



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: Ted Christianson
Director, Public Works Right of Way Services

PROJECT NO: 2017-RELINQ-0000004 Arroyo Village at 1290-1292 King St

DATE: July 10, 2017

SUBJECT: Request for an Ordinance to relinquish the Emergency Access Easement, in its entirety, established in the Emergency Access Easement Agreement document under Recordation No. 2005137036. Located at 1290-1292 King Street.

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

This office has investigated the request of John Lyda, dated March 6, 2017 on behalf of DELORES PROJECT 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 2017-RELINQ-0000004 HERE

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

TC:bp

cc:

City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Brent Eisen
Department of Law – Shaun Sullivan
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm 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: July 10, 2017

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, contract amendment, municipal code change, supplemental request, etc.**)

Request for an Ordinance to relinquish the Emergency Access Easement, in its entirety, established in the Emergency Access Easement Agreement document under Recordation No. 2005137036. Located at 1290-1292 King Street.

3. **Requesting Agency:** PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Brittany Pirtle
- **Phone:** 720-865-3129
- **Email:** Brittany.Pirtle@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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** angela.casias@denvergov.org

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

Request for an Ordinance to relinquish the Emergency Access Easement, in its entirety, established in the Emergency Access Easement Agreement document under Recordation No. 2005137036. Located at 1290-1292 King Street.

****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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** 1290-1292 King Street.
- d. **Affected Council District:** Dist # 3, Paul D. Lopez
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2017-RELINQ-0000004 Arroyo Village at 1290-1292 King St

Owner name: City and County of Denver

Description of Proposed Project: Request for an Ordinance to relinquish the Emergency Access Easement, in its entirety, established in the Emergency Access Easement Agreement document under Recordation No. 2005137036. Located at 1290-1292 King Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The customer would like to use the land for a multi-family residential redevelopment.

Background: This relinquishment request is to completely relinquish the Emergency Access Easement that was granted to DELORES PROJECT, for the purpose of Access for emergency vehicles and pedestrians. Due to new development, this emergency access is no longer need.

Location Map:

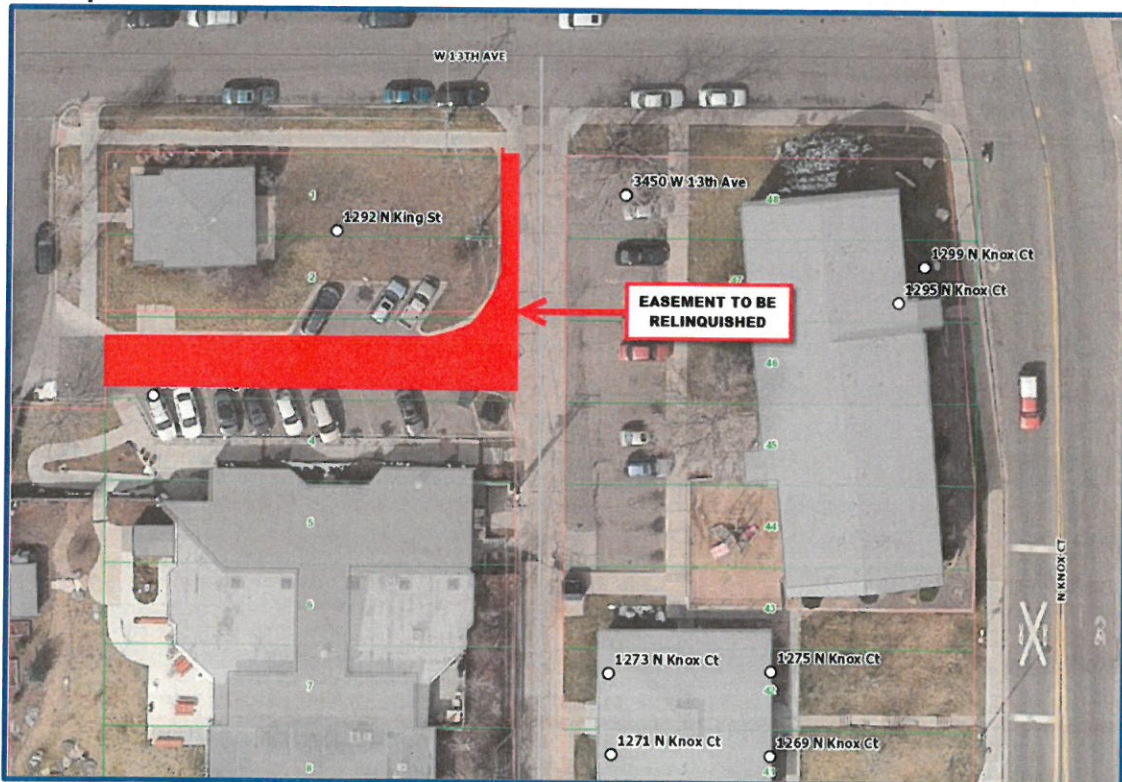


EXHIBIT A
LAND DESCRIPTION
PAGE 1 OF 3

A PARCEL OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; AND LOCATED IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING A PORTION OF LOTS 1 THROUGH 3 INCLUSIVE, BLOCK 2, VILLA PARK SUBDIVISION, AND BEING ALL OF THAT EMERGENCY ACCESS EASEMENT RECORDED WITH THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER UNDER RECEPTION NO. 2005137036, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 2, OF SAID VILLA PARK SUBDIVISION;

THENCE ALONG THE EASTERLY LINE OF SAID LOTS 1 THROUGH 3, S00°08'28"E, 69.58 FEET TO A POINT OF NON-TANGENT CURVE CONCAVE NORTH, WITH A RADIUS OF 50.00 FEET, AND A LONG CHORD OF S83°30'03"W, 11.07 FEET;

THENCE WESTERLY ALONG SAID NON-TANGENT CURVE, 11.09 FEET THROUGH A CENTRAL ANGLE OF 12°42'41";

THENCE S89°51'23"W, 113.97 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 3;

THENCE ALONG THE WESTERLY LINE OF SAID LOT 3, N00°05'28"W, 16.00 FEET;

THENCE N89°51'23"E, 94.56 FEET TO A POINT OF CURVE CONCAVE NORTHWEST WITH A RADIUS OF 25.00 FEET, AND A LONG CHORD OF N44°53'43"E, 35.33 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, 39.24 FEET THROUGH A CENTRAL ANGLE OF 89°55'20";

THENCE N00°03'57"W, 29.85 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 1;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, N89°59'25"E, 5.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,424 SQUARE FEET OR 0.056 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE VACATED ALLEY OF BLOCK 2, VILLA PARK, BEING S00°08'28"E, AS MONUMENTED ON THE NORTH BY A NAIL AND SHINER PLS 38162, AND ON THE SOUTH BY A NAIL AND SHINER PLS 38162.



EXHIBIT A
LAND DESCRIPTION
PAGE 2 OF 3

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS H. ORT III, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

DOUGLAS H. ORT III, COLORADO PLS 37066
WILSON & COMPANY
1675 BROADWAY, SUITE 200
DENVER, CO 80202
DHORTIII@WILSONCO.COM
PH 303-501-1221
FAX 303-297-2693



A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-
 QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
 CITY AND COUNTY OF DENVER, STATE OF COLORADO

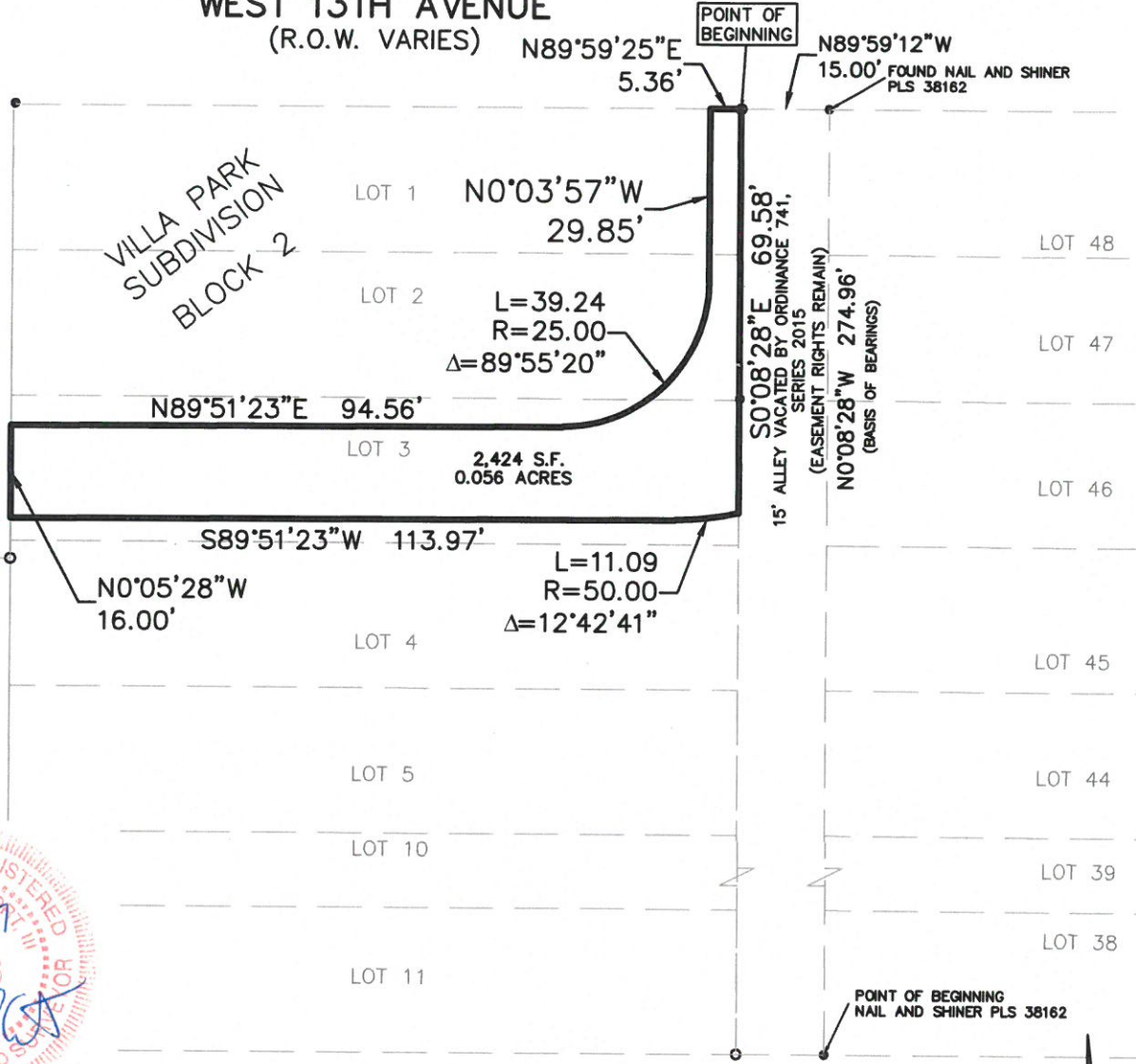
EXHIBIT "A"

PAGE 3 OF 3

WEST 13TH AVENUE

(R.O.W. VARIES)

KING STREET
(60' ROW)



BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE VACATED ALLEY OF BLOCK 2, VILLA PARK, BEING S00°08'28"E, AS MONUMENTED ON THE NORTH BY A NAIL AND SHINER PLS 38162, AND ON THE SOUTH BY A NAIL AND SHINER PLS 38162.

16-300-088

WCI

M:\ISGR\16-300-088-002 Discipline\ SHEETS\1_Sheets - general\ARROYO VILLAGE SURVEY RELINQUISHMENT.dwg Plotted on: Feb 28, 2017 - 7:55am By: dhornii

					SHT. NO:	3 OF 3
					SCALE:	1" = 30'
					DWN. BY:	TJB
					DATE:	2-20-2017
					CHK. BY:	
					PROJ. MGR:	DHO
					DATE:	2-20-2017
NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D	CLIENT APP:

WILSON & COMPANY
 1675 Broadway Suite 200
 Denver, CO 80202
 Phone: 303-297-2976
 Fax: 303-297-2693

**A PORTION OF LOTS 1-3, BLOCK 2
 VILLA PARK SUBDIVISION
 CITY AND COUNTY OF DENVER
 STATE OF COLORADO**

**EMERGENCY ACCESS EASEMENT AGREEMENT
(1290 - 1292 KING STREET)**

THE DELORES PROJECT, a Colorado non-profit corporation, whose legal address is P.O. Box 1406, Denver, Colorado, 80201-1406, hereinafter referred to as "Grantor" or "Delores", for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, convey and release to the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, whose address is 1437 Bannock Street, Denver, Colorado 80202, its successors and assigns, hereinafter referred to as the "City", a non-exclusive easement for emergency access ("Easement") within, over, upon, across and through the following described parcel of land ("Access Easement Area") in accordance with the terms set forth below:

See Exhibit A attached hereto

The interest conveyed to City herein shall specifically include any after acquired rights of Grantor in the Access Easement Area, to the extent of the Easement rights herein stated.

WHEREAS, Delores is the owner of certain real property located within the City and County of Denver at 1290 - 1292 King Street, and legally described as follows:

Parcel 1:

Lots 1 and 2,
Block 2,
Villa Park,
City and County of Denver, State of Colorado

Parcel 2:

Lots 3 through 11, inclusive,
Block 2, together with the east half of vacated King Street adjacent to Lots 5 through 11, inclusive, and that portion of said east half adjacent to Lot 4, Block 2 lying south of a line 78 feet south of and parallel with the south line of West 13th Avenue, said King Street vacated by Ordinance No. 82, series of 1975, recorded March 19, 1975 in Book 1026 at page 351,
Villa Park,
City and County of Denver, State of Colorado

hereinafter "Property"; and

WHEREAS, to accommodate Delores' development of the Property, the City would require that additional land be dedicated for public right of way to accommodate access for emergency vehicles, if this Easement were not granted.

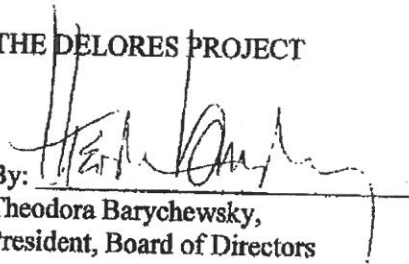
Return to: Kurt Schumacher-Assst. Management
City and County of Denver
201 West Colfax Avenue
Denver CO 80202

NOW THEREFORE,

1. Delores grants the City an easement on the Access Easement Area, for the non-exclusive right of vehicular and pedestrian surface access to allow for the ingress and egress of fire trucks and other emergency vehicles to and from the Property, 24 hours a day, seven days a week, until such time that the Property is redeveloped and there is no longer any need for the Easement.
2. Delores shall develop and use the Access Easement Area in a manner consistent with the rights and privileges above granted and for purposes which will not interfere with or endanger the City's use of the Access Easement Area.
3. Delores shall not place any permanent or temporary obstructions on or over the Access Easement Area or the adjacent City right of way in the alley. Delores shall make a good faith effort to prevent others from obstructing the Access Easement Area.
4. Delores retains the right to the undisturbed use and occupancy of the Access Easement Area insofar as consistent with the grant herein contained.
5. Delores shall be responsible for all maintenance, repair, and snow removal reasonably believed necessary by Delores for safe and efficient use of the surface of the Access Easement Area. The City understands and agrees that such maintenance, repair, and snow removal shall be solely on Delores' schedule and as deemed reasonably necessary by Delores.
6. This Easement is subject to all liens, encumbrances, easements, restrictions, reservations, and rights of way affecting the Access Easement Area.
7. Delores warrants it has full right and authority to make the grant contained herein.

Signed and delivered this 11 day of August, 2005.

THE DELORES PROJECT

By: 
Theodora Barychewsky,
President, Board of Directors

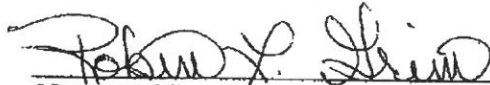
STATE OF COLORADO

CITY AND COUNTY OF DENVER

)
) ss.
)

The foregoing instrument was acknowledged before me this 11 day of August, 2005, by **Theodora Barychewsky** as President, Board of Directors of **The Delores Project**.

WITNESS my hand and official seal.



Notary Public

My commission expires: 8/3/08



My Commission Expires 08/03/2008

EXHIBIT "A"
LEGAL DESCRIPTION
EMERGENCY VEHICLE
ACCESS EASEMENT

A parcel of land being part of Lots 1 through 3, Block 2, Villa Park, as originally recorded in Book 5 at Page 38 in the Clerk and Recorders Office of Arapahoe County, now City and County of Denver, located in the Northwest Quarter of Section 5, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

For the purpose of this description the bearings are based on the westerly line of Lots 1 through 11, Block 2, Villa Park, monument by a plastic cap LS 16401 at the Northwest Corner of said Lot 1 and a #4 Rebar at the Southwest Corner of said Lot 11, assumed to bear South 00°38'51" East.

Beginning at the Northeast Corner of Lot 1, Block 2, Villa Park;
THENCE South 00°36'04" East, a distance of 69.58 feet, along the easterly line of Lots 1 through 3 of said Block 2, to a point of nontangent curvature;

THENCE along a curve to the right, the center of which bears North 13°18'53" West, 50.00 feet, through a central angle of 12°42'41", along an arc length of 11.09 feet, with a chord bearing of South 83°02'27" West, a distance of 11.07 feet to a point of tangency;

THENCE South 89°23'47" West, a distance of 113.93 feet, to the westerly line of said Lot 3;

THENCE North 00°38'51" West, a distance of 16.00 feet, along said westerly line;

THENCE North 89°23'47" East, a distance of 94.55 feet, to a point of curvature;

THENCE along a curve to the left, the center of which bears North 00°36'13" West, 25.00 feet, through a central angle of 89°55'20", along an arc length of 39.24 feet, with a chord bearing of North 44°26'07" East, a distance of 35.33 feet to a point of tangency;

THENCE North 00°31'33" West, a distance of 29.85 feet, to the northerly line of said Lot 1;

THENCE North 89°31'49" East, a distance of 5.36 feet, along said northerly line to the POINT OF BEGINNING.

Containing an area of 2,424 Square Feet or 0.0556 Acres, more or less.

ASI JOB NO.: 2306-009

REVISED: August 9, 2005

For and on Behalf of ALTA SURVEYING, INC.

P.O. Box 470086

Aurora CO 80047-0086

303-726-3939.

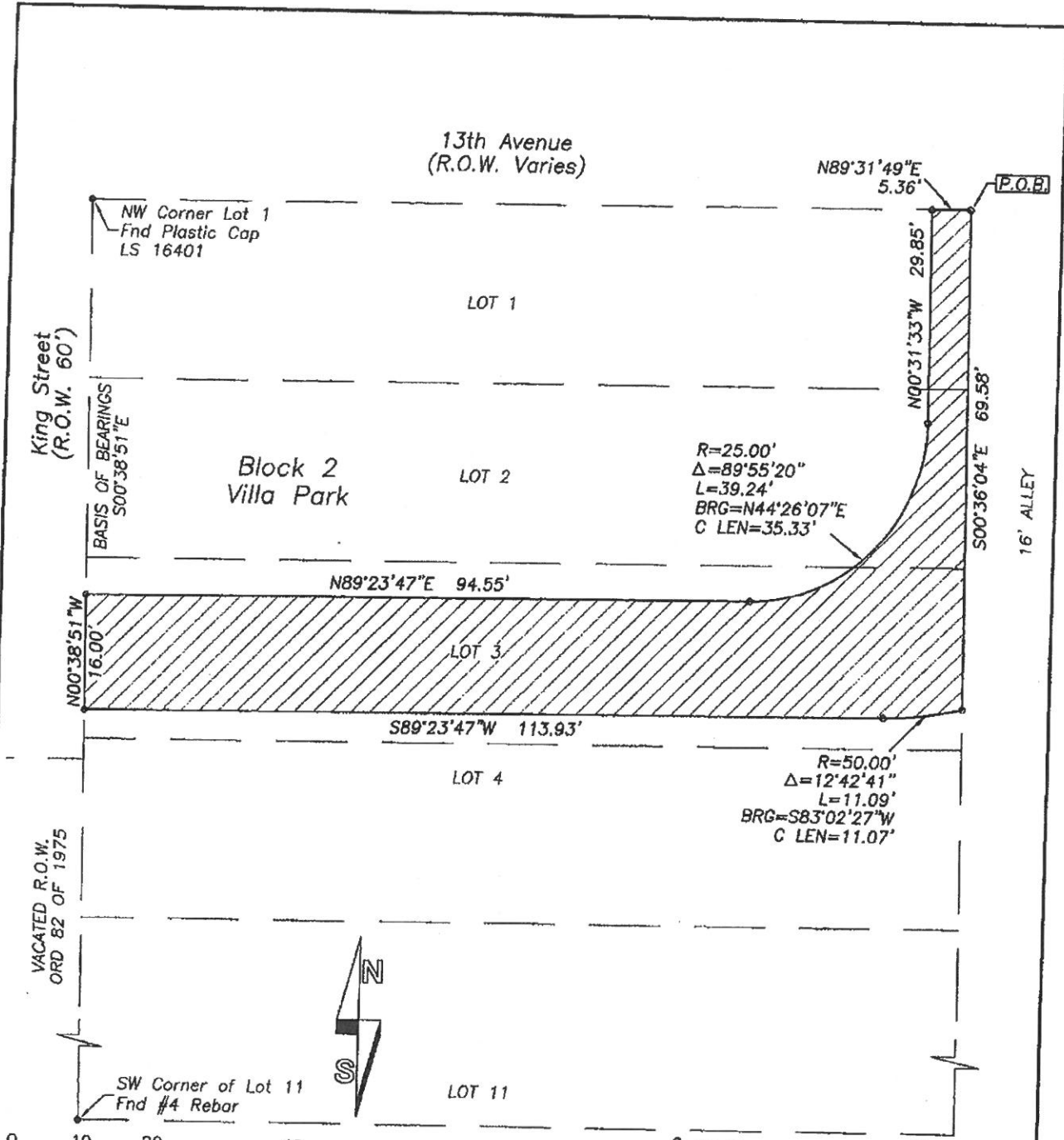
John A. Dickson, PLS 28649

D:\2306 CCD Asset Mgt-009\Legal EV Access Esmt.doc



2004 - 0700 - 003

EXHIBIT "A"



2004-0700-003

PARCEL AREA: 2,424 SQ. FT. (0.0558 ACRES) ±
 THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
 IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

PAGE 2 OF 2

JOB NO.: 2306-009
 SCALE: 1" = 20'
 DATE: 08/09/05
 SURVEYOR: JD
 DRAWN BY: JD

**EMERGENCY VEHICLE
 ACCESS EASEMENT
 THE DELORES PROJECT
 CITY & COUNTY OF DENVER**

