



**Department of Public Works**  
Engineering Regulatory & Analytics  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
720-865-3001  
[www.denvergov.org/survey](http://www.denvergov.org/survey)

## **REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT**

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Matt Bryner  
Acting Director, Public Works Right of Way Services

**PROJECT NO:** 2018-RELINQ-0000012

**DATE:** September 19, 2018

**SUBJECT:** Request for an Ordinance to relinquish the easement, in its entirety, as established in Vacating Ordinance No. 609, Series of 2002. Located at 1085 N. York St.

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

This office has investigated the request of Entitlement and Engineering Solutions, Inc. c/o Krysta Houtchens, dated April 23, 2018 on behalf of Denver Botanic Gardens, Inc. c/o Suzi Latona for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; the City Councilman New – District 10; 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 2018-RELINQ-0000012-001 HERE**

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

MB:bp

cc:  
City Councilman New & Aides  
City Council Staff – Zach Rothmier  
Department of Law – Brent Eisen  
Department of Law – Deanne Durfee  
Public Works, Manager's Office – Alba Castro  
Public Works, Legislative Services – Sarah Stanek  
Public Works, Survey – Paul Rogalla

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Sarah Stanek

at [Sarah.Stanek@DenverGov.org](mailto:Sarah.Stanek@DenverGov.org) by **12:00pm on Monday**. Contact her with questions.

Date of Request: September 19, 2018

Please mark one:  Bill Request or  Resolution Request

**1. Type of Request:**

- Contract/Grant Agreement     Intergovernmental Agreement (IGA)     Rezoning/Text Amendment
- Dedication/Vacation     Appropriation/Supplemental     DRMC Change
- Other: Easement Relinquishment

**2. Title:** (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Entitlement and Engineering Solutions, Inc. c/o Krysta Houtchens, on behalf of Denver Botanic Gardens, Inc. c/o Suzi Latona, requests for an Ordinance to relinquish the easement, in its entirety, as established in Vacating Ordinance No. 609, Series of 2002. Located at 1085 N. York St.

**3. Requesting Agency:** Public Works; Engineering & Regulatory Dept.

**4. Contact Person:**

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brittany Pirtle	Name: Sarah Stanek
Email: <a href="mailto:Brittany.Pirtle@denvergov.org">Brittany.Pirtle@denvergov.org</a>	Email: <a href="mailto:Sarah.Stanek@denvergov.org">Sarah.Stanek@denvergov.org</a>

**5. General description or background of proposed request. Attach executive summary if more space needed:**

Entitlement and Engineering Solutions, Inc. c/o Krysta Houtchens, on behalf of Denver Botanic Gardens, Inc. c/o Suzi Latona, requests for an Ordinance to relinquish the easement, in its entirety, as established in Vacating Ordinance No. 609, Series of 2002. Located at 1085 N. York St.

**6. City Attorney assigned to this request (if applicable):** Brent Eisen

**7. City Council District:** District 10 – Councilman Wayne New

**8. \*\*For all contracts, fill out and submit accompanying Key Contract Terms worksheet\*\***

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

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

## Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract?  Yes  No Is this an Amendment?  Yes  No If yes, how many? \_\_\_\_\_

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before?  Yes  No

Source of funds:

Is this contract subject to:  W/MBE  DBE  SBE  XO101  ACDBE  N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

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

# EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

**Project Title:** 2018-RELINQ-0000012, Denver Botanic Gardens 1085 N York St

**Owner name:** Denver Botanic Gardens, Inc. c/o Suzi Latona

**Description of Proposed Project:** Entitlement and Engineering Solutions, Inc. c/o Krysta Houtchens, on behalf of Denver Botanic Gardens, Inc. c/o Suzi Latona, requests for an Ordinance to relinquish the easement, in its entirety, as established in Vacating Ordinance No. 609, Series of 2002. Located at 1085 N. York St.

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

**Background:** N/A

**Location Map:**



## EXHIBIT A

### Sheet 1 of 2

THAT VACATED ALLEY DESCRIBED IN ORDINANCE NO. 609, SERIES OF 2002, CITY AND COUNTY OF DENVER, STATE OF COLORADO

CONTAINING 2893 SQUARE FEET (0.066 ACRES) MORE OR LESS.

#### LEGAL DESCRIPTION STATEMENT:

I, RY PATRICK RUSK, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT (ILLUSTRATION FOR EXHIBIT A) WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.



ILLUSTRATION FOR EXHIBIT A

2018-RELINQ-0000012-001

SHEET 2 OF 2

E.F. HALLACK'S SECOND ADDITION TO DENVER  
 BK 4 PG 34 - ARAPAHOE COUNTY CLERK & RECORDER  
 CCD: BK 4 PG 34  
 CCD ENGINEERING: BK 2 PG 12

62

20' RANGE LINE  
 346.00'

11TH AVE.  
 (80' R.O.W.)

80.00'

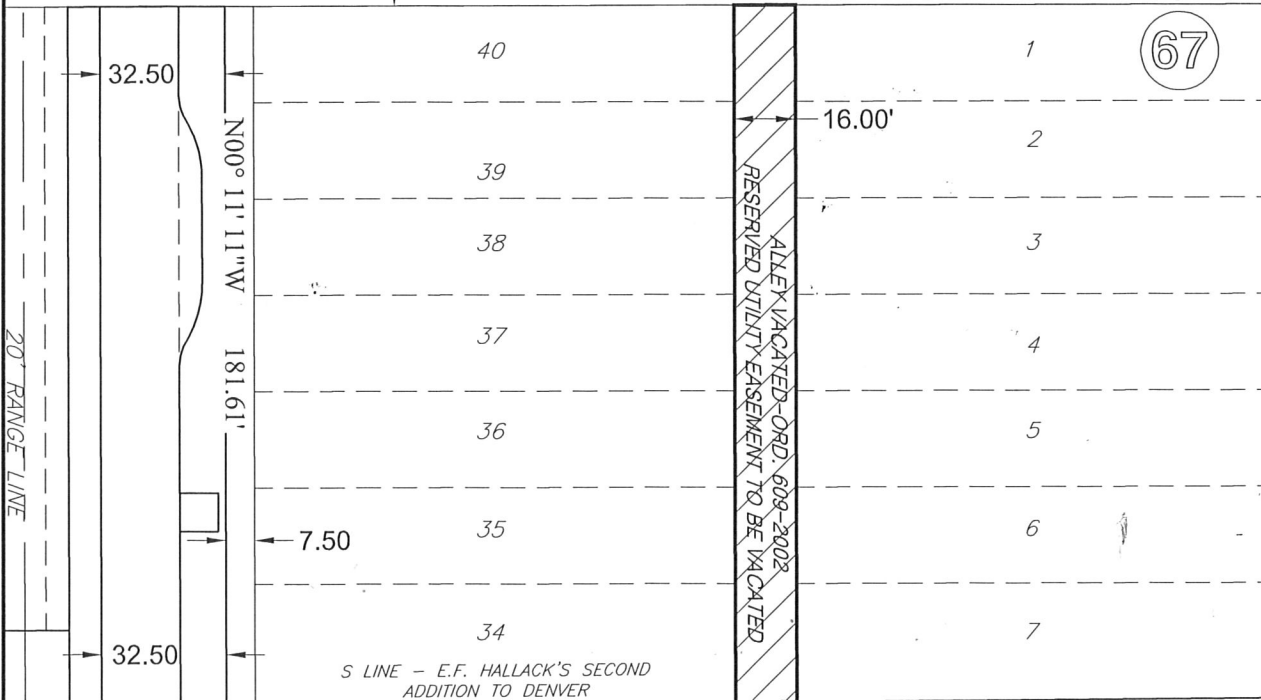
N89° 48' 49"E 266.00'

S00° 11' 11"E 239.85'

S00° 11' 11"E 179.98'

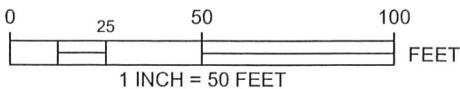
20' RANGE LINE

YORK ST.  
 (R.O.W. VARIES)  
 ORD. 19-1907  
 BK 5225 PG 188



S LINE - E.F. HALLACK'S SECOND ADDITION TO DENVER  
 NORTH LINE NE 1/4, SE 1/4, SECTION 2

S89° 27' 42"W 266.00'



VACATED EASEMENT CONTAINS 2893 SQ. FT.  
 (0.066 ACRES) MORE OR LESS



Revision: 2 09.04.18  
 Compiled By: Rusk  
 Checked By: Scott  
 Job Number: 2017007

THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

VACATION OF RESERVED EASEMENT LOCATED IN BLOCK 66, E.F. HALLACK'S SECOND ADDITION TO DENVER BEING IN THE NORTHEAST 1/4, OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO  
 SHEET 2 OF 2

**FWS** FORESIGHT WEST SURVEYING INC.

4955 Iris Street  
 Wheat Ridge, Colorado 80033  
 303.504.4440

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BY AUTHORITY

ORDINANCE NO. **609**  
SERIES OF 2002

COUNCIL BILL NO. **587**  
COMMITTEE OF REFERENCE:

A BILL

**Public Works**

**For an ordinance vacating the alley south of 11<sup>th</sup> Avenue and north of the Denver Botanic Gardens' property and between York and Gaylord Streets.**

**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 area in the City and County of Denver and State of Colorado, to wit:

A parcel of land 16 feet in width, having been dedicated as an alley and adjacent to Lots 1 through 7 and Lots 34 through 40, in Block 67 of E.F. Hallack's Second Addition to Denver, originally recorded in Book 4 at Page 34 in the Clerk and Recorder's Office of Arapahoe County on June 1, 1887, located in the Northeast one-quarter of Section 2, Township 4 South, Range 68 West, 6<sup>th</sup> P.M., City and County of Denver, State of Colorado.

be and the same is hereby approved and the described area is vacated and declared vacated; **PROVIDED, HOWEVER**, said vacation shall be subject to the following reservations:

That easements be and are hereby retained to protect existing utilities thereon, which include sewer lines, power lines, gas lines, drainage facilities for water and sewage of the City and County of Denver, and water facilities of the City and County of Denver, acting by and through its Board of Water Commissioners. In addition, a full width, hard surface easement be and is hereby retained for utility purpose, and no trees, fencing, structures, retaining walls or landscaping are allowed over, across, or below the easement limits and access for utility purposes will not be denied or restricted for any reason.

PASSED BY THE COUNCIL July 29 2002

Cathy Bennett - PRESIDENT

APPROVED: Wally Swett - MAYOR JULY 30 2002

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ATTEST: Sherry S. Jackson - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

PUBLISHED IN: WWW.DENVERGOV.ORG July 25, 2002 July 30, 2002

The Manager of Public Works has made the findings and determinations as set forth in the above and foregoing draft or form of a proposed bill for an ordinance, and subject to approval by ordinance, has vacated and does hereby vacate that described area subject to certain reservations and requests the Council of the City and County of Denver to approve such vacation subject to certain reservations, by the enactment of an appropriate ordinance. The Manager of Public Works approves said draft or form of a proposed bill for an ordinance and recommends the introduction and passage thereof.

PREPARED BY: PATRICK A. WHEELER, ASSISTANT CITY ATTORNEY 7/17/02  
REVIEWED BY: Walter Edward Dease - CITY ATTORNEY 7/17 2002  
SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_

