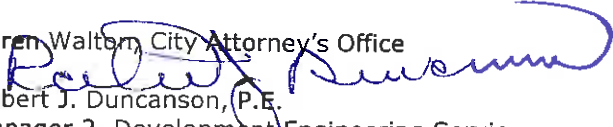


REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office

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

PROJECT NO: 2012-0107-07

DATE: July 15, 2013

SUBJECT: Request for an Ordinance to relinquish the easements established in Ordinance number **98, Series 1948** (Quivas St), **Ordinance 814** (14th Ave), **Series of 2006, Book 7747** (utility and sanitary), **page 222, and Book 9773 page 124** (utility).

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

This office has investigated the request of Jill Jennings Golich, dated 1/28/2013, on behalf of Auraria for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Montero; 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.

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:VLH

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams
Councilperson Montero 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 **2012-0107-07**

Property Owner
Auraria Higher Education Center
c/o Jill Jennings Golich
Campus Box D, PO box 173361
Denver Co 80217

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix 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: July 15, 2013

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 number 98, Series 1948 (Quivas St), Ordinance 814 (14th Ave), Series of 2006, Book 7747 (utility and sanitary), page 222, and Book 9773 page 124 (utility).

3. Requesting Agency: PW Right of Way Engineering Services

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

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: vanessa.herman@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 the easements established in Ordinance number 98, Series 1948 (Quivas St), Ordinance 814 (14th Ave), Series of 2006, Book 7747 (utility and sanitary), page 222, and Book 9773 page 124 (utility).

****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: 14th Ave, Quivas St, and near Cottonwood St
- d. Affected Council District: Dist #9 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:2012-0107-07 Easement Relinquishment Auraria Sports Complex

Description of Proposed Project:To relinquish the 4 different easements established in Ordinance number 98, Series 1948 (Quivas St), Ordinance 814 (14th Ave), Series of 2006, Book 7747 (utility and sanitary), page 222, and Book 9773 page 124 (utility).

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

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:These are 4 separate easements with separate documents. Please see above.

BY AUTHORITY
ORDINANCE NO. 88
COUNCILMAN'S BILL NO. 123, SE-
RIES OF 1948, INTRODUCED BY
COUNCILMAN CAVENDER.

A BILL
FOR AN ORDINANCE VACATING
QUIVAS STREET BETWEEN
THE NORTH LINE OF WEST
13TH AVENUE AND THE SOUTH
LINE OF WEST 14TH AVENUE,
IN THE CITY AND COUNTY OF
DENVER.

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

WHEREAS, T. P. CAMPBELL,
Manager of Improvements and Parks
did heretofore make the following
order and direction to-wit:

"It is hereby found and deter-
mined that the public use, con-
venience and necessity no longer
require

That portion of Quivas Street ex-
tending north from the north line
of West 13th Avenue to the south
line of West 14th Avenue produced
east and further identified as the
extended north line of Block 8,
Baker's Subdivision produced east,
in the City and County of Denver,
and State of Colorado, and the same
is hereby vacated.

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

Done at Denver, Colorado, this
20th day of May, A.D. 1948.
(Signed) T. P. 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 the
public street described in the afore-
said order, in the City and County
of Denver, and State of Colorado, be
and the same is hereby vacated; re-
serving to the City and County of
Denver at all times, the right to
construct, maintain and remove sew-
ers, water pipes, and appurtenances,
and to authorize the construction,
maintenance and removal of the
same therein and therefrom, and
subject to the continued right of the
owners to maintain and operate ex-
isting 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 im-
mediately after its passage and
final publication.

Passed by the Council of the City
and County of Denver, and signed by
its President, this 6th day of July,
A.D. 1948.

A. A. BLAKLEY
President

Signed and approved by me this
6th day of July, A.D. 1948.

QUIGG NEWTON
Mayor

Attested by the undersigned with
the corporate seal of the City and
County of Denver.

MAE HYNES
Clerk and Recorder, Ex-
Officio Clerk of the City
and County of Denver.

By SIEWERS FINCHER
Deputy Clerk

(Seal)
First publication July 3, 1948
Last publication July 10, 1948.
Published in The Daily Journal. 306

BY AUTHORITY

ORDINANCE NO. *814*
SERIES OF 2006

COUNCIL BILL NO. *800*
COMMITTEE OF REFERENCE:
Public Works

A BILL

For an ordinance vacating a portion of 14th Avenue between Cottonwood Street and Rio Court, 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 STRIP OF LAND SEVENTY FEET WIDE, A PART OF WEST FOURTEENTH AVENUE LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE CITY AND COUNTY OF DENVER MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 8 OF BAKER'S SUBDIVISION, A POINT ON THE SOUTH LINE OF SAID AVENUE, AS RECORDED IN BOOK 4 AT PAGE 3 OF THE RECORDS OF THE ORIGINAL ARAPAHOE COUNTY CLERK'S OFFICE RECORDED SEPTEMBER 15, 1886 AND RE-RECORDED MAY 31, 1887 FROM WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 4 BEARS N28°49'39"E, 788.25 FEET, THE BEARING OF WHICH ALL BEARINGS HEREON ARE BASED;

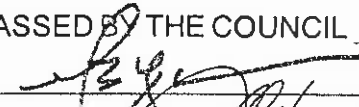
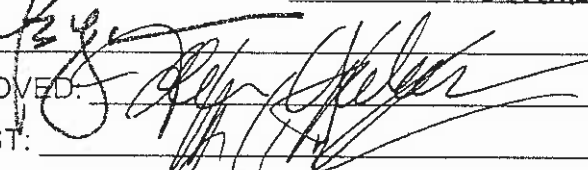
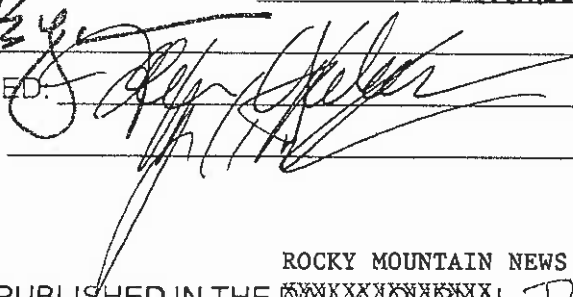
THENCE ALONG SAID SOUTH LINE S89°59'35"W, 474.60 FEET TO A POINT ON THE EAST LINE OF COTTONWOOD STREET EXTENDED SOUTHERLY; THENCE ALONG SAID EAST LINE N00°00'37"E, 70.00 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED AT RECEPTION NUMBER 2005108956 OF THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER, DATED JULY 1, 2005; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL NUMBER 2005108956 ALSO BEING THE NORTH LINE OF SAID W. 14TH AVENUE N89°59'35"E, 544.59 FEET TO THE NORTHWEST CORNER OF PREVIOUSLY VACATED PORTION OF SAID W. 14TH AVENUE VACATED BY ORDINANCE NUMBER 43 SERIES OF 1914; THENCE ALONG THE WEST LINE OF SAID ORDINANCE S00°00'22"W, 70.00 FEET TO THE NORTHEAST CORNER OF PREVIOUSLY VACATED QUIVAS STREET VACATED BY ORDINANCE NUMBER 98 SERIES OF 1948; THENCE ALONG THE NORTH LINE OF SAID ORDINANCE S89°59'35"W, 70.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 38,121 SQUARE FEET OR 0.87514 ACRES MORE OR LESS.

1 be and the same is hereby approved and the described area is hereby vacated and declared
2 vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

3 A perpetual, non-exclusive easement is hereby reserved by the City and County of
4 Denver, its successors and assigns, over, under, across, along, and through the
5 vacated area for the purposes of constructing, operating, maintaining, repairing,
6 upgrading and replacing public or private utilities including storm drainage and
7 sanitary sewer facilities and all appurtenances to said utilities. A hard surface shall
8 be maintained by the property owner over the entire easement area. The City
9 reserves the right to authorize the use of the reserved easement by all utility
10 providers with existing facilities in the easement area. No trees, fences, retaining
11 walls, landscaping or structures shall be allowed over, upon or under the easement
12 area. Any such obstruction may be removed by the City or the utility provider at the
13 property owner's expense. The property owner shall not re-grade or alter the
14 ground cover in the easement area without permission from the City and County of
15 Denver. The property owner shall be liable for all damages to such utilities, including
16 their repair and replacement, at the property owner's sole expense. The City and
17 County of Denver, its successors, assigns, licensees, permittees and other
18 authorized users shall not be liable for any damage to property owner's property
19 due to use of this reserved easement.

20 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: November 21, 2006
21 PASSED BY THE COUNCIL December 4 2006

22  - PRESIDENT
23 APPROVED:  - MAYOR December 5, 2006
24 ATTEST:  - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER

27
28 NOTICE PUBLISHED IN THE ~~DAILY JOURNAL~~ ROCKY MOUNTAIN NEWS DAILY JOURNAL Dec. 3, 2006; Dec. 8, 2006
29 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY, November 22, 2006

30
31 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
32 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
33 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
34 3.2.6 of the Charter.

35
36 Cole Finegan, City Attorney

1 BY: *[Signature]*, Assistant City Attorney
2 DATE: November 22, 2006



DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT The Colorado Ice and Cold Storage Company A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF Colorado, FOR AND IN CONSIDERATION OF ONE (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS, IN HAND PAID, DOES HEREBY GRANT AND CONVEY TO THE CITY AND COUNTY OF DENVER, A MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE CONSTITUTION OF THE STATE OF COLORADO, AN EASEMENT AND RIGHT-OF-WAY FOR A SEWER OVER, UPON, ACROSS, IN, THROUGH AND UNDER THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, TO-WIT:

SEP-16-55 826678 I FEENIS 0.00

#166

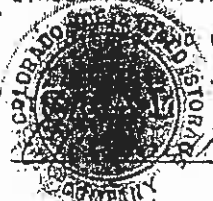
An easement lying in the NE 1/4 of NW 1/4 of Section 4, T.4S., R.68W., of 6th P.M., said easement being 10 feet in width and lying 5 feet on each side of the following described center line:

Beginning at a point on the east line of Cottonwood Lane 489.3 feet south and 855.35 feet west of the northeast corner of said NW 1/4; thence 259.1 feet easterly and parallel to the north line of West 14th Avenue; thence northeasterly 121.5 feet on an angle of 50°03'39" to left; thence northerly 80 feet on an angle of 39°56'21" to left.

RECORDED IN BOOK PAGE 7747 222 1955 SEP 16 PM 3:31 PAUL V. HODGES, JR. CLERK AND RECORDER 25874

RESERVING, HOWEVER, TO THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO UTILIZE AND ENJOY THE ABOVE DESCRIBED PREMISES PROVIDING THE SAME SHALL NOT INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, REPAIRING, INSPECTION, AND OPERATION OF SAID SEWER, AND PROVIDING FURTHER THAT THE GRANTOR SHALL NOT ERRECT OR PLACE ANY BUILDING OR TREE ON THE ABOVE DESCRIBED RIGHT-OF-WAY AND THE CITY SHALL NOT BE LIABLE FOR THEIR REMOVAL IF THEY ARE SO PLACED.

CITY AND COUNTY OFFICE



DELIVERED THIS 15th DAY OF September A. D. 1955.

THE COLORADO ICE AND COLD STORAGE COMPANY

BY Frank W. Adams SECRETARY

BY Frank W. Adams PRESIDENT

STATE OF COLORADO) ss. CITY AND COUNTY OF DENVER }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 15th DAY OF September A. D. 1955, BY Frank W. Adams AS PRESIDENT AND BY Clarence H. Adams AS SECRETARY OF The Colorado Ice and Cold Storage Company A CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMM. EXPIRES: Aug. 6, 1956

Notary Public signature

As to Form

LAND OFFICE

EASEMENT

AUG 17 10 28 AM '67

RECORDED 9773 124

F. J. SCRAFINI
CLERK AND RECORDER

Southeastern Public Service Company, a Delaware Corporation, Grantor, does hereby grant and convey to Mountaire Farms of Colorado, Inc., a Colorado Corporation, its successors and assigns, Grantee, for One Dollar and other valuable considerations, receipt of which is hereby acknowledged, a right of way and easement for the construction and continued operation, maintenance, repair and replacement of a sanitary sewer line and attachment thereof to an existing sanitary sewer line on property owned by grantor, on, under, through and across the following premises belonging to the said grantor in the City and County of Denver, State of Colorado:

That part of the North 1/2 of the Northeast 1/2 of the Northwest 1/4 of Section 4, Township 4 South, Range 68 West, described as follows: Commencing at the Southeast corner of West Colfax and Cottonwood Lane, also sometimes designated as Cottonwood Street; thence South 190 feet; thence West 10 feet; thence South 59.12 feet; thence East 23 feet (common property line between Mountaire and Southeastern) to the true point of beginning; thence North 10° West 30 feet; thence East 10 feet; thence South 10° East 10 feet; thence West 10 feet to point of beginning.

Grantor reserves the right to cancel or revoke this easement by sixty days notice to Grantee. Grantee, by use of easement, agrees to hold and save Grantor harmless from any and all damage arising from its use of the right, easement and right of way herein granted.

IN WITNESS WHEREOF, Grantor hath caused its corporate name to be hereunto subscribed by its W.C. President and its corporate seal to be hereunto affixed, attested by its W.C. Secretary this 23 day of August, 1967.



SOUTHEASTERN PUBLIC SERVICE COMPANY

ATTEST:

W.C. [Signature]
Secretary

By E.M. Donald
Vice President

STATE OF Missouri SS
COUNTY OF Jackson

The foregoing instrument was acknowledged before me this 23 day of August, 1967 by E.M. Donald as Vice President and W.C. [Signature] as Asst. Secretary of Southeastern Public Service Company, a corporation.

Witness my hand and official seal

Harold J. Saunders
My Commission expires: 3/21/68 Notary Public