



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: 2013-0303-04

DATE: April 28, 2014

SUBJECT: Request for an Ordinance to relinquish A PORTION of certain easements established in Ordinance # **438**, Series of **1969**.

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 Adams, P.E. of Jansen Strawn, dated January 9, 2014, on behalf of Old Vine South Towers, LLC for the relinquishment of a portion 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 2013-0303-04-001 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 Susman 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
Old Vine South Towers, LLC
1459 South Pearl Street
Denver, CO 80210

Agent
Matt Adams, P.E.
Jansen Strawn
45 W 2nd Ave
Denver, CO 80223

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: April 28, 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.)*

2013-0303-04 Rosemark Assisted Living Facility Easement Relinquishment: This is a proposal to relinquish a portion of an easement. It is a 5 foot strip along a vacated portion of N Ivy St, north of 8th Ave.

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

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:** N Ivy St, north of 8th Ave
- d. Affected Council District:** Susman, District 5
- 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2013-0303-04 Rosemark Assisted Living Facility Easement Relinquishment

Description of Proposed Project: This is a proposal to relinquish a portion of an easement. It is a 5 foot strip along a vacated portion of N Ivy St, north of 8th Ave.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The easement relinquishment is requested in order to align the edge of the easement with an existing access easement and the proposed edge of the alley.

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: Existing utilities are within the portion of the easement that will remain.

97069

DEC 11 1969
BY AUTHORITY

ORDINANCE NO. 438

COUNCILMAN'S BILL NO. 478

SERIES OF 1969

INTRODUCED BY COUNCILMEN

Hentzell, Hook & De Temple

A B I L L

FOR AN ORDINANCE VACATING A
CERTAIN PART OF THE SYSTEM OF
THOROUGHFARES OF THE MUNICIPALITY;
i. e., VACATING A CERTAIN DESCRIBED
PORTION OF IVY STREET, SUBJECT TO
CERTAIN 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 street 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 portion of a certain public street in the City and County of Denver, State of Colorado, to-wit:

Ivy Street from a line that begins at a point on the Northerly extension of the East line of Lot 30, Block 17, Porter and Raymond's Montclair, that is 11 feet North of the Northeast corner thereof and terminates at the Northwest corner of Lot 1, Block 18, said Subdivision, to the North line of 8th Avenue;

be and the same is hereby approved and the described portion of that certain street is hereby vacated and declared vacated; provided, however, that said vacation shall be subject to the following conditions and reservations:

There is reserved to the City and County of Denver the continued use and the right to construct, operate and maintain sewer and water lines in the vacated portion of said street.

81 647

119 378

Section 2. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety and determines that it shall take effect immediately upon its final passage and publication.

PASSED BY the Council November 17, 1969

Wood F. Burke President

APPROVED: R.S. Shaw acting Mayor November 19, 1969

ATTEST: J. J. [Signature] Clerk and Recorder, Ex-Officio
Clerk of the City and County of Denver

PUBLISHED IN The Daily Journal Nov. 14, 1969 and Nov. 21, 1969

I have made the findings and determinations set forth in the above and foregoing draft or form of a proposed Bill for An Ordinance and, subject to approval by Ordinance, have vacated and do hereby vacate that certain portion of that certain street therein described, subject to the reservations therein set forth and request the Council of the City and County of Denver to approve such vacation, subject to such reservations, by the enactment of an appropriate ordinance. I approve said draft or form of a proposed Bill for an Ordinance and recommend the introduction and passage thereof.

R.S. Shaw
Manager of Public Works

PREPARED BY: May D. Zell City Attorney

APPROVED: _____ Planning Director

Ordinance No. 438 Series 1969

Councilman's Bill No. 478

Introduced by Councilmen

Henry W. Stork
Walter De Temple

A BILL

For

An Ordinance VACATING A CERTAIN PART OF
THE SYSTEM OF THOROUGHFARES OF THE
MUNICIPALITY; I. E., VACATING A CERTAIN
DESCRIBED PORTION OF IVY STREET,
SUBJECT TO CERTAIN RESERVATIONS.

Meeting Date of December 10, 1969

Read in full in the Board of Councilmen and
referred to the Committee on

Public Improvements

Meeting Date of December 19, 1969

Reported back by the Committee on

Public Improvements

Recommended that the bill be ordered published
and report adopted.

Published in The *City Post*

this 14th day of Nov, A. D. 1969

Meeting Date of Jan 17, 1969

Read by title, placed upon its passage and
passed.

Presented to the ^{*Mayor*} and signed by him

this 19th day of Nov, A. D. 1969

Ent'd as Ordinance No. 438, Series 1969

Published in The *Daily Post*

this 21st day of Nov, A. D. 1969

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0 9 7 6 6 9

STATE OF COLORADO
CITY & COUNTY
OF DENVER
FILED IN HIS OFFICE ON

DEC 11 4 03 PM '69

RECORDED IN 119 378
F. J. SERAFINI
CLERK AND RECORDER

CITY COUNCIL
CITY & COUNTY OF DENVER
RECEIVED

DEC 11 1969
11919111211231456

LAND DESCRIPTION

A PARCEL OF LAND FIVE (5) FEET IN WIDTH BEING A PART OF VACATED IVY STREET, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 17, PORTER AND RAYMOND'S MONTCLAIR SUBDIVISION AND CONSIDERING THE WEST LINE OF SAID BLOCK 17 TO BEAR NORTH 00°01'22" EAST, WITH ALL BEARINGS HEREON RELATIVE THERETO;

THENCE NORTH 89°59'59" EAST ALONG THE SOUTH LINE OF SAID BLOCK 17, AND THE SOUTH LINE OF SAID VACATED IVY STREET A DISTANCE OF 305.01 FEET TO THE **POINT OF BEGINNING**;

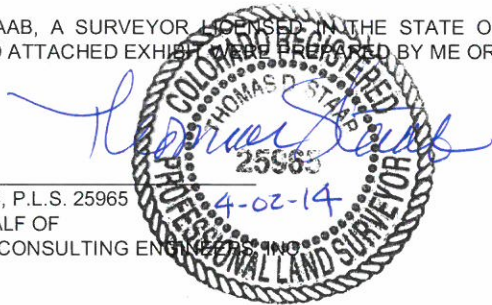
THENCE NORTH 00°00'59" EAST A DISTANCE OF 376.00 FEET TO A POINT ON THE NORTH LINE OF SAID VACATED IVY STREET; THENCE ALONG SAID NORTH LINE SOUTH 79°37'17" EAST A DISTANCE OF 5.08 FEET TO THE NORTHEAST CORNER OF SAID VACATED IVY STREET;

THENCE SOUTH 00°00'59" WEST ALONG THE EAST LINE OF SAID VACATED IVY STREET A DISTANCE OF 375.09 FEET TO THE SOUTHEAST CORNER OF SAID VACATED IVY STREET;

THENCE ALONG SAID SOUTH LINE OF VACATED IVY STREET SOUTH 89°59'59" WEST A DISTANCE OF 5.00 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 0.37 ACRES (15,926 SQUARE FEET), MORE OR LESS.

I, THOMAS D. STAAB, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

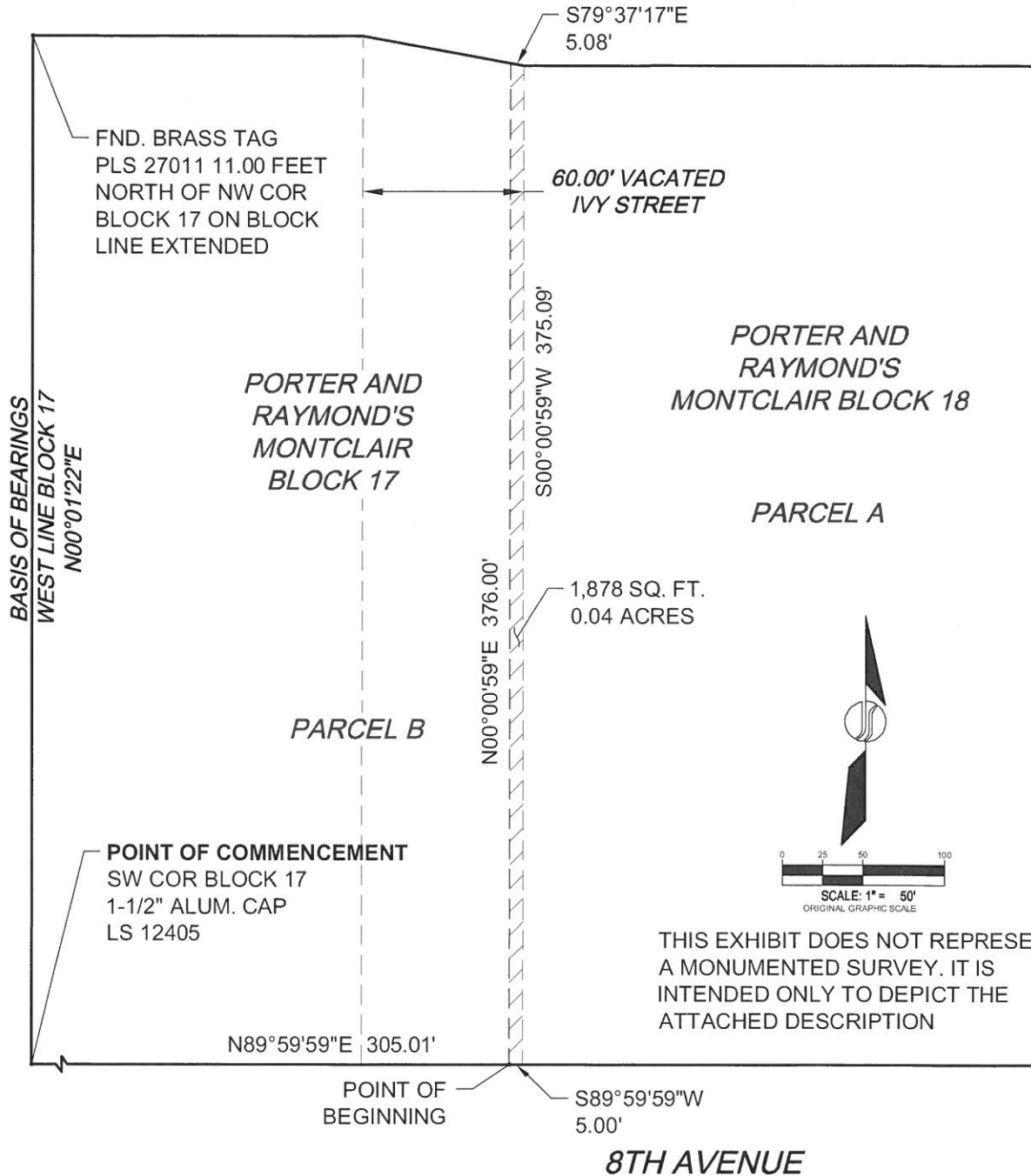


THOMAS D. STAAB, P.L.S. 25965
 FOR AND ON BEHALF OF
 JANSEN STRAWN CONSULTING ENGINEERS, INC.

 <p>JANSEN STRAWN CONSULTING ENGINEERS</p> <p>45 WEST 2ND AVENUE DENVER, CO 80223 P.303.561.3333 F.303.561.3339</p>	PROJECT:	DATE :	SHEET
	ROSEMARK AT MAYFAIR	12/16/13	1 OF 2

JOB NO.:	SCALE:
13040	N/A

EXHIBIT A



JANSEN STRAWN
CONSULTING ENGINEERS

45 WEST 2ND AVENUE
DENVER, CO 80223
P.303.561.3333
F.303.561.3339

PROJECT: ROSEMARK AT MAYFAIR	DATE : 12/16/13
JOB NO.: 13040	SCALE: 1"=60'

SHEET
2 OF 2