



**Department of Public Works**  
Permit Operations and Right of Way Enforcement  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
P: 720-865-2782  
www.denvergov.org/pwprs

## REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

**TO:** Karen Walton, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.  
Manager 2, Development Engineering Services  
**PROJECT NO:** 2012-0268-02  
**DATE:** October 13, 2014  
**SUBJECT:** Request for an Ordinance to relinquish certain easements established in:  
Ordinance # **51**, Series of **2008**,  
And by Reception #**9600133946**

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

This office has investigated the request of Meaghan Turner of Kimley-Horn, dated August 27, 2014, on behalf of Focus Property Group for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson; CPD: Planning Services; Denver Water Board; Fire Department; Metro Wastewater Reclamation District; Office of Telecommunications; PW: DES Engineering, and DES 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(s).

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

**INSERT PARCEL DESCRIPTION ROW 2012-0268-02-001 HERE**  
**INSERT PARCEL DESCRIPTION ROW 2012-0268-02-002 HERE**

A map is attached showing the area in which the subject easement is to be relinquished. A copy of the Ordinance creating the easement is also attached.

Attachments

RJD:aal

c: Asset Management: Steve Wirth  
City Council: Shelley Smith  
Councilperson Shepherd and Aides  
Department of Law: Karen Aviles  
Department of Law: Brent Eisen  
Department of Law: Karen Walton  
Department of Law: Shaun Sullivan  
Public Works: Alba Castro  
Public Works: Nancy Kuhn  
Public Works Survey: Paul Rogalla

**Property Owner**  
**Focus Property Group**  
**2737 Larimer St, Unit C**  
**Denver, CO 80205**

**Agent**  
**Meaghan Turner**  
**Kimley-Horn**  
**990 S Broadway, Suite 200**  
**Denver, CO 80209**

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Nancy Kuhn at [Nancy.khun@denvergov.org](mailto:Nancy.khun@denvergov.org) by **NOON 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: October 13, 2014**

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, amendment, municipal code change, supplemental request, etc.)*

2012-0268-02 – This is a request to relinquish two easements at 19<sup>th</sup> Street and Chestnut Place

**3. Requesting Agency:** Public Works Survey

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

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** [Adrienne.Lorantos@denvergov.org](mailto:Adrienne.Lorantos@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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** [Nancy.Kuhn@denvergov.org](mailto:Nancy.Kuhn@denvergov.org)

**6. General description of proposed ordinance including contract scope of work if applicable:**

This is a proposal to relinquish two easements for overall lot redevelopment.

**\*\*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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** 1917 Chestnut Place
- d. **Affected Council District:** #9 – Judy Montero
- e. **Benefits:** N/A
- f. **Costs:** 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**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2012-0268-02 Two easement relinquishments at 19<sup>th</sup> St and Chestnut Pl**

**Description of Proposed Project: This is a request to relinquish two easements at 19<sup>th</sup> St and Chestnut Pl**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For overall lot redevelopment**

**Has a Temp MEP been issued, and if so, what work is underway: N/A**

**What is the known duration of an MEP: N/A**

**Will land be dedicated to the City if the vacation goes through: N/A**

**Will an easement be placed over a vacated area, and if so explain: N/A**

**Will an easement relinquishment be submitted at a later date: N/A**

**Additional information: None.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

BY AUTHORITY

ORDINANCE NO. **51**  
SERIES OF 2008

COUNCIL BILL NO.: **39**  
COMMITTEE OF REFERENCE:  
**Public Works**

A BILL

**For an ordinance vacating a portion of alley adjacent to 20<sup>th</sup> Street, subject to certain reservations.**

**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 BEING THAT PORTION OF THE 16 FOOT ALLEY IN BLOCK 6, HOYT & ROBINSON'S ADDITION TO DENVER, RECORDED AT BOOK 1, PAGE 25, CITY AND COUNTY OF DENVER RECORDS, LYING NORTHEAST OF THAT PORTION OF 16 FOOT ALLEY VACATED BY ORDINANCE NO. 854 OF SERIES 1993, AND SOUTHWEST OF PARCEL 20D-3 IN THE 20<sup>TH</sup> STREET DEDICATION AS DEDICATED BY ORDINANCE NO. 732 OF SERIES 2003, BEING SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.**

be and the same is hereby approved and the described area is hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations: A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire easement area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the easement area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner



1 shall not re-grade or alter the ground cover in the easement area without permission from the City  
2 and County of Denver. The property owner shall be liable for all damages to such utilities, including  
3 their repair and replacement, at the property owner's sole expense. The City and County of  
4 Denver, its successors, assigns, licensees, permittees and other authorized users shall not be  
5 liable for any damage to property owner's property due to use of this reserved easement.  
6

7 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: January 15, 2008

8 PASSED BY THE COUNCIL January 23 2008

9 [Signature] - PRESIDENT

10 APPROVED: [Signature] - MAYOR January 29, 2008

11 ATTEST: [Signature] - CLERK AND RECORDER,  
12 EX-OFFICIO CLERK OF THE  
13 CITY AND COUNTY OF DENVER  
14

15  
16 NOTICE PUBLISHED IN THE DAILY JOURNAL Jan. 25, 2008; Feb. 1, 2008

17 PREPARED BY: <sup>KVA</sup> KAREN A. AVILES, ASSISTANT CITY ATTORNEY, January 17, 2008  
18

19  
20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
21 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
23 3.2.6 of the Charter.  
24

25 David R. Fine, City Attorney:  
26 BY: [Signature], Assistant City Attorney DATE: January 17, 2008  
27



AMENDMENT TO PERMANENT EASEMENT

THIS AMENDMENT TO PERMANENT EASEMENT ("Amendment") is made as of the 28<sup>th</sup> day of December, 1995, by and between TRILLIUM CORPORATION, a Washington corporation ("Trillium") and THE CITY AND COUNTY OF DENVER, a political subdivision of the State of Colorado ("Denver").

7811  
1184  
7811-8h

WITNESSETH:

WHEREAS, Trillium and The Regional Transportation District, a political subdivision of the State of Colorado ("RTD"), were the original parties to that certain Permanent Easement dated as of August 10, 1992, and recorded in the real property records for the City and County of Denver, State of Colorado (the "Records"), on August 31, 1992, at Reception No. 0100269 (the "Easement Instrument"). Pursuant to the Easement Instrument, RTD has been granted a permanent easement for public use (the "Permanent Easement") upon and across that certain real property legally described in Exhibit B attached to the Easement Instrument, which legal description is repeated on Exhibit A attached hereto and incorporated herein by this reference (the "Easement Property"); and

68-96

APPROVED FOR RECORDING  
ASSET MGMT. JC

WHEREAS, RTD subsequently assigned all of its right, title and interest under the Easement Instrument to Denver pursuant to an Assignment dated as of December 5, 1994, and recorded in the Records on December 14, 1994, at Reception No. 00185514; Denver in turn subsequently accepted such assignment and confirmed its acceptance to Trillium, and Denver hereby reconfirms its acceptance as a matter of record; and

WHEREAS, Denver confirms that the Permanent Easement has not been dedicated as a public right of way, and consequently Denver retains the authority to relocate the Permanent Easement with Trillium as set forth herein; and

WHEREAS, the parties have mutually determined to enter into this Amendment in order to evidence a relocation of the Permanent Easement, and in connection therewith have notified the other affected property owners and afforded them opportunity to comment upon the relocation.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein, Trillium and Denver hereby covenant and agree as follows:

1. Trillium and Denver hereby mutually agree that the Permanent Easement is and shall be relocated to that certain real property described on Exhibit B attached hereto and incorporated herein by this reference (the "Relocation Property"), and that the Permanent Easement is hereby terminated, extinguished and of no further force or effect as an encumbrance against the Easement Property. In furtherance of this relocation, Trillium, for its successors and assigns, hereby reconfirms the grant and conveyance to Denver, its successors and assigns, of the Permanent Easement upon and across and as an encumbrance against the Relocation

AS TO FORM  
KA  
City Attorney's Office



**ATTEST:**

*Elbra Wedgeworth*  
Name: Elbra Wedgeworth  
Clerk and Recorder  
Ex-Officio Clerk of the City  
and County of Denver

**THE CITY AND COUNTY OF DENVER**

By: *Wally E. Smith*  
Mayor

**APPROVED AS TO FORM:**  
City Attorney  
City and County of Denver

By: *Karen G. Cole*  
Assistant City Attorney

**RECOMMENDED AND APPROVED**

By: *David B.*  
Director of Asset Management

By: *Bruce Bumpstead*  
Director of Public Works



**REGISTERED AND COUNTERSIGNED:**

By: *[Signature]*  
Auditor

Contract Control No.: XC.54.0 85



EXHIBIT A



1500 WEST 17TH AVENUE  
P.O. BOX 1527  
ARAPAHO, COLORADO U.S.A. 80001  
PHONE: (303) 450-0211 FAX: (303) 450-0203

REAL PROPERTY  
TO BE ACQUIRED  
FROM

PARCEL NO. TK 2278-00-14

CITY AND COUNTY OF DENVER

FOR

RTD PROJ. NO. 32-UT-101.

ALLEY RELOCATION

DESCRIPTION

A parcel of land No. TK 2278-00-14 of the City and County of Denver, State of Colorado Regional Transportation District Project No. 32-UT-101, containing 0.10 acres, more or less, being 16.00 feet in width located within a portion of Lot 1 Hallack's Addition to Denver, per the plat which is on file with the Clerk and Records Office, records of the City and County of Denver, and within unplatted lands situated in the southeast quarter of the southeast quarter of Section 28, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, said parcel being more particularly described as follows:

Commencing at the most southerly corner of said Lot 1 Hallack's Addition to Denver;

Thence N45°08'07"W, along the southwesterly line of said Lot, a distance of 105.61 feet to the Point of Beginning;

Thence N45°08'07"W, continuing along said line, a distance of 16.00 feet;

Thence N44°50'58"S a distance of 123.10 feet to the east line of said Lot;

Thence N44°50'58"E, continuing along said line, a distance of 142.31 feet to the west line of Block 6, Hoyt and Robinson's Addition to Denver, per the plat which is on file with the Clerk and Records Office, recorded in Book 1 at Page 26 on March 11, 1875, records of said County;

Thence S 0°12'23"W, along said west line, a distance of 22.77 feet.

Thence S44°50'58"W a distance of 142.31 feet to the east line of said Lot 1 Hallack's Addition to Denver;

Thence S44°50'58"W, continuing along said line, a distance of 106.91 feet to the Point of Beginning.

CENTENNIAL ENGINEERING, INC.  
A DIVISION OF  
WILSON JOHNSON CORPORATION

The above described parcel contains 4,117 square feet, (0.09 acres), more or less.

Basis of Bearings:  $S68^{\circ}44'39''E$  along the line from GPS point no. 25-1 (a 3 1/4" aluminum cap in a range box), to control point no. 101 (an alloy cap set on a no. 5 rebar), as depicted on Colorado Division of Highways right of way plan Federal Aid, Project no. IR-25-2(198) prepared by McClanahan Surveying, Inc. Note: the above mentioned bearings were determined by solar observation.

I hereby state that the previously described legal description has been prepared under my direct supervision.

7/16/92  
Date



**EXHIBIT B**



**CENTENNIAL ENGINEERING, INC.**

15000 W. 64TH AVENUE  
P.O. DRAWER 1307  
ARVADA, CO 80001

TEL: 303/420-0221  
FAX: 303/420-2308

**RELOCATION PROPERTY  
DESCRIPTION**

A parcel of land sixteen (16) feet in width located within the southeast quarter of Section 28, Township 3 South, Range 68 West of the Sixth Principle Meridian, City and County of Denver, Colorado, being more particularly described as follows:

Beginning at the most southerly corner of Block 6, Hoyt & Robinsons' Addition to Denver, a plat which is on file in the City and County of Denver Clerk and Records Office;

Thence  $S00^{\circ}06'30''E$ , along the west right of way line of Chestnut Place, a distance of 32.01 feet;

Thence  $N45^{\circ}27'00''W$  a distance of 22.49 feet;

Thence  $N00^{\circ}06'30''W$ , along a line 16.00 feet west of and parallel with the west line of said Block, a distance of 273.24 feet;

Thence  $N44^{\circ}32'06''E$  a distance of 22.77 feet to the west line of said Block;

Thence  $S00^{\circ}06'30''E$ , along said west line a distance of 273.24 feet to the Point of Beginning.

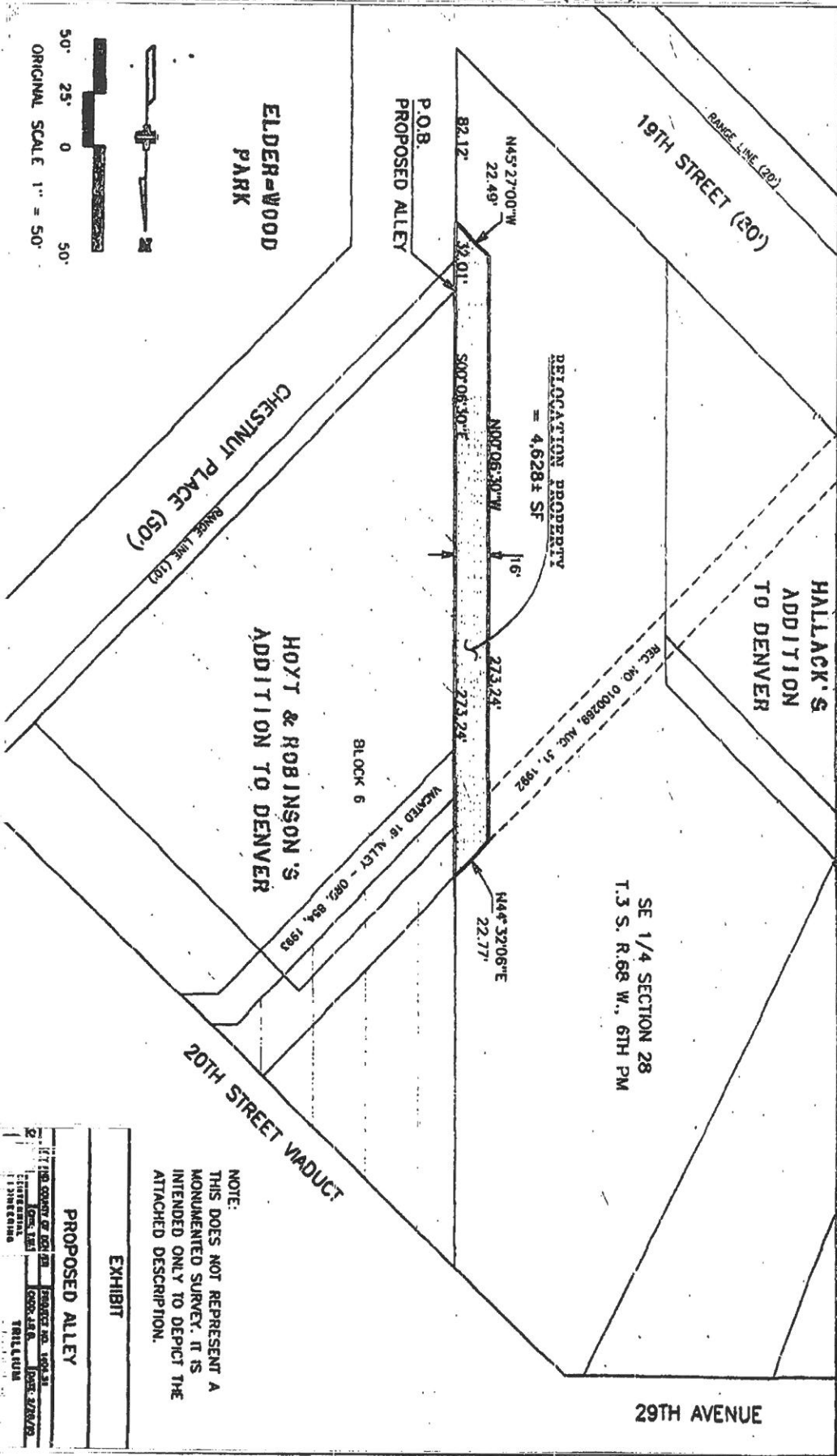
The above described parcel contains 4,628 square feet, (0.11 acres), more or less.

**BASIS OF BEARINGS** - Bearings are based on the 20.00 foot Range line in 19th Street between Chestnut Place and Lipan Street being  $N45^{\circ}27'00''W$ , 766.13 feet. Both monuments being a 1" rebar in a Denver Range Box. Bearings are based on the City and County of Denver Central Platte Valley Control Diagram Area "A". Provided by Merrick Engineering Job No. 103-5793 Dated 2/28/86.

This legal description has been prepared under my direct supervision.



EXHIBIT B (cont.)



50' 25' 0 50'  
 ORIGINAL SCALE 1" = 50'



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

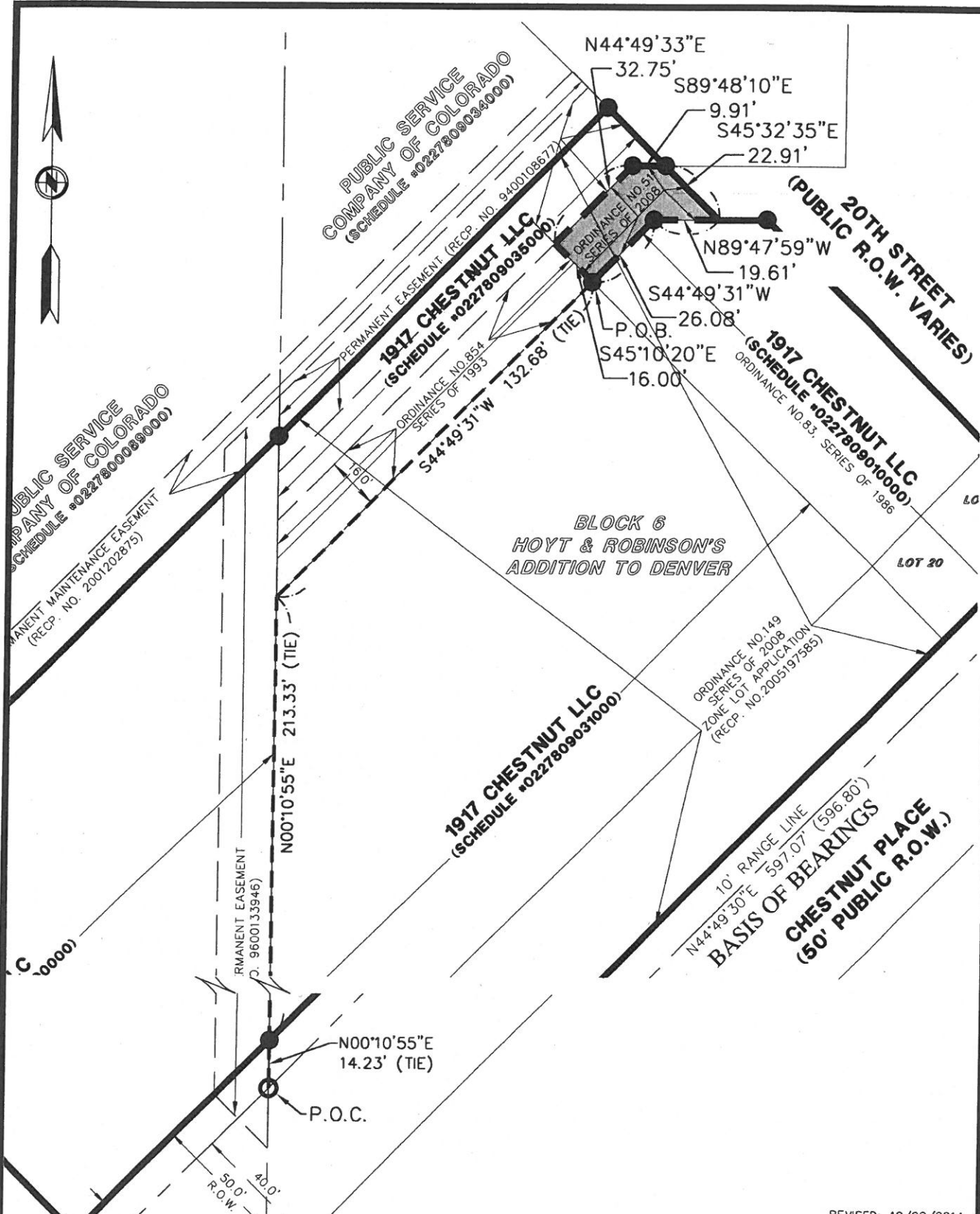
EXHIBIT

PROPOSED ALLEY

2	117180 00007 OF 001 08	PROJECT NO. 1004-31
	1000-1418	DATE: 3/20/03
	1171800008	TITLE: ALLEY







REVISED: 10/02/2014

# MOLLENHAUER

SURVEYING \* MAPPING \* CONSTRUCTION SURVEYING  
 PHONE: (303) 980-9104 FAX: (303) 980-9106  
 210 FRONT STREET, CASTLE ROCK, COLORADO 80104

## Exhibit A 19TH AND CHESTNUT DEVELOPMENT

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

DRAFTED: EDC	CHECKED: AVV
DATE: 08/20/2014	JOB NO. C020647
PAGE: 3 OF 3	SCALE: 1"=40'

PREPARED FOR:  
**Kimley-Horn**

2012-0268-02-001

## EXHIBIT A

A parcel of land in the Southeast One-Quarter of Section 28, Township 3 South, Range 68 West, of the Sixth Principal Meridian, being a part of the alley in Block 6, Hoyt & Robinson's Addition to Denver, in the City and County of Denver, State of Colorado, being more particularly described as follows:

**Basis of Bearings:** Bearings are based upon the 10' Range Line in Chestnut Place, Said to Bear N44°49'30"E a distance of 597.07' (596.80') from the Range Point in Chestnut Place Northeast of the intersection of Chestnut Place and 19<sup>th</sup> Avenue being monumented by a 2" Aluminum Cap in the gravel shoulder, stamped "CCD Range Point 5044 2011 PLS 38189" to the Range Point at the intersection of Chestnut Place and Division Street being monumented by a 2" Aluminum Cap in a concrete walk, stamped "CCD Range Point 5045 2011 PLS 38189"

**Commencing (P.O.C.)** at said Range Point in Chestnut Place Northeast of the intersection of Chestnut Place and 19<sup>th</sup> Avenue being monumented by a 2" Aluminum Cap in the gravel shoulder, stamped "CCD Range Point 5044 2011 PLS 38189", Thence North 00°10'55" East, a distance of 14.23 Feet to the most Southerly corner of Lot 29, Block 6, Hoyt & Robinson's Addition to Denver and the Northwesterly Right-of-Way line of Chestnut Place; Thence North 00°10'55" East, a distance of 213.33 Feet; Thence North 44°49'31" East along the Southeasterly line of said alley in Block 6, a distance of 132.68 Feet to the **Point of Beginning (P.O.B.)**;

Thence North 45°10'20" West, a distance of 16.00 Feet to the Northwesterly line of said alley in Block 6;

Thence North 44°49'33" East along said Northwesterly line of the alley in Block 6, a distance of 32.75 Feet to the North line of said alley in Block 6;

Thence South 89°48'10" East along said North line of the alley in Block 6, a distance of 9.91 Feet;

Thence South 45°32'35" East, a distance of 22.91 Feet to the South line of the alley in Block 6;

Thence North 89°47'59" West along said South line of the alley in Block 6, a distance of 19.61 Feet to the Southeasterly line of the alley in Block 6;

2012-0268-02-001

Thence South  $44^{\circ}49'31''$  West along said Southeasterly line of the alley in Block 6, a distance of 26.08 Feet to the **Point of Beginning (P.O.B.)**.

The above described parcel description contains 707 Square Feet (0.016 Acres), more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.



Eric D. Carson, PLS

Prepared For and on Behalf of  
Mollenhauer Group  
210 Front Street  
Castle Rock, Colorado 80104  
Phone: (303) 980-9104



2012-0268-02-002

**EXHIBIT B**

A parcel of land in the Southeast One-Quarter of Section 28, Township 3 South, Range 68 West, of the Sixth Principal Meridian, in the City and County of Denver, State of Colorado, being more particularly described as follows:

**Basis of Bearings:** Bearings are based upon the 10' Range Line in Chestnut Place, Said to Bear N44°49'30"E a distance of 597.07' (596.80') from the Range Point in Chestnut Place Northeast of the intersection of Chestnut Place and 19<sup>th</sup> Avenue being monumented by a 2" Aluminum Cap in the gravel shoulder, stamped "CCD Range Point 5044 2011 PLS 38189" to the Range Point at the intersection of Chestnut Place and Division Street being monumented by a 2" Aluminum Cap in a concrete walk, stamped "CCD Range Point 5045 2011 PLS 38189"

**Commencing (P.O.C.)** at said Range Point in Chestnut Place Northeast of the intersection of Chestnut Place and 19<sup>th</sup> Avenue being monumented by a 2" Aluminum Cap in the gravel shoulder, stamped "CCD Range Point 5044 2011 PLS 38189", Thence North 00°10'55" East, a distance of 14.23 Feet to the most Southerly corner of Lot 29, Block 6, Hoyt and Robinson's Addition to Denver and the Northwesterly Right-of-Way line of Chestnut Place to the **Point of Beginning (P.O.B.)**;

Thence South 44°49'30" West along said Northwesterly Right-of-Way line of Chestnut Place, a distance of 22.77 Feet;

Thence North 00°10'53" East, a distance of 261.15 Feet to the Southeasterly line of a parcel of land described in Reception No.2001202867 in the City and County of Denver's Clerk and Recorders Office;

Thence North 44°53'31" East along said Southeasterly line of said parcel of land, a distance of 22.74 Feet;

Thence South 00°10'55" West, a distance of 261.11 Feet to the Northwesterly Right-of-Way line of Chestnut Place and the **Point of Beginning (P.O.B.)**.

The above described parcel description contains 4,177 Square Feet (0.096 Acres), more or less.

I hereby certify that the above parcel description was prepared under my direct supervision.



Eric D. Carson, PLS

Prepared For and on Behalf of  
Mollenhauer Group  
210 Front Street  
Castle Rock, Colorado 80104  
Phone: (303) 980-9104