



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

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Caroline Martin, City Attorney’s Office

FROM: Matt Bryner
Director, Public Works Right of Way Services

PROJECT NO: 2017-RELINQ-0000015

DATE: February 11, 2019

SUBJECT: Request for an Ordinance to relinquish three (3) separate easements in their entirety as established in the Highway and Slope Easement in Book 5340, Pages 155 - 158 with Recordation No. 1939499057, the 30-foot storm Easement document with Recordation No. 2011143786, and the Utility easements as reserved in Denargo Market Subdivision Filing No. 2 with Recordation No. 2012049308, respectively. Located at Denargo St. and Wewatta Way.

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

This office has investigated the request of Kimley-Horn and Associates, Inc. c/o Meaghan M. Turner, dated October 6, 2017 on behalf of BW-2901 Land, LP c/o Denargo Broadway III, 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):

INSERT PARCEL DESCRIPTION 2017-RELINQ-0000015-001 HERE

INSERT PARCEL DESCRIPTION 2017-RELINQ-0000015-002 HERE

INSERT PARCEL DESCRIPTION 2017-RELINQ-0000015-003 HERE

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

MB:vw

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
Public Works, Manager’s Office – Alba Castro
Public Works, Legislative Services – Jason Gallardo
Public Works, Survey – Paul Rogalla

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: February 11, 2019

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.)

Kimley-Horn and Associates, Inc. c/o Meaghan M. Turner on behalf of BW-2901 Land, LP c/o Denargo Broadway III, LLC, requests for an Ordinance to relinquish three (3) separate easements in their entirety as established in the Highway and Slope Easement in Book 5340, Pages 155 - 158 with Recordation No. 1939499057, the 30-foot storm Easement document with Recordation No. 2011143786, and the Utility easements as reserved in Denargo Market Subdivision Filing No. 2 with Recordation No. 2012049308, respectively. Located at Denargo St. and Wewatta Way.

3. Requesting Agency: Public Works, Engineering & Regulatory Department

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Vanessa West	Name: Jason Gallardo
Email: Vanessa.West@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 three (3) separate easements in their entirety as established in the Highway and Slope Easement in Book 5340, Pages 155 - 158 with Recordation No. 1939499057, the 30-foot storm Easement document with Recordation No. 2011143786, and the Utility easements as reserved in Denargo Market Subdivision Filing No. 2 with Recordation No. 2012049308, respectively. Located at Denargo St. and Wewatta Way.

6. City Attorney assigned to this request (if applicable): Bradley Beck

7. City Council District: District 9; Councilman Albus Brooks

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

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

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</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<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: 2017-RELINQ-0000015 Denargo Market Phase 3 Denargo St and Wewatta Way

Owner name: BW-2901 Land, LP

Description of Proposed Project: Kimley-Horn and Associates, Inc. c/o Meaghan M. Turner on behalf of BW-2901 Land, LP c/o Denargo Broadway III, LLC, requests for an Ordinance to relinquish three (3) separate easements in their entirety as established in the Highway and Slope Easement in Book 5340, Pages 155 - 158 with Recordation No. 1939499057, the 30-foot storm Easement document with Recordation No. 2011143786, and the Utility easements as reserved in Denargo Market Subdivision Filing No. 2 with Recordation No. 2012049308, respectively. Located at Denargo St. and Wewatta Way.

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

Background: N/A

Location Map:

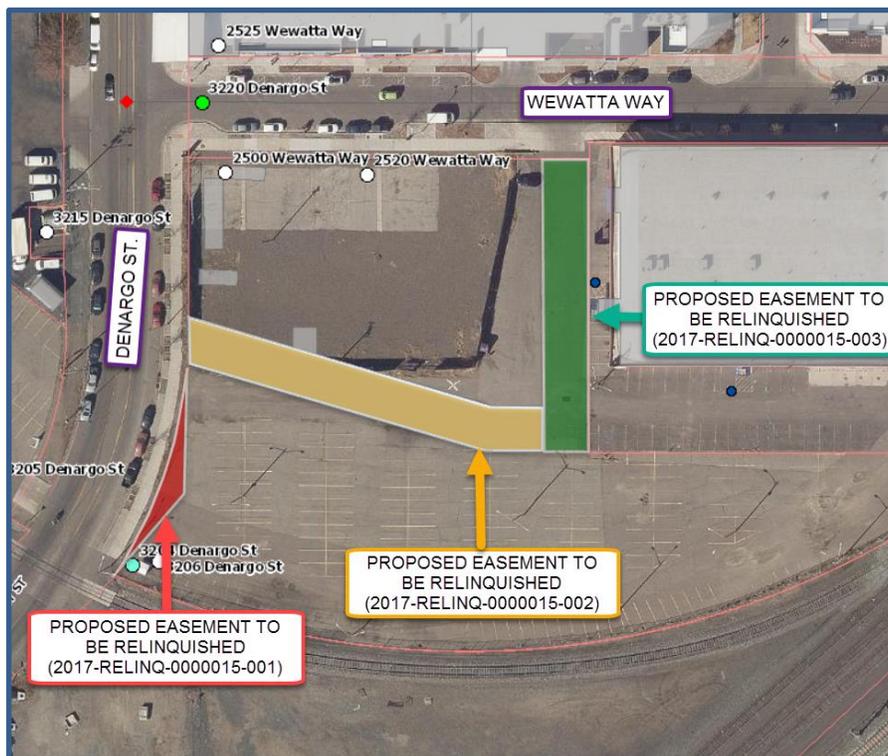


EXHIBIT A**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING ALL OF THAT PORTION OF THE HIGHWAY AND SLOPE EASEMENT RECORDED IN BOOK 5340 AT PAGE 155 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LYING WITHIN LOT 1, BLOCK 1, DENARGO MARKET SUBDIVISION FILING NO. 2, RECORDED AT RECEPTION NO. 2012049308 IN SAID RECORDS, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, WHENCE THE NORTH BOUNDARY OF SAID LOT 1 BEARS NORTH 89°58'19" EAST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF DENARGO STREET RECORDED UNDER RECEPTION NUMBER 2012049308 IN SAID RECORDS, SOUTH 00°01'41" EAST, A DISTANCE OF 138.63 FEET TO THE **POINT OF BEGINNING**.

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, ALONG THE EASTERLY BOUNDARY OF SAID HIGHWAY AND SLOPE EASEMENT, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 00°01'41" EAST, A DISTANCE OF 87.05 FEET;
- 2) SOUTH 44°54'50" WEST, A DISTANCE OF 67.89 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID DENARGO STREET, BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 297.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 57°00'49" WEST;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

- 1) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°55'47", AN ARC LENGTH OF 144.78 FEET;
- 2) SOUTH 71°33'46" EAST, A DISTANCE OF 1.23 FEET TO THE **POINT OF BEGINNING**.

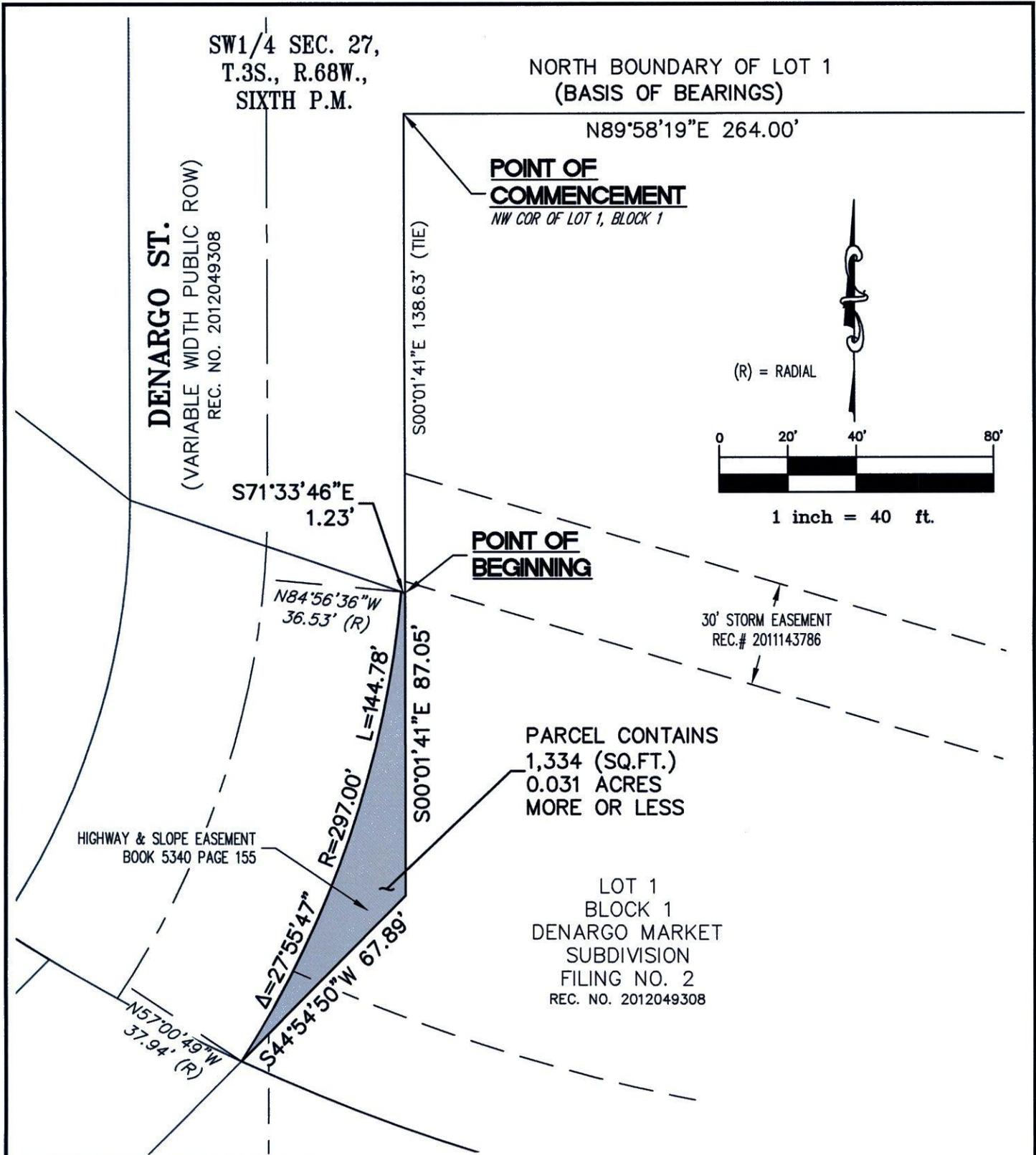
CONTAINING AN AREA OF 0.031 ACRES, (1,334 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DALE C. RUSH
 COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 33204
 FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
 300 E. MINERAL AVE., SUITE 1, LITTLETON CO 80122

ILLUSTRATION TO EXHIBIT A



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

PATH: Q:\120217-01\DWG\EXHIBITS\
DWG NAME: VACATION EASEMENT 2.DWG
DWG: BAM CHK: DCR
DATE: 2017-10-06
SCALE: 1" = 40'



300 East Mineral Ave,
Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898
Fax: (303)713-1897
www.aztecconsultants.com

EXHIBIT A
SW 1/4 SEC. 27, T.3S., R.68W., 6TH P.M.
DENVER, COLORADO
JOB NUMBER 120217-01 2 OF 2 SHEETS

EXHIBIT A LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF LOT 1, BLOCK 1, DENARGO MARKET SUBDIVISION FILING NO. 1, PER THE PLAT RECORDED AT RECEPTION NO. 2009018921 ON FEBRUARY 17, 2009 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED AS SHOWN HEREON AND BEARING SOUTH 89°59'53" WEST.

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 27;

THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27, SOUTH 89°59'53" WEST, A DISTANCE OF 903.75 FEET TO THE EASTERLY RIGHT OF WAY LINE OF DENARGO STREET AS DEDICATED BY ORDINANCE NO. 278 OF SERIES 2001;

THENCE DEPARTING SAID NORTH LINE, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 00°01'41" EAST, A DISTANCE OF 189.89 FEET TO **THE POINT OF BEGINNING**;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 73°45'11" EAST, A DISTANCE OF 207.59 FEET;

THENCE SOUTH 89°29'10" EAST, A DISTANCE OF 34.73 FEET TO THE WEST BOUNDARY OF A 30 FEET WIDE UTILITY EASEMENT AS DEDICATED BY SAID DENARGO MARKET SUBDIVISION FILING NO. 1;

THENCE ALONG SAID WEST BOUNDARY, SOUTH 00°01'41" EAST, A DISTANCE OF 30.00 FEET;

THENCE DEPARTING SAID WEST BOUNDARY, NORTH 89°29'10" WEST, A DISTANCE OF 39.16 FEET;

THENCE NORTH 73°45'11" WEST, A DISTANCE OF 202.98 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID DENARGO STREET;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 00°01'41" WEST, A DISTANCE OF 31.25 FEET TO THE **POINT OF BEGINNING**.

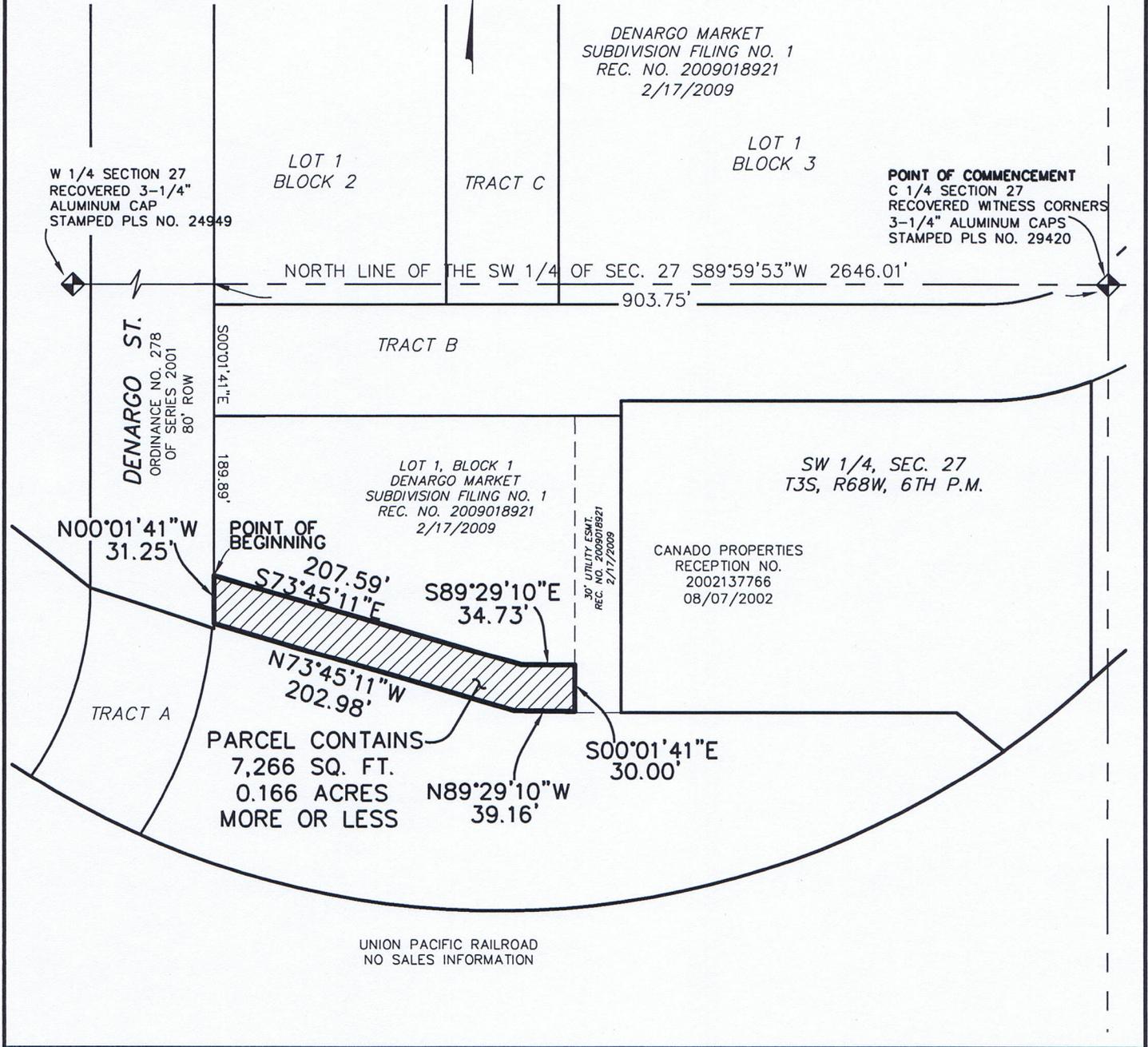
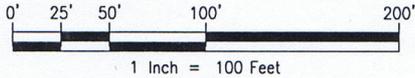
CONTAINING 0.166 ACRES (7,266 SQ. FT.), MORE OR LESS.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

ILLUSTRATION TO EXHIBIT A

NOTE: THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.



PATH: P:\33911-01\DWG
DWG NAME: ETO1-STORM
DWG: DCR CHK: DCR
DATE: 9/02/2011
SCALE: 1" = 100'

AZTEC
CONSULTANTS, INC.

8000 Lincoln St., Suite 201
Littleton, Colorado 80122
Phone: (303) 713-1898
Fax: (303) 713-1897
www.aztecconsultants.com

EXHIBIT A
PART OF THE SW 1/4 SEC 27, T3S, R68W, 6TH PM
CITY & COUNTY OF DENVER, COLORADO
JOB NUMBER 33911-01
2 OF 2 SHEETS

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 1, DENARGO MARKET SUBDIVISION FILING NO. 2, RECORDED AT RECEPTION NUMBER 2012049308 OF THE RECORDS OF THE DENVER COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1, WHENCE THE NORTH BOUNDARY OF SAID LOT 1 BEARS SOUTH 89°58'19" WEST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID LOT 1, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 00°01'41" EAST, A DISTANCE OF 138.63 FEET;
- 2) SOUTH 00°01'24" EAST, A DISTANCE OF 54.90 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY, SOUTH 89°58'19" WEST, A DISTANCE OF 30.00 FEET;

THENCE NORTH 00°01'41" WEST, A DISTANCE OF 193.53 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 1;

THENCE ALONG SAID NORTHERLY BOUNDARY, NORTH 89°58'19" EAST, A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**.

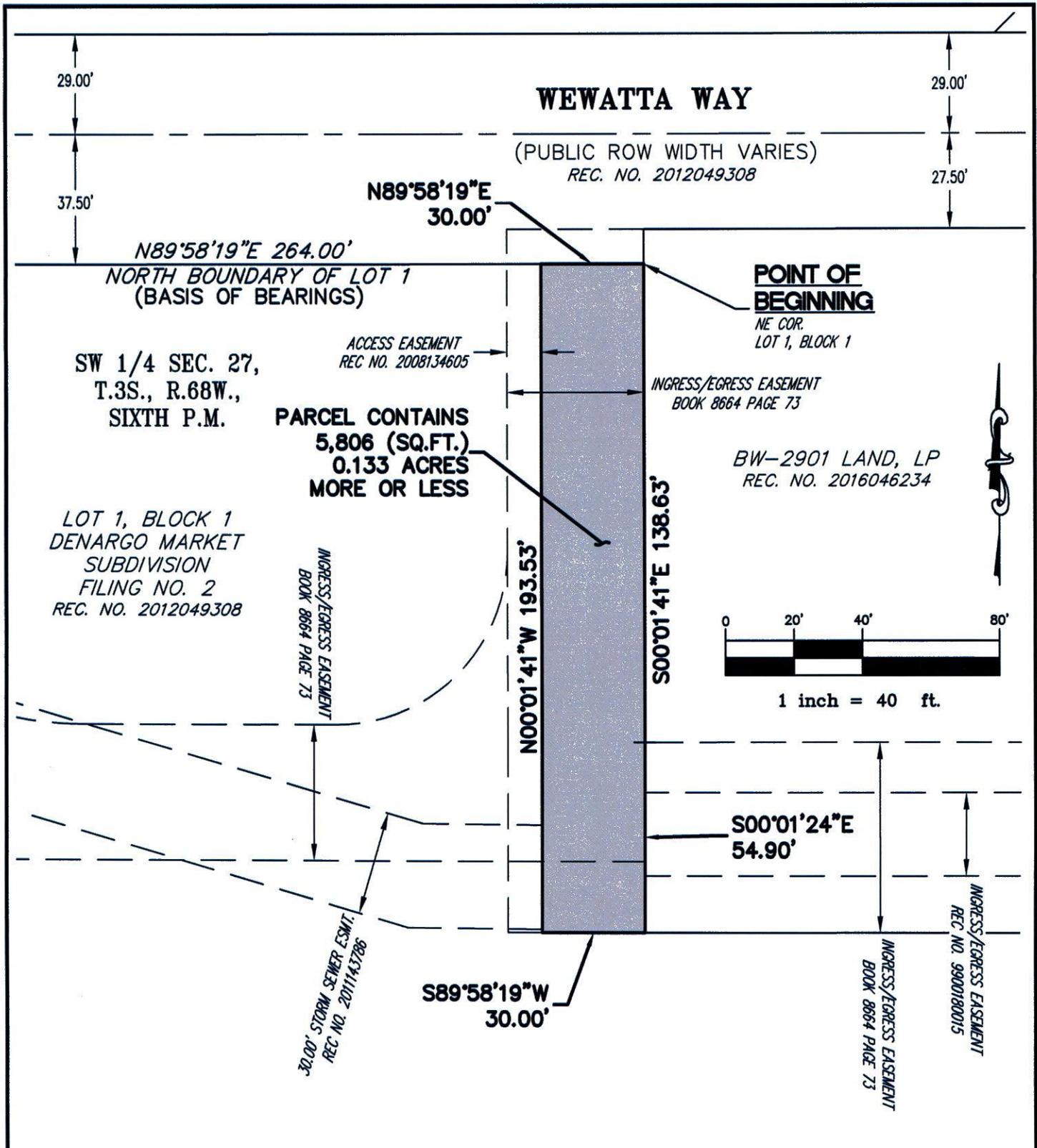
CONTAINING AN AREA OF 0.133 ACRES, (5,806 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON CO 80122

ILLUSTRATION TO EXHIBIT A



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

PATH: Q:\120217-01\DWG\EXHIBITS\
DWG NAME: VACATION EASEMENT.DWG
DWG: BAM CHK: DGR
DATE: 2017-09-14
SCALE: 1" = 40'



300 East Mineral Ave,
Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898
Fax: (303)713-1897
www.aztecconsultants.com

EXHIBIT A
SW 1/4 SEC. 27, T.3S., R.68W., 6TH P.M.
DENVER, COLORADO
JOB NUMBER 120217-01 2 OF 2 SHEETS

KNOW ALL MEN BY THESE PRESENTS, That UNION PACIFIC RAILROAD COMPANY, a corporation of the State of Utah, Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid, the receipt whereof is hereby acknowledged, hereby sells and quitclaims to the CITY AND COUNTY OF DENVER, a municipal corporation organized and existing under and by virtue of the Constitution and Laws of the State of Colorado, Grantee, an easement or right of way for highway purposes over the following described real property, situate in the City and County of Denver and State of Colorado, to wit:

A strip, piece or parcel of land eighty (80) feet in width, situate in the Southeast Quarter of the Northwest Quarter (SE 1/4 of NW 1/4) and in the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section Twenty-seven (27), Township Three (3) South, Range Sixty-eight (68) West of the Sixth Principal Meridian, in the City and County of Denver, Colorado, being forty (40) feet in width, measured at right angles, on each side of a straight line that is parallel with and nine hundred forty-three and seventy-five hundredths (943.75) feet distant westerly, measured at right angles, from the north and south center line of said Section Twenty-seven (27), and extending southerly from a straight line that is parallel with and one hundred (100) feet distant southeasterly, measured at right angles, from the southeasterly line of the official channel of the South Platte River as established by Ordinance No. 25 of the Series of 1894 of the City and County of Denver, to a straight line at right angles to said north and south center line of said Section Twenty-seven (27) at a point thereon that is three hundred nine and two tenths (309.2) feet distant southerly from the east and west center line of said section.

Also, a strip, piece or parcel of land sixty (60) feet in width situate in the North Half of the Southwest Quarter (N 1/2 of SW 1/4) of said Section Twenty-seven (27), extending southwesterly from the southerly and westerly lines of the above described eighty (80) foot strip of land to the southwesterly face of the northeasterly abutment of the proposed approach to the Twenty-third (23rd) Street viaduct and being thirty (30) feet in width, measured at right angles, on each side of the following described center line, to-wit:

Beginning at a point that is three hundred nine and two-tenths (309.2) feet distant southerly from the east and west center line of said Section Twenty-seven (27), measured along a straight line that is parallel with and nine hundred forty-three and seventy-five hundredths (943.75) feet distant westerly, measured at right angles, from the north and south center line of said section;

thence southwesterly along a straight line forming an angle from south to southwest of forty-four degrees and fifty-seven minuts ($44^{\circ} 57'$) with said straight line, produced southerly, that is parallel with and nine hundred forty-three and seventy-five hundredths (943.75) feet westerly from said north and south center line of Section Twenty-seven (27), a distance of six hundred thirty-two and seven tenths (632.7) feet, more or less, to a point in said southwesterly face of the northeasterly abutment of said proposed approach to the Twenty-third (23rd) Street viaduct.

Together with the right to extend the slopes of the earth fill, or embankment, of said proposed approach to the Twenty-third (23rd) Street viaduct upon the lands of the Union Pacific Railroad Company adjacent to the above described sixty (60) feet strip of land.

Also, a strip, piece or parcel of land forty (40) feet in width situate in said North Half of the Southwest Quarter (N $1/2$ of SW $1/4$) of Section Twenty-seven (27) extending southwesterly from the southwesterly face of the northeasterly abutment of said proposed approach to the Twenty-third (23rd) Street viaduct, a distance of three hundred sixty-four (364) feet, more or less, to the center line of said Twenty-third (23rd) Street viaduct, as now constructed, and being twenty (20) feet in width, measured at right angles, on each side of the center line, produced southwesterly, of the above described sixty (60) foot strip of land.

RESERVING, however, to the Grantor, its successors and assigns, the right to maintain, operate, repair, renew and reconstruct the existing railroad tracks in the locations and form as now constructed across the premises hereinbefore described, and the right to relocate and reconstruct said tracks if and when necessary, and the further right to construct at any and all times and to maintain, operate, repair and renew additional railroad tracks, pipe lines, telephone and telegraph and electric power lines over, under and across the premises here-

inbefore described, but in such a way as not unreasonably to interfere with said premises for public highway purposes.

This deed is made subject to all existing pipe and wire lines and to all other outstanding superior rights.

TO HAVE AND TO HOLD, subject to the aforesaid reservations and condition, the above easement unto the said Grantee, its successors and assigns, forever, provided however that in the event the Grantee fails within eighteen (18) months from the date hereof to pave said strips of land and use them for highway purposes or in the event said strips of land shall cease to be used for highway purposes the foregoing easement shall terminate and the title to said strips of land shall remain in the Union Pacific Railroad Company, its successors or assigns released and discharged from the burden of said easement.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be hereunto affixed by its officers thereunto duly authorized on this 24th day of August, A. D., 1939.

Witness:

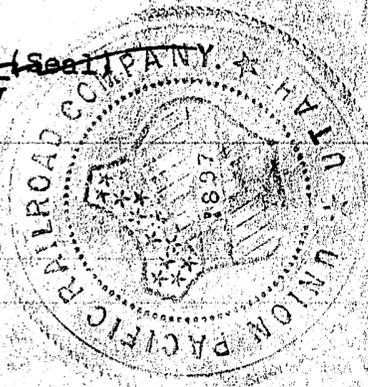
L. Bachman

UNION PACIFIC RAILROAD COMPANY,

BY Wm. J. ...
President

Attest:

Paul ...
Asst. Secretary



STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss

The foregoing instrument was acknowledged before
me this 24th day of August, 1939,
by W. M. Jeffers, President of UNION PACIFIC RAILROAD COM-
PANY.

Witness my hand and official seal.

My commission expires September 2, 1944

J. J. [Signature]
Notary Public

(Seal)



Approved as to form only, MALCOLM LINDSEY,
Attorney for City and County of Denver.

By *Mary [Signature]* Assistant City Attorney

*Description O.K.
C. [Signature]*

After recording, please return to:
City and County of Denver
1437 Bannock Street, Room 353
Denver, CO 80202
Attention: Karen Aviles



11-959

EASEMENT

This EASEMENT ("Easement"), is made this 20th day of December, 2011 by DENARGO MARKET L.P., a Delaware limited partnership ("Grantor"), whose legal address is 301 Congress Avenue, Suite 500, Austin, Texas 78701, Attention: M. Timothy Clark, to the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("City") whose legal address is 1437 Bannock Street, Denver, Colorado 80202.

RECITALS:

- A. Grantor is the owner of certain property commonly known as Denargo Market ("Grantor's Property") in Denver, Colorado.
- B. The City has an existing stormwater sewer line ("Existing Line") through portions of Grantor's Property.
- C. The City has requested that Grantor grant to the City an easement for the Existing Line and necessary surrounding property ("Existing Line Property") within Grantor's Property.
- D. Upon development of Grantor's Property, the Existing Line will be removed and a new line ("Relocated Line") will take its place in a different location within Grantor's Property for which the City already has an easement.
- E. This Easement will provide that when the Existing Line is removed and replaced by the Relocated Line, the Manager of Public Works of the City will terminate this Easement.
- F. Grantor desires to grant this Easement as more specifically set forth below.

WITNESSETH:

For and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant and convey to the City, a permanent, non-exclusive easement ("Easement") to locate, install, construct, inspect, operate, maintain, repair, remove, replace, relocate and reconstruct facilities for stormwater and related purposes, including related underground and surface facilities and appurtenances thereto ("Public Improvements"), into, within, over, upon, across, through and under the following described parcel of land ("Easement Property"):

See Exhibit A attached hereto and incorporated herein.

Grantor hereby warrants and covenants that Grantor has full right and lawful authority to grant the Easement and has fee simple title to the Easement Property.

The interest granted to City herein shall specifically include any after-acquired rights of Grantor in the Easement Property, to the extent of the Easement rights herein stated.

If ingress to and egress from the Easement Property from and to a public road or highway is not available, Grantor grants to City the right of ingress to and egress from the Easement Property over and across adjacent 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.

Grantor further grants to City the right from time to time to trim and to cut down and clear away any and all trees, brush and other obstructions now or hereafter on the Easement Property which now or hereafter in the reasonable determination of City's Manager of Public Works may be a hazard to the location, installation, construction, inspection, operation, maintenance, repair, removal, replacement, relocation or reconstruction of the Public Improvements, or may interfere with the exercise of City's rights hereunder.

Grantor releases the City from any and all claims for damages arising in any way or incident to the location, installation, construction, inspection, operation, maintenance, repair, removal, replacement, relocation and/or reconstruction by the City, or its agents, of the Public Improvements across the Easement Property and from the exercise by the City of any rights under this Easement ("Claims") unless such Claims have been specifically determined by the trier of fact to be the sole negligence or willful misconduct of the City.

Except as otherwise provided herein, Grantor, its successors and assigns, reserves the right to fully use and enjoy the Easement Property, so long as such use and enjoyment shall not interfere with the location, installation, construction, inspection, operation, maintenance, repair, removal, replacement, relocation and reconstruction of the Public Improvements installed or permitted to be installed by City on the Easement Property. Grantor covenants and agrees that, effective as of the date of this Easement, the Grantor shall not erect, install, place or permit any building, structure, wall, fence, tree, or other below- or above- ground obstruction upon the Easement Property.

Grantor shall not be responsible for the restoration of landscaping, irrigation systems, pavement and sidewalks due to the City's activities under this Easement. The City shall restore any such landscaping, irrigation systems, pavement and sidewalks disturbed due to the City's activities under this Easement to a condition similar to what it was prior to the City's activities, except as necessarily modified to accommodate the Public Improvements.

In the event the terms of this Easement are violated, such violation shall immediately be corrected by Grantor upon receipt of written notice from the City's Manager of Public Works or, if Grantor does not correct the violation within the time designated in such notice, the City may elect to correct or eliminate such violation at the Grantor's expense. The Grantor shall promptly

reimburse the City for all costs and expenses incurred by the City in enforcing the terms of this Easement.

The provisions of this Easement shall inure to the benefit of and bind the successors and assigns of the Grantor and City. All covenants stated in this Easement shall apply to and run with the land.

Upon the removal of the Existing Line and the construction of the Relocated Line by Grantor, and the acceptance of the Relocated Line by the Manager of Public Works of the City, the Manager of Public Works of the City shall execute and record a document relinquishing its rights under and terminating this Easement and shall take such other actions necessary to accomplish such termination, without further City Council approval.

[remainder of this page intentionally blank; signature page follows]

IN WITNESS WHEREOF, Grantor has executed this Easement as of the day and year first above written.

GRANTOR:

DENARGO MARKET L.P.,
a Delaware limited partnership

By: Cypress Denargo GP, LLC,
a Delaware limited liability company,
its general partner

By: [Signature]
Name: M. Timothy Clark
Title: President

STATE OF TEXAS)

) ss.

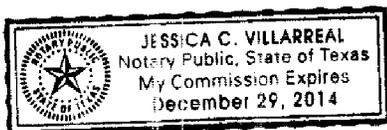
COUNTY OF Travis)

The foregoing instrument was acknowledged before me this 19th day of Sept, 2011, by M. Timothy Clark, as President of Cypress Denargo GP, LLC, a Delaware limited liability company, as general partner of Denargo Market, L.P. a Delaware limited partnership.

Witness my hand and official seal.

[Signature]
Notary Public

My Commission expires: 12/29/2014



DENARGO MARKET SUBDIVISION FILING NO. 2

A REPLAT OF DENARGO MARKET SUBDIVISION FILING NO. 1
A PORTION OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY AND COUNTY OF DENVER, STATE OF COLORADO



28

DEDICATION
 FROM ALL MEN BY THESE PRESENTS THAT DENARGO MARKET, L.P. AND DENARGO MARKET MF-L, L.P., BEING THE OWNERS OF THE LAND LOCATED IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
 DENARGO MARKET SUBDIVISION FILING NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 17, 2009 UNDER RECEPTION NO. 200901082, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
 CONTAINING 28.700 ACRES (1,254,081 SQ. FT.), MORE OR LESS.
 HAVE LAID OUT, PLATTED AND SUBMITTED INTO LOTS AND TRACTS, AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF DENARGO MARKET SUBDIVISION FILING NO. 2, AND BY THESE PRESENTS DO HEREBY GRANT (1) DENARGO STREET (AS SHOWN HEREON) TO THE CITY AND COUNTY OF DENVER FOR PUBLIC RIGHT-OF-WAY; (2) TRACTS A, B, C, D AND E (AS SHOWN HEREON) TO DENARGO MARKET METROPOLITAN DISTRICT NO. 1 FOR METRO DISTRICT RIGHTS-OF-WAY AND AN ACCESSWAY; (3) TRACTS F AND G TO DENARGO MARKET METROPOLITAN DISTRICT NO. 1 FOR OPEN SPACE, LANDSCAPING AND PUBLIC ACCESS; AND (4) ALL EASEMENTS SHOWN HEREON FOR THE USES SHOWN HEREON.

OWNERS
 DENARGO MARKET, L.P., A DELAWARE LIMITED PARTNERSHIP
 BY: CYPRESS DENARGO OP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER
 BY: M. Timothy Clark DATE: 3/1/2012
 M. TIMOTHY CLARK, PRESIDENT

STATE OF TEXAS } SS
 COUNTY OF Texas
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 7 DAY OF March, 2012, BY M. TIMOTHY CLARK, PRESIDENT OF CYPRESS DENARGO OP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF DENARGO MARKET, L.P., A DELAWARE LIMITED PARTNERSHIP, ON BEHALF OF SAID LIMITED PARTNERSHIP.
 WITNESS MY HAND AND OFFICIAL SEAL.

T. McDaniel
 NOTARY PUBLIC - STATE OF TEXAS
 MY COMMISSION EXPIRES: 10/7/14

DENARGO MARKET MF-L, L.P., A DELAWARE LIMITED PARTNERSHIP
 BY: OR V DENARGO OP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER
 BY: M. Timothy Clark
 M. TIMOTHY CLARK, PRESIDENT

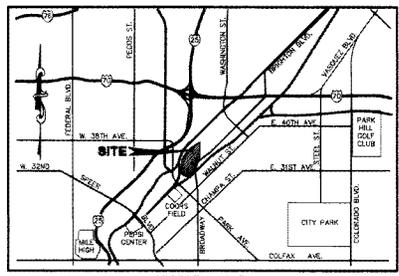
STATE OF TEXAS } SS
 COUNTY OF Texas
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 7 DAY OF March, 2012, BY M. TIMOTHY CLARK, AS PRESIDENT OF OR V DENARGO OP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF DENARGO MARKET MF-L, L.P., A DELAWARE LIMITED PARTNERSHIP, ON BEHALF OF SAID LIMITED PARTNERSHIP.
 WITNESS MY HAND AND OFFICIAL SEAL.

T. McDaniel
 NOTARY PUBLIC - STATE OF TEXAS
 MY COMMISSION EXPIRES: 10/7/14

LENDER CONSENT AND SUBORDINATION
 CAPITAL ONE, NATIONAL ASSOCIATION, HEREBY CONSENTS TO THE RECORDING OF THIS PLAT AND AGREES THAT ITS DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND RENTS AND FINANCING STATEMENT RECORDED IN THE REAL PROPERTY RECORDS OF THE CITY AND COUNTY OF DENVER, COLORADO, ON NOVEMBER 3, 2011, AS RECEPTION NO. 201114891, NOW IS, AND SHALL AT ALL TIMES CONTINUE TO BE, SUBJECT AND SUBORDINATE TO THIS PLAT.
 CAPITAL ONE, NATIONAL ASSOCIATION, A NATIONAL BANKING ASSOCIATION

BY: Jason Reeves
 JASON REEVES, VICE PRESIDENT
 STATE OF TEXAS } SS
 COUNTY OF Texas
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 7 DAY OF March, 2012, BY JASON REEVES, VICE PRESIDENT OF CAPITAL ONE, NATIONAL ASSOCIATION, A NATIONAL BANKING ASSOCIATION, ON BEHALF OF SAID NATIONAL BANKING ASSOCIATION.
 WITNESS MY HAND AND OFFICIAL SEAL.

T. McDaniel
 NOTARY PUBLIC - STATE OF TEXAS
 MY COMMISSION EXPIRES: 10/7/14



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

- TITLE COMMITMENT BY LAND TITLE GUARANTEE COMPANY ORDER NO. AB07030002-10, DATED JANUARY 27, 2012 WAS RELIED UPON FOR DISCLOSURE OF EASEMENTS OR ENCUMBRANCES THAT AFFECT THIS PLAT. THE OWNERS IN THE "RECORDED DOCUMENTS LEGEND" SHOWN HEREON CORRESPOND TO THE NUMBERING SYSTEM USED IN SCHEDULE B - SECTION 2 OF SAID COMMITMENT. A TITLE SEARCH OF THE SUBJECT PROPERTY WAS NOT CONDUCTED BY AZTEC CONSULTANTS, INC.
- THE BEARINGS SHOWN HEREIN ARE BASED UPON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 27, T3S, R68W, 6TH P.M. AND IS ASSUMED TO BEAR NORTH 00°41'41" WEST AND IS MONUMENTED AS SHOWN HEREON.
- THE STATE PLANE COORDINATES PROVIDED ARE PUBLISHED COORDINATES BY THE CITY AND COUNTY OF DENVER ("CITY"). THE BEARINGS AND DISTANCES SHOWN ARE GROUND BEARINGS AND DISTANCES BASED ON A LOCAL COORDINATE SYSTEM AND ARE NOT BASED ON THE STATE PLANE COORDINATES.
- DENARGO STREET (AS LABELED ON THIS PLAT) IS SUBJECT TO AN EXISTING EASEMENT FOR RIGHT-OF-WAY AND HIGHWAY PURPOSES, GRANTED TO THE CITY BY FILED RECORDED SEPTEMBER 11, 1938 IN BOOK 3040 AT PAGE 125, AS SET FORTH IN THE DEDICATION OF THIS PLAT, DENARGO MARKET, L.P. ("DMPL") HEREBY CONVEYS THE UNDERLIES FEE INTEREST IN "DENARGO STREET" TO THE CITY, SUBJECT TO THE TERMS AND CONDITIONS OF THE AMENDED AND RESTATED FRAMEWORK AGREEMENT BETWEEN THE CITY AND DMPL RECORDED AT RECEPTION # 201000054, AND ON FILE WITH THE DENVER CITY CLERK IN FILE #008-1163-A.
- TRACTS A, B, C, D AND E (AS LABELED ON THIS PLAT) ARE HEREBY CONVEYED IN FEE SIMPLE TO DENARGO MARKET METROPOLITAN DISTRICT NO. 1 (DMMD) SUBJECT TO THE TERMS AND CONDITIONS OF THE FRAMEWORK AGREEMENT BETWEEN THE CITY AND DMPL RECORDED AT RECEPTION # 201000054, AND ON FILE WITH THE DENVER CITY CLERK IN FILE #008-1163-A.
- TRACTS F AND G (AS LABELED ON THIS PLAT) ARE HEREBY CONVEYED IN FEE SIMPLE TO DENARGO MARKET METROPOLITAN DISTRICT NO. 1 BY DMPL AS SET FORTH IN THE DEDICATION OF THIS PLAT, FOR OPEN SPACE, LANDSCAPING, AND PUBLIC ACCESS, AS SHOWN HEREON. THE FOREGOING CONVEYANCE IS MADE SUBJECT TO THOSE EASEMENTS GRANTED BY THIS PLAT.
- PERPETUAL, NON-EXCLUSIVE EASEMENTS ARE HEREBY GRANTED OVER, UNDER, ALONG, ACROSS AND THROUGH TRACTS A, B, C, D AND E, FOR: (1) A NON-EXCLUSIVE PEDESTRIAN AND VEHICULAR ACCESS EASEMENT TO THE PUBLIC; (2) A NON-EXCLUSIVE UTILITY EASEMENT TO THE CITY, AND ALL PUBLIC AND PRIVATE UTILITY COMPANIES; (3) A NON-EXCLUSIVE DRAINAGE EASEMENT TO THE CITY; AND (4) A NON-EXCLUSIVE EASEMENT TO THE CITY FOR PROVISION OF MUNICIPAL SERVICES.
- A PERPETUAL, NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED ON, OVER, ACROSS AND THROUGH TRACTS F AND G TO THE PUBLIC FOR PEDESTRIAN ACCESS. THE EASEMENT GRANTED IN NOTE # 8 ON THE PLAT OF DENARGO MARKET SUBDIVISION FILING NO. 1 IS SUPERSEDED BY THE EASEMENT GRANTED BY THIS NOTE.
- A PERPETUAL, NON-EXCLUSIVE SIDEWALK EASEMENT IS HEREBY GRANTED TO THE PUBLIC FOR PEDESTRIAN ACCESS ON, OVER, ACROSS AND THROUGH THOSE PORTIONS OF LOT 1, BLOCK 3 LABELED "SIDEWALK EASEMENT" AS SHOWN HEREON. DENARGO MARKET METROPOLITAN DISTRICT NO. 1 IS HEREBY GRANTED A PERPETUAL, NON-EXCLUSIVE EASEMENT ON, OVER, ACROSS AND THROUGH SAID "SIDEWALK EASEMENT" AND ADJACENT PROPERTIES, AS NECESSARY FOR CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR AND REPLACEMENT OF A PUBLIC SIDEWALK, CURB AND RELATED APPURTENANCES.
- A NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY ON, OVER, ACROSS AND THROUGH ALL AREAS FOR POLICE, FIRE, MEDICAL AND OTHER EMERGENCY VEHICLES FOR THE PROVISION OF EMERGENCY SERVICES.
- THE NON-EXCLUSIVE EASEMENT, THIRTY FEET (30') IN WIDTH, OVER, UNDER, ACROSS AND THROUGH THAT PORTION OF LOT 1, BLOCK 3 SHOWN HEREON (LABELED HEREON AND ON DENARGO MARKET SUBDIVISION FILING NO. 1 AS "30' UTILITY EASEMENT"), WAS PREVIOUSLY GRANTED TO THE CITY UNDER DENARGO MARKET SUBDIVISION FILING NO. 1, AND IS HEREBY ACQUIRED FOR CONSTRUCTION, CONSTRUCTION, OPERATION, MAINTENANCE, REPAIRS AND REPLACEMENT OF UTILITIES, TOGETHER WITH THE RIGHT TO REMOVE TREES, BUSHES, UNDERGROWTH AND OTHER OBSTRUCTIONS INTERFERING WITH THE LOCATION, CONSTRUCTION AND MAINTENANCE OF SAID UTILITIES.
- TO THE EXTENT ITEMS FROM THE PLAT OF DENARGO MARKET SUBDIVISION FILING NO. 1 ARE NOT RESTRICTIONED OR SHOWN HEREON, THIS PLAT SUPERSEDES THE PLAT OF DENARGO MARKET SUBDIVISION FILING NO. 1.
- ALL STORMWATER RUNOFF THROUGH THE PROPOSED DETENTION POND TO BE LOCATED ON LOT 1, BLOCK 3 WILL CONVEY TO THE APPROVED DRAINAGE REPORT DATED DECEMBER 20, 2011, PREPARED BY US ENGINEERING CONSULTANTS, AS REQUIRED BY DENVER STORMWATER RULES.
- METRO DISTRICT RIGHT-OF-WAY WILL BE SIDED WITH BLUE STREET SIGNS.
- ANY VARIATION FROM THE METRO DISTRICT RIGHTS-OF-WAY NAMES SHOWN HEREON MUST BE APPROVED BY PUBLIC WORKS AND ONLY NAMED METRO DISTRICT RIGHTS-OF-WAY SHALL BE APPROVED FOR SHOWING.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY FOR THIS PLAT HAS BEEN MADE IN AGREEMENT WITH RECORDS ON FILE IN THE OFFICE OF THE CITY ENGINEER OF THE CITY AND COUNTY OF DENVER, AND THAT THIS PLAT IS IN CONFORMITY WITH SAID RECORDS AND ALL MONUMENTS SHOWN HEREON SET AS DESCRIBED AND THAT ALL DIMENSIONAL AND ANGLE DETAILS ARE CORRECT.



DALE C. BLIGH
 COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR, P.L.S. 33204
 FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

APPROVALS

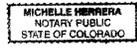
ACCEPTANCE BY DENARGO MARKET METROPOLITAN DISTRICT NO. 1
 THE DEDICATION AND CONVEYANCE OF TRACTS A, B, C, D, E, F AND G, AND THE SIDEWALK EASEMENT AS SET FORTH IN NOTE 8 HEREON TO DENARGO MARKET METROPOLITAN DISTRICT NO. 1 BY DMPL ARE HEREBY ACCEPTED BY SAID DISTRICT THIS 9th DAY OF March, 2012.

DENARGO MARKET METROPOLITAN DISTRICT NO. 1
 IS SUBMITTED FOR THE RECORD AND PARTIAL SUBDIVISION OF THE STATE OF COLORADO

BY: Tom Wencoski
 NAME: Tom Wencoski
 TITLE: PRESIDENT

STATE OF COLORADO } SS
 COUNTY OF Denver

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 9th DAY OF March, 2012, BY Tom Wencoski, AS PRESIDENT, OF DENARGO MARKET METROPOLITAN DISTRICT NO. 1 ON BEHALF OF SAID DISTRICT.
 WITNESS MY HAND AND OFFICIAL SEAL.



Michelle Herrera
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 2/9/16

By Commission Expires Feb. 9, 2016

ACCEPTANCE BY THE CITY AND COUNTY OF DENVER

I HEREBY CERTIFY THAT THIS MAP AND THE SURVEY REPRESENTED THEREBY ARE ACCURATE AND IN CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 48, ARTICLE 18 OF THE REVISED MUNICIPAL CODE OF THE CITY AND COUNTY OF DENVER, AND THAT THE REQUIRED IMPROVEMENTS HAVE BEEN PROVIDED FOR.

Debra D. Homan 3-13-12
 CITY ENGINEER

APPROVED BY THE MANAGER OF PUBLIC WORKS:
Debra D. Homan 3-13-12
 MANAGER OF PUBLIC WORKS

APPROVED BY COMMUNITY PLANNING AND DEVELOPMENT:
My Mike O'Hara 3-13-2012
 MANAGER OF COMMUNITY PLANNING AND DEVELOPMENT

APPROVED BY THE MANAGER OF PARKS AND RECREATION:
Jean Damore 3-13-12
 MANAGER OF PARKS AND RECREATION

CITY ATTORNEY'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THE EVIDENCE OF TITLE TO THE LAND DESCRIBED HEREON, AND FIND THE TITLE TO THE PROPERTY TO BE IN THE ABOVE NAMED OWNERS.

Douglas J. Fiedorwski
 CITY AND COUNTY OF DENVER
Paul A. Wes 3/1/12
 ASSISTANT CITY ATTORNEY

CITY COUNCIL CERTIFICATE

THIS PLAT IS HEREBY APPROVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER, COLORADO, AND THE DEDICATION OF DENARGO STREET AND THOSE EASEMENTS GRANTED TO THE CITY HEREON ARE HEREBY ACCEPTED BY THE CITY, AS SET FORTH IN SCHEDULE B - SECTION 2.

CC Pass
 CITY AND COUNTY OF DENVER
 CLERK AND RECORDER, EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER

BY: _____
 DEPUTY CLERK AND RECORDER

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } SS
 COUNTY AND COUNTY OF DENVER }
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT 2:56 O'CLOCK P.M. April 12, 2012 AND DAILY RECORDED AT RECEPTION NO. 2012049308

Debra D. Homan
 CLERK AND RECORDER

BY: Debra D. Homan
 CLERK AND RECORDER

FEES: 381.00



DEVELOPER
 DENARGO MARKET, L.P.
 301 CONGRESS AVENUE, SUITE 500
 AUSTIN, TEXAS 78701
 (512) 615-1583

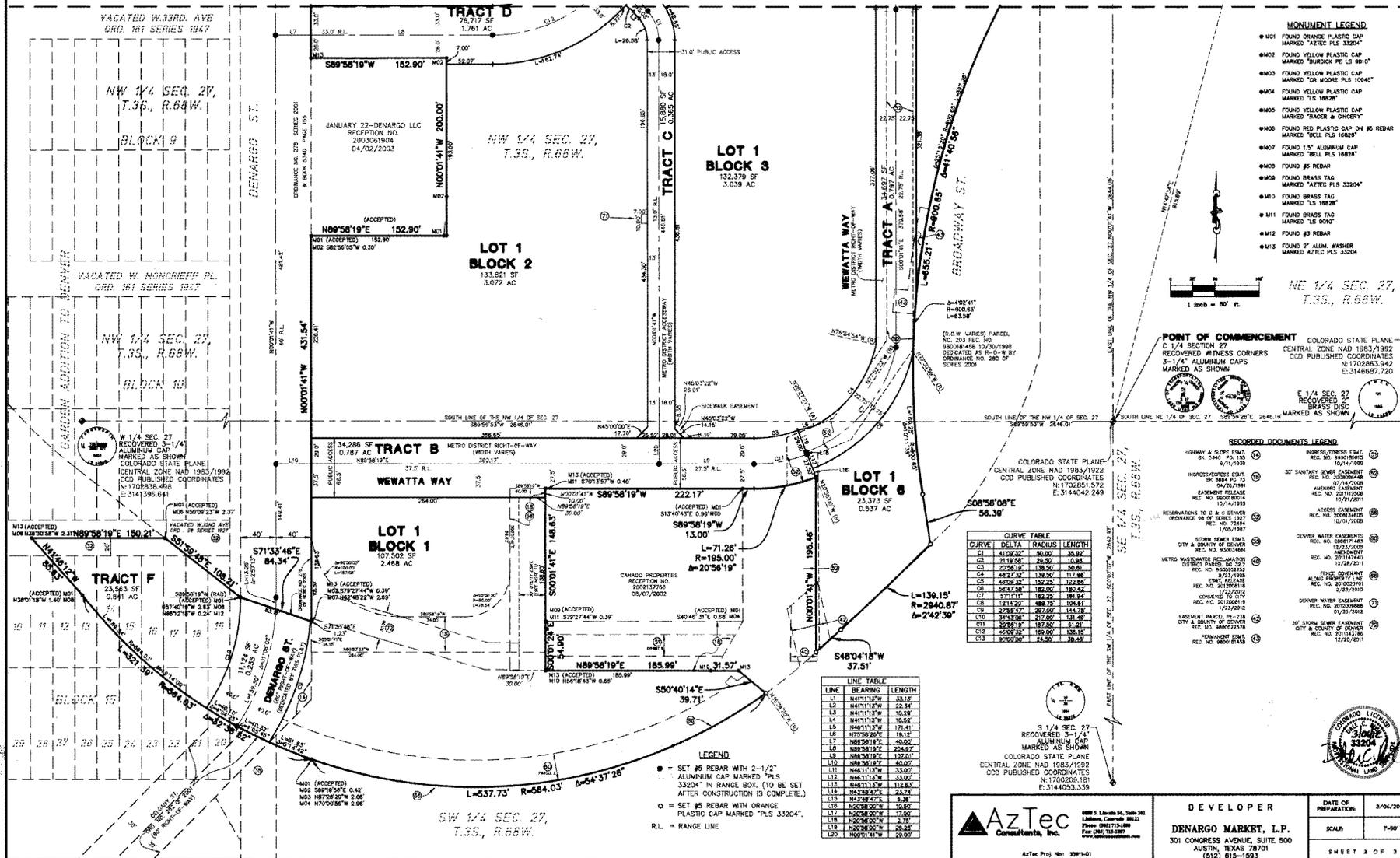
DATE OF PREPARATION:	3/06/2012
SCALE:	N/A
SHEET 1 OF 3	

44-126 1/3

DENARGO MARKET SUBDIVISION FILING NO. 2

A REPLAT OF DENARGO MARKET SUBDIVISION FILING NO. 1
 A PORTION OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN
 CITY AND COUNTY OF DENVER, STATE OF COLORADO

MATCH LINE - SHEET 2



AzTec
 CONSULTANTS, INC.

8888 E. Lincoln St., Suite 281
 Aurora, Colorado 80012
 Phone: (303) 733-1888
 Fax: (303) 733-1887

Aztec Proj. No.: 23991-01

DEVELOPER

DENARGO MARKET, L.P.
 301 CONGRESS AVENUE, SUITE 500
 AUSTIN, TEXAS 78701
 (512) 615-1593

DATE OF PREPARATION
 3/06/2018

SCALE
 1"=40'

SHEET 3 OF 3

44-126 2/3

