



**Department of Public Works**  
Engineering Regulatory & Analytics  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
720-865-3001  
[www.denvergov.org/survey](http://www.denvergov.org/survey)

## **REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT**

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Ted Christianson  
Director, Public Works Right of Way Services

**PROJECT NO:** 2017-RELINO-0000018

**DATE:** October 11, 2017

**SUBJECT:** Request for an Ordinance to relinquish the easement, in its entirety, established in the "Deed of Easement" recorded on June 1, 1999 with reception no. 9900095674 located at 65th Avenue and Tower Road.

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

This office has investigated the request of Mark Throckmorton, dated August 9, 2017 on behalf of DIBC Commercial, 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 the following described area(s):

**Please refer to legal description described in the "Deed of Easement"  
recorded on June 1, 1999 with reception no. 9900095674**

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

TC:cs

cc:  
City Councilperson & Aides  
City Council Staff – Zach Rothmier  
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](mailto: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:** October 11, 2017

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 the easement, in its entirety, established in the "Deed of Easement" recorded on June 1, 1999 with reception no. 9900095674 located at 65th Avenue and Tower Road.

**3. Requesting Agency:** PW Right of Way Services  
**Agency Division:** Engineering, Regulatory & Analytics

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

- **Name:** Chaunda Sinn
- **Phone:** 720-865-3036
- **Email:** chaunda.sinn@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:**

Request for an Ordinance to relinquish the easement, in its entirety, established in the "Deed of Easement" recorded on June 1, 1999 with reception no. 9900095674 located at 65th Avenue and Tower Road.

**\*\*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:** 65th Avenue and Tower Road
- d. **Affected Council District:** Dist # 11, Stacie Gilmore
- 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: \_\_\_\_\_

## EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

**Project Title:** 2017-RELINQ-0000018 Denver Int. Bus. Center Filing No.7 at 65th Ave and Tower Rd

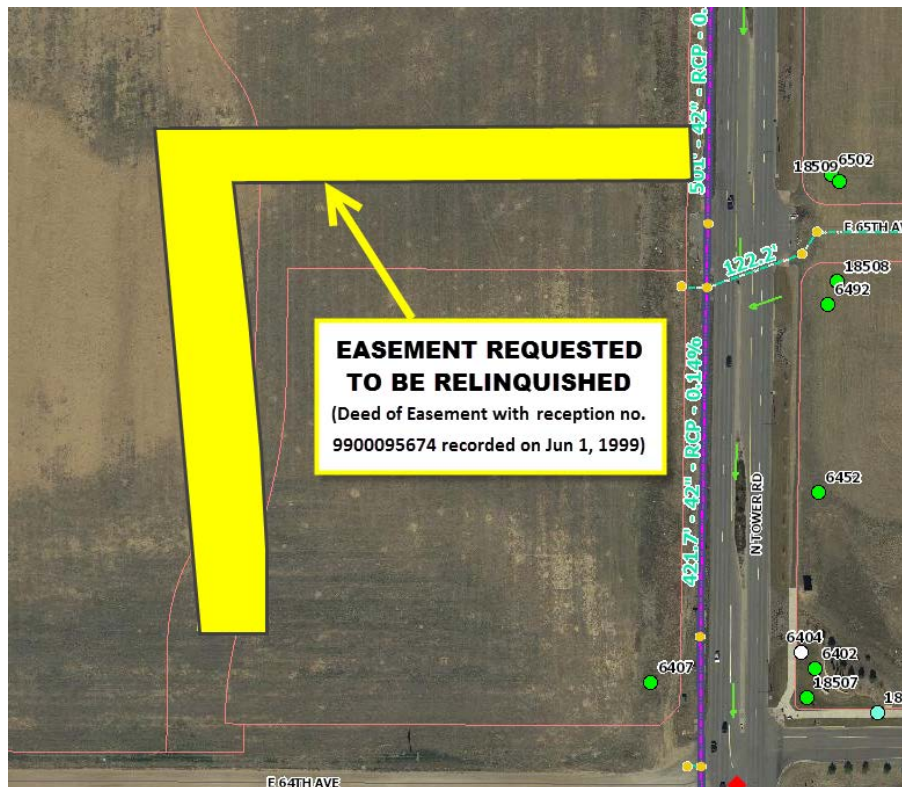
**Owner name:** DIBC Commercial, LLC

**Description of Proposed Project:** Request for an Ordinance to relinquish the easement, in its entirety, established in the "Deed of Easement" recorded on June 1, 1999 with reception no. 9900095674 located at 65th Avenue and Tower Road.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** A new subdivision is being planned in which a new configuration for utility service will be utilized

**Background:** The easement requested to be relinquish was recorded but was not necessary since the subdivision application was never recorded and infrastructure never implemented.

### Location Map:



DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That (Print Name) DIBC Commercial, LLC  
(Address) 1125 17th Street, Suite 2500  
Denver, Colorado 80202  
Denver

of the County of \_\_\_\_\_ State of Colorado,  
limited liability company

a corporation duly organized and existing under the laws of the State of Colorado, hereinafter sometimes referred to as "Grantor", for and in consideration of One Dollar (\$1.00), receipt of which is acknowledged, and the prospective benefits to be derived by reason of the locating, establishing and constructing drainage facilities for water and sewage under the supervision of and for the City and County of Denver, and other good and valuable considerations in hand paid, do hereby grant, convey and release to the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado, its successors and assigns, sometimes hereinafter referred to as the "City" or "Grantee", an exclusive and perpetual easement and right-of-way for drainage facilities for water and sewage across lands owned by Grantor, and situated in the City and County of Denver, State of Colorado.

Grantor hereby grants to Grantee the perpetual right to enter, re-enter and use the hereinafter described easement to locate, construct, inspect, operate, maintain, repair, remove, replace, relocate and reconstruct drainage facilities for water and sewage, including underground and surface facilities and appurtenances thereto, into, within, over, upon, across, through and under the parcel of land for which the easement and right-of-way is hereby granted, and said parcel of land is more particularly described as follows, to wit:

(Legal Description of land for easement itself)

A parcel of land described in Exhibit(s) A (2 pages), attached hereto, which by reference is (are) expressly incorporated herein.

The Grantor hereby warrants that Grantor has full right and lawful authority to make the grant herein contained and that Grantor has fee simple title to the land over which said easement is granted, and more particularly described as follows, to wit:

Land owned by Grantor as described by deed(s) recorded in the records of the City and County of Denver

on \_\_\_\_\_, in Book \_\_\_\_\_, at Page \_\_\_\_\_,

and on \_\_\_\_\_, in Book \_\_\_\_\_, at Page \_\_\_\_\_,

The interest granted to the City herein shall specifically include any after acquired rights of Grantor in the subject property, to the extent of the specified easement rights herein stated.

Denver International Business Center  
Filing No.5 Sanitary Sewer Project No. SP-97-48 WMD No. 1516.10-SE

ASTO FORM 5-28-99 City Attorney's Office APPROVED FOR RECORDING ASSET MGMT. 65th & TOWER

990095674 1999/08/01 09:33:12 1/4 EAS DENVER COUNTY CLERK AND RECORDER .00 .00 S&P

~~If ingress to and egress from the parcel of land for which an easement is hereby granted from and to a public road or highway is not available, the Grantor grants to Grantee the right of ingress to and egress from said parcel over and across the land owned by Grantor by means of roads and lanes thereon, if such exist, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor; provided that such right of ingress and egress shall not extend to any portion of said land which is isolated from the strip by any public road or highway now crossing or hereafter crossing said land; and provided further, that if any portion of said land is or shall be subdivided and dedicated roads or highways on such portion shall extend to the strip, the right of ingress and egress on that portion shall be confined to such dedicated roads and highways.~~

Grantor further grants to Grantee the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on the strip and to trim and to cut down and clear away any trees on either side of the strip which now or hereafter in the opinion of Grantee may be a hazard to the said facilities, or appurtenances thereto, or may interfere with the exercise of Grantee's rights hereunder; provided, however, that all trees which Grantee is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of Grantor, but all tops, tops, brush and refuse wood shall be burned or removed by Grantee.

Grantor releases the City and County of Denver from any and all claims for damages arising in any way or incident to the construction and/or maintenance by Grantor, or his agents, of the said facilities across the described land.

RESERVING, however, to the undersigned and <sup>its</sup> successors in interest and assigns the right to use and enjoy the above-described premises, PROVIDING such use and enjoyment shall not interfere with the installation, construction, maintenance, repair, inspection, and operation of said facilities installed or permitted to be installed by the City and County of Denver, and PROVIDING FURTHER that the Grantor shall not erect or place any building, tree or other obstruction on the above-described easement and right-of-way and the City shall not be liable for their removal if they are so placed.

Signed and delivered this 31<sup>ST</sup> day of MARCH A.D., 19 99.

ATTEST:



[Signature]  
Secretary

Grantor DIBC Commercial, LLC  
By: [Signature] Fulenwider, Inc., Manager  
By: [Signature]  
President  
L. C. Fulenwider, III

STATE OF COLORADO }  
CITY OF And }  
COUNTY OF Denver }

The foregoing instrument was acknowledged before me this 31<sup>ST</sup> day of March A.D., 19 99, by L.C. Fulenwider, III, as President of L.C. Fulenwider, Inc., a Colorado corporation, as Manager of DIBC Commercial, LLC, a Colorado Limited Liability Company.

My Commission Expires 7-13-99

[Signature]  
Notary Public

(SEAL) ROBIN L. BOEFF  
NOTARY PUBLIC  
STATE OF COLORADO

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, WHICH IS CONSIDERED TO BEAR N00°48'57"E. THE SOUTHEAST CORNER BEING A 3 1/4" ALUMINUM CAP IN RANGE BOX, LS NO. UNREADABLE AND THE EAST QUARTER CORNER BEING A NO. 5 REBAR WITH AN ALUMINUM CAP IN RANGE BOX, LS NO. 17488.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE N00°48'57"E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 1354.14 FEET; THENCE N89°11'03"W, A DISTANCE OF 70.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF TOWER ROAD, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S00°48'57"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET;

THENCE N89°45'36"W, A DISTANCE OF 539.34 FEET TO A POINT ON A NON-TANGENT CURVE;

THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A DELTA OF 02°10'10", A RADIUS OF 3162.00 FEET, AN ARC LENGTH OF 119.73 FEET, AND A CHORD BEARING S05°43'16"E, A DISTANCE OF 119.72 FEET TO A POINT OF TANGENT;

THENCE S06°48'21"E, ALONG SAID TANGENT, A DISTANCE OF 36.17 FEET TO A POINT OF CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT HAVING A DELTA OF 06°59'31", A RADIUS OF 3238.00 FEET, AN ARC LENGTH OF 395.13 FEET, AND A CHORD BEARING S03°18'36"E, A DISTANCE OF 394.89 FEET;

THENCE N89°48'51"W, A DISTANCE OF 76.00 FEET TO A POINT ON A NON-TANGENT CURVE;

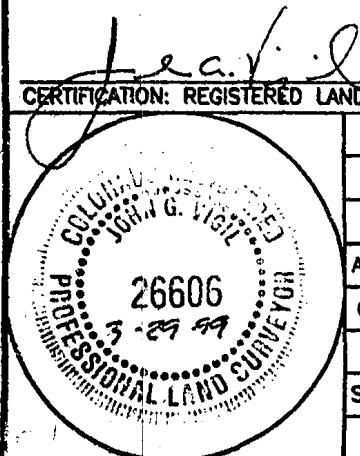
THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A DELTA OF 06°59'31", A RADIUS OF 3162.00 FEET, AN ARC LENGTH OF 385.86 FEET, AND A CHORD BEARING N03°18'36"W, A DISTANCE OF 385.62 FEET TO A POINT OF TANGENT;

THENCE N06°48'21"W, ALONG SAID TANGENT, A DISTANCE OF 36.17 FEET TO A POINT OF CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT HAVING A DELTA OF 03°20'56", A RADIUS OF 3238.00 FEET, AN ARC LENGTH OF 189.25 FEET, AND A CHORD BEARING N05°07'53"W, A DISTANCE OF 189.23 FEET;

THENCE S89°45'36"E, A DISTANCE OF 620.65 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 78,974 SQUARE FEET (1.813 ACRES), MORE OR LESS.



CERTIFICATION: REGISTERED LAND SURVEYOR				EXHIBIT "A"			
REVISED	MJL	3-25-99	PREPARED BY VIGIL LAND CONSULTANTS, INC. 480 YUMA STREET DENVER, COLORADO 80204 (303) 436-9233				
APPROVED			PROJECT DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 5 SANITARY SEWER				
CHECKED	JGV	9-29-98	LOCATION R66W, T3S, SECTION 4, SE 1/4, (683-04.4)				
DRAWN	MJL	9-29-98	JOB NO.	PROJECT NO.	R W FILE NO.	SHEET	
SURVEYED			97055	SP-97-48	1516.10-SE	1 OF 2	
ACTION	BY	DATE					

E. 1/4 Cor, Sec 4  
T3S, R66W, 6th P.M.  
(Fnd No. 5 Rebar  
w/Aluminum Cap  
in Range Box  
LS No. 17488)

P.O.B.

1295.54'  
S00°48'57"W

N89°11'03"W  
70.00'

S89°45'36"E 620.65'

N89°45'36"W 539.34'

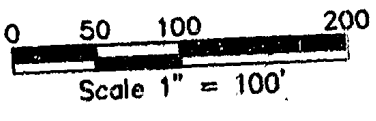
S00°48'57"W  
60.00'

$\Delta=02^{\circ}10'10"$   
 $R=3162.00'$   
 $L=119.73'$   
 $CH=S05^{\circ}43'16"E$   
119.72'

S06°48'21"E  
36.17'

N06°48'21"W  
36.17'

$\Delta=06^{\circ}59'31"$   
 $R=3238.00'$   
 $L=395.13'$   
 $CH=S03^{\circ}18'36"E$   
394.89'



TOWER ROAD  
R.O.W.  
(140' R.O.W.)

E. LINE, SE 1/4, SEC. 4, T3S, R66W, 6th P.M.  
1354.14'  
N00°48'57"E

(BASIS OF BEARINGS)

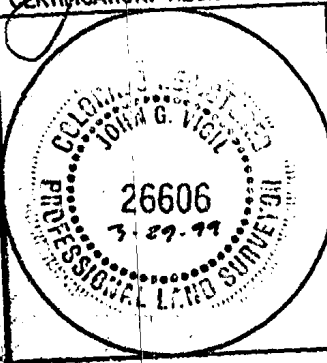
PROPOSED 65th AVENUE  
(R.O.W. VARIES)

PROPOSED  
YAMPA STREET  
(76' R.O.W.)

DENVER INTERNATIONAL  
BUSINESS CENTER  
FILING NO. 5  
LOT 1, BLOCK 1

Point of  
Commencement  
SE Cor, Sec 4  
T3S, R66W, 6th P.M.  
(Fnd 3 1/4" Alum.  
Cap in Range Box  
LS No Unreadable)

CERTIFICATION: REGISTERED LAND SURVEYOR



REVISED	MJL	3-25-99
APPROVED		
CHECKED	JGV	9-29-98
DRAWN	MJL	9-29-98
SURVEYED		
ACTION	BY	DATE

PREPARED BY	VIGIL LAND CONSULTANTS, INC. 480 YUMA STREET DENVER, COLORADO 80204 (303) 436-9233		
PROJECT	DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 5 SANITARY SEWER		
LOCATION	R66W, T3S, SECTION 4, SE 1/4, (663-04.4)		
JOB NO.	PROJECT NO.	R/W FILE NO.	SHEET
97055	SP-97-4B	1516.10-SE	2 OF 2

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION