO DENVER. LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE 20' RANGE LINE IN PLATTE STREET BETWEEN 16TH AND 17TH STREETS, MONUMENTED AT THE NORTH END BY A 3.0' ALUMINUM CAP STAMPED 'COLORADO DEPT. OF HIGHWAYS DENVER RANGE POINT 1988' AND MONUMENTED AT THE SOUTH END BY A 3.25' ALUMINUM CAP STAMPED 'COLORADO DEPT. OF HIGHWAYS RANGE POINT', WITH THE LINE BEARING S44°33'03"W PER COLORADO STATE PLANE COORIDINATE SYSTEMS, CENTRAL ZONE, NAD 83.

COMMENCING AT THE NORTH END OF SAID RANGE LINE; THENCE N62°31'01"W, A DISTANCE OF 73.24 FEET TO THE MOST EASTERLERY CORNER OF SAID LOT 30 AND THE POINT OF BEGINNING;

THENCE N4°26'44"W ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LOTS 26 THROUGH 30, A DISTANCE OF 125.00 FEET; THENCE THE FOLLOWING TWO COURSES ALONG THE COLORADO DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PER ORDINANCE NO.3 SERIES OF 1962:

- 1) N44°33'03"E, A DISTANCE OF 68.00 FEET;
  - 2) 845°26'44"E, ALONG A LINE PARALLEL TO AND 68.00' NORTHEASTERLY OF THE NORTHEAST LINE OF LOTS 26 THROUGH 30 A DISTANCE OF 125.00 FEET;
- THENCE S44°33'03"W, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING,

CONTAINING A CALCULATED AREA OF 8,500 SQUARE FEET OR 0.195 ACRES.

be and the same is hereby approved and the described right-of-way is hereby vacated and declared vacated;

PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated portion for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire vacated area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the vacated area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the vacated area without

1 permission from the City and County of Denver. The property owner shall be liable for all damages  
2 to such utilities, including their repair and replacement, at the property owner's sole expense. The  
3 City and County of Denver, its successors, assigns, licensees, permittees and other authorized  
4 users shall not be liable for any damage to property owner's property due to use of this reserved  
5 easement.

6 COMMITTEE APPROVAL DATE: January 2, 2014 [by consent]

7 MAYOR-COUNCIL DATE: January 7, 2014

8 PASSED BY THE COUNCIL: January 21, 2014

9 Mayor Bob Ferguson - PRESIDENT

10 APPROVED: [Signature] - MAYOR January 22, 2014

11 ATTEST: [Signature] - CLERK AND RECORDER,  
12 ACTING MAYOR  
13 Juan Guzman  
14 Deputy Clerk & Recorder  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: JAN 17, 2014; JAN 24, 2014

16 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: January 9, 2014

17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
18 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
20 3.2.6 of the Charter.

22 D. Scott Martinez, Denver City Attorney

23 BY: [Signature], City Attorney DATE: 9 Jan, 2014





## EXHIBIT A

### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF 17<sup>TH</sup> STREET, LYING BETWEEN BLOCKS 7 & 8 OF KASSERMAN'S ADDITION TO DENVER. LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE 20' RANGE LINE IN PLATTE STREET BETWEEN 16<sup>TH</sup> AND 17<sup>TH</sup> STREETS, MONUMENTED AT THE NORTH END BY A 3.0" ALUMINUM CAP STAMPED "COLORADO DEPT. OF HIGHWAYS DENVER RANGE POINT 1988" AND MONUMENTED AT THE SOUTH END BY A 3.25" ALUMINUM CAP STAMPED "COLORADO DEPT. OF HIGHWAYS RANGE POINT", WITH THE LINE BEARING S44°33'03"W PER COLORADO STATE PLANE COORIDINATE SYSTEMS, CENTRAL ZONE, NAD 83.

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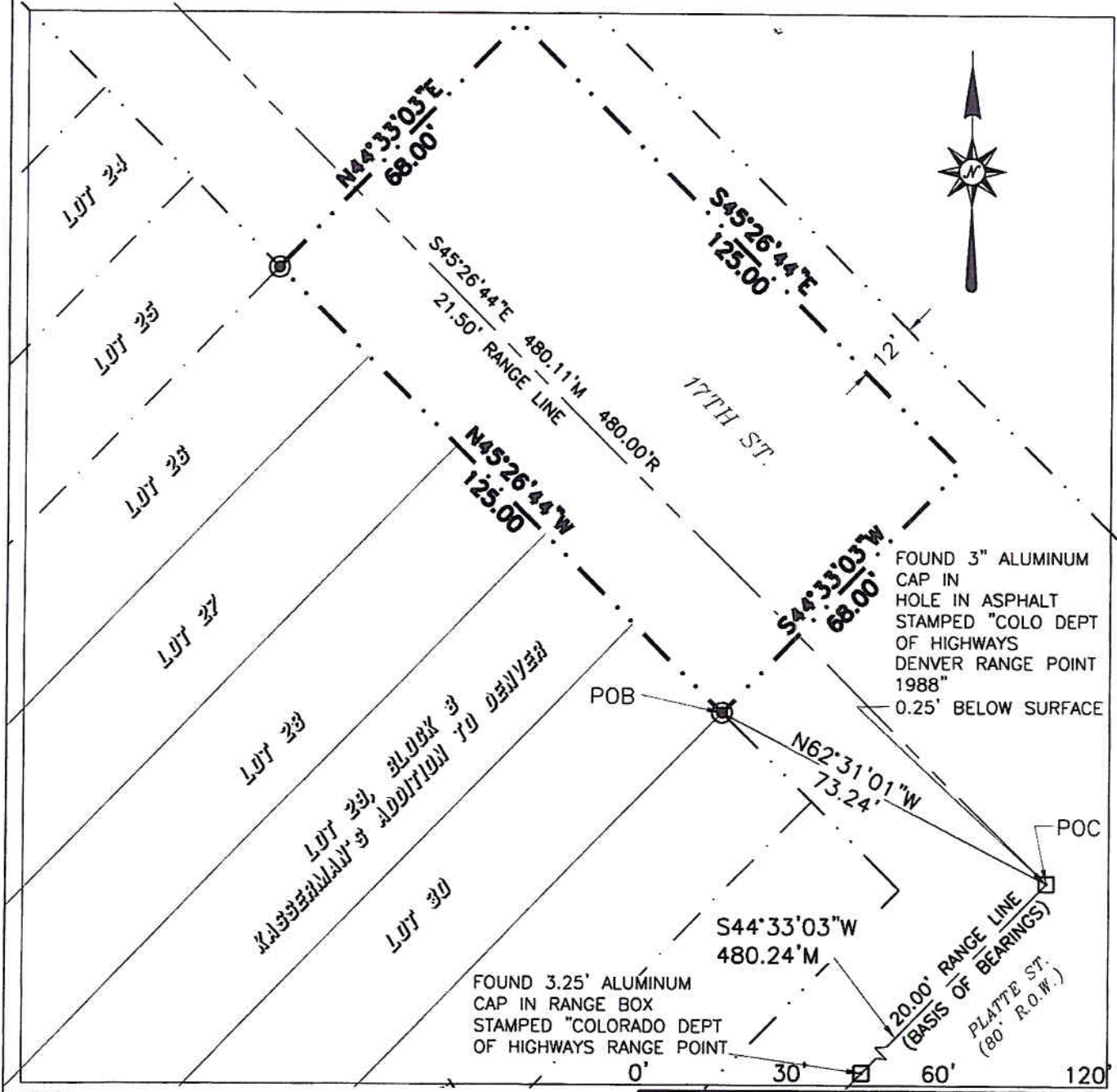
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- THENCE S44°33'03"W, A DISTANCE OF 68.00 FEET TO THE **POINT OF BEGINNING,**

CONTAINING A CALCULATED AREA OF 8,500 SQUARE FEET OR 0.195 ACRES.

EDWARD C. SILVER PLS #37051  
FOR AND ON BEHALF OF  
R&R ENGINEERS-SURVEYORS, INC.  
710 WEST COLFAX AVE.  
DENVER, COLORADO 80204  
JOB #: OP13066  
DATE: 07/01/13




SW 1/4 SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST 6TH P.M.  
 -----CITY AND COUNTY OF DENVER, STATE OF COLORADO-----  
 EXHIBIT A



**NOTE**  
 THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

**SCALE: 1" = 30'**  
 PARCEL CONTAINS 8,500 SQ. FT. OR 0.195 ACRES

EASEMENT		Sheet 2 of 2
Date:	07/01/13	
Drawn:	CDP	
Checked:	ECS	
Job No.:	OP13066	



R&R ENGINEERS-SURVEYORS, INC.  
 710 WEST COLFAX AVE.  
 DENVER, COLORADO 80204  
 PH: 303-753-6730  
 FAX: 303-753-6568