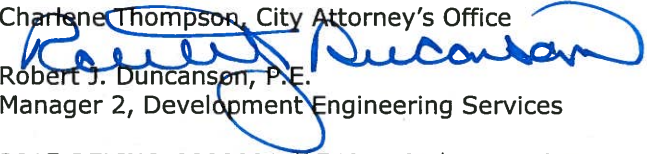


REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Charlene Thompson, City Attorney's Office

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

PROJECT NO: 2015-RELINQ-0000001 (3540 E. 31st Avenue)

DATE: November 20, 2015

SUBJECT: This is a proposal to relinquish portions of the two easements reserved in Ordinance #174, Series 1947. There are no longer any utilities there.

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

This office has investigated the request of Steve Caragol and Patrick Guinness to relinquish portions of easements that are no longer needed in order to propose new development there.

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 easements.

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

INSERT PARCEL DESCRIPTION 2015-RELINQ-0000001-001 HERE

INSERT PARCEL DESCRIPTION 2015-RELINQ-0000001-002 HERE

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

RJD:cmc

cc:

City Councilperson & Aides
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: Nov. 20, 2015

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.**)

2015-RELINQ-0000001: An Easement Relinquishment of two parcels near 3540 E. 31st Avenue.

3. **Requesting Agency:** Public Works – Right of Way Services – Survey

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

- **Name:** Cindy Cooley
- **Phone:** 720-913-4527
- **Email:** Cindy.Cooley@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:**

This is a proposal to relinquish portions of the two easements reserved in Ordinance Number 174, Series 1947. These portions to be relinquished are in the northerly parts of vacated Madison Street and the vacated North-South Alley to the West of Madison Street, lying North of the East-West alley dedicated by Ordinance Number 102, Series 1950. New development is proposed on the property encumbered by these easements.

****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:** 3540 East 31st Avenue
- d. **Affected Council District:** #9 – (Albus Brooks)
- 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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2015-RELINQ-0000001:
An Easement Relinquishment of Two Parcels Near 3540 E. 31st Avenue.

Description of Proposed Project:

This is a proposal to relinquish portions of the two easements reserved in Ordinance Number 174, Series 1947. These portions to be relinquished are in the northerly parts of vacated Madison Street and the vacated North-South Alley to the West of Madison Street, lying North of the East-West alley dedicated by Ordinance Number 102, Series 1950. New development is proposed on the property encumbered by these easements.

Background:

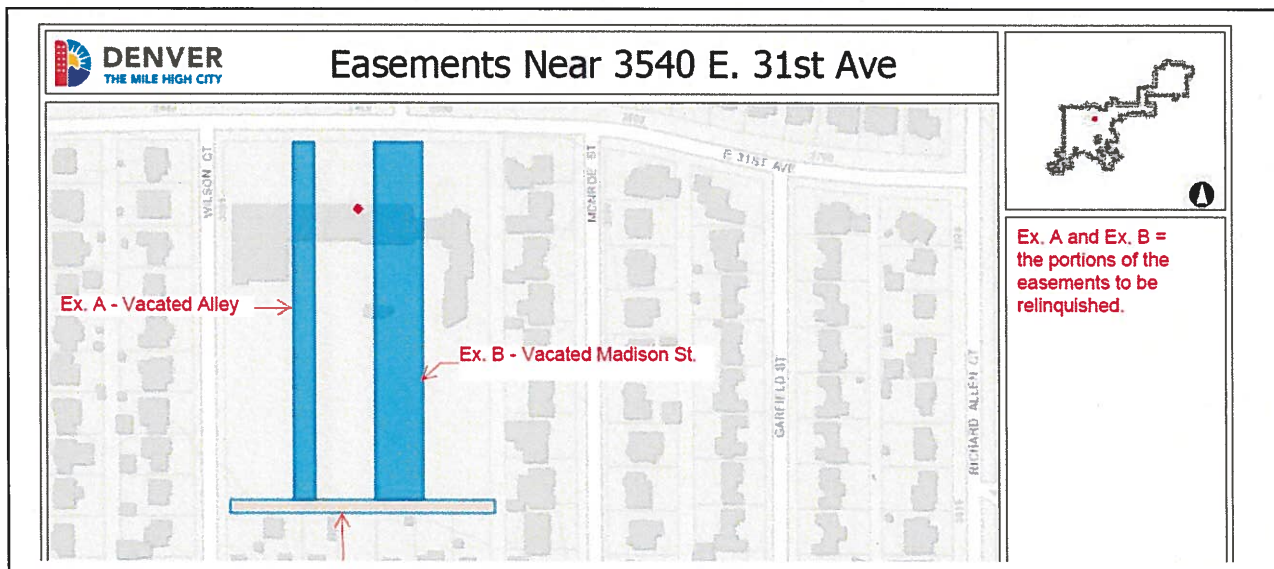
3540 E. 31st Ave. is a 4.25 acre site in North City Park with a former YMCA building. Both the 16' alley and 50' wide Madison Street were vacated years ago, with reservations. A YMCA building was constructed on top of those easements. This request is to relinquish portions of those easements reserved in Ordinance Number 174-1947.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:

The easements are no longer needed and should be removed to accomplish proposed development.

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

Additional information:



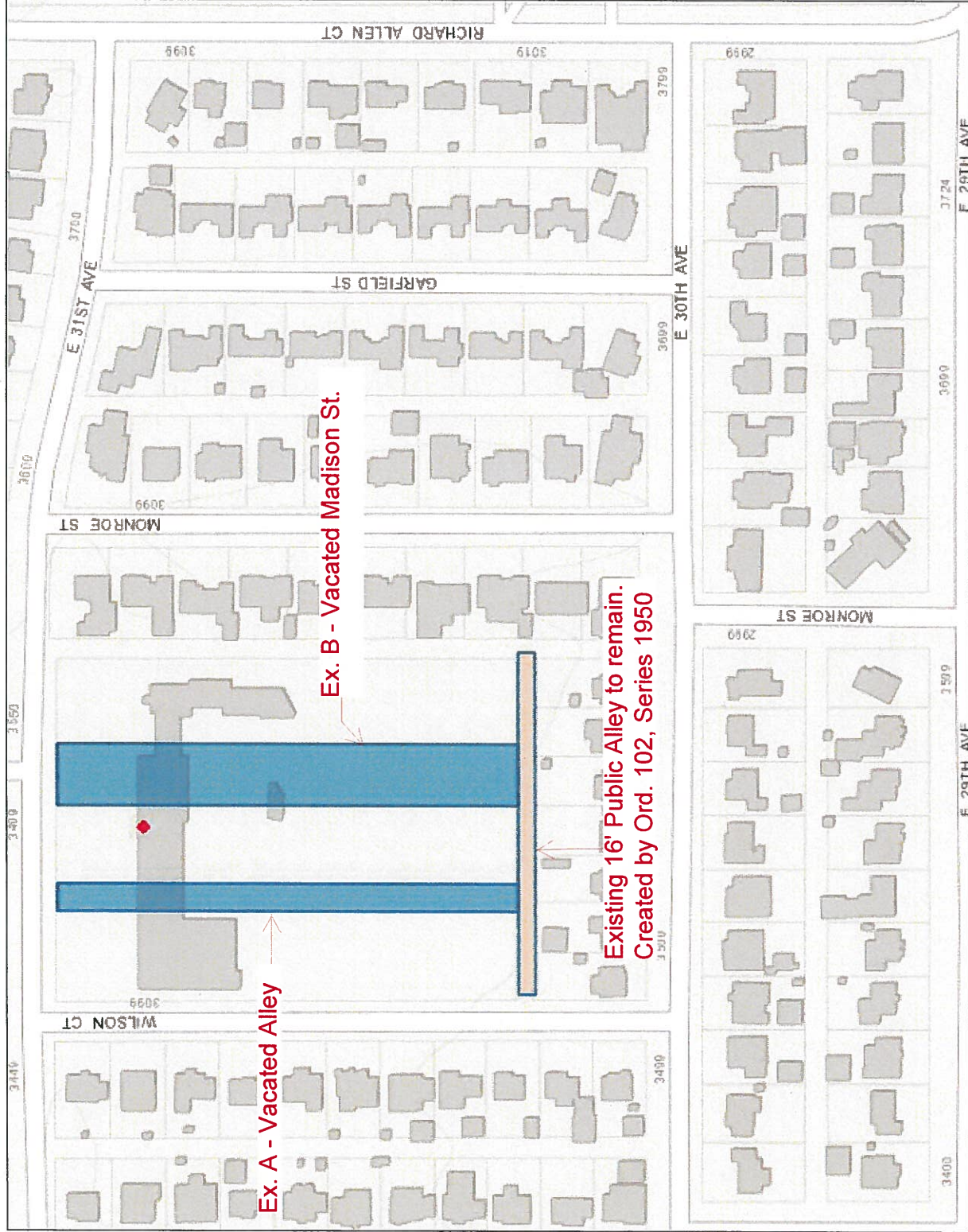
Protecting the Present & Building the Future
Accountability, Innovation, Empowerment, Performance, Integrity,
Diversity, Teamwork, Respect, Excellence, Safety



Easements Near 3540 E. 31st Ave



Ex. A and Ex. B =
the portions of the
easements to be
relinquished.



BY AUTHORITY
ORDINANCE NO. 174
COUNCILMAN'S BILL NO. 118
FILES OF 1947 INTRODUCED BY
COUNCILMAN MARRANZINO
A. B. L. L.
FOR AN ORDINANCE VACATING
MADISON STREET BETWEEN
30TH AVENUE AND 31ST AVENUE
AND ALSO VACATING THE
PUBLIC ALLEY IN BLOCK 6 IN
CLAYTON PARK ADDITION IN
THE CITY AND COUNTY OF
DENVER

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER

WHEREAS T. F. CAMPBELL, Manager of Improvements and Parks did heretofore make the following order and direction to wit:
It is hereby found and determined that public use, convenience and necessity no longer require Madison Street extending from the north line of 30th Avenue to the south line of 31st Avenue and the public alley in Block 6 in the Clayton Park Addition in the City and County of Denver and State of Colorado, and said portion of Madison Street and said Alley are hereby vacated.

The Council of the City and County of Denver is hereby requested to give effect to this order by the passage of a suitable ordinance.

Done at Denver, Colorado this 24th day of November, A.D. 1947.
T. F. CAMPBELL, Manager

NOW, THEREFORE

Section 1. That the action of the Manager of Improvements and Parks as set forth in the foregoing order, be and the same is hereby ratified, approved and confirmed.

Section 2. That the portion of Madison Street and the alley as described in the foregoing order, in the City and County of Denver, and State of Colorado, be and the same are hereby vacated, reserving to the City and County of Denver at all times the right to construct, maintain and remove sewers, water pipes and appurtenances, and to authorize the construction, maintenance and removal of the same therein and thereon, and subject to the continued right of the owners to maintain and operate existing electric light and power lines, telephone lines, gas mains, and pipes.

Section 3. In the opinion of the Council this ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience and welfare, and it is enacted for that purpose and shall be in full force and effect immediately after its passage and final publication.

Passed by the Council of the City and County of Denver and signed by its President, this 24th day of November, A.D. 1947.

C. M. STAFFORD, President
Signed and approved by me this 26th day of November, A.D. 1947.

QUIGG NEWTON, Mayor
Attested by the undersigned with the corporate seal of the City and County of Denver.

MAE HYNES, Clerk and Recorder, Official Clerk of the City and County of Denver
By STEWART FINCHER, Deputy Clerk

(Seal)
First publication November 23, 1947
Last publication November 23, 1947
Published in The Daily Journal 267

EXHIBIT A
Land Description

2015-RELINQ-0000001-001

Page 1 of 2

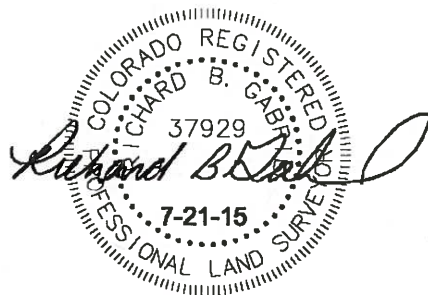
A PORTION OF A 16 FOOT WIDE ALLEY VACATED BY ORDINANCE 174 SERIES 1947 LOCATED WITHIN THE NORTH ONE HALF (N1/2) OF THE SOUTHEAST ONE QUARTER (SE1/4) OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, LOCATED WITHIN BLOCK 6, CLAYTON PARK ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A 25 FOOT RANGE LINE IN WILSON COURT BETWEEN EAST 31ST AVENUE AND EAST 30TH AVENUE IS ASSUMED TO BEAR SOUTH 00°15'58" EAST A DISTANCE OF 690.89 (690.79 RECORD DISTANCE) BETWEEN A FOUND AXLE IN A RANGE BOX FOUND AT THE NORTH END OF SAID RANGE LINE AND A FOUND 2.5" ALUMINUM CAP (ILLEGIBLE) IN RANGE BOX FOUND THE SOUTH END OF SAID RANGE LINE.

COMMENCING AT SAID AXLE IN RANGE BOX: THENCE SOUTH 40°02'17" EAST A DISTANCE OF 39.08 FEET TO A FOUND ORANGE PLASTIC CAP (ILLEGIBLE) AND THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 6, SAID CLAYTON PARK ADDITION; THENCE ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 6, NORTH 89°48'58" EAST A DISTANCE OF 102.04 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 6, ALSO BEING THE NORTHWEST CORNER OF SAID 16 FOOT WIDE ALLEY AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°48'58" EAST ALONG THE NORTH LINE OF SAID ALLEY AND THE SOUTH RIGHT OF WAY LINE OF EAST 31ST AVENUE, A DISTANCE OF 16.00 FEET TO THE NORTHWEST CORNER OF LOT 20, SAID BLOCK 6, AND THE NORTHEAST CORNER OF SAID ALLEY; THENCE ALONG THE WEST LINE OF LOTS 14 THROUGH 20, AND THE NORTH 51 FEET OF LOT 13, SAID BLOCK 6, SOUTH 00°15'58" EAST A DISTANCE OF 499.94 FEET TO THE NORTH LINE OF A DEDICATED 16 FOOT WIDE ALLEY RECORDED AT ORDINANCE 102 SERIES 1950; THENCE ALONG SAID NORTH LINE OF DEDICATED 16 FOOT WIDE ALLEY, SOUTH 89°50'02" WEST A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF THE NORTH 51 FEET OF LOT 8, SAID BLOCK 6; THENCE ALONG THE EAST LINE OF SAID NORTH 51 FEET OF LOT 8 AND THE EAST LINE OF LOTS 1 THROUGH 7, SAID BLOCK 6, NORTH 00°15'58" WEST A DISTANCE OF 499.93 FEET TO SAID NORTHEAST CORNER LOT 1, BLOCK 6, NORTHWEST CORNER SAID ALLEY AND THE POINT OF BEGINNING.

TOTAL AREA OF SUBJECT PROPERTY IS ±7,999 SQ FT OR ±0.184 ACRES MORE OR LESS.



RICHARD B. GABRIEL
COLORADO PLS #37929
FOR AND ON BEHALF OF
POWER SURVEYING CO. INC.



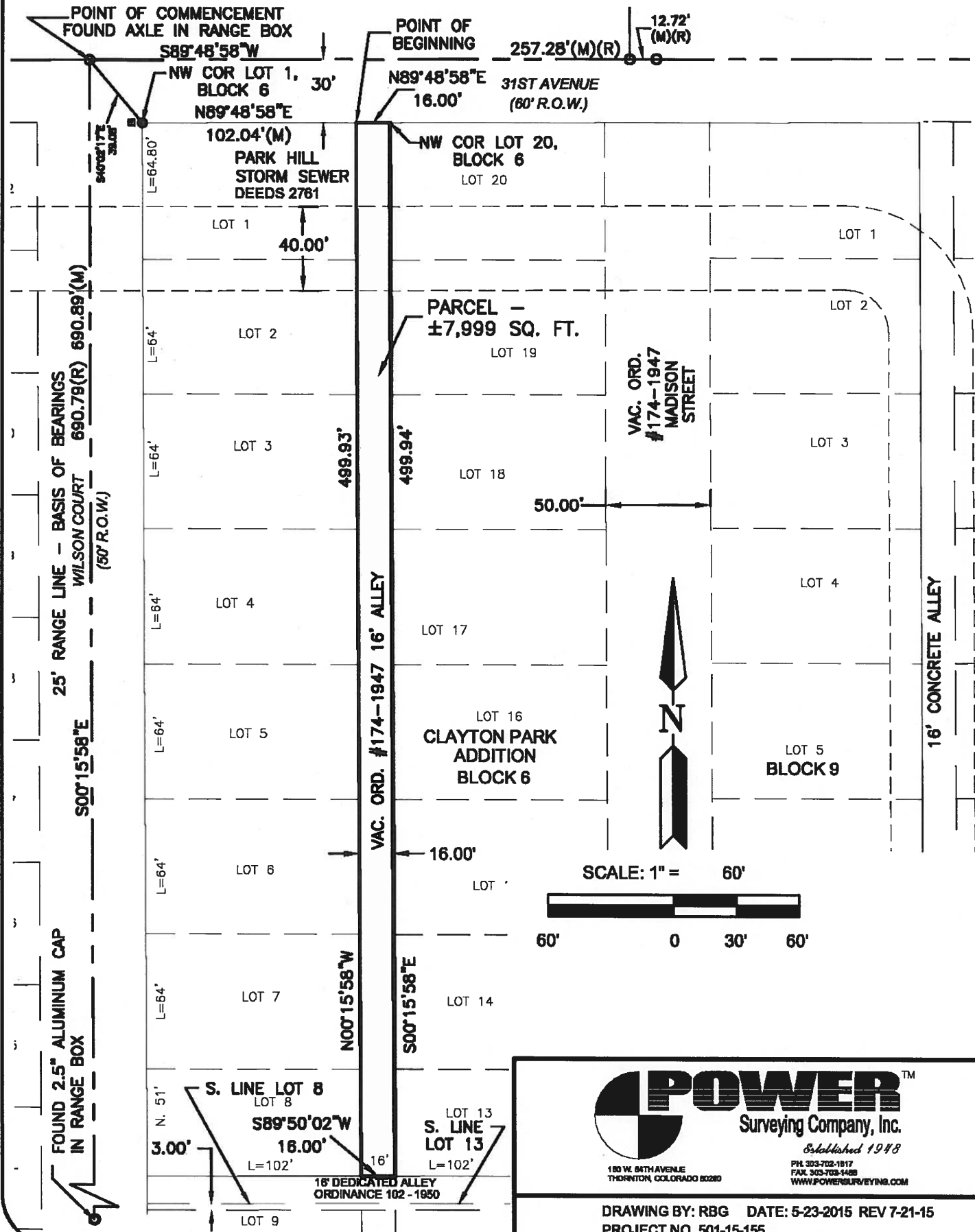
150 W. 84TH AVENUE
THORNTON, COLORADO 80260

PH. 303-702-1817
FAX. 303-702-1488
WWW.POWERSURVEYING.COM

DRAWING BY: RBG DATE: 5-23-2015 REV 7-21-15
PROJECT NO. 501-15-155

EXHIBIT A

Page 2 of 2



POWERTM
Surveying Company, Inc.
Established 1948
180 W. 84TH AVENUE
THORNTON, COLORADO 80229
PH: 303-702-1817
FAX: 303-702-1488
WWW.POWERSURVEYING.COM

DRAWING BY: RBG DATE: 5-23-2015 REV 7-21-15
PROJECT NO. 501-15-155

EXHIBIT B
PAGE 1 OF 2
LAND DESCRIPTION

2015-RELINQ-0000001-002

A PORTION OF 50 FOOT WIDE VACATED MADISON STREET, VACATED BY ORDINANCE 174 SERIES 1947 LOCATED WITHIN THE NORTH ONE HALF (N1/2) OF THE SOUTHEAST ONE QUARTER (SE1/4) OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, LOCATED BETWEEN BLOCKS 6 AND 9, CLAYTON PARK ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A 25 FOOT RANGE LINE IN WILSON COURT BETWEEN EAST 31ST AVENUE AND EAST 30TH AVENUE IS ASSUMED TO BEAR SOUTH 00°15'58" EAST A DISTANCE OF 690.89 (690.79 RECORD DISTANCE) BETWEEN A FOUND AXLE IN A RANGE BOX FOUND AT THE NORTH END OF SAID RANGE LINE AND A FOUND 2.5" ALUMINUM CAP (ILLEGIBLE) IN RANGE BOX FOUND THE SOUTH END OF SAID RANGE LINE.

COMMENCING AT SAID AXLE IN RANGE BOX: THENCE SOUTH 40°02'17" EAST A DISTANCE OF 39.08 FEET TO A FOUND ORANGE PLASTIC CAP (ILLEGIBLE) AND THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 6, SAID CLAYTON PARK ADDITION; THENCE ALONG THE NORTH LINES OF LOT 1 AND LOT 20, SAID BLOCK 6, NORTH 89°48'58" EAST A DISTANCE OF 220.08 FEET TO THE NORTHEAST CORNER OF SAID LOT 20, BLOCK 6, ALSO BEING THE NORTHWEST CORNER OF SAID VACATED MADISON STREET AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°48'58" EAST ALONG THE NORTH LINE OF SAID VACATED MADISON STREET AND THE SOUTH RIGHT OF WAY LINE OF EAST 31ST AVENUE, A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF LOT 1, SAID BLOCK 9, AND THE NORTHEAST CORNER OF SAID VACATED MADISON STREET; THENCE ALONG THE WEST LINE OF LOTS 1 THROUGH 7, AND THE NORTH 51 FEET OF LOT 8, SAID BLOCK 9, SOUTH 00°15'58" EAST A DISTANCE OF 499.98 FEET TO THE NORTH LINE OF A DEDICATED 16 FOOT WIDE ALLEY RECORDED AT ORDINANCE 102 SERIES 1950; THENCE ALONG SAID NORTH LINE OF DEDICATED 16 FOOT WIDE ALLEY, SOUTH 89°50'02" WEST A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF THE NORTH 51 FEET OF LOT 13, SAID BLOCK 6; THENCE ALONG THE EAST LINE OF SAID NORTH 51 FEET OF LOT 13, THE EAST LINE OF LOTS 14 THROUGH 20, SAID BLOCK 6, NORTH 00°15'58" WEST A DISTANCE OF 499.97 FEET TO SAID NORTHEAST CORNER LOT 20, BLOCK 6, NORTHWEST CORNER SAID VACATED MADISON STREET AND POINT OF BEGINNING.

TOTAL AREA OF SUBJECT PROPERTY IS ±24,999 SQ FT OR ±0.574 ACRES MORE OR LESS.



RICHARD B. GABRIEL
COLORADO PLS #37929
FOR AND ON BEHALF OF
POWER SURVEYING CO. INC.

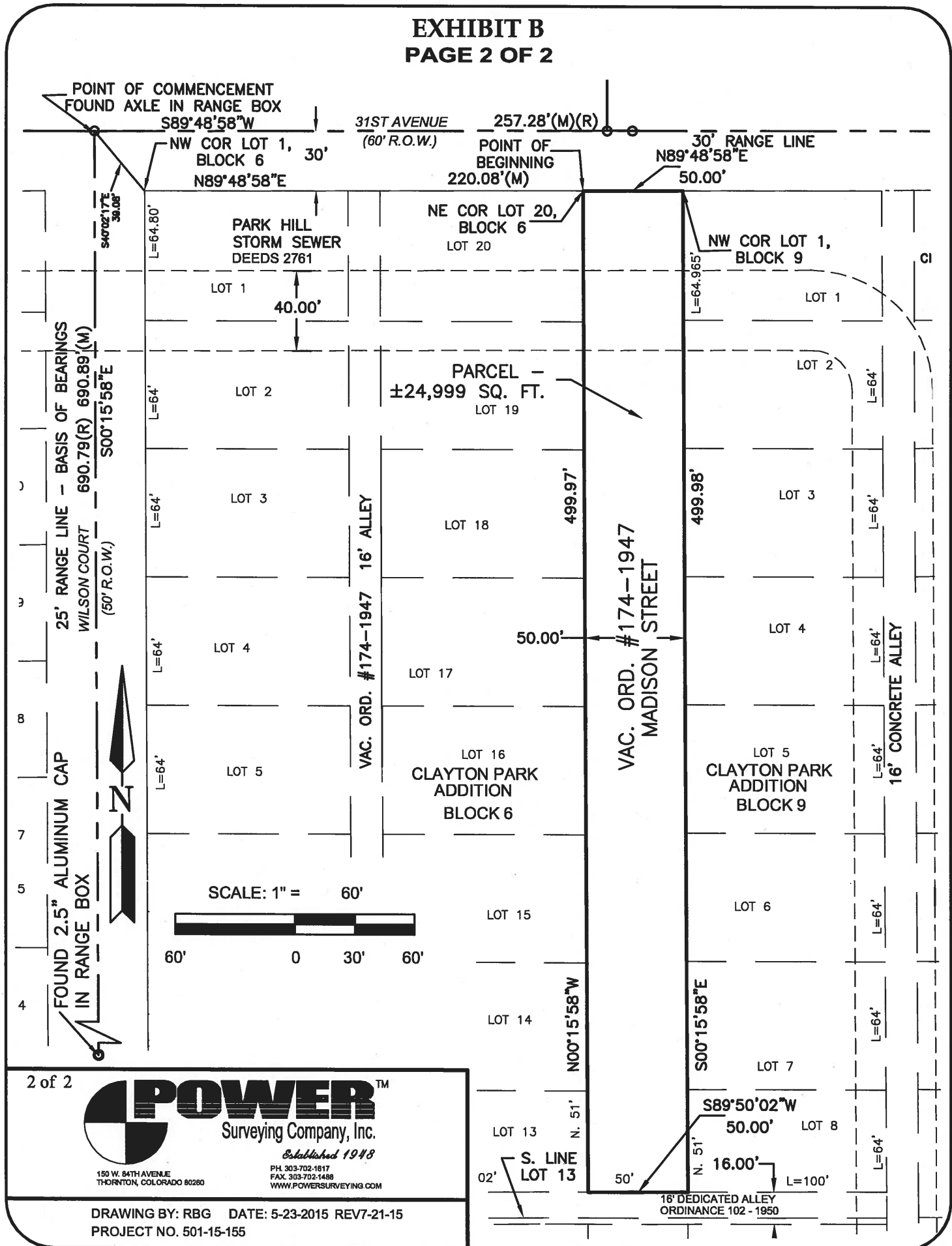


150 W. 84TH AVENUE
THORNTON, COLORADO 80280

PH. 303-702-1817
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WWW.POWERSURVEYING.COM

DRAWING BY: RBG DATE: 5-23-2015 REV 7-21-15
PROJECT NO. 501-15-155

EXHIBIT B
PAGE 2 OF 2



POWER™
Surveying Company, Inc.
Established 1948
150 W. 84TH AVENUE
THORNTON, COLORADO 80260
PH. 303-702-1617
FAX. 303-702-1488
WWW.POWERSURVEYING.COM

DRAWING BY: RBG DATE: 5-23-2015 REV7-21-15
PROJECT NO. 501-15-155

16' DEDICATED ALLEY
ORDINANCE 102 - 1950