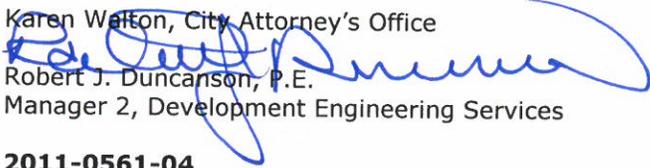


REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office

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

PROJECT NO: 2011-0561-04

DATE: March 19, 2014

SUBJECT: Request for an Ordinance to relinquish the easements established in Ordinance No. **347**, Series of **1974**, (alley), and Ordinance No. **319**, Series of **1963**, (Birch 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 Bonnie L. Niziolek, dated February 8, 2013, on behalf of LPL Denver Colorado Development LLC for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Mary Beth Susman; CPD: Planning Services; Denver Water Board; Fire Department; Metro Wastewater Reclamation District; Office of Telecommunications; PW: DES Engineering, and DES Survey; Qwest Corporation; 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 2011-0561-04-001 HERE
INSERT PARCEL DESCRIPTION ROW 2011-0561-04-002 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:bj

cc: Asset Mgmt. Steve Wirth
City Council, Gretchen Williams
Councilperson Mary Beth Susman 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
Project File: **2011-0561-04**

Property Owner

LPL Denver Colorado Development LLC
c/o Douglas C. McKinnon
730 17th Street, Suite 220
Denver, CO 80202

Agent

Norris Design
c/o Bonnie L. Niziolek
1101 Bannock St
Denver, CO 80204

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
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: March 19, 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.)*

Request for an Ordinance to relinquish the easements established in Ordinance No. 347, Series of 1974, (alley), and Ordinance No. 319, Series of 1963, (Birch St).

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

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

- **Name:** Beverly J. Aragon
- **Phone:** 720-865-3125
- **Email:** Beverly.Aragon@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

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

To relinquish to relinquish the ease to relinquish the easements established in Ordinance No. 347, Series of 1974, (alley), and Ordinance No. 319, Series of 1963, (Birch St). The land will be used as part of the proposed development of the site into apartments.

****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:** 8th and 9th and Clermont and Birch St
- d. **Affected Council District:** District #5, Mary Beth Susman
- 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: _____

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
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: March 19, 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.)*

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***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:** 8th and 9th and Clermont and Birch St
- d. **Affected Council District:** District #5, Mary Beth Susman
- 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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2011-0561-04 Easement Relinquishment, 8th and 9th and Clermont and Birch St.

Description of Proposed Project: Request for an Ordinance to relinquish the easements established in Ordinance No. 347, Series of 1974, (alley), Ordinance No. 319, Series of 1963, (Birch St).

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For 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: No

Will an easement relinquishment be submitted at a later date: No

Additional information: These are two separate easements with separate documents. please see above.

LEGAL DESCRIPTION

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 06, TOWNSHIP 4 SOUTH,
RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

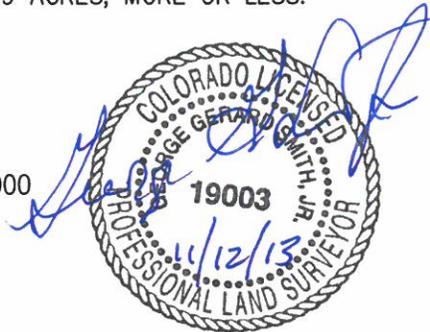
A PARCEL OF LAND BEING ALL THAT PORTION OF THE EASEMENT RESERVED IN ORDINANCE NO. 319, SERIES OF 1963, RECORDED AT BOOK 9111, PAGE 286 OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF BIRCH STREET AND THE NORTH LINE OF EIGHTH AVENUE;
THENCE WESTERLY ON SAID NORTH LINE TO THE WEST LINE OF BIRCH STREET;
THENCE NORTHERLY ON SAID WEST LINE TO A LINE WHICH IS TWELVE FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF NINTH AVENUE;
THENCE EASTERLY ALONG SAID PARALLEL LINE TO A POINT WHICH IS TEN FEET WEST OF THE EAST LINE OF BIRCH STREET;
THENCE SOUTHERLY ON A LINE TEN FEET WEST OF AND PARALLEL WITH SAID EAST LINE TO A POINT WHICH IS ONE HUNDRED FEET NORTH OF THE NORTH LINE OF EIGHTH AVENUE;
THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING.

PARCEL CONTAINS 29,901 SQUARE FEET OR 0.69 ACRES, MORE OR LESS.

PREPARED BY: GEORGE G. SMITH, Jr. P.L.S
P.L.S. # 19003

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
(303) 623-6300



FILEPATH: P:\111007\100-111007\SURVE\LEGALS\VACATIONS\VACATION EXHIBITS-BROCH.DWG LAYOUT SHEET 1
A DATE: 2011-05-06 10:28:04 AM
PLOTED: 11/12/13 10:28:04 AM

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

ISSUE DATE: 11.12.2013	
DATE	REVISION COMMENTS

LPL DENVER COLORADO
DEVELOPMENT, LLC

9TH AND CLERMONT
Easement
Relinquishment

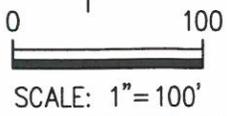
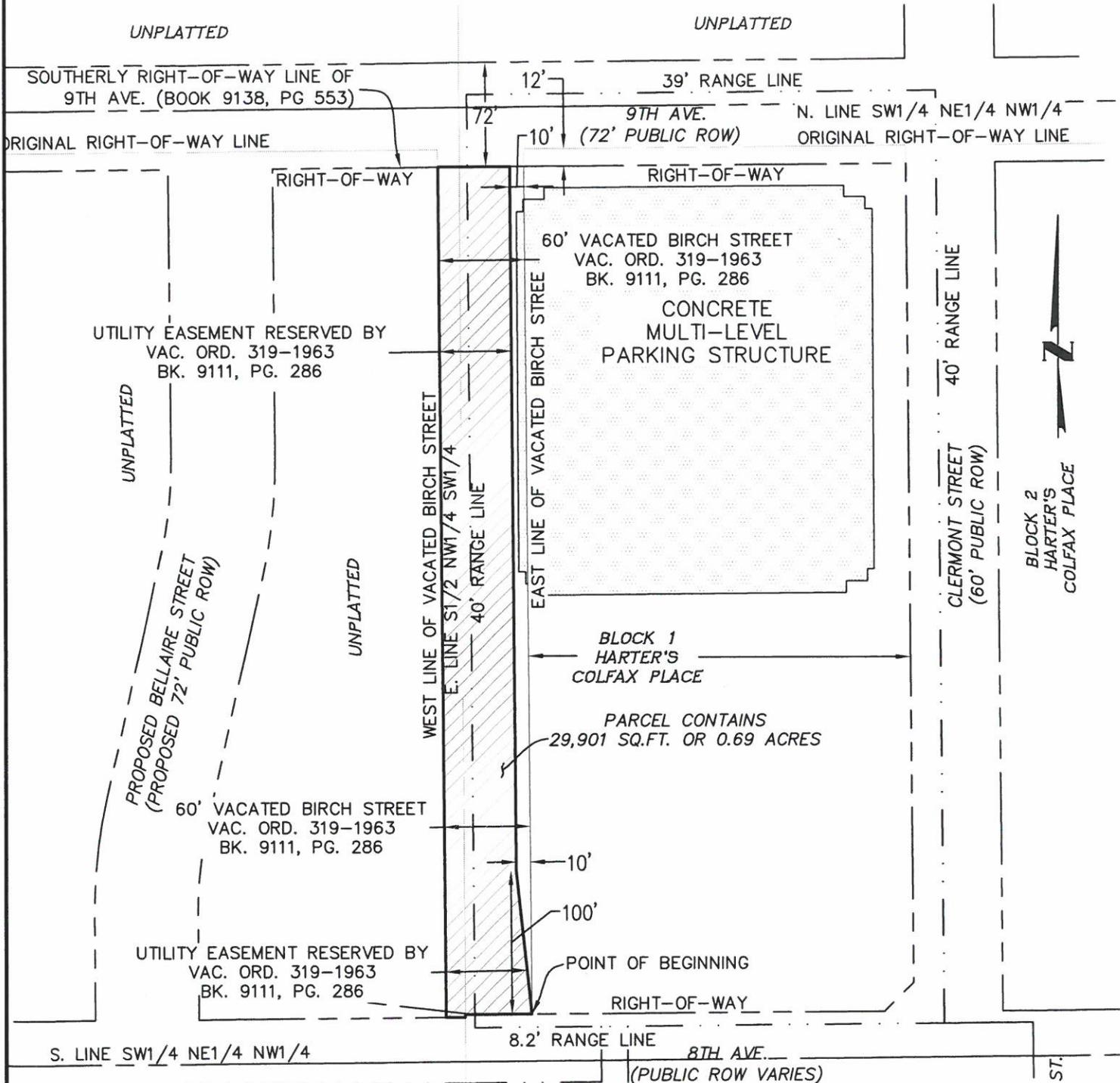
HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303-623-6300 F: 303-623-6311
HarrisKocherSmith.com

CHK'D BY: GGS
DRAWN BY: RJE
JOB NUM: 111007
SHEET NO: 1
1 OF 2

EXHIBIT

PW LEGAL DESCRIPTION
2011-0561-04-001

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 06, TOWNSHIP 4 SOUTH,
RANGE 67 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.

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PLOTTED: 04/11/2013 10:23:34 BY: RJE/BJT (201107)

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

ISSUE DATE: 11.12.2013	
DATE	REVISION COMMENTS

LPL DENVER COLORADO DEVELOPMENT, LLC

9TH AND CLERMONT Easement Relinquishment

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303-623-6300 F: 303-623-6311
HarrisKocherSmith.com

CHKD BY: GGS
DRAWN BY: RJE
JOB NUM: 111007
SHEET NO:
2
2 OF 2

BY AUTHORITY

ORDINANCE NO. 347
 SERIES OF 1874

COUNCILMAN'S BILL NO. 347

INTRODUCED BY COUNCILMEN

Rosenberg, Blue, Di Massa,
Nolan & Perry

A BILL

FOR AN ORDINANCE VACATING A CERTAIN PART OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY; I. E., VACATING A DESCRIBED PORTION OF ALLEY IN BLOCK 1, HARTER'S COLFAX PLACE, 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 alley 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 alley in the City and County of Denver and State of Colorado, to-wit:

The alley in Block 1, Harter's Colfax Place, from the north line of 8th Avenue to a line that is 12 feet south of and parallel with the south line of 9th Avenue;

be and the same is hereby approved and the described alley is hereby vacated and declared vacated; provided, however, said vacation shall be subject to the following condition and reservation:

There is reserved to the City and County of Denver the continued use and the right to construct, operate and maintain a sanitary sewer line in the vacated alley.

Section 2. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety, and determines that it shall take effect immediately upon its final passage and publication.

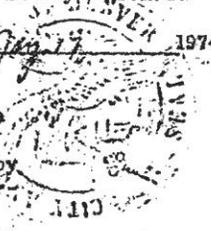
PASSED BY The Council May 13 1974.
Robert W. Lee President

APPROVED Wm W. Nichols Mayor May 15 1974.

ATTEST: F. O. Trujillo Clerk and Recorder, Ex-Officio Clerk
of the City and County of Denver

By: Angela J. Proulx DEPUTY CITY CLERK
PUBLISHED IN The Daily Journal May 10, 1974 and May 17, 1974

I have made the findings and determinations set forth in the above and foregoing draft or form of a proposed Bill for An Ordinance and, subject to approval by Ordinance, have vacated and do hereby vacate that certain described alley, subject to certain reservations, and request the Council of the City and County of Denver to approve such vacation, subject to certain reservations, by the enactment of an appropriate ordinance. I approve said draft or form of a proposed Bill for An Ordinance and recommend the introduction and passage thereof.



Manager of Public Works 12 9/20/74

PREPARED BY: Max A. Zall City Attorney
WNL

OCT 4 1963

BY AUTHORITY

ORDINANCE NO. 319
SERIES OF 1963

COUNCILMAN'S BILL NO. 379

INTRODUCED BY COUNCILMEN

Charles Gibson and Caldwell

A B I L L

FOR AN ORDINANCE VACATING A CERTAIN
DESCRIBED PORTION OF BIRCH 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 portion of that certain street, hereinafter described, and subject to approval by ordinance, has vacated the same with the reservation 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 portion of a certain public street in the City and County of Denver, State of Colorado, to-wit:

Birch Street from the North line of Eighth Avenue to a line that is twelve feet South of and parallel with the South line of Ninth Avenue;

be and the same is hereby approved and the described portion of said street is hereby vacated and declared vacated; provided, however, and subject to the following condition and reservation:

- a) There is reserved to the utility owners and to the City and County of Denver an easement over the following described portion of the vacated street for the purpose of maintaining, operating, constructing and repairing, including the right to enter upon said land for said purposes, of all existing telephone, gas and water lines:

Beginning at the point of intersection of the East line of Birch Street and the North line of Eighth Avenue; thence Westerly on the said North line to the West line of Birch Street; thence Northerly on the said West line to a line which is twelve feet South of and parallel with the South line of Ninth Avenue;

thence Easterly on the said parallel line to a point which is ten feet West of the East line of Birch Street;
 thence Southerly on a line ten feet West of and parallel with the said East line to a point which is one hundred feet North of the North line of Eighth Avenue;
 thence Southeasterly to the point of beginning.

Section 2. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety and determines that it shall take effect immediately upon its final passage and publication.

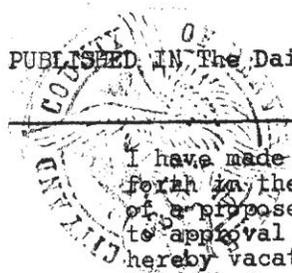
PASSED BY the Council September 23, 1963

Samuel M. Marshall - President

APPROVED: Thomas S. Curriga - Mayor September 25, 1963

ATTEST: William E. Bechtel - Clerk and Recorder, Ex-Officio
 Clerk of the City and County
 of Denver.

PUBLISHED IN The Daily Journal Sept. 21, 1963 and Sept 28, 1963



I have made the findings and determinations set forth in the above and foregoing draft or form of a proposed Bill for An Ordinance, and subject to approval by ordinance, have vacated and do hereby vacate that portion of that certain street therein described, subject to the reservations therein set forth, and request the Council of the City and County of Denver to approve such vacation, subject to such reservations, by the enactment of an appropriate ordinance. I approve said draft or form of a proposed Bill for An Ordinance, and recommend the introduction and passage thereof.

W. S. Munch
 Manager of Public Works

APPROVED AS TO LEGALITY: Max P. Zell - City Attorney

APPROVED: James D. Brennan - Planning Director