

REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE, Director, Right of Way Services

PROJECT NO: 2020-RELINQ-0000006

DATE: March 2, 2021

SUBJECT: Request for an Ordinance to relinquish the 16-foot wide sanitary sewer easement in its entirety established by the vacating Ordinance No. 351, Series of 1971. Located between E. 48th and 49th Avenues and between North Race Street and North York Street across properties 2101 and 2121 E. 48th Avenue.

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

This office has investigated the request of Harris Kocher Smith c/o John R Stafford, PE, dated January 23, 2020 on behalf of 48Race LLC for the relinquishment of the subject easement(s).

This matter has been coordinated with City Councilperson CdeBaca, District 9; Asset Management; Emergency Management; Community Planning & Development: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; DOTI: ER Transportation and Wastewater, DES Transportation & Wastewater, Construction Engineering, Policy and Planning, TES Signing and Striping, Survey; Colorado Department of Transportation; Regional Transportation District; Comcast; Metro Wastewater Reclamation District; CenturyLink; and Xcel Energy, all of whom have indicated no objection to the proposed easement relinquishment(s).

As a result of these 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 reserved easement(s) as described in the vacating Ordinance No. 351, Series of 1971.

A vicinity map of the subject easement area(s) and a copy of the document(s) creating the easement(s) are attached.

MB:dp

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Bradley Beck
Department of Law – Deanne Durfee
Department of Law – Maureen McGuire
Department of Law – Martin Plate
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Jason Gallardo
DOTI, Survey – Paul Rogalla

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services | Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: March 2, 2021

Please mark one: Bill Request or Resolution Request

1. Type of Request:

Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment

Dedication/Vacation Appropriation/Supplemental DRMC Change

Other: Easement Relinquishment

2. **Title:** (Start with *approves*, *amends*, *dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

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3. **Requesting Agency:** Department of Transportation and Infrastructure, Right of Way Services, Engineering and Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Devin Price	Name: Jason Gallardo
Email: devin.price@denvergov.org	Email: Jason.Gallardo@denvergov.org

5. **General description or background of proposed request. Attach executive summary if more space needed:**

Request for an Ordinance to relinquish the 16-foot wide sanitary sewer easement in its entirety established by the vacating Ordinance No. 351, Series of 1971. Located between E. 48th and 49th Avenues and between North Race Street and North York Street across properties 2101 and 2121 E. 48th Avenue.

6. **City Attorney assigned to this request (if applicable):** Martin Plate

7. **City Council District:** Councilwoman CdeBaca, District 9

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2020-RELINQ-0000006 - 4800 Race St

Property Owner: 48Race, LLC

Description of Proposed Project: Request for an Ordinance to relinquish the 16-foot wide sanitary sewer easement in its entirety established by the vacating Ordinance No. 351, Series of 1971. Located between E. 48th and 49th Avenues and between North Race Street and North York Street across properties 2101 and 2121 E. 48th Avenue.

Explanation of why the easement relinquishment is necessary to accomplish the proposed project: The easement area bisects properties 2101 and 2121 E. 48th Avenue. The Applicant indicates that, the sanitary sewer main must be rerouted and associated easement relinquished to unencumber the properties and allow for full development and construction of their property as proposed.

Background: The proposed site is a multi-phased, mixed-use development to include affordable housing, medical offices, and retail space, of which is planned to be constructed over and across the proposed easement relinquishment area. 48Race, LLC has re-routed the existing sanitary sewer line that occupied the subject easement area and the easement is no longer needed.

Vicinity Map: Map is provided on next page for general location of the easement area. Please refer to Ordinance for exact legal description of proposed easement relinquishment area.



City and County of Denver Department of Transportation & Infrastructure
 Right-of-Way Services | Engineering & Regulatory
 201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/dot
 Phone: 720-865-3003

EXHIBIT A
SHEET 1 OF 2
LAND DESCRIPTION

2020-RELINQ-0000006-001

THE ALLEY IN BLOCK 39, KEENER'S SUBDIVISION, VACATED PER ORDINANCE NO. 351, SERIES OF 1971, CITY AND COUNTY OF DENVER, STATE OF COLORADO

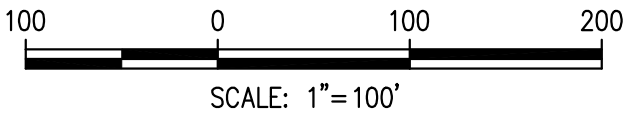
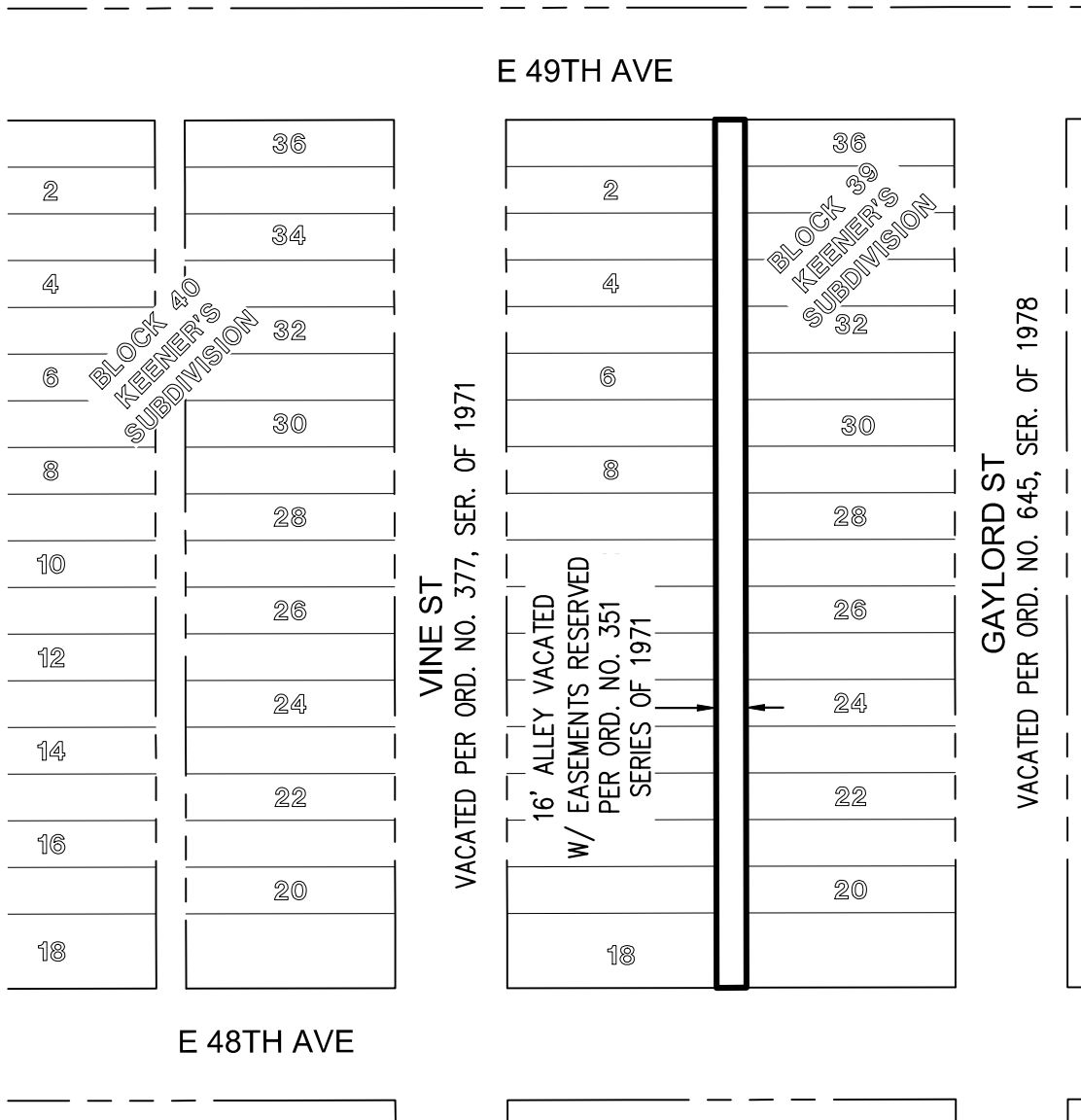
PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



EXHIBIT A

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY AND COUNTY OF DENVER, COLORADO



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

FILEPATH: P:\181041\SURVEY\ESMT_RELINQUISH.DWG LAYOUT: LAYOUT1
NO XREFS
PLOTTER: TUE 05/05/20 11:54:45A BY: AARON MURPHY

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

ISSUE DATE: 01/13/2020	PROJECT #: 181041
DATE	REVISION COMMENTS
3/11/2020	REV. DESC.
5/5/2020	PER COMMENTS

ILLUSTRATION

ILLUSTRATION

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: AWM DRAWN BY: CD
SHEET NO. 2
2 OF 2