DENVER
PUBLIC WORKS

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: Charlene Thompson, City Attorney's Office

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

PROJECT NO: 2016-RELINQ-0000008

DATE: July 11, 2016

SUBJECT: Request for an Ordinance to relinquish certain easements in their entirety established in the Permanent Non-Exclusive easement with Reception No. 2012129620. Located at 2979 N. Uinta 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 Donald J. Marcotte, dated May 4, 2016 on behalf of Stapleton Senior Living, LLC 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 their entirety.

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

RJD: ad

cc:
City Councilperson & Aides Dist #8, Christopher Herndon
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: July 11, 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.****)*

   Request for an Ordinance to relinquish certain easements in their entirety established in the Permanent Non-Exclusive easement with Reception No. 2012129620. Located at 2979 N. Uinta St.

3. **Requesting Agency:** Public Works – Right of Way Services – Engineering, Regulatory, and Analytics

4. **Contact Person:** (*With actual knowledge of proposed ordinance/resolution.)*
   - **Name:** Ann DeHerrera
   - **Phone:** 720-865-3129
   - **Email:** ann.deherrera@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:**
   The original Permanent Non-Exclusive easement was granted to the City and County of Denver by Signature Equities Inc., who did not own the property at the time. The easements are no longer needed or required.

*****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:** 2979 N. Uinta St.
   d. **Affected Council District:** Councilman Christopher Herndon, District 8
   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: _____

Denver Public Works
Right-of-Way Engineering Services
Engineering, Regulatory & Analytics Office

201 W Colfax Ave, Dept. 507
Denver, CO 80202
720-865-3003
www.denvergov.org

DENVER
THE MILE HIGH CITY

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2016-RELINQ-0000008 Stapleton Senior Living 2979 N. Uinta St

Owner name: Stapleton Senior Living, LLC

Description of Proposed Project: Request for an Ordinance to relinquish certain easements in their entirety established in the Permanent Non-Exclusive easement with Reception No. 2012129620. Located at 2979 N. Uinta St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: There are no existing utilities located there.

Background: The original permanent non-exclusive easement, with Reception No. 2012129620, was granted by Signature Equities, Inc, who did not own the property at the time. A letter from the Jose Cornejo, Executive Director of Department of Public Works, has been provided, stating that the proposed development did not take place and the easement is not needed, nor required.

Location Map:

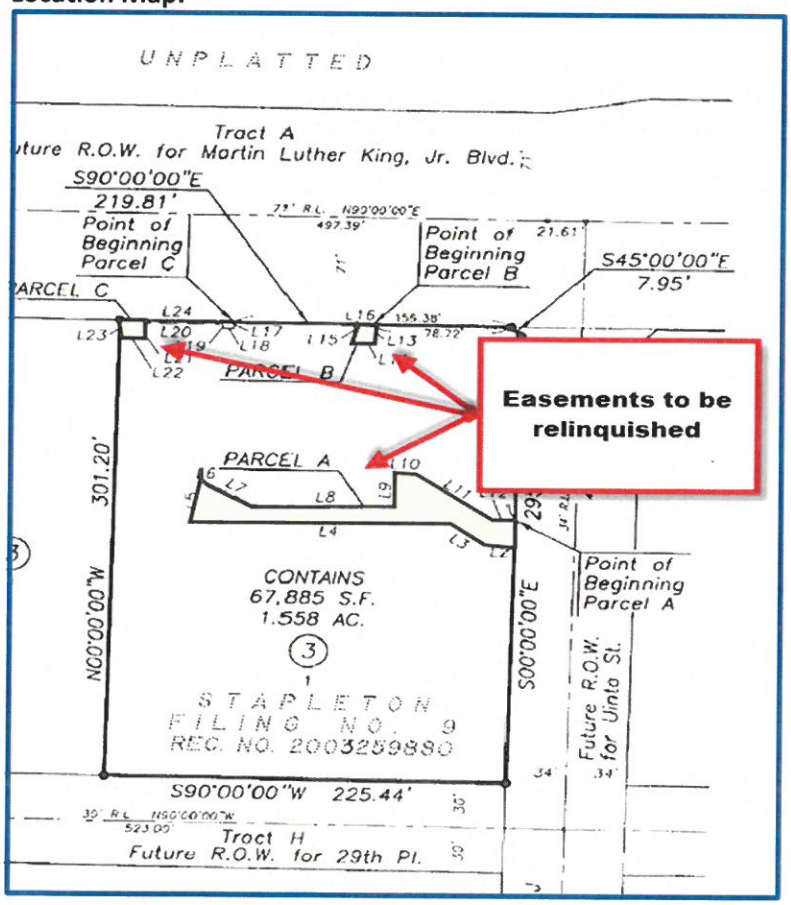

EXHIBIT B

CITY & COUNTY OF DENVER
ASSET MANAGEMENT
201 W. COLFAX AVE DEPT 1010
DENVER, CO 80202

PW ROW PROJECT NO. 2012-0162
PW LEGAL DESCRIPTION NO. 2012-0162-04-001

PERMANENT NON-EXCLUSIVE EASEMENT

This permanent non-exclusive easement, made Sept. 12, 2012, between Signature Equities, Inc. whose legal address is 5347 S. Valentia Way, Suite 350, Greenwood Village, CO 80111 ("Grantor(s)" or "Owner(s)") and the City and County of Denver, a municipal corporation of the State of Colorado, whose address is 1437 Bannock Street, Denver, Colorado 80202 ("City" or "Grantee")

The Grantor(s) are the owner of the property commonly known and addressed as 8188 Martin Luther King, Jr. Boulevard (the "Project"), described in the attached Exhibit "A", which will be served by one or more privately owned Wastewater Facilities (which includes: sanitary sewer, storm sewer, ~~permanent aboveground detention/water quality pond, permanent underground detention/water quality structure or vault with or without pump(s)~~ and storm sewer outlet pipe) (the "Facility(ies)"), which will render the Owner(s) jointly and equally responsible for the maintenance and service of such privately owned Facilities to ensure conformance with all applicable plans approved by the City and County of Denver, or in the event of Owner's failure to do so, by the City at its option; and

The Owner(s) (and their heirs, successors, and assigns) hereby grant(s) and convey(s) a permanent non-exclusive easement ~~to each of the Owner(s) and~~ to the City, for ingress and egress over private property contained within the Project, for purposes of providing privately owned Facility maintenance and repairs, together with any and all rights-of-way, easements or rights of ingress and egress, necessary or convenient to the Owner(s) and/or the City to accomplish such purposes. PROVIDED, HOWEVER, that in non-dedicated driveways or privately maintained systems existing within the Project, the City shall not be obligated or expected to perform any construction, re-construction, maintenance, repair, cleaning, snow removal, street lighting, traffic control or regulation or any other services on property contained within the Project.

The Owner(s) shall pay for and be responsible for all costs to construct, reconstruct, repair and maintain all private driveways and privately owned Facilities contained within the Project to ensure conformance with all applicable plans approved by the City and County of Denver and in such condition so as to be usable by the other Owner(s).

If, in the sole opinion of the City, the private driveways or privately owned Facilities are not properly maintained or are closed, blocked or vacated, the City shall give notice to the Owner(s) and if repairs or corrections are not made within the time designated in such notice, the City is authorized to make or have made repairs or corrections and will charge and collect the cost thereof from the Owner(s). However, in cases of emergency (as solely determined by the City and County of Denver), the City may choose to make immediate repairs or corrections and to collect the cost thereof from the Owner(s).

The Owner(s) shall in no way consider or hold the City or its personnel guilty of trespass in the performance of any of the municipal services, duties or responsibilities referred to herein.

Asset Mgmt. #: 12-168

Asset Management Date: 9-24-12

Project Description: Pass - Storm Lines

2012129620
Page 1 of 7
City & County Of Denver EAS R0.00 D0.00 09/24/2012 08:28A

The Owner(s) agree to: defend, indemnify, and hold harmless the City, its officers, agents, and employees against any and all claims for damage to property or injuries to or death of any person or persons which may result from the City service operations at the Project, provided, however that Owner(s) need not indemnify, defend, or hold harmless the City, its officers, agents, and employees from their own negligence, recklessness, or willful misconduct.

It is understood that the Owner(s) intends to cause the formation of one or more Property Owner's Associations to hold title to and/or administer the use and maintenance of the private roads and streets and other common facilities contained within the Project. IT IS FURTHER UNDERSTOOD THAT THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" OR ANY SIMILAR INSTRUMENT FOR ANY SUCH PROPERTY OWNER'S ASSOCIATION SHALL CLEARLY STATE THAT THE PROPERTY OWNER'S HAVE JOINT AND SEVERAL FINANCIAL RESPONSIBILITY FOR THE MAINTENANCE AND REPAIR OF SUCH PRIVATE ROADS, STREETS, SEWERS, OR OTHER DRAINAGE FACILITIES, AND THE INDEMNITY PROVISIONS OF THIS AGREEMENT. THE OWNER(S) SHALL HAVE A COPY OF SUCH DECLARATION READILY AVAILABLE IN ITS SALES FACILITY AND SHALL PROVIDE A COPY TO EACH PURCHASER AT THE TIME OF EXECUTION OF EACH SALES AGREEMENT. THE OWNER(S) SHALL ALSO RECORD THE PROPERTY OWNER'S DECLARATION WITH THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, AND PROVIDE SATISFACTORY EVIDENCE OF SUCH RECORDATION TO THE CITY.

The grant of easement and duties contained herein shall run with the land and shall be binding upon, jointly and severally, and shall inure to the benefit of, the parties hereto, their heirs, successors, or assigns, and the Owner(s) agrees to that upon sale of any portion of the above-described Property a copy of this Permanent Non-Exclusive Easement will be given to the purchaser.

PW ROW PROJECT NO. 2012-0162
PW LEGAL DESCRIPTION NO. 2012-0162-04-001

IN WITNESS WHEREOF, the OWNER(s) hereto have executed this Permanent Non-Exclusive Easement to the City & County of Denver as of the day and year first above written.

OWNER(S): Signature Equities, Inc.
A Colorado Corporation

BY: Darrel Schmidt
Darrel Schmidt – Authorized Representative

Darrel Schmidt
Printed Name(s)

STATE OF COLORADO

CITY OF DENVER

COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 12th day of September, 2012, by Darrel Schmidt as Authorized Representative for Signature Equities Inc, as the "Owner(s).

Witness my hand and official seal.

My commission expires: 10/24/13

Notary Public

5347 S. Valentia Wy #350, Greenwood Village, CO 80111
Address

NOTARY PUBLIC

PW ROW PROJECT NO. 2012-0162
PW LEGAL DESCRIPTION NO. 2012-0162-04-001

EXHIBIT "A"

Property Legal Description

PW ROW PROJECT NO. 2012-0162
PW LEGAL DESCRIPTION NO. 2012-0162-04-001

Vigil Land Consultants
SURVEYORS
480 Yuma Street ▪ Denver, Colorado 80204
Off: (303) 436-9233 ▪ Fax: (303) 436-9235

Date 09-06-12 Job No. 12016

LEGAL DESCRIPTION - PARCEL A

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A PORTION OF LOT 1, BLOCK 3 OF STAPLETON FILING NO. 9 AS RECORDED AT RECEPTION NO. 2003259880, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, WHENCE THE NORTHWEST CORNER THEREOF BEARS S90°00'00"W; THENCE ALONG THE EAST LINE OF SAID LOT 1, S45°00'00"E, A DISTANCE OF 7.95 FEET; THENCE S00°00'00"E, A DISTANCE OF 121.69 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID EAST LINE S00°00'00"E A DISTANCE OF 15.89 FEET; THENCE N89°59'48"W, A DISTANCE OF 15.52 FEET; THENCE N55°54'16"W, A DISTANCE OF 22.66 FEET; THENCE N90°00'00"W, A DISTANCE OF 141.52 FEET; THENCE N00°00'00"E, A DISTANCE OF 24.12 FEET; THENCE N90°00'00"E, A DISTANCE OF 2.52 FEET; THENCE S61°00'11"E, A DISTANCE OF 29.13 FEET; THENCE N90°00'00"E, A DISTANCE OF 80.14 FEET; THENCE N00°00'00"E, A DISTANCE OF 22.65 FEET; THENCE N89°58'52"E, A DISTANCE OF 9.46 FEET; THENCE S55°54'16"E, A DISTANCE OF 52.57 FEET; THENCE S89°59'49"E, A DISTANCE OF 14.68 FEET TO THE POINT OF BEGINNING. CONTAINING 2,749 SQUARE FEET OR 0.063 ACRES MORE OR LESS.

LEGAL DESCRIPTION - PARCEL B

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A PORTION OF LOT 1, BLOCK 3 OF STAPLETON FILING NO. 9 AS RECORDED AT RECEPTION NO. 2003259880, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, WHENCE THE NORTHWEST CORNER THEREOF BEARS S90°00'00"W; THENCE ALONG THE NORTH LINE OF SAID LOT 1, S90°00'00"W, A DISTANCE OF 78.72 FEET TO THE POINT OF BEGINNING; S00°00'00"E, A DISTANCE OF 7.00 FEET; THENCE N90°00'00"W, A DISTANCE OF 10.00 FEET; THENCE N00°00'00"E, A DISTANCE OF 7.00 FEET TO THE NORTH LINE OF SAID LOT; THENCE N90°00'00"E ALONG THE NORTH LINE OF SAID LOT A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 70 SQUARE FEET OR 0.002 ACRES MORE OR LESS.

LEGAL DESCRIPTION - PARCEL C

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A PORTION OF LOT 1, BLOCK 3 OF STAPLETON FILING NO. 9 AS RECORDED AT RECEPTION NO. 2003259880, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, WHENCE THE NORTHWEST CORNER THEREOF BEARS S90°00'00"W; THENCE ALONG THE NORTH LINE OF SAID LOT 1, S90°00'00"W, A DISTANCE OF 156.38 FEET TO THE POINT OF BEGINNING; THENCE S00°00'00"E, A DISTANCE OF 4.00 FEET; THENCE N90°00'00"W, A DISTANCE OF 5.94 FEET; THENCE N00°00'00"E, A DISTANCE OF 1.92 FEET; THENCE N90°00'00"W, A DISTANCE OF 45.65 FEET; THENCE S00°00'00"E, A DISTANCE OF 8.84 FEET; THENCE N90°00'00"W, A DISTANCE OF 11.84 FEET; THENCE N00°00'00"E A DISTANCE OF 10.91 FEET TO THE NORTH LINE OF SAID LOT; THENCE N90°00'00"E ALONG THE NORTH LINE OF SAID LOT A DISTANCE OF 63.43 FEET TO THE POINT OF BEGINNING.
CONTAINING 248 SQUARE FEET OR 0.006 ACRES MORE OR LESS.

COLORADO LICENSED
JOHN G. VIGIL
26606
PROFESSIONAL LAND SURVEYOR

JOHN G. VIGIL, PLS NO. 26606

Vigil Land Consultants
SURVEYORS
480 Yuma Street ■ Denver, Colorado 80204
Off: (303) 436-9233 ■ Fax: (303) 436-9235

PW ROW PROJECT NO. 2012-0162
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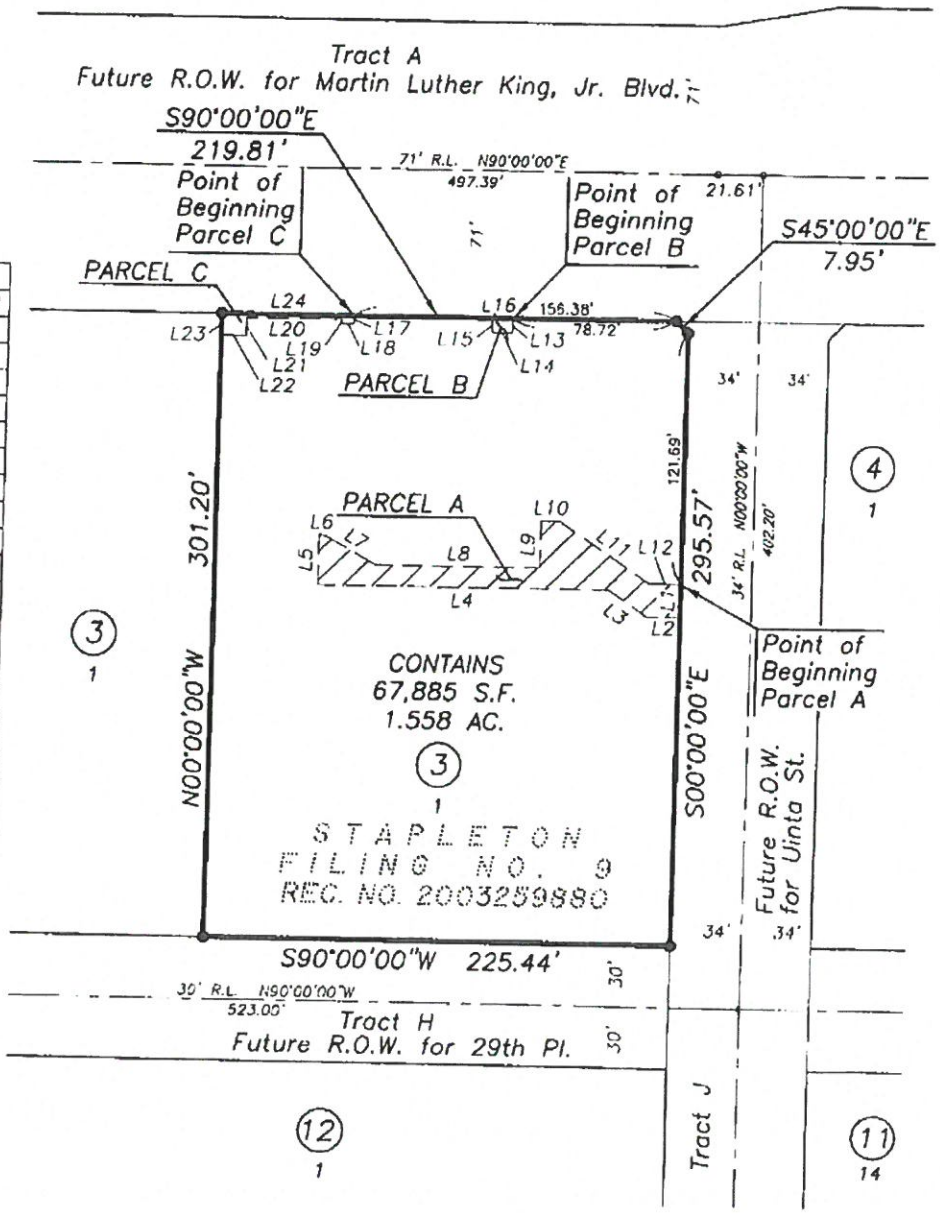
Date 09-06-12

Job No. 12016

ATTACHMENT TO LEGAL DESCRIPTION – NOT A SURVEY

SCALE: 1"=80'



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°00'00"E	15.89'
L2	N89°59'48"W	15.52'
L3	N55°54'16"W	22.66'
L4	N90°00'00"W	141.52'
L5	N00°00'00"E	24.12'
L6	N90°00'00"E	2.52'
L7	S61°00'11"E	29.13'
L8	N90°00'00"E	80.14'
L9	N00°00'00"E	22.65'
L10	N89°58'52"E	9.46'
L11	S55°54'16"E	52.57'
L12	S89°59'49"E	14.68'
L13	S00°00'00"E	7.00'
L14	N90°00'00"W	10.00'
L15	N00°00'00"E	7.00'
L16	N90°00'00"E	10.00'
L17	S00°00'00"E	4.00'
L18	N90°00'00"W	5.94'
L19	N00°00'00"E	1.92'
L20	N90°00'00"W	45.65'
L21	S00°00'00"E	8.84'
L22	N90°00'00"W	11.84'
L23	N00°00'00"W	10.91'
L24	N90°00'00"E	63.43'