

## 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 (Nov 29, 2022 10:16 MST)

**PROJECT NO:** 2022-RELINQ-0000017

**DATE:** November 10, 2022

**SUBJECT:** Request for an Ordinance to relinquish a portion of the alley easement as established in Vacating Ordinance No. 584, Series of 1991. Located in the vacated alley bounded by 36<sup>th</sup> Street, 38<sup>th</sup> Street, Delgany Street, and Chestnut Place.

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

This office has investigated the request of Bernard Hurley, dated September 27, 2022 on behalf of Menalto LLC for the relinquishment of the subject easement(s).

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 Wastewater Reclamation District; 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 2022-RELINQ-0000017-001 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 – Luke Palmisano  
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](http://www.denvergov.org/doti)  
Phone: 720-865-3003

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Jason Gallardo

at [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

**Date of Request: November 10, 2022**

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 alley easement as established in Vacating Ordinance No. 584, Series of 1991. Located in the vacated alley bounded by 36<sup>th</sup> Street, 38<sup>th</sup> Street, Delgany Street, and Chestnut Place.

**3. Requesting Agency:** Department of Transportation & Infrastructure, Right of Way Services, 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: <a href="mailto:Jessica.Eusebio@denvergov.org">Jessica.Eusebio@denvergov.org</a>	Email: <a href="mailto:Jason.Gallardo@denvergov.org">Jason.Gallardo@denvergov.org</a>

**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 alley easement as established in Vacating Ordinance No. 584, Series of 1991. Located in the vacated alley bounded by 36<sup>th</sup> Street, 38<sup>th</sup> Street, Delgany Street, and Chestnut Place.

**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?

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

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

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

## EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

**Project Title:** 2022-RELINQ-0000017 - Hurley Place 3650 Chestnut Place Relinquishment

**Property Owner:** Menalto LLC.

**Description of Proposed Project:** The applicant is proposing to relinquish a portion of the alley easement as established in Vacating Ordinance No. 584, Series of 1991. Located in the vacated alley bounded by 36<sup>th</sup> Street, 38<sup>th</sup> Street, Delgany Street, and Chestnut Place.

**Background:** The buildings that were previously located in the area in which the easement is proposed to be relinquished have been demolished and the utilities that were located within that area have been removed or abandoned in place. The applicant is seeking to relinquish the easement in order to construct a new building on the property.

**Location Map:** Continued on next page.



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/dot](http://www.denvergov.org/dot)  
Phone: 720-865-3003

# EXHIBIT "A"

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2

A PORTION OF BLOCK 41, ST. VINCENTS ADDITION SECOND FILING AND BLOCK 17, FIRST ADDITION TO IRONTON, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A LINE BETWEEN A FOUND 2" ALUMINUM CAP STAMPED "PLS 37929" IN RANGE BOX SHOWN BEING 0.40 FEET NORTHEASTERLY OF THE RANGE POINT IN THE INTERSECTION OF 36TH STREET AND CHESTNUT PLACE, ACCORDING TO THE ALTA/NSPS LAND TITLE SURVEY RECORDED ON DECEMBER 29TH, 2021 AT RECEPTION NO. L021475, AND A FOUND 1" YELLOW PLASTIC CAP STAMPED "PLS 2132" AT THE WESTERLY MOST CORNER OF LOT 22, BLOCK 17, FIRST ADDITION TO IRONTON TO BEAR NORTH 55°49'21" EAST, A DISTANCE OF 316.18 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE WESTERLY MOST CORNER OF LOT 22, BLOCK 17, FIRST ADDITION TO IRONTON; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 22, SOUTH 45°05'56" EAST, A DISTANCE OF 124.97 FEET TO A POINT ON THE NORTHWESTERLY LINE OF AN ALLEY VACATED BY ORDINANCE 584-1991, RECORDED AUGUST 9, 1991 AT RECEPTION NO. 75551, AND THE POINT OF BEGINNING;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID VACATED ALLEY, NORTH 44°53'32" EAST, A DISTANCE OF 350.01 FEET TO THE EASTERLY MOST CORNER OF LOT 9, BLOCK 41, ST. VINCENT'S ADDITION SECOND FILING; THENCE ALONG THE NORTHEASTERLY LINE EXTENDED OF SAID LOT 9, SOUTH 45°05'33" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID VACATED ALLEY, BEING THE NORTHERLY MOST CORNER OF LOT 56, BLOCK 41, ST. VINCENT'S ADDITION SECOND FILING; THENCE ALONG SAID SOUTHEASTERLY LINE OF THE VACATED ALLEY, SOUTH 44°53'32" WEST, A DISTANCE OF 350.01 FEET TO THE WESTERLY MOST CORNER OF LOT 43, SAID BLOCK 17; THENCE NORTH 45°05'56" WEST, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 5,600 SQUARE FEET, MORE OR LESS.

I, JOSHUA BREEDLOVE, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND ARE NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED. SAID PARCEL DESCRIPTION AND EXHIBIT WERE PREPARED AT THE REQUEST OF THE CLIENT AND ARE NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOSHUA BREEDLOVE  
COLORADO P.L.S. #38174  
VICE PRESIDENT, FLATIRONS, INC.

JOB NUMBER: 22-77,343  
DRAWN BY: M. LUND  
DATE: SEPTEMBER 21, 2022

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.



**Flatirons, Inc.**  
Land Surveying Services



4501 LOGAN ST.  
DENVER, CO 80216  
PH: (303) 936-6997  
FAX: (303) 923-3180

[www.FlatironsInc.com](http://www.FlatironsInc.com)

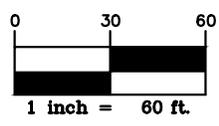
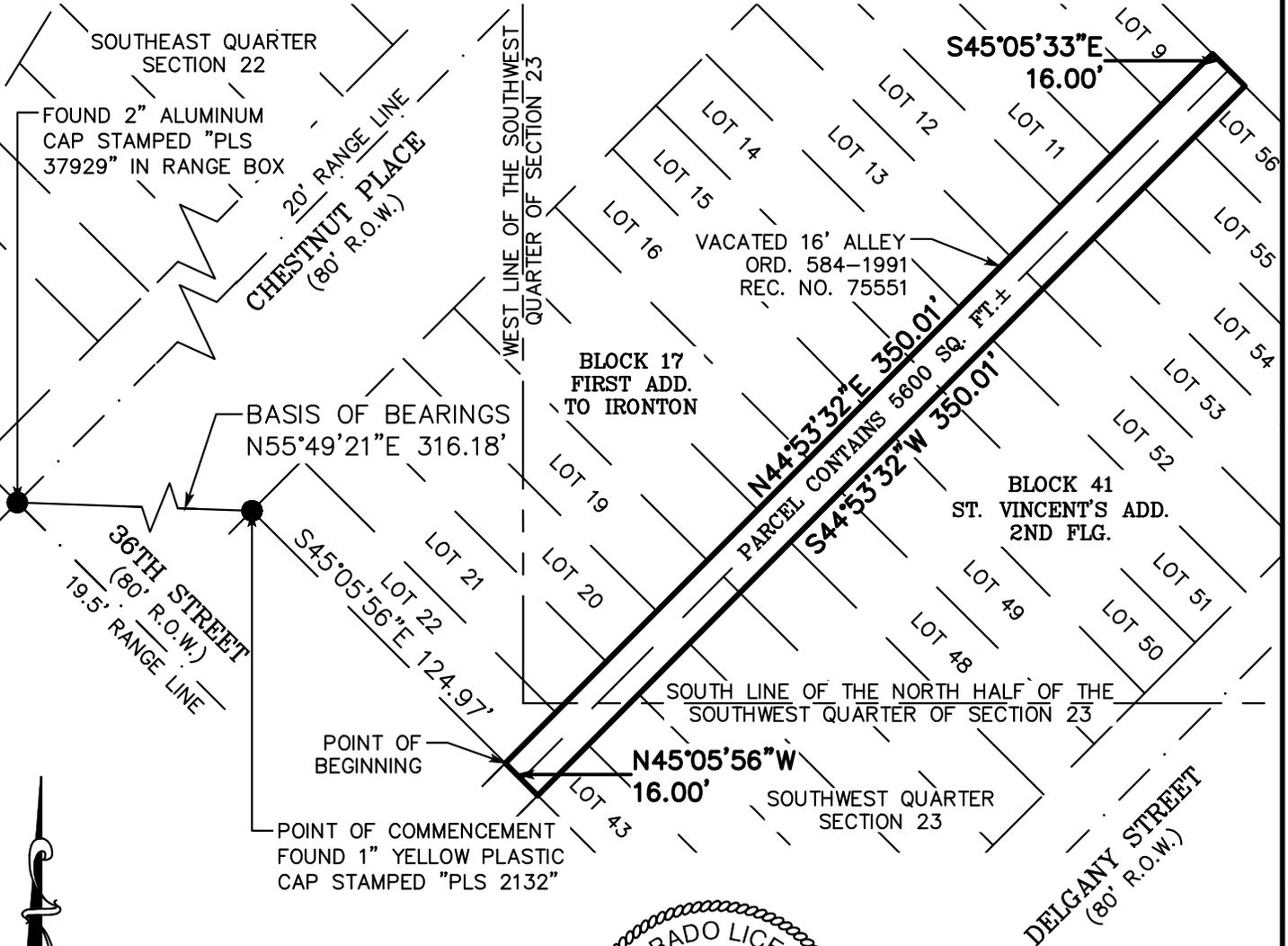
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SHEET 2 OF 2

BY:CHARPER FILE:77343-ALLEY VAC DATE:12/20/2022 10:33 AM



JOB NUMBER: 22-77,343  
 DRAWN BY: M. LUND  
 DATE: SEPTEMBER 21, 2022

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**Flatirons, Inc.**  
 Land Surveying Services



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