

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB23-0001
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance relinquishing a portion of the easement established in Tower**
7 **160 Filing No. 4, recorded with Denver Clerk & Recorder at Reception No.**
8 **2022036000 located at East 51st Avenue and North Yampa Street.**

9 **WHEREAS**, the Executive Director of the Department of Transportation and Infrastructure of
10 the City and County of Denver has found and determined that the public use, convenience and
11 necessity no longer requires a portion of the easement in the area hereinafter described, and subject
12 to approval by ordinance, has relinquished the same;

13 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14 **Section 1.** That the action of the Executive Director of the Department of Transportation
15 and Infrastructure in relinquishing a portion of the easement established in Tower 160 Filing No. 4,
16 recorded with Denver Clerk & Recorder at Reception No. 2022036000, in the following area:

17 **PARCEL DESCRIPTION ROW NO. 2022-RELINQ-0000026-001:**

18 **PARCEL A**

19 THAT PORTION OF AN EXISTING 6 FOOT WIDE UTILITY EASEMENT, BEING THE EAST SIX
20 (6) FEET OF THE SOUTH 71.48 FEET OF LOT 3, BLOCK 1, TOWER 160 SUBDIVISION FILING
21 NO. 4, RECORDED UNDER RECEPTION NO. 2022036000, IN THE RECORDS OF THE CITY
22 AND COUNTY OF DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN
23 THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 66 WEST, OF
24 THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

25 CONTAINING AN AREA OF 0.010 ACRES, (429 SQUARE FEET), MORE OR LESS.

27 **PARCEL B**

28 THAT PORTION OF AN EXISTING 6 FOOT WIDE UTILITY EASEMENT, BEING THE EAST SIX
29 (6) FEET OF THE NORTH 73.50 FEET OF LOT 3, BLOCK 3, TOWER 160 SUBDIVISION FILING
30 NO. 4, RECORDED UNDER RECEPTION NO. 2022036000, IN THE RECORDS OF THE CITY
31 AND COUNTY OF DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN
32 THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 66 WEST, OF
33 THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,

34 CONTAINING AN AREA OF 0.010 ACRES, (441 SQUARE FEET), MORE OR LESS.

35 **PARCEL C**

1 THAT PORTION OF AN EXISTING 6 FOOT WIDE UTILITY EASEMENT, BEING THE EAST SIX
2 (6) FEET OF THE SOUTH 53.04 FEET OF LOT 4, BLOCK 3, TOWER 160 SUBDIVISION FILING
3 NO. 4, RECORDED UNDER RECEPTION NO. 2022036000, IN THE RECORDS OF THE CITY
4 AND COUNTY OF DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN
5 THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 66 WEST, OF
6 THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
7
8 CONTAINING AN AREA OF 0.007 ACRES, (318 SQUARE FEET), MORE OR LESS.

9
10 **PARCEL D**

11 THAT PORTION OF AN EXISTING VARIABLE WIDTH UTILITY EASEMENT LOCATED ACROSS
12 LOTS 1 THROUGH 11, BLOCK 4, TOWER 160 SUBDIVISION FILING NO. 4, RECORDED
13 UNDER RECEPTION NO. 2022036000, IN THE RECORDS OF THE CITY AND COUNTY OF
14 DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHEAST
15 QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 66 WEST, OF THE SIXTH
16 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
17 PARTICULARLY DESCRIBED AS FOLLOWS;

18
19 **BEGINNING** AT A SOUTHEASTERLY CORNER OF SAID UTILITY EASEMENT, BEING A POINT
20 ON THE EAST LINE OF LOT 4, OF SAID BLOCK 4, BEING THREE (3) FEET SOUTH OF THE
21 NORTHEAST CORNER OF SAID LOT 4 AND CONSIDERING THE EASTERLY BOUNDARY OF
22 SAID BLOCK 4 TO BEAR SOUTH 00°07'05" EAST, WITH ALL BEARINGS CONTAINED HEREIN
23 RELATIVE THERETO;

24
25 THENCE ALONG THE SOUTHERLY, EASTERLY AND NORTHERLY LINES OF SAID UTILITY
26 EASEMENT THE FOLLOWING FOUR (4) COURSES:

- 27 1) SOUTH 89°52'55" WEST, A DISTANCE OF 21.38 FEET;
- 28 2) SOUTH 00°07'05" EAST, A DISTANCE OF 124.40 FEET;
- 29 3) NORTH 89°52'55" EAST, A DISTANCE OF 21.38 FEET;
- 30 4) SOUTH 00°07'05" EAST, A DISTANCE OF 76.75 FEET;

31
32 THENCE DEPARTING SAID EASTERLY LINE, SOUTH 89°52'55" WEST, A DISTANCE OF 5.00
33 FEET TO THE WESTERLY LINE OF SAID UTILITY EASEMENT;

34
35 THENCE ALONG THE WESTERLY, SOUTHERLY AND NORTHERLY LINES OF SAID UTILITY
36 EASEMENT THE FOLLOWING FIVE (5) COURSES:

- 37 1) NORTH 00°07'05" WEST, A DISTANCE OF 70.75 FEET;
- 38 2) SOUTH 89°52'55" WEST, A DISTANCE OF 22.38 FEET;
- 39 3) NORTH 00°07'05" WEST, A DISTANCE OF 136.40 FEET;
- 40 4) NORTH 89°52'55" EAST, A DISTANCE OF 22.38 FEET;
- 41 5) NORTH 00°07'05" WEST, A DISTANCE OF 74.16 FEET;

42
43 THENCE DEPARTING SAID WESTERLY LINE, NORTH 89°52'55" EAST, A DISTANCE OF 5.00
44 FEET TO THE EASTERLY LINE OF SAID BLOCK 4;

45
46 THENCE ALONG SAID EASTERLY LINE, SOUTH 00°07'05" EAST, A DISTANCE OF 80.16
47 FEET TO THE POINT OF BEGINNING.

48
49 CONTAINING AN AREA OF 0.041 ACRES, (1,800 SQUARE FEET), MORE OR LESS.

1 **PARCEL E**
2 THAT PORTION OF AN EXISTING VARIABLE WIDTH UTILITY EASEMENT LOCATED ACROSS
3 LOTS 1 THROUGH 22, BLOCK 5, TOWER 160 SUBDIVISION FILING NO. 4, RECORDED
4 UNDER RECEPTION NO. 2022036000, IN THE RECORDS OF THE CITY AND COUNTY OF
5 DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHEAST
6 QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 66 WEST, OF THE SIXTH
7 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
8 PARTICULARLY DESCRIBED AS FOLLOWS;

9
10 BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID UTILITY EASEMENT, BEING 6.00
11 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 22 AND CONSIDERING THE
12 WESTERLY BOUNDARY OF SAID BLOCK 5 TO BEAR NORTH 00°07'05" WEST, WITH ALL
13 BEARINGS CONTAINED HEREIN RELATIVE THERETO;

14
15 THENCE ALONG THE WESTERLY, SOUTHERLY AND NORTHERLY LINES OF SAID UTILITY
16 EASEMENT THE FOLLOWING NINE (9) COURSES:

- 17 1) NORTH 00°07'05" WEST, A DISTANCE OF 77.97 FEET;
- 18 2) NORTH 89°52'55" EAST, A DISTANCE OF 21.38 FEET;
- 19 3) NORTH 00°07'05" WEST, A DISTANCE OF 176.56 FEET;
- 20 4) SOUTH 89°52'55" WEST, A DISTANCE OF 21.38 FEET;
- 21 5) NORTH 00°07'05" WEST, A DISTANCE OF 110.32 FEET;
- 22 6) NORTH 89°52'55" EAST, A DISTANCE OF 21.38 FEET;
- 23 7) NORTH 00°07'05" WEST, A DISTANCE OF 150.48 FEET;
- 24 8) SOUTH 89°52'55" WEST, A DISTANCE OF 21.38 FEET;
- 25 9) NORTH 00°07'05" WEST, A DISTANCE OF 57.26 FEET;

26
27 THENCE DEPARTING SAID WESTERLY LINE, NORTH 89°52'55" EAST, A DISTANCE OF 5.00
28 FEET TO THE EASTERLY LINE OF SAID UTILITY EASEMENT;

29
30 THENCE ALONG SAID EASTERLY, NORTHERLY AND SOUTHERLY LINES OF SAID UTILITY
31 EASEMENT THE FOLLOWING NINE (9) COURSES:

- 32 1) SOUTH 00°07'05" EAST, A DISTANCE OF 51.26 FEET;
- 33 2) NORTH 89°52'55" EAST, A DISTANCE OF 22.38 FEET;
- 34 3) SOUTH 00°07'05" EAST, A DISTANCE OF 162.48 FEET;
- 35 4) SOUTH 89°52'55" WEST, A DISTANCE OF 22.38 FEET;
- 36 5) SOUTH 00°07'05" EAST, A DISTANCE OF 98.32 FEET;
- 37 6) NORTH 89°52'55" EAST, A DISTANCE OF 22.38 FEET;
- 38 7) SOUTH 00°07'05" EAST, A DISTANCE OF 188.56 FEET;
- 39 8) SOUTH 89°52'55" WEST, A DISTANCE OF 22.38 FEET;
- 40 9) SOUTH 00°07'05" EAST, A DISTANCE OF 71.97 FEET;

41 THENCE DEPARTING SAID EASTERLY LINE, SOUTH 89°52'55" WEST, A DISTANCE OF 5.00
42 FEET TO THE **POINT OF BEGINNING.**

43
44 CONTAINING AN AREA OF 0.086 ACRES, (3,727 SQUARE FEET), MORE OR LESS.

45
46 **PARCEL F**
47 THAT PORTION OF AN EXISTING VARIABLE WIDTH UTILITY EASEMENT LOCATED ACROSS
48 LOTS 1 THROUGH 10, BLOCK 6, TOWER 160 SUBDIVISION FILING NO. 4, RECORDED
49 UNDER RECEPTION NO. 2022036000, IN THE RECORDS OF THE CITY AND COUNTY OF

1 DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHEAST
2 QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 66 WEST, OF THE SIXTH
3 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
4 PARTICULARLY DESCRIBED AS FOLLOWS;

5
6 **BEGINNING** AT A POINT ON THE EASTERLY LINE OF SAID LOT 10, BEING SIX (6) FEET
7 NORTH OF THE SOUTHEAST CORNER OF SAID LOT 10 WHENCE THE EASTERLY LINE OF
8 SAID BLOCK 6 BEARS NORTH 00°07'05" WEST, WITH ALL BEARINGS CONTAINED HEREIN
9 RELATIVE THERETO;

10 THENCE DEPARTING SAID EASTERLY LINE, SOUTH 89°52'55" WEST, A DISTANCE OF 5.00
11 FEET TO THE WESTERLY LINE OF SAID UTILITY EASEMENT;

12
13 THENCE ALONG SAID WESTERLY AND SOUTHERLY LINES OF SAID UTILITY EASEMENT
14 THE FOLLOWING THREE (3) COURSES:

- 15 1) NORTH 00°07'05" WEST, A DISTANCE OF 45.89 FEET;
- 16 2) SOUTH 89°52'55" WEST, A DISTANCE OF 22.38 FEET;
- 17 3) NORTH 00°07'05" WEST, A DISTANCE OF 210.39 FEET;

18
19 THENCE DEPARTING SAID WESTERLY LINE, NORTH 89°52'55" EAST, A DISTANCE OF 6.00
20 FEET TO THE EASTERLY LINE OF SAID UTILITY EASEMENT;

21
22 THENCE ALONG SAID EASTERLY AND NORTHERLY LINES OF SAID UTILITY EASEMENT
23 THE FOLLOWING THREE (3) COURSES:

- 24 1) SOUTH 00°07'05" EAST, A DISTANCE OF 204.39 FEET;
- 25 2) NORTH 89°52'55" EAST, A DISTANCE OF 21.38 FEET;
- 26 3) SOUTH 00°07'05" EAST, A DISTANCE OF 51.89 FEET TO THE **POINT OF BEGINNING.**

27
28 CONTAINING AN AREA OF 0.037 ACRES, (1,620 SQUARE FEET), MORE OR LESS
29 be and the same is hereby approved and that the easement within the above-described area is
30 hereby relinquished.

31
32 **REMAINDER OF PAGE INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: January 10, 2023 by Consent

2 MAYOR-COUNCIL DATE: January 17, 2023

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: January 19, 2023

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the Office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6
14 of the Charter.

15
16 Kerry Tipper, Denver City Attorney

17
18 BY: _____, Assistant City Attorney DATE: _____