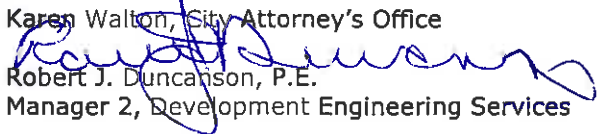




DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office
FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
PROJECT NO: 2010-0422-05
DATE: February 27, 2012
SUBJECT: Request for an Ordinance to relinquish certain easements established in Book 543, Page 458.

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

This office has investigated the request of Gabe Krell, dated 1/6/2012, on behalf of Highpointe Residences LLC for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Lehmann; CPD: Planning Services; Denver Water Board; Fire Department; Metro Wastewater Reclamation District; Office of Telecommunications; PW: DES Engineering, and DES Survey; Qwest Corporation; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

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

Therefore, you are requested to initiate Council action to relinquish the easements in Book 543, Page 458.

A map is attached showing the area in which the subject easement is to be relinquished. A copy of the Ordinance creating the easement is also attached.

Attachments

RJD:VLH

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams Councilperson Lehmann and Aides Department of Law, Karen Aviles Department of Law, Karen Walton Department of Law, Arlene Dykstra Public Works, Alba Castro Public Works, Christine Downs Public Works, Stacie Loucks Public Works Survey-Paul Rogalla Project File **2010-0422-05**

Property Owner
Highpointe Residences LLC
c/o Kevin Foltz
210 University Blvd Suite 700
Denver Co 80206

Agent
Kimley-Horn & Associates
c/o Gabe Krell
990 S Broadway Suite 450
Denver Co 80209



ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at
daelene.mix@denvergov.org by **NOON on Monday**.

All fields must be completed.

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: February 27, 2012

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

Request for an Ordinance to relinquish certain easements established in Book 543, Page 458.

3. **Requesting Agency:** PW Right of Way Engineering Services

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

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: vanessa.herman@denvergov.org

5. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- Name: Stacie Loucks
- Phone: 720-865-8720
- Email: Stacie.loucks@denvergov.org

6. **General description of proposed ordinance including contract scope of work if applicable:**

To relinquish all easement reserved in Book 543 Page 458

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** Near Holly Pl and Locust St
- d. **Affected Council District:** Dist # 4 Peggy Lehmann
- e. **Benefits:** N/A
- f. **Costs:** N/A

7. **Is there any controversy surrounding this ordinance?** *(Groups or individuals who may have concerns about it?)* Please explain.

None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2010-0422-05 Easement Relinquishment Highpointe @ Hampden

Description of Proposed Project: Request for an Ordinance to relinquish certain easements established in Book 543, Page 458.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: They are redeveloping this area, and cannot with the current easements that are not in use.

Has a Temp MEP been issued, and if so, what work is underway: N/A

What is the known duration of an MEP: N/A

Will land be dedicated to the City if the vacation goes through: N/A

Will an easement be placed over a vacated area, and if so explain: N/A

Will an easement relinquishment be submitted at a later date: N/A

Additional information:

8

DEED OF EASEMENT

RECORDED
JUL 27 1972

KNOW ALL MEN BY THESE PRESENTS:

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

A sanitary sewer easement and right-of-way ten (10) feet in width, five (5) feet on each side of a centerline, said centerline being more particularly described as follows:

Beginning at a point on the north line of Lot 31, Block 1, Gaiser Holly Ridge, which point is 51.35 feet east of the northwest corner thereof; thence South 67° 13' 30" West a distance of two hundred twenty-one (221) feet, lengthening and shortening side lines to terminate on the south line of South Holly Place.

106

040785
STATE OF COLORADO
COUNTY OF DENVER
RECORDED IN
Aug 8 9 50 AM '72
F. J. SERAFIN
CLERK AND RECORDER
543 458
I FEENIS 0.00
AUG-B-72 591635

APPROVED FOR RECORDING
LAND OFFICE

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

SIGNED AND DELIVERED THIS 1st DAY OF August A.D. 1972.

ATTEST
Betty Jane Metzner
Assistant Secretary

MARRIOTT MOTOR HOTELS, INC.
Robert E. Koehler
By
Vice President

STATE OF ~~MARYLAND~~ MARYLAND
COUNTY OF ~~MONTGOMERY~~ MONTGOMERY

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 1st DAY OF August A. D. 1972, BY Robert Koehler AS Vice President AND BY Betty Jane Metzner AS Assistant Secretary OF Marriott Motor Hotels, Inc. A CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL.

Rosalie J. McQuinn
NOTARY PUBLIC

MY COMMISSION EXPIRES:
7/1/74

AS TO FORMS
[Signature]
City Act's Office

543 458