

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: 2019-RELINQ-0000018 Partial Relinquishment

DATE: August 14, 2020

SUBJECT: Request for an Ordinance to relinquish portions of the easements described as Parcel No. 1 (Wastewater – Phase II) and Parcel No. 3 (Water Board – Phase II) reserved in the Vacation Ordinance No. 279 Series of 1995. Located at South Bannock Street between West Alameda Avenue and West Dakota 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 Martin/Martin, Inc. c/o Tracy Scurlock, dated September 27, 2019 on behalf of BMP Northwest, LLC. for the relinquishment of said easements.

This matter has been coordinated with Asset Management; Comcast; the City Councilperson Clark, District 7; Community Planning and Development: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forestry; Parks and Recreation; Office of Emergency Management; DOTI: Engineering & Regulatory Transportation and Wastewater, DES Transportation & Wastewater, Construction Engineering, Policy and Planning, Survey; Metro Wastewater Reclamation District; CenturyLink; Regional Transportation District; Colorado Department of Transportation; and Xcel Energy, all of whom have indicated their agreement.

As a result of the investigations, it has been determined that there is no objection to relinquishing the subject easements.

Therefore, you are requested to initiate Council action to relinquish the easements in the following described area(s):

INSERT PARCEL DESCRIPTION 2019-RELINQ-0000018-006 HERE
INSERT PARCEL DESCRIPTION 2019-RELINQ-0000018-007 HERE

A map of the area and a copy of the document creating the easement 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: August 14, 2020

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.)

Request for an Ordinance to relinquish portions of the easements described as Parcel No. 1 (Wastewater – Phase II) and Parcel No. 3 (Water Board – Phase II) reserved in the Vacation Ordinance No. 279 Series of 1995. Located at South Bannock Street between West Alameda Avenue and West Dakota Avenue.

3. Requesting Agency: Department of Transportation and Infrastructure; 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 portions of the easements described as Parcel No. 1 (Wastewater – Phase II) and Parcel No. 3 (Water Board – Phase II) reserved in the Vacation Ordinance No. 279 Series of 1995. Located at South Bannock Street between West Alameda Avenue and West Dakota Avenue.

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

7. City Council District: Councilman Clark, District 7

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: 2019-RELINQ-0000018 - Bannock St. and Alameda Ave. Partial Easement

Owner name: BMP Northwest, LLC.

Description of Proposed Project: Request for an Ordinance to relinquish portions of the easements described as Parcel No. 1 (Wastewater – Phase II) and Parcel No. 3 (Water Board – Phase II) reserved in the Vacation Ordinance No. 279 Series of 1995. Located at South Bannock Street between West Alameda Avenue and West Dakota Avenue.

Explanation of why the easement relinquishment is necessary to accomplish the proposed project: BMP Northwest, LLC, is requesting that easements be released to construct an apartment building, an open space plaza, and to dedicate S. Bannock Street between W. Alameda Avenue and W. Dakota Avenue.

Background: The existing utilities within the easement area no longer serve any active users for the adjacent parcels and will be removed by the applicant. Utility owners have reviewed the relinquishment request and have provided their approval.

Location Map: Continued on next page



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/dotj
Phone: 720-865-3003

EXHIBIT F
LAND DESCRIPTION
SHEET 1 OF 2

LAND DESCRIPTION-PARCEL F

A PARCEL OF LAND BEING A PORTION OF PARCEL 1 (WASTEWATER-PHASE II) PER ORDINANCE 279, SERIES 1995 RECORDED AT RECEPTION NO. 9500046347 DATED APRIL 25, 1995, LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15;
THENCE S63°27'52"W A DISTANCE OF 727.65 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1 SAID POINT BEING THE POINT OF BEGINNING;
THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, S89°50'03"E A DISTANCE OF 8.93 FEET;
THENCE S00°09'09"W A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 1;
THENCE ALONG SAID SOUTHERLY LINE, N89°50'03"W A DISTANCE OF 8.93 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1;
THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1, N00°09'57"E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.006 ACRES OR 268 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON AN ASSUMED BEARING OF N00°45'32"W ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, BEING MONUMENTED BY A FOUND STONE IN RANGE BOX AT THE NORTH QUARTER CORNER AND A FOUND STONE IN RANGE BOX AT THE CENTER QUARTER CORNER.

PREPARED BY JAKE TIHANSKY
REVIEWED BY SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
303-431-6100
JANUARY 28, 2020

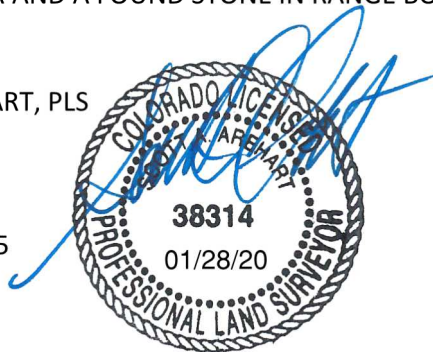
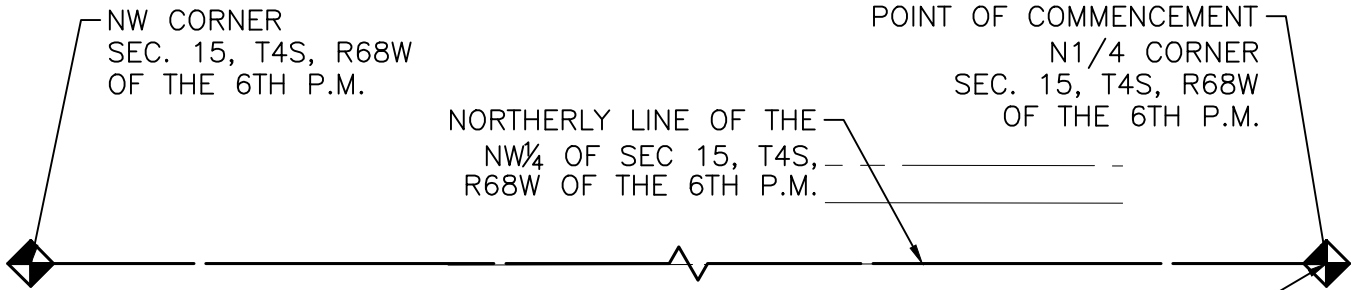
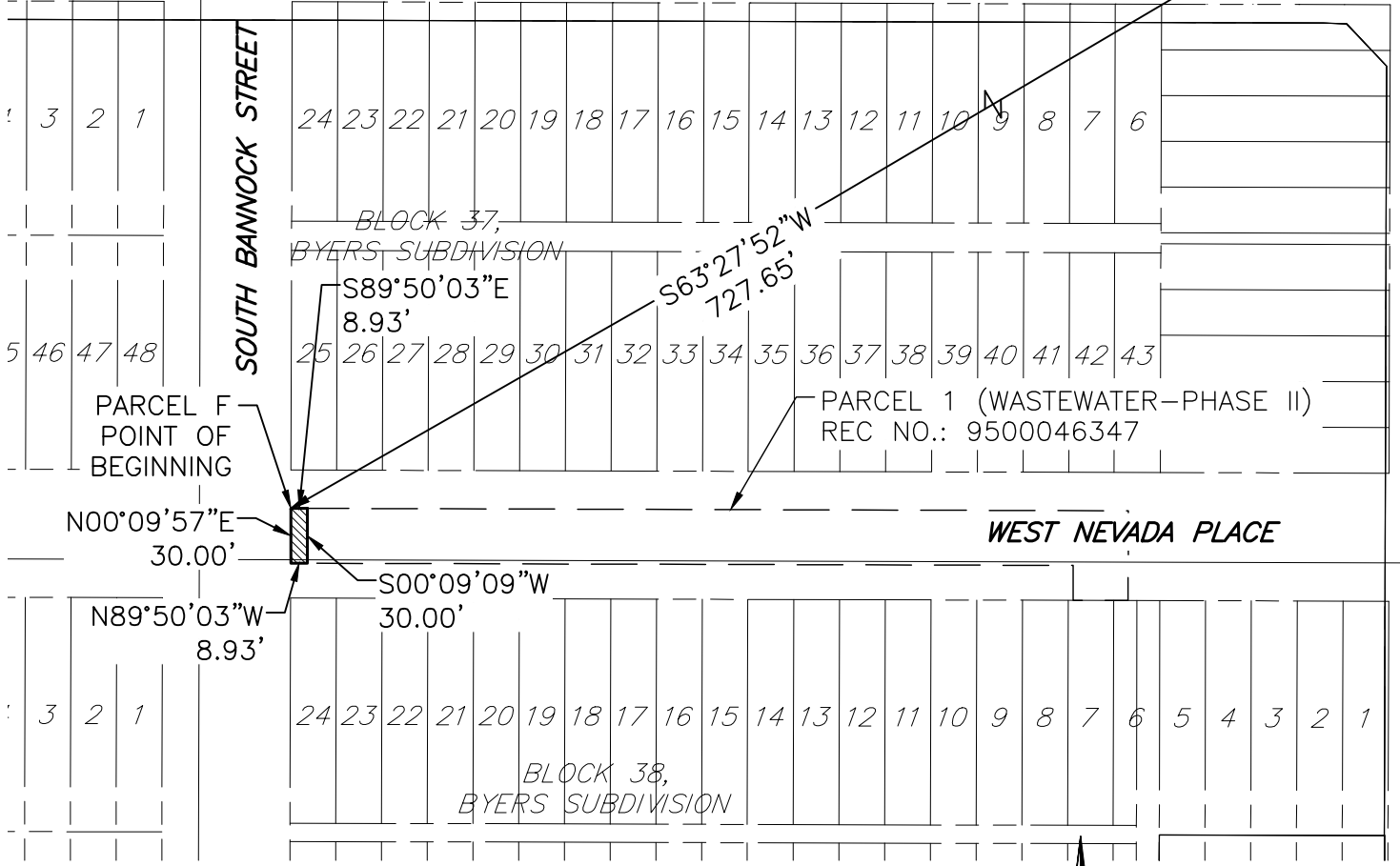


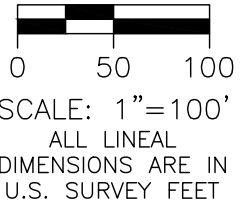
EXHIBIT F
SHEET 2 OF 2



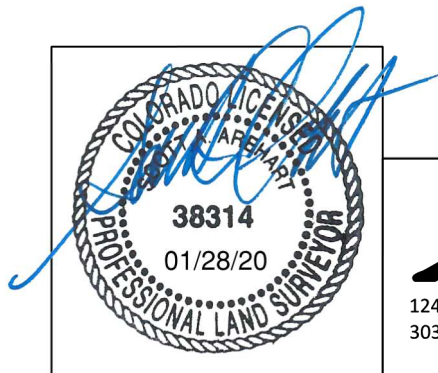
WEST ALAMEDA AVENUE



RELINQUISHED PORTION OF RECEPTION NO. 9500046347
PARCEL 1 (WASTEWATER - PHASE II) CONTAINS 268 SQ.FT±



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



JANUARY 28, 2020

MARTIN/MARTIN
CONSULTING ENGINEERS

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

DRAWING LOCATION: \\mccivil\civil\SCHLAGETER\15.0575-Denver-Design-District-Master-Plan-Refresh-Development-Strategy\PLANS\EXHIBITS\PARCEL_C\Easement-Relinquish-Exhibit.dwg

EXHIBIT G
 LAND DESCRIPTION
 SHEET 1 OF 2

LAND DESCRIPTION-PARCEL G

A PARCEL OF LAND BEING A PORTION OF PARCEL 3 (WATER BOARD – PHASE II) PER ORDINANCE 279, SERIES 1995 RECORDED AT RECEPTION NO. 9500046347 DATED APRIL 25, 1995, LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15;
 THENCE S64°12'31"W A DISTANCE OF 722.97 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 3 SAID POINT BEING THE POINT OF BEGINNING;
 THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 3, 10.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 24°01'11" AND A CHORD WHICH BEARS S60°49'30"E A DISTANCE OF 10.20 FEET;
 THENCE S00°09'09"W A DISTANCE OF 33.14 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 3;
 THENCE ALONG SAID SOUTHERLY LINE, 10.28 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 24°02'15" AND A CHORD WHICH BEARS S61°10'17"W A DISTANCE OF 10.20 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 3;
 THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 3, N00°09'57"E A DISTANCE OF 43.03 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.008 ACRES OR 332 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE U.S. SURVEY FEET.

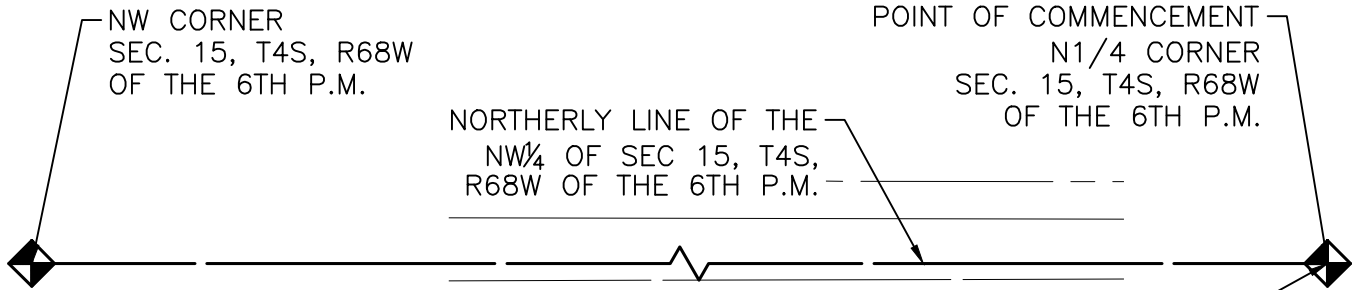
BASIS OF BEARINGS

BEARINGS ARE BASED ON AN ASSUMED BEARING OF N00°45'32"W ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, BEING MONUMENTED BY A FOUND STONE IN RANGE BOX AT THE NORTH QUARTER CORNER AND A FOUND STONE IN RANGE BOX AT THE CENTER QUARTER CORNER.

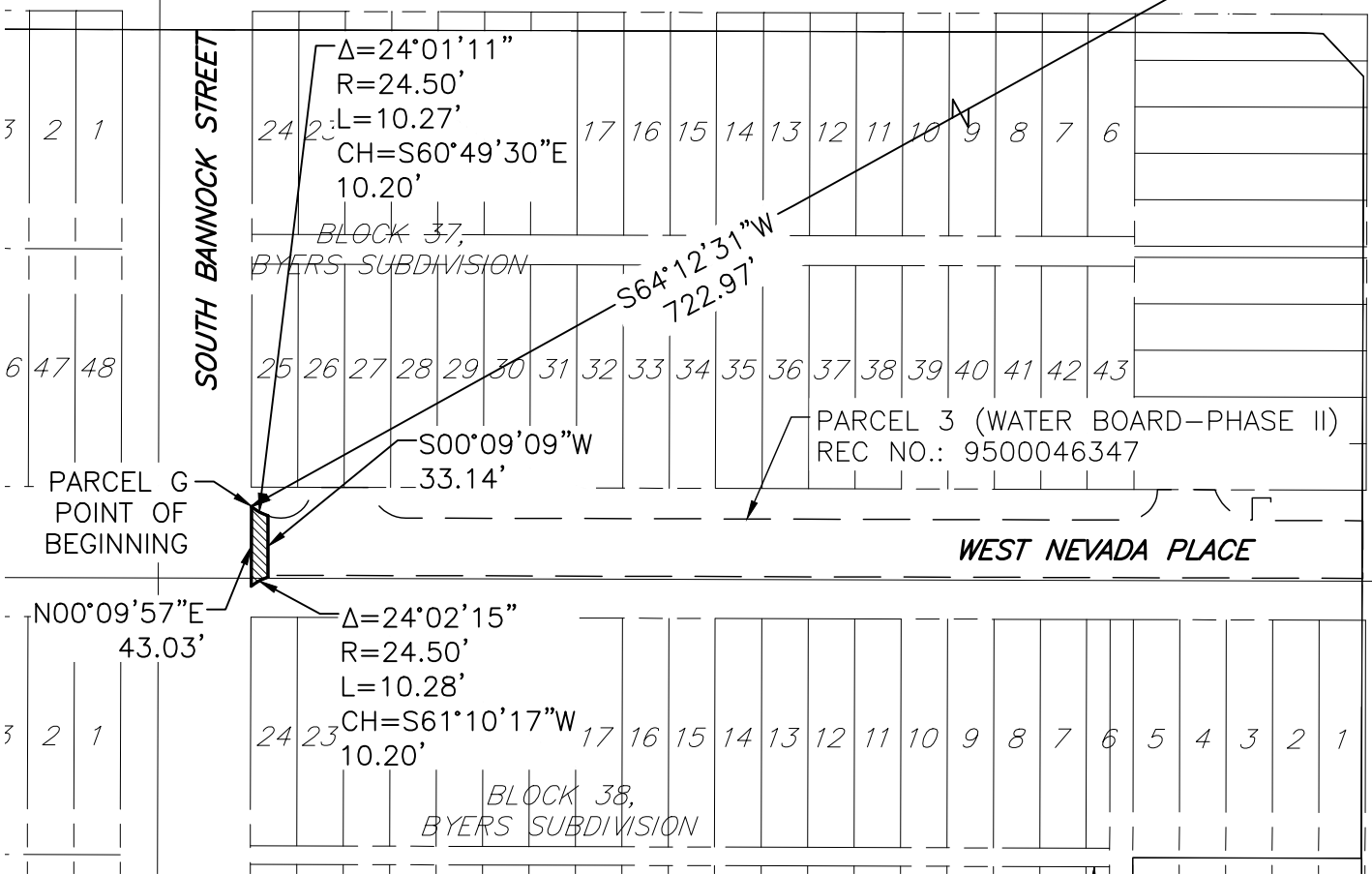
PREPARED BY JAKE TIHANSKY
 REVIEWED BY SCOTT A. AREHART, PLS
 FOR AND ON BEHALF OF
 MARTIN/MARTIN, INC.
 12499 WEST COLFAX AVENUE
 LAKEWOOD, COLORADO 80215
 303-431-6100
 JANUARY 28, 2020



EXHIBIT G
SHEET 2 OF 2

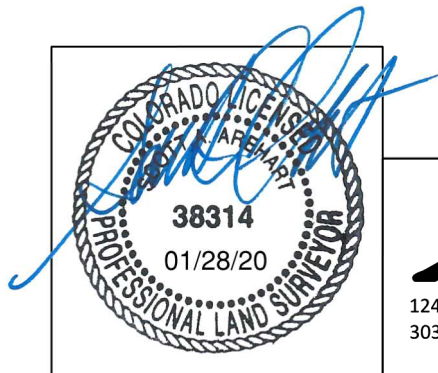
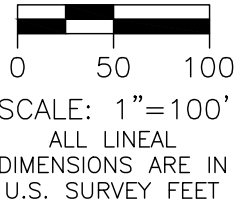


WEST ALAMEDA AVENUE



RELINQUISHED PORTION OF RECEPTION NO. 9500046347
PARCEL 3 (WATER BOARD - PHASE II) CONTAINS 332 SQ.FT±

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



JANUARY 28, 2020

MARTIN/MARTIN
CONSULTING ENGINEERS

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

DRAWING LOCATION: \\mmcivil\civil\SCHLAGETER\15.0575-Denver-Design-District-Master-Plan-Refresh-Development-Strategy\PLANS\EXHIBITS\PARCEL_C\Easement-Relinquish-Exhibit.dwg