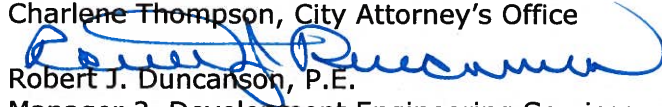




REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Charlene Thompson, City Attorney's Office

FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

PROJECT NO: 2015-RELINQ-0000011

DATE: February 5, 2016

SUBJECT: Proposal to relinquish the utility easement dedicated in the subdivision plat (Harvey Park Addition Filing No. 3)

This is a request to relinquish the utility easement near 2112 So. Patton Ct., reserved in the subdivision plat (Harvey Park Addition Filing No. 3, dedicated by Ordinance No. 172, Series of 1954, recorded with the Denver Clerk and Recorder on August 23, 1954 at Book 22, Page 8. The easement is no longer necessary and relinquishment is needed to allow for expansion and improvements to the church located at 2112 So. Patton Court.

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

This office has investigated the request of Omni Building Corporation, on behalf of the property owner, forefront Church / Harvey Park Baptist Church. An agreement was reached with the utility company to allow for relinquishment of the reservation. 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.

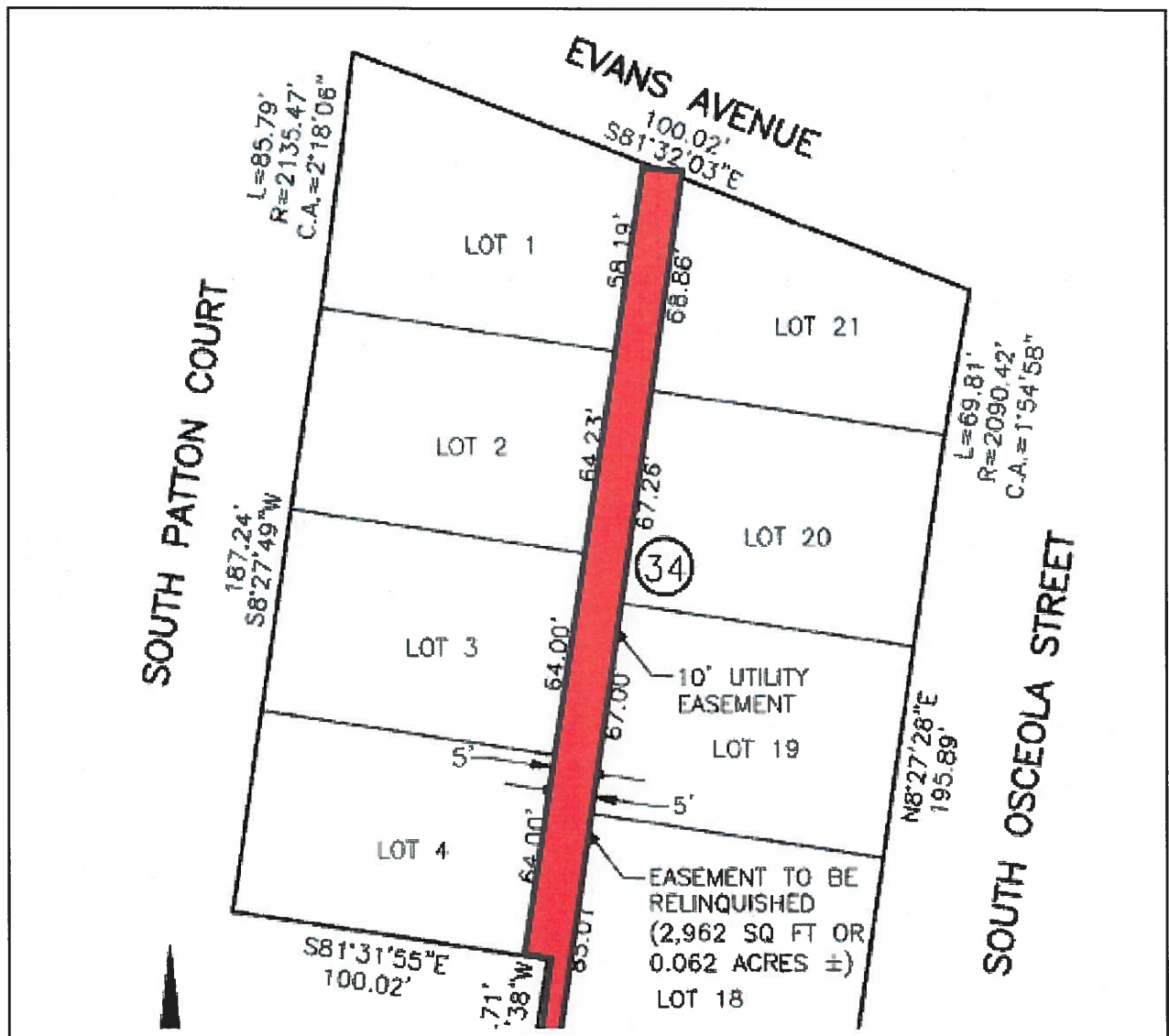
Therefore, you are requested to initiate Council action to relinquish the easements in the following described areas:

INSERT PARCEL DESCRIPTION -2015-RELINQ-0000011-001 HERE

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

RJD:cmc

- cc: City Councilperson & Aides (District # 2 - Kevin Flynn)
- City Council Staff - Shelley Smith
- 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: February 5, 2016

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.**)

Relinquishment of utility easement originally dedicated by Harvey Park Addition Filing No. 3 subdivision plat, dedicated by Ordinance No. 172, Series of 1954, recorded with the Denver Clerk and Recorder on August 23, 1954 at Book 22, Page 8.

3. **Requesting Agency:** Public Works – Right of Way Services – Survey

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

- **Name:** Cindy Cooley
- **Phone:** 720-913-4527
- **Email:** Cindy.Cooley@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:**

Relinquishment of utility easement originally dedicated by Harvey Park Addition Filing No. 3 subdivision plat, dedicated by Ordinance No. 172, Series of 1954, recorded with the Denver Clerk and Recorder on August 23, 1954 at Book 22, Page 8.

****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:** South Patton Court and Evans Avenue
(South of W. Evans, bounded by S. Patton Ct and S. Osceola St.)
- d. **Affected Council District:** District # 2 – Kevin Flynn (Aide: Dana Montañño)
- 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.



EXECUTIVE SUMMARY

Project Title: Harvey Park Baptist Church Easement Relinquishment (Project # 2015-RELINQ-0000011)

Description of Proposed Project:

Request for an ordinance to relinquish the utility easement near 2112 So. Patton Court, originally dedicated by subdivision plat (Harvey Park Addition Filing No. 3 subdivision plat, dedicated by Ordinance No. 172, Series of 1954, recorded with the Denver Clerk and Recorder on August 23, 1954 at Book 22, Page 8.

Background:

Harvey Baptist Church owns the land bounded by the utility reservation (Lots 1-4, and Lots 18-21, Block 34, Harvey Park Addition Filing No. 3). They wish to expand and make extensive improvements to the property. They have resolved all utility issues and now seek to obtain clear title for the expansion and improvements.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:

The easement is no longer needed and should be removed to accomplish proposed development.

Will an easement relinquishment be submitted at a later date:

No.

Additional information:

A written agreement regarding the utility reservation has been entered into between the land owner and PSCO (Public Service Company / Xcel).

2015-RELINQ-0000011

A 2,962 square foot parcel, being parts of Lots 1 through 4 and parts of Lots 18 through 21, all in Block 34, HARVEY PARK ADDITION, FILING NO. 3, City and County of Denver, State of Colorado, located in the NE¼, Section 30, Township 4 South, Range 68 West of the 6th Principal Meridian, more particularly described as follows:

The Easterly 5 feet of Lots 1 through 4, together with the Westerly 5 feet of Lots 18 through 21, all in Block 34, HARVEY PARK ADDITION, FILING NO. 3, City and County of Denver, State of Colorado, containing 2,962 square feet or 0.062 acres more or less.

15

NO. 3

FILING

HARVEY PARK ADDITION

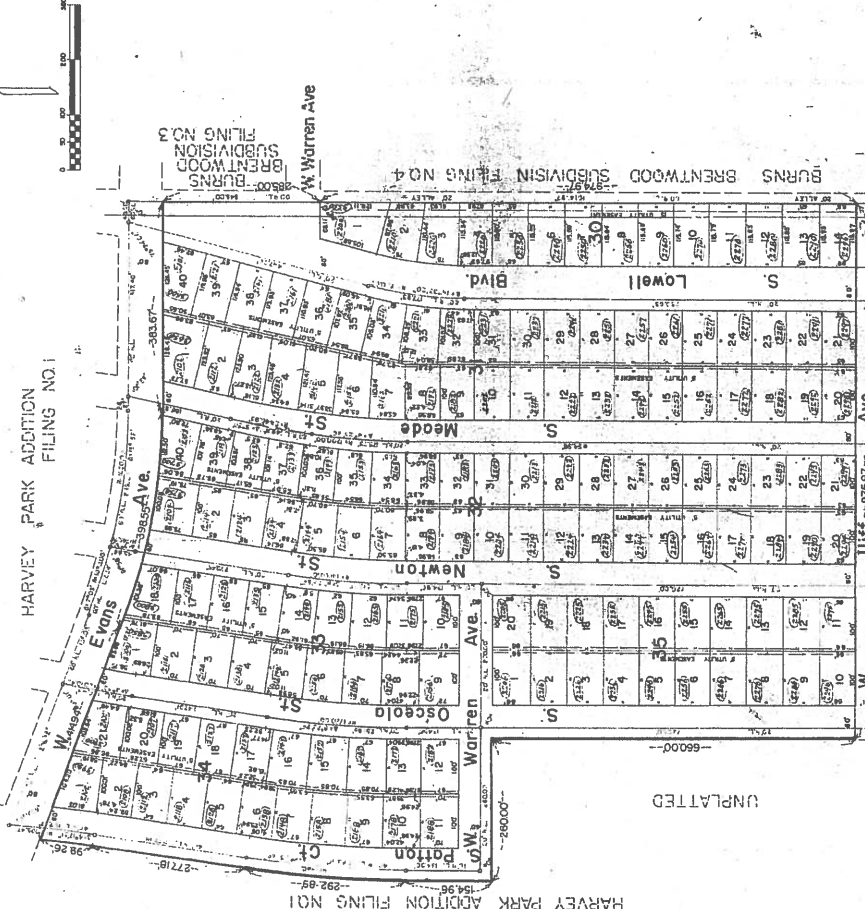
1969

A PART OF THE NORTHEAST ONE-QUARTER OF SECTION 30, T4S, R88W
CITY AND COUNTY OF DENVER, STATE OF COLORADO

77572

602
A. August 22, 1969

Ester Bennett



KNOW ALL MEN BY THESE PRESENTS that these Colorado Corporations—Empire Land Co., B. B. Hamilton as Vice-President, E. L. Northway as Secretary, H. M. Peake as President, Barbara J. Bard as Secretary, and a part of the NW/4 of Section 25, T 4 S, R 88 W, of the 6th P.M., City and County of Denver, Colorado, described as follows: Beginning at a point which is 31 feet North and 25 feet East of the Southeast corner of said NE1/4 of Sec. 30, Park Addition Filing No. 2, distance of 975.97 feet to the Southeast corner of said NW/4 of Sec. 30, Harvey Park Addition Filing No. 1; thence North along the East line of said NW/4 of Sec. 30, Harvey Park Addition Filing No. 1, to the southerly line of West Evans Avenue as plotted in Harvey Park Addition Filing No. 1; thence South along said southerly line and said line extended to a point 25 feet East of the East line of aforesaid Sec. 30; thence East and parallel to said East line of Sec. 30 a distance of 625.97 feet to the point of beginning; here laid out, platted, and subdivided into public places hereinafter more particularly described, and by these presents subdivided into public places hereinafter more particularly described, and not otherwise already dedicated for public use, also public utility easements as shown.

Empire Land Co.
Vice-President
Secretary
B. B. Hamilton
E. L. Northway
H. M. Peake
Barbara J. Bard
Notary Public
City and County of Denver

I hereby certify that I have examined the Abstract of Title to the land described herein and find the same to be correct and in conformity with the requirements of Section 38-3-10, Denver, Colorado.

I hereby certify that the survey represented by this map is accurate and in conformity with the requirements of Section 38-3-10, Denver, Colorado.

Approved by the Board of Adjustments as follows:
Chairman, Board of Adjustments
Planning Director

Approved for the Council of the City and County of Denver by Ordinance No. 1272, of the series of 1969. Whereas my hand and the corporate seal of the City and County of Denver this 22nd day of August, A.D. 1969.

Clerk and Recorder, City and County of Denver
By *[Signature]*
I hereby certify that the survey for this plat has been made in accordance with the records on file in the Office of the City Engineer of the City and County of Denver and that the plat is in conformity with such records, and further certify that there are no irrigation ditches or pipes through or across the land described in this plat.