



Department of Public Works
Right-of-Way Services
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
720-865-3001
www.denvergov.org/survey

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-0000002 - 1449 7th Street (MSU Aerospace Building Easement Relinquishment)
DATE: November 30, 2015
SUBJECT: This is a proposal to relinquish an easement created by Ord 287, Series of 1957 and a portion of an easement created by the document recorded under reception number 2011037173.

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

This office has investigated the request of Jane Aschermann, P.E., on behalf of Auraria Higher Education Center.

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 areas:

INSERT PARCEL DESCRIPTION 2015-RELINQ-0000002-001 HERE

INSERT PARCEL DESCRIPTION 2015-RELINQ-0000002-002 HERE

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

RJD:cmc

cc:

City Councilperson & Aides (District 9-Albus Brooks)
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: November 30, 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-0000002: 1449 7th Street (a portion of the alley between 7th Street and Auraria Parkway)
MSU Aerospace Building Easement Relinquishment

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 an easement created by Ord 287, Series of 1957 and a portion of an easement created by the document recorded under reception number 2011037173.

****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:** 1449 7th Street (a portion of the alley between 7th Street and Auraria Parkway)
- d. **Affected Council District:** 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.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

**Project Title: 2015-RELINQ-0000002:
Request for Utility Easement Relinquishments near 1449 7th Street
MSU Aerospace Building**

Description of Proposed Project:

This is a proposal to relinquish portions of the two easements reserved in Ordinance Number 287, Series 1957.

Background:

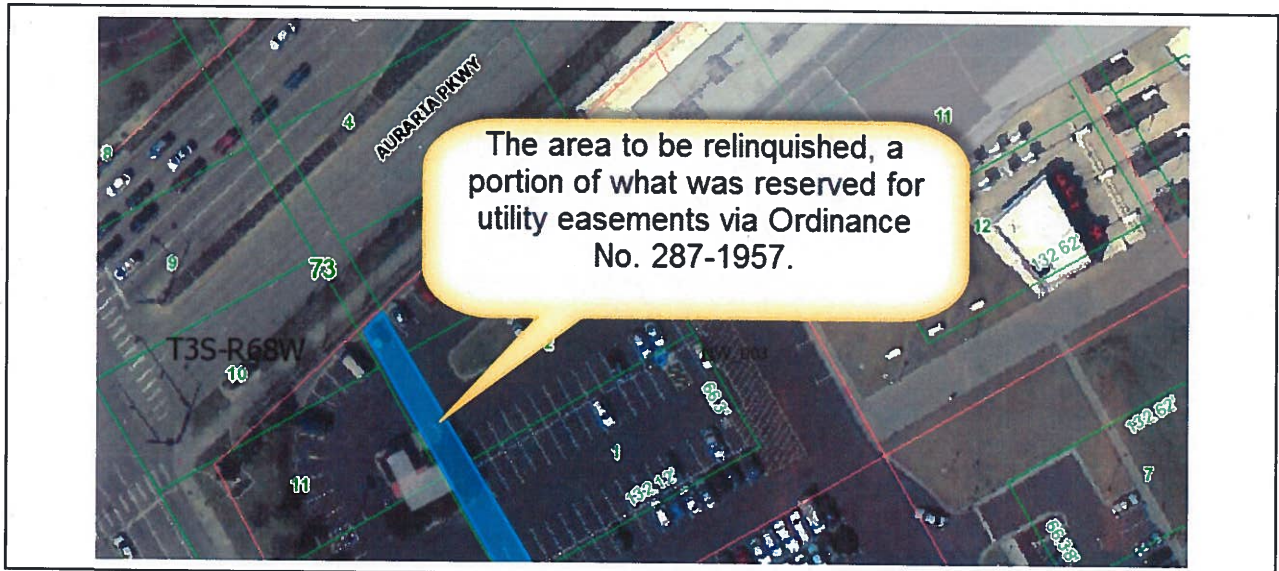
An Ordinance to relinquish easements. This request is to relinquish portions of those easements reserved in Ordinance Number 287-1957, and the Easement recorded at Reception No. 2011037173.

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:





EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY



311
for City Services
Denver gets it done!

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

LAND DESCRIPTION
SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER OF BLOCK 73 WEST DENVER, ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF VACATED WALNUT STREET, THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK 73, N59°36'56"E A DISTANCE OF 132.27 FEET TO THE SOUTHWEST CORNER OF ALLY VACATED BY ORDINANCE 287-1957 ALSO BEING D.W.D RIGHT-OF-WAY DR 402 NO. 1353 RECEPTION NO. 00117719 SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID D.W.D RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: (1) N59°32'45"E A DISTANCE OF 16.50 FEET; (2) THENCE S30°30'57"E A DISTANCE OF 14.88 FEET; THENCE S59°38'24"W A DISTANCE OF 16.50 THENCE ALONG SAID D.W.D RIGHT-OF-WAY N30°30'57"W A DISTANCE OF 14.85 FEET FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 245 SQUARE FEET (0.005 ACRES), MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY LYING NORTH OF 7TH STREET AS SHOWN ON BEGINNING AT THE NORTHEASTERLY CORNER OF THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 7TH STREET AS SHOWN ON THE "AURARIA HIGHER EDUCATION CENTER LAND SURVEY PLAT" DEPOSITED AT RECEPTION NO. L012398, IN BOOK 81 AT PAGES 183-186 OF THE CITY SURVEYOR'S OFFICE AND ASSUMED TO BEAR NORTH 46°28'57" EAST.

PREPARED BY MATTHEW CHAPA
REVIEWED BY RICHARD NOBBE, PLS #23899
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
MAY 27, 2015



LAND DESCRIPTION

SHEET 2 OF 2

LOT 1
24,788 S.F. (0.569 AC.)±

AURARIA PARKWAY
(ORD. 258-1989)

ALLEY VAC. BY ORD. 287-1957
W/RSVN OF ESMT. FOR SEWERS,
WATER, ELEC., GAS & TELE.

PRIVATE DRIVE

BLOCK 73

D.W.D. ROW DR 402 NO.
1564 9REC. NO. 00002660

7TH STREET
(R.O.W. VARIES)

S30°30'57"E 14.88'

N59°32'45"E 16.50'

VACATED WALNUT STREET R.O.W.
D.W.D. ROW DR 402 NO. 1353
(REC. NO. 00117719)

POB

S59°38'24"W 16.50'

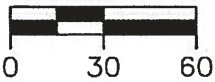
POINT OF COMMENCEMENT
SOUTHERLY MOST CORNER
OF BLOCK 73

N59°36'56"E 132.27'

N30°30'57"W
14.85'

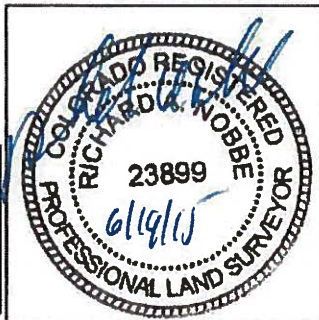
BASIS OF BEARINGS:

BEARING ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY LYING NORTH OF 7TH STREET AS SHOWN ON BEGINNING AT THE NORTHEASTERLY CORNER OF THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 7TH STREET AS SHOWN ON THE "AURARIA HIGHER EDUCATION CENTER LAND SURVEY PLAT" DEPOSITED AT RECEPTION NO. L012398, IN BOOK 81 AT PAGES 183-186 OF THE CITY SURVEYOR'S OFFICE AND ASSUMED TO BEAR NORTH 46°28'57" EAST.



SCALE: 1"=60'
ALL DIMENSIONS ARE
U.S. SURVEY FEET

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



JUNE 18, 2015

MARTIN/MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

DRAWING LOCATION: G:\SCHLACETER\14-0878-MEUD Aerospace Engineering Science Building\PLANS\EXHIBITS\Exhibit A Pocket Esmt_Vocacion.dwg

LAND DESCRIPTION

A PORTION OF THE RESERVED EASEMENTS AS DESCRIBED BY ORDINANCE 287-1957, VACATING THE ALLEY IN BLOCK 73 WEST DENVER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER OF SAID BLOCK 73, ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF VACATED WALNUT STREET, THENCE N10°38'48"E A DISTANCE OF 200.96 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY LINE OF SAID VACATED ALLEY WITHIN SAID BLOCK 73 AND THE SOUTHERLY LINE OF AURARIA PARKWAY ESTABLISHED BY ORDINANCE 258-1989 SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY LINE OF AURARIA PARKWAY, N46°28'57"E A DISTANCE OF 16.93 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID VACATED ALLEY WITHIN SAID BLOCK 73; THENCE ALONG SAID NORTHEASTERLY ALLEY LINE, S30°30'57"E A DISTANCE OF 155.41 FEET TO A POINT ON SOUTHEASTERLY LINE OF SAID BLOCK 73; THENCE ALONG SAID SOUTHEASTERLY LINE S59°29'03"W A DISTANCE OF 16.50 FEET; THENCE N30°30'57"W A DISTANCE OF 151.60 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2,533 SQUARE FEET (0.058 ACRES), MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY LYING NORTH OF 7TH STREET AS SHOWN ON "AURARIA HIGHER EDUCATION CENTER LAND SURVEY PLAT" DEPOSITED AT RECEPTION NO. L012398, IN BOOK 81 AT PAGES 183-186 OF THE CITY SURVEYOR'S OFFICE AND ASSUMED TO BEAR NORTH 46°28'57" EAST.

The portion of the utility easement created by Ord. 287, 1957 to be relinquished here.



LAND DESCRIPTION
SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER OF BLOCK 73 WEST DENVER, ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF VACATED WALNUT STREET, THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK 73, N59°36'56"E A DISTANCE OF 132.27 FEET TO THE SOUTHWEST CORNER OF ALLY VACATED BY ORDINANCE 287-1957 ALSO BEING D.W.D RIGHT-OF-WAY DR 402 NO. 1353 RECEPTION NO. 00117719 SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID D.W.D RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: (1) N59°32'45"E A DISTANCE OF 16.50 FEET; (2) THENCE S30°30'57"E A DISTANCE OF 14.88 FEET; THENCE S59°38'24"W A DISTANCE OF 16.50 THENCE ALONG SAID D.W.D RIGHT-OF-WAY N30°30'57"W A DISTANCE OF 14.85 FEET FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 245 SQUARE FEET (0.005 ACRES), MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY LYING NORTH OF 7TH STREET AS SHOWN ON BEGINNING AT THE NORTHEASTERLY CORNER OF THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 7TH STREET AS SHOWN ON THE "AURARIA HIGHER EDUCATION CENTER LAND SURVEY PLAT" DEPOSITED AT RECEPTION NO. L012398, IN BOOK 81 AT PAGES 183-186 OF THE CITY SURVEYOR'S OFFICE AND ASSUMED TO BEAR NORTH 46°28'57" EAST.

PREPARED BY MATTHEW CHAPA
REVIEWED BY RICHARD NOBBE, PLS #23899
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
MAY 27, 2015



LAND DESCRIPTION

SHEET 2 OF 2

LOT 1
24,788 S.F. (0.569 AC.)±

ALLEY VAC. BY ORD. 287-1957
W/RSVN OF ESMT. FOR SEWERS,
WATER, ELEC., GAS & TELE.

PRIVATE DRIVE

AURARIA PARKWAY
(ORD. 258-1989)

BLOCK 73

D.W.D. ROW DR 402 NO.
1564 9REC. NO. 00002660

7TH STREET
(R.O.W. VARIES)

S30°30'57"E 14.88'

N59°32'45"E 16.50'

VACATED WALNUT STREET R.O.W.
D.W.D. ROW DR 402 NO. 1353
(REC. NO. 00117719)

POB

S59°38'24"W 16.50'

POINT OF COMMENCEMENT
SOUTHERLY MOST CORNER
OF BLOCK 73

N59°36'56"E 132.27'

N30°30'57"W
14.85'

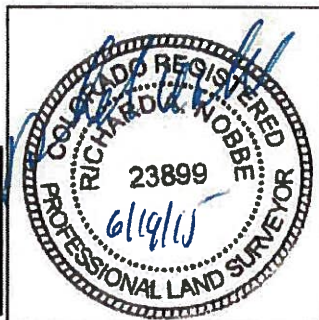
BASIS OF BEARINGS:

BEARING ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY LYING NORTH OF 7TH STREET AS SHOWN ON BEGINNING AT THE NORTHEASTERLY CORNER OF THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 7TH STREET AS SHOWN ON THE "AURARIA HIGHER EDUCATION CENTER LAND SURVEY PLAT" DEPOSITED AT RECEPTION NO. L012398, IN BOOK 81 AT PAGES 183-186 OF THE CITY SURVEYOR'S OFFICE AND ASSUMED TO BEAR NORTH 46°28'57" EAST.



SCALE: 1"=60'
ALL DIMENSIONS ARE
U.S. SURVEY FEET

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



JUNE 18, 2015

MARTIN/MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

DRAWING LOCATION: C:\SCHLAGETER\14-0878-MSUD Aerospace Engineering Science Buildings\PLANS\EXHIBITS\Exhibit A Pocket Esmt Vacation.dwg

LAND DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER OF BLOCK 73 WEST DENVER, ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF VACATED WALNUT STREET, THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK 73, N59°36'56"E A DISTANCE OF 132.27 FEET TO THE SOUTHWEST CORNER OF ALLY VACATED BY ORDINANCE 287-1957 ALSO BEING D.W.D RIGHT-OF-WAY DR 402 NO. 1353 RECEPTION NO. 00117719 SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID D.W.D RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

(1) N59°32'45"E A DISTANCE OF 16.50 FEET; (2) THENCE S30°30'57"E A DISTANCE OF 14.88 FEET; THENCE S59°38'24"W A DISTANCE OF 16.50 THENCE ALONG SAID D.W.D RIGHTOF-

WAY N30°30'57"W A DISTANCE OF 14.85 FEET FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 245 SQUARE FEET (0.005 ACRES), MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY LYING

NORTH OF 7th STREET AS SHOWN ON BEGINNING AT THE NORTHEASTERLY CORNER OF THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AURARIA PARKWAY AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 7th STREET AS SHOWN ON THE "AURARIA HIGHER EDUCATION CENTER LAND SURVEY PLAT" DEPOSITED AT RECEPTION NO. L012398, IN BOOK 81 AT

PAGES 183-186 OF THE CITY SURVEYOR'S OFFICE AND ASSUMED TO BEAR NORTH 46°28'57" EAST.

IMAGE OF EXHIBIT B – 2015-RELINQ-0000002-002



317

BY AUTHORITY

ORDINANCE NO. 287
SERIES OF 1957

COUNCILMAN'S BILL NO. 306

INTRODUCED BY COUNCILMAN

Denver, Mabel and Flora

A B I L L

FOR AN ORDINANCE VACATING THE ALLEY IN BLOCK 73, WEST DENVER, SUBJECT TO 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 alley 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 alley in the City and County of Denver, State of Colorado, to-wit;

The alley in Block 73, West Denver; reserving (1) to the City and County of Denver at all times the right to construct, operate, maintain, and remove sewers, water pipes, and appurtenances and to authorize the construction, operation, maintenance and removal of sewers, water pipes, and appurtenances therein and therefrom, and (2) to the utility owners the continued right to maintain and operate existing electric light and power lines, telephone lines, and gas mains and pipes therein; be and the same is hereby approved and said alley is hereby vacated and declared vacated subject to the reservations above set forth.

Section 2. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety, and determines that it shall take effect immediately upon its final passage and publication.

318

PASSED by the Council August 5 1957

Joe Craigie Jr. President

APPROVED: W. W. Whitcomb Mayor 6/ August 1957

ATTEST: ROBERT E. LEE - Clerk and Recorder,
Ex-Officio Clerk of the
City and County of Denver.

By: George Maudslaw - Deputy City Clerk

PUBLISHED IN The Daily Journal August 3, 1957 and August 10, 1957

I have made the findings and determinations set forth in the foregoing draft or form of a proposed Bill for an Ordinance, and, subject to approval by ordinance, have vacated and do hereby vacate that alley therein described, subject to the reservations therein set forth, and request the Council of the City and County of Denver to approve such vacation, subject to such reservations, by the enactment of an appropriate ordinance. I approve said draft or form of a proposed Bill for an Ordinance, and recommend the introduction and passage thereof.

[Signature]
Manager of Public Works

APPROVED: John C. Banks - City Attorney

APPROVED: George Neg - Planning Director.
by O.W. Burnham





2011037173

Page: 1 of 9
04/06/2011 10:55A

City & County Of Denver EAS R0.00 D0.00

**CITY CLERK
OFFICIAL COPY**

PERMANENT EASEMENT

THIS PERMANENT EASEMENT ("EASEMENT"), made this 27th day of February, 2011, between the **STATE OF COLORADO**, by and through the **Board of Directors of the Auraria Higher Education Center**, a body corporate and agency of the state of Colorado, whose address is 1068 9th Street, Denver, CO 80202, ("Grantor") and the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, whose address is 1437 Bannock Street, Denver, CO 80202 ("City" or "Grantee").

11-191

WITNESSETH:

That for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor has this day bargained and sold and by these presents does hereby bargain and sell and transfer and convey to the Grantee, its successors and assigns, a **non-exclusive** and perpetual right to enter upon the lands hereinafter described to locate, construct, inspect, operate, maintain, repair, remove, replace, relocate and reconstruct facilities for electric, gas, water, storm water, sewage and other uses, including related underground and surface facilities and appurtenances thereto ("Improvements"), into, within, over, upon, across, through and under the following described parcel of land ("Property"):

*See Exhibit(s) A
Attached and incorporated by this reference,*

To have and hold such permanent easement unto the Grantee and unto its successors and assigns forever.

The Grantor warrants and covenants with the Grantee that it is lawfully seized and possessed of the Property, and that it has a good and lawful right to grant this permanent easement in the Property and there are no known interests in the Property that impair the rights granted by this Easement other than those set forth herein.

Grantor further covenants and agrees that except as set forth herein, no building, structure wall, fence, tree, irrigation system, utility installation or other above or below ground obstruction that may interfere with the purposes for which this easement is granted is now or may be placed, erected, installed or permitted upon the Property without the prior written consent of the City's Manager of Public Works. Grantee acknowledges and agrees that there currently exists a parking garage structure on a portion of the Property identified on Exhibit A ("Parking Structure"). The Parking Structure may remain but no increase in the size of the encroachment into the Property shall be allowed and if demolished no replacement structure shall be allowed on the Property without the prior written consent of the City's Manager of Public Works, which consent shall not be unreasonably withheld. Grantee also acknowledges and agrees that there

currently exists on the Property those existing telecommunications, pedestrian light electric lines and a private sanitary sewer line identified on Exhibit A ("Existing Private Utilities"). The Existing Private Utilities may remain but no modification to the Existing Private Utilities and no new utilities shall be allowed on the Property without the prior written consent of the City's Manager of Public Works, which consent shall not be unreasonably withheld. Grantee shall not be responsible for any expenses related to the Existing Private Utilities and Grantor shall cause such Existing Private Utilities to be relocated at no cost to Grantee if requested by the City's Manager of Public Works.

Grantee shall also have the right to trim or remove trees, bushes, undergrowth and other obstructions on or adjacent to the Property interfering with or presenting a hazard to the location, construction, inspection, operation, maintenance, repair, removal, replacement, relocation and reconstruction of the Improvements, after written notice to the Grantor of the condition presenting the hazard and the failure of the Grantor to remedy the condition within a reasonable period of time after receiving notice. However, in an emergency situation, no prior notice to Grantee shall be required.

Grantor agrees that in the event the terms of this Easement are violated, that such violation shall immediately be corrected by the Grantor upon receipt of written notice from the Grantee, or the Grantee may itself elect to correct or eliminate such violation at the Grantor's expense. In the event Grantee repairs, reconstructs, maintains or services the Improvements, the Grantor shall promptly reimburse the Grantee for any costs or expenses incurred by the Grantee in enforcing the terms of this Easement.

The Grantor grants to the Grantee the right of reasonable ingress and egress over and across adjacent lands owned by Grantor by such route or routes as shall occasion the least practical damage and inconvenience to the Grantor, for the purpose of locating, constructing, inspecting, operating, maintaining, repairing, removing, replacing, relocating and reconstructing Improvements.

Grantor releases the Grantee from any and all claims for damages arising in any way or incident to the construction, reconstruction, repair, replacement, and/or maintenance by the Grantee, or its agents, of the Improvements within of the Property.

Grantor, its successors and assigns, may use the Property in any lawful manner that will not interfere with and is consistent with the Easement rights granted herein. The Grantee, to the extent practicable, agrees to restore the surface of and any landscaping on the Property to a condition similar to what it was prior to the Grantee's activities, except as necessarily modified to accommodate the Improvements. All obligations of the Grantee are subject to prior appropriation of monies expressly made by City Council and paid into the Treasury of the City.

Each and every term, condition, or covenant herein is subject to and shall be construed in accordance with the provisions of Colorado law, any applicable State or federal law, the Charter of the City and County of Denver and the applicable ordinances and regulations, and Executive

Orders enacted and/or promulgated pursuant thereto. Such applicable law, together with the Charter, Revised Municipal Code and regulations of the City and County of Denver, as the same may be amended from time to time, is hereby expressly incorporated into this Agreement as if fully set out herein by this reference. Venue for any action arising hereunder shall be in the Denver District Court in the City and County of Denver, Colorado.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto and all covenants herein shall apply to and run with the land.

[Remainder of Page Intentionally left blank]

Signed and delivered as of the date first written above.

**GRANTOR: STATE OF COLORADO,
by and through the Board of Directors
of the Auraria Higher Education Center**

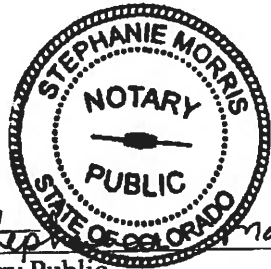
496 By: Barbara Weiske
Barbara Weiske,
Interim Executive Vice President for Administration

STATE OF COLORADO)
) ss.
CITY & COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 22 day of Feb, 2011,
by Barbara Weiske, as the Interim Vice President for Administration of the Auraria Higher
Education Center, a body corporate and agency of the State of Colorado.

My commission expires: Jan 27, 2015.

WITNESS my hand and official seal.


Stephanie Morris
Notary Public

CITY AND COUNTY OF DENVER
a Colorado Municipal Corporation

ATTEST:



[Signature]
Clerk and Recorder, Ex officio
Clerk of the City and County of Denver

By: [Signature]
Mayor

RECOMMENDED AND APPROVED:

APPROVED AS TO FORM:

By: [Signature]
Manager of Public Works

By: [Signature]
Assistant City Attorney

REGISTERED AND COUNTERSIGNED:

By: [Signature]
Manager of Finance

Contract Control No. XC1A009

By: [Signature]
Auditor

EXHIBIT A
Property

EXHIBIT "A"
UTILITY EASEMENT
A PART OF THE AURARIA HIGHER EDUCATION CENTER
CITY AND COUNTY OF DENVER
DESCRIPTION

A PARCEL OF LAND LOCATED IN VACATED 9TH STREET AND VACATED WALNUT STREET, "WEST DENVER" (EBERT'S), A SUBDIVISION PLAT RECORDED IN BOOK 01, AT PAGE 022, COUNTY SURVEYOR'S LAND OFFICE, CITY AND COUNTY OF DENVER RECORDS, BEING A PART OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY MOST CORNER OF BLOCK 73, "WEST DENVER"; THENCE S30°31'14"E, ALONG THE SOUTHWESTERLY LINE OF PARCEL 73-A, ORDINANCE NO. 258, SERIES OF 1989, CITY AND COUNTY OF DENVER RECORDS, A DISTANCE OF 397.42 FEET; THENCE S89°56'56"E, A DISTANCE OF 29.09 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF VACATED WALNUT STREET, BEING 25 FEET NORTHEAST OF THE NORTHEASTERLY LINE OF 7TH STREET AS ORIGINALLY PLATTED, ALSO BEING THE **POINT OF BEGINNING**;

THENCE N59°38'24"E, A DISTANCE OF 107.27 FEET; THENCE N30°30'57"W, A DISTANCE OF 14.87 FEET TO THE NORTHWESTERLY LINE OF VACATED WALNUT STREET; THENCE N59°36'28"E ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 16.50 FEET; THENCE S30°30'57"E, A DISTANCE OF 14.88 FEET; THENCE N59°38'24"E, A DISTANCE OF 532.16 FEET; THENCE N30°29'36"W, PARALLEL WITH AND EIGHTEEN (18) FEET NORTHEASTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF VACATED 9TH STREET, A DISTANCE OF 250.38 FEET; THENCE S59°30'24"W, A DISTANCE OF 18.00 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE; THENCE N30°29'36"W, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 32.25 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID ORDINANCE NO. 258, SERIES OF 1989; THENCE ALONG SAID LINE THE FOLLOWING THREE (3) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 01°05'45", A RADIUS OF 2917.50 FEET, AN ARC LENGTH OF 55.80 FEET AND WHOSE CHORD BEARS N51°11'07"E, A DISTANCE OF 55.80 FEET;
2. N38°16'01"W, A DISTANCE OF 0.50 FEET;
3. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 00°53'17", A RADIUS OF 2918.00 FEET, AN ARC LENGTH OF 45.22 FEET AND WHOSE CHORD BEARS N52°10'38"E, A DISTANCE OF 45.22 FEET;

THENCE S30°29'36"E, ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF VACATED 9TH STREET, A DISTANCE OF 760.17 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF VACATED LARIMER STREET; THENCE S59°20'50"W, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 82.00 FEET; THENCE N30°29'36"W, PARALLEL WITH AND EIGHTEEN (18) FEET NORTHEASTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF VACATED 9TH STREET, A DISTANCE OF 398.43 FEET; THENCE S59°38'24"W, A DISTANCE OF 655.89 FEET, TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 7TH STREET, BEING 25 FEET NORTHEAST OF THE NORTHEASTERLY LINE OF 7TH STREET AS ORIGINALLY PLATTED; THENCE N30°32'20"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 59.96 FEET; THENCE N30°31'14"W, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5.04 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 2.419 ACRES OF LAND, MORE OF LESS.

2010-0357-004

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTHWESTERLY LINE OF BLOCK 73, "WEST DENVER," BEING S30°31'14"E AS RECORDED IN ORDINANCE NO. 258, SERIES OF 1989. CITY AND COUNTY OF DENVER RECORDS.

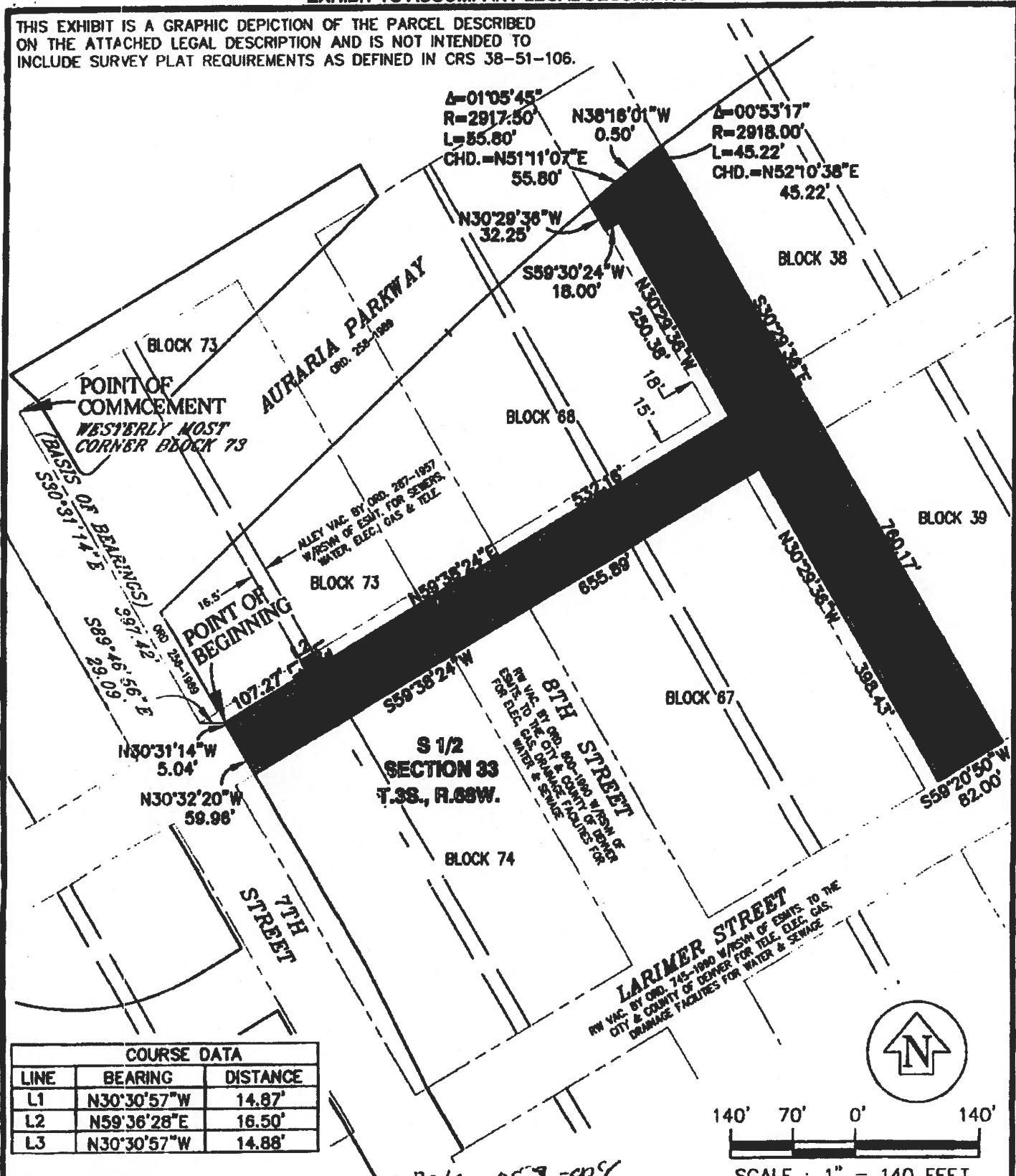
PREPARED BY: JANET A. CALDWELL, P.L.S. 29027
FOR AND ON BEHALF OF
THE LUND PARTNERSHIP, INC.
12265 W. BAYAUD AVE., SUITE 130
LAKEWOOD, COLORADO 80228



2010 - 0357 - 004

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

THIS EXHIBIT IS A GRAPHIC DEPICTION OF THE PARCEL DESCRIBED ON THE ATTACHED LEGAL DESCRIPTION AND IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.



COURSE DATA		
LINE	BEARING	DISTANCE
L1	N30°30'57"W	14.87'
L2	N59°36'28"E	16.50'
L3	N30°30'57"W	14.88'

AREA = 2.419 ACRES ±
 JOB NO.: 518-0103
 SCALE: 1" = 140'
 DATE: DEC. 8, 2010
 PAGE: 2 OF 2
 DRAWN BY: JVC

A PART OF THE SOUTH ONE-HALF OF SECTION 33
 TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6TH P.M.
 CITY AND COUNTY OF DENVER, COLORADO

2010-057-009

LUND
 CIVIL ENGINEERING & SURVEYING
 P: 303.999.1461 F: 303.999.4094

