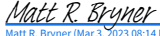


REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Matt R. Bryner, PE, Director, Right of Way Services 
Matt R. Bryner (Mar 3, 2023 08:14 MST)

PROJECT NO: 2020-RELINQ-0000001

DATE: February 17, 2023

SUBJECT: Request for an Ordinance to relinquish a portion of the easements established in the Vacating Ordinance No. 324, Series of 2005. Located at 1300 Walnut 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 Harris Kocher Smith, c/o Ben Satterwhite, dated May 13, 2022 on behalf of Paradise Investment Properties LLC for the relinquishment of the subject easement.

This matter has been coordinated with City Councilperson CdeBaca, District 9; Asset Management; Emergency Management; Community Planning & Development: Development Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; DOTI: ER Transportation & Wastewater, DES Transportation & Wastewater, Construction Engineering, Policy and Planning, TES Signing and Striping, Survey; Colorado Department of Transportation; Regional Transportation District; Comcast; Metro Water Recovery; CenturyLink; and Xcel Energy, all of whom have indicated no objection to the proposed easement relinquishment(s).

As a result of these 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 easement(s) in the following described area(s):

INSERT PARCEL DESCRIPTION 2020-RELINQ-0000001-001 HERE
INSERT PARCEL DESCRIPTION 2020-RELINQ-0000001-002 HERE

A vicinity map of the subject easement area(s) and a copy of the document(s) creating the easement(s) are attached.

MB:je

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Bradley Beck
Department of Law – Deanne Durfee
Department of Law – Maureen McGuire
Department of Law – Martin Plate
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Jason Gallardo
DOTI, Survey – Paul Rogalla

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services | Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo
at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: **February 17, 2023**

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.)

Request for an Ordinance to relinquish a portion of the easements established in the Vacating Ordinance No. 324, Series of 2005. Located at 1300 Walnut Street.

3. Requesting Agency: Department of Transportation & Infrastructure, Engineering & Regulatory

4. Contact Person:

| | |
|---|---|
| Contact person with knowledge of proposed ordinance/resolution | Contact person to present item at Mayor-Council and Council |
| Name: Jessica Eusebio | Name: Jason Gallardo |
| Email: Jessica.Eusebio@denvergov.org | Email: Jason.Gallardo@denvergov.org |

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

Request for an Ordinance to relinquish a portion of the easements established in the Vacating Ordinance No. 324, Series of 2005. Located at 1300 Walnut Street.

6. City Attorney assigned to this request (if applicable): Martin Plate

7. City Council District: Councilperson CdeBaca, District 9

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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2020-RELINQ-0000001 Speer Blvd and Market St Residential Tower

Property Owner: Paradise Investment Properties LLC

Description of Proposed Project: The applicant is requesting to relinquish a portion of the easements so that they may redevelop this area.

Background: The portion of the easements being requested are no longer needed due to utilities being relocated.

Location Map:



City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/dotj
Phone: 720-865-3003

**EXHIBIT A
LAND DESCRIPTION**

2020-RELINQ-0000001-001

PARCEL 1

A PARCEL OF LAND BEING A PORTION OF WALNUT STREET (NOW KNOWN AS MARKET STREET) ORIGINALLY DEDICATED AS 4TH STREET BY THE PLAT OF WEST DENVER, VACATED BY ORDINANCE NO. 324, SERIES OF 2005, SITUATED IN THE EAST HALF OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST CORNER OF BLOCK 242 OF SAID WEST DENVER, FROM WHENCE THE RANGE POINT AT THE INTERSECTION OF THE 20' RANGE LINES IN MARKET STREET AND 14TH STREET BEARS NORTH 62°45'45" EAST, A DISTANCE OF 419.86 FEET;
THENCE NORTH 59°36'42" EAST ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 242, A DISTANCE OF 84.84 FEET TO A POINT OF NON-TANGENT CURVATURE AND THE **POINT OF BEGINNING**;
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 27.17 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 77°49'28", AND A CHORD WHICH BEARS NORTH 37°14'48" EAST A CHORD DISTANCE OF 25.13 FEET;
THENCE NORTH 76°09'33" EAST, A DISTANCE OF 33.57 FEET TO A POINT ON SAID NORTHWESTERLY LINE ALSO BEING THE WEST CORNER OF THE PARCEL OF LAND OPENED TO THE SYSTEM OF THOROUGHFARES BY ORDINANCE NO. 209, SERIES OF 1990, DESCRIBED AS BEING PART OF MARKET STREET AND SAID BLOCK 242;
THENCE SOUTH 59°36'42" WEST ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 55.41 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 341 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

2020-RELINQ-0000001-002

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF SPEER BOULEVARD AS ORIGINALLY DEDICATED BY ORDINANCE NO. 154, SERIES OF 1907 AS CHERRY CREEK DRIVE AND RENAMED BY ORDINANCE NO. 61, SERIES OF 1908 AS SPEER BOULEVARD, AND VACATED BY ORDINANCE NO. 324, SERIES OF 2005, SITUATED IN THE EAST HALF OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST CORNER OF SAID BLOCK 242, WEST DENVER FROM WHENCE THE RANGE POINT AT THE INTERSECTION OF THE 20' RANGE LINES IN MARKET STREET AND 14TH STREET BEARS NORTH 62°45'45" EAST, A DISTANCE OF 419.86 FEET;
THENCE NORTH 59°36'42" EAST ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 242, A DISTANCE OF 84.84 FEET;
THENCE CONTINUING ALONG SAID NORTH LINE NORTH 59°36'42" EAST, A DISTANCE OF 55.41 FEET TO THE WEST CORNER OF THE PARCEL OF LAND OPENED TO THE SYSTEM OF THOROUGHFARES BY ORDINANCE NO. 209,

SERIES OF 1990, DESCRIBED AS BEING PART OF MARKET STREET AND SAID BLOCK 242;
THENCE NORTH 76°09'33" EAST ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 66.75 FEET TO THE **POINT OF BEGINNING**;
THENCE CONTINUING ALONG SAID SOUTH LINE NORTH 76°09'33" EAST, A DISTANCE OF 70.59 FEET TO THE WEST LINE OF THE CHANNEL OF CHERRY CREEK;
THENCE SOUTH 21°15'44" EAST ALONG SAID WEST LINE, A DISTANCE OF 344.13 FEET;
THENCE SOUTH 68°44'16" WEST, A DISTANCE OF 12.59 FEET TO THE EAST LINE OF SPEER BOULEVARD AS DESCRIBED IN ORDINANCE NO. 209, SERIES OF 1990;
THENCE ALONG SAID EAST LINE THE FOLLOWING 2 (TWO) COURSES:
1) NORTH 42°35'21" WEST, A DISTANCE OF 70.10 FEET;
2) NORTH 45°41'29" WEST, A DISTANCE OF 77.16 FEET TO THE WEST LINE OF SPEER BOULEVARD AS ORIGINALLY DEDICATED BY ORDINANCE NO. 154, SERIES OF 1907 AS CHERRY CREEK DRIVE AND RENAMED BY ORDINANCE NO. 61, SERIES OF 1908 AS SPEER BOULEVARD;
THENCE NORTH 21°15'44" WEST ALONG SAID WEST LINE, A DISTANCE OF 217.70 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 20,371 SQUARE FEET OR 0.47 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE 20-FOOT RANGE LINE IN 14TH STREET BETWEEN MARKET STREET AND LARIMER STREET ASSUMED TO BEAR SOUTH 45°27'56" EAST; MONUMENTED BY A #8 REBAR IN A RANGE BOX AT EITHER END.

PREPARED BY: AARON MURPHY
PLS 38162
ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203

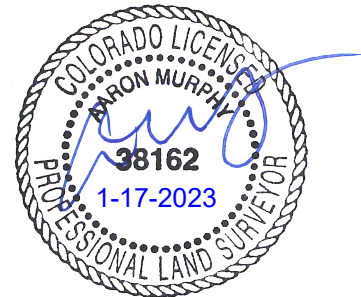
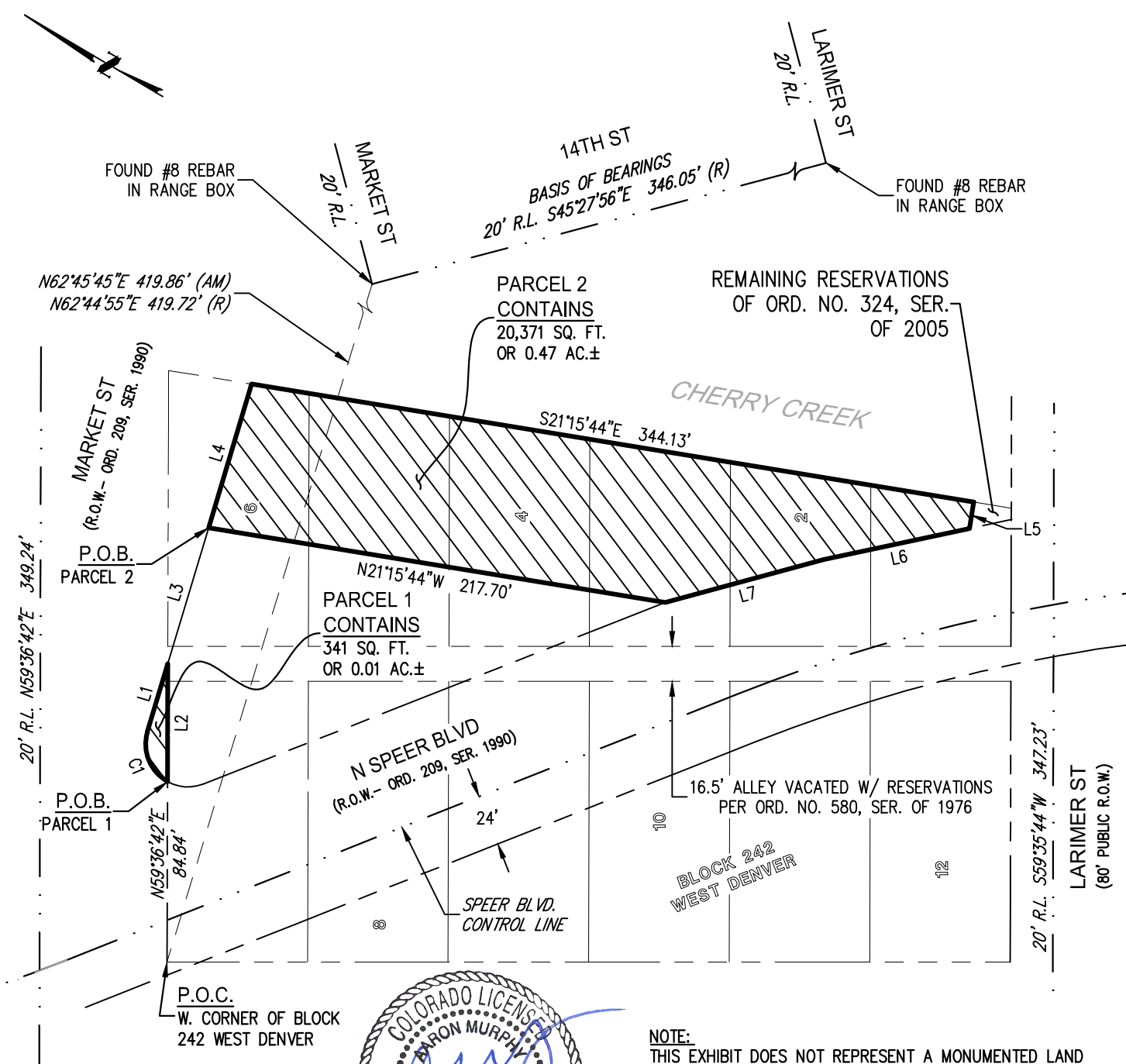


ILLUSTRATION TO EXHIBIT A

SITUATED IN THE EAST 1/2 OF SECTION 33, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

(AM) = AS-MEASURED DIMENSION
(R) = RECORD DIMENSION

FILEPATH: K:\210911\SURVEY\PLNG-ORD-324_ADDING_LAYOUT_LAYOUT1
1.DWG: 01/17/23 2:48:44P BY: TOM GRUBESIC

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

| | |
|----------------------|-------------------|
| ISSUE DATE: 8/8/2019 | PROJECT #: 210911 |
| DATE | REVISION COMMENTS |
| 12-5-2022 | REVISE BOUNDARY |
| 1-10-2023 | MISC. REVISIONS |
| 1-17-2023 | CCD COMMENTS |
| | |
| | |

EXHIBIT

EASEMENT
RELINQUISHMENT

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

CHK'D BY: AWM
DRAWN BY: TWG

SHEET NO.
3

3 OF 4

LINE & CURVE TABLES

| CURVE TABLE | | | | | |
|-------------|--------|-----------|--------|---------------|--------|
| CURVE | RADIUS | DELTA | LENGTH | CHORD BEARING | CHORD |
| C1 | 20.00' | 77°49'28" | 27.17' | N37°14'48"E | 25.13' |

| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | N76°09'33"E | 33.57' |
| L2 | S59°36'42"W | 55.41' |
| L3 | N76°09'33"E | 66.75' |
| L4 | N76°09'33"E | 70.59' |
| L5 | S68°44'16"W | 12.59' |
| L6 | N42°35'21"W | 70.10' |
| L7 | N45°41'29"W | 77.16' |

FILEPATH: K:\210911\SURVEY\PLNG-ORD-324_ADDDWG_LAYOUT: LAYOUT2
 P: 303.623.6300 F: 303.623.6311
 PLOTTER: HP 07/23 24845P BY: TOM GRUBESIC

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

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| | |
| | |
| | |

LINE TABLE

EASEMENT
RELINQUISHMENT

1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303.623.6300 F: 303.623.6311
 HarrisKocherSmith.com

| |
|--------------------------------|
| CHK'D BY: AWM DRAWN BY: TWG |
| 4 |
| SHEET NO. 4 OF 4 |