



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  
Acting Director, Public Works Right of Way Services  
**PROJECT NO:** 2018-RELINQ-0000011  
**DATE:** August 20, 2018  
**SUBJECT:** Request for an Ordinance to relinquish the easement, in its entirety, established in Vacating Ordinance No. 174, Series of 2006 recorded with Denver Clerk & Recorder at Reception No. 2006042919 and simultaneously replace it with alternative easements. Located near 660 Bannock St.

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

This office has investigated the request of USI Martin/Martin LLC c/o Peter S. Buckley, dated July 20, 2018 on behalf of Denver Health and Hospital Authority c/o Peg Burnette for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; City Councilman Paul Lopez – District 3; 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 easement in the following described area(s):

**INSERT PARCEL DESCRIPTION 2018-RELINQ-0000011-001 HERE**

**INSERT PARCEL DESCRIPTION 2018-RELINQ-0000011-002 HERE**

**INSERT PARCEL DESCRIPTION 2018-RELINQ-0000011-003 HERE**

**INSERT PARCEL DESCRIPTION 2018-RELINQ-0000011-004 HERE**

**INSERT PARCEL DESCRIPTION 2018-RELINQ-0000011-005 HERE**

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

MB:bp

cc:

City Councilman Paul Lopez & Aides  
City Council Staff – Zach Rothmier  
Department of Law – Brent Eisen  
Department of Law – Deanne Durfee  
Public Works, Manager’s Office – Alba Castro  
Public Works, Legislative Services – Sarah Stanek  
Public Works, Survey – Paul Rogalla

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Sarah Stanek

at [Sarah.Stanek@DenverGov.org](mailto:Sarah.Stanek@DenverGov.org) by **12:00pm on Monday**. Contact her with questions.

Date of Request: August 20, 2018

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.)

USI Martin/Martin LLC c/o Peter S. Buckley on behalf of Denver Health and Hospital Authority c/o Peg Burnette requests for an Ordinance to relinquish the easement, in its entirety, established in Vacating Ordinance No. 174, Series of 2006 recorded with Denver Clerk & Recorder at Reception No. 2006042919 and simultaneously replace it with alternative easements. Located near 660 Bannock St.

**3. Requesting Agency:** Public Works; Engineering, Regulatory & Analytics Dept.

**4. Contact Person:**

|   |   |
|---|---|
| Contact person with knowledge of proposed ordinance/resolution                          | Contact person to present item at Mayor-Council and Council                       |
| Name: Brittany Pirtle   | Name: Sarah Stanek  |
| Email: <a href="mailto:Brittany.Pirtle@denvergov.org">Brittany.Pirtle@denvergov.org</a> | Email: <a href="mailto:Sarah.Stanek@denvergov.org">Sarah.Stanek@denvergov.org</a> |

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

Requests for an Ordinance to relinquish the easement, in its entirety, established in Vacating Ordinance No. 174, Series of 2006 recorded with Denver Clerk & Recorder at Reception No. 2006042919 and simultaneously replace it with alternative easements. Located near 660 Bannock St.

**6. City Attorney assigned to this request (if applicable):** Brent Eisen

**7. City Council District:** District 3 – Councilman Paul Lopez

**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><br>(A) | <i>Additional Funds</i><br>(B) | <i>Total Contract Amount</i><br>(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:** 2018-RELINQ-0000011, DHHA OMC at 660 Bannock St

**Owner name:** Denver Health and Hospital Authority c/o Peg Burnette

**Description of Proposed Project:** Requests for an Ordinance to relinquish the easement, in its entirety, established in Vacating Ordinance No. 174, Series of 2006 recorded with Denver Clerk & Recorder at Reception No. 2006042919 and simultaneously replace it with alternative easements. Located near 660 Bannock St.

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

**Background:** Denver Health and Hospital Authority would like to relinquish the original easement established in Vacating Ordinance No. 174, Series of 2006, and simultaneously replace it with five alternative easements.

**Location Map:**



LAND DESCRIPTION - A  
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 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 SOUTHWEST CORNER OF SAID BLOCK 15, WHITSITT'S ADDITION TO DENVER, THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID VACATED 7TH AVENUE, N89°11'51"E A DISTANCE OF 22.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N89°11'51"E A DISTANCE OF 110.00 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, S00°51'50"E A DISTANCE OF 70.50 FEET; THENCE S89°11'51"W A DISTANCE OF 110.00 FEET; THENCE N00°51'50"W A DISTANCE OF 70.50 FEET TO THE POINT OF BEGINNING.

THE AREA HEREIN DESCRIBED SHALL FOREVER BE SUBJECT TO MAINTENANCE OF A 25 FOOT CLEARANCE AS MEASURED FROM THE GROUND SURFACE TO THE UNDERSIDE OF THE PROPOSED STRUCTURE.

SAID PARCEL CONTAINS 7,755 SQUARE FEET (0.178 ACRES), MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

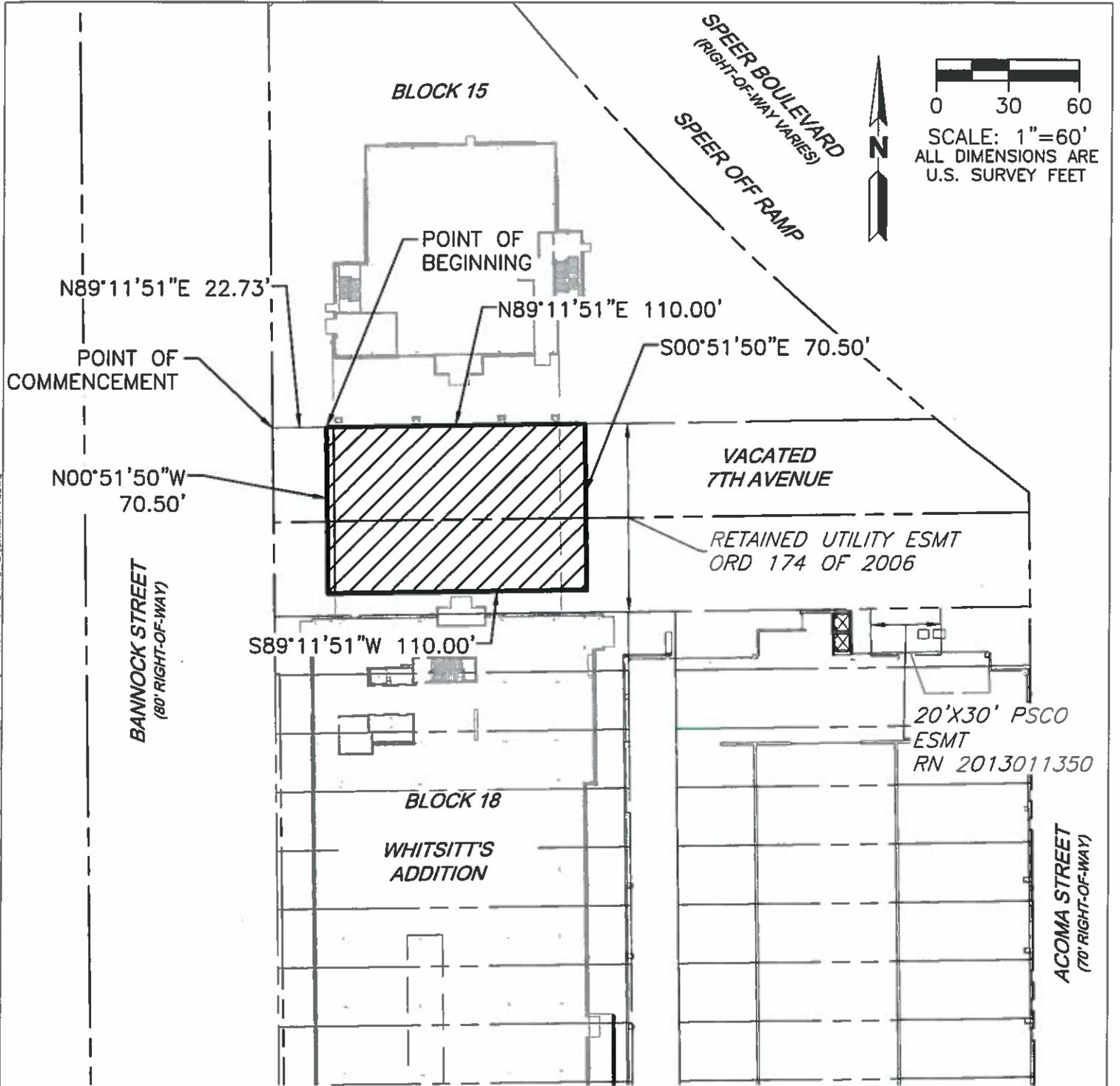
BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2" DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET.

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  
JULY 05, 2018



**LAND DESCRIPTION-A**

SHEET 2 OF 2



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



DRAWING LOCATION: G:\SCHLAPPE\16.1220-Denver Health & Hospital Authority - Ambulatory Care Center\PLANS\EXHIBITS\Vacated 7th EXHIBITS\EXHIBIT A.dwg

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



**MARTIN/MARTIN**  
CONSULTING ENGINEERS  
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
303.431.6100 MARTINMARTIN.COM

LAND DESCRIPTION - B  
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 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 NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VACATED 7TH AVENUE, N89°11'51"E A DISTANCE OF 9.10 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE N00°51'50"W A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING; THENCE N00°51'50"W A DISTANCE OF 8.50 FEET; THENCE N89°11'51"E A DISTANCE OF 137.00 FEET; THENCE S00°51'50"E A DISTANCE OF 8.50 FEET; THENCE S89°11'51"W A DISTANCE OF 54.81 FEET; THENCE N00°51'50"W A DISTANCE OF 4.00 FEET; THENCE S89°11'51"W A DISTANCE OF 24.00 FEET; THENCE S00°51'50"E A DISTANCE OF 4.00 FEET; THENCE S89°11'51"W A DISTANCE OF 58.19 FEET TO THE POINT OF BEGINNING.

THE AREA HEREIN DESCRIBED SHALL FOREVER BE SUBJECT TO MAINTENANCE OF A 13.5 FOOT CLEARANCE AS MEASURED FROM THE GROUND SURFACE TO THE UNDERSIDE OF THE PROPOSED STRUCTURE.

SAID PARCEL CONTAINS 1,069 SQUARE FEET (0.025 ACRES), MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

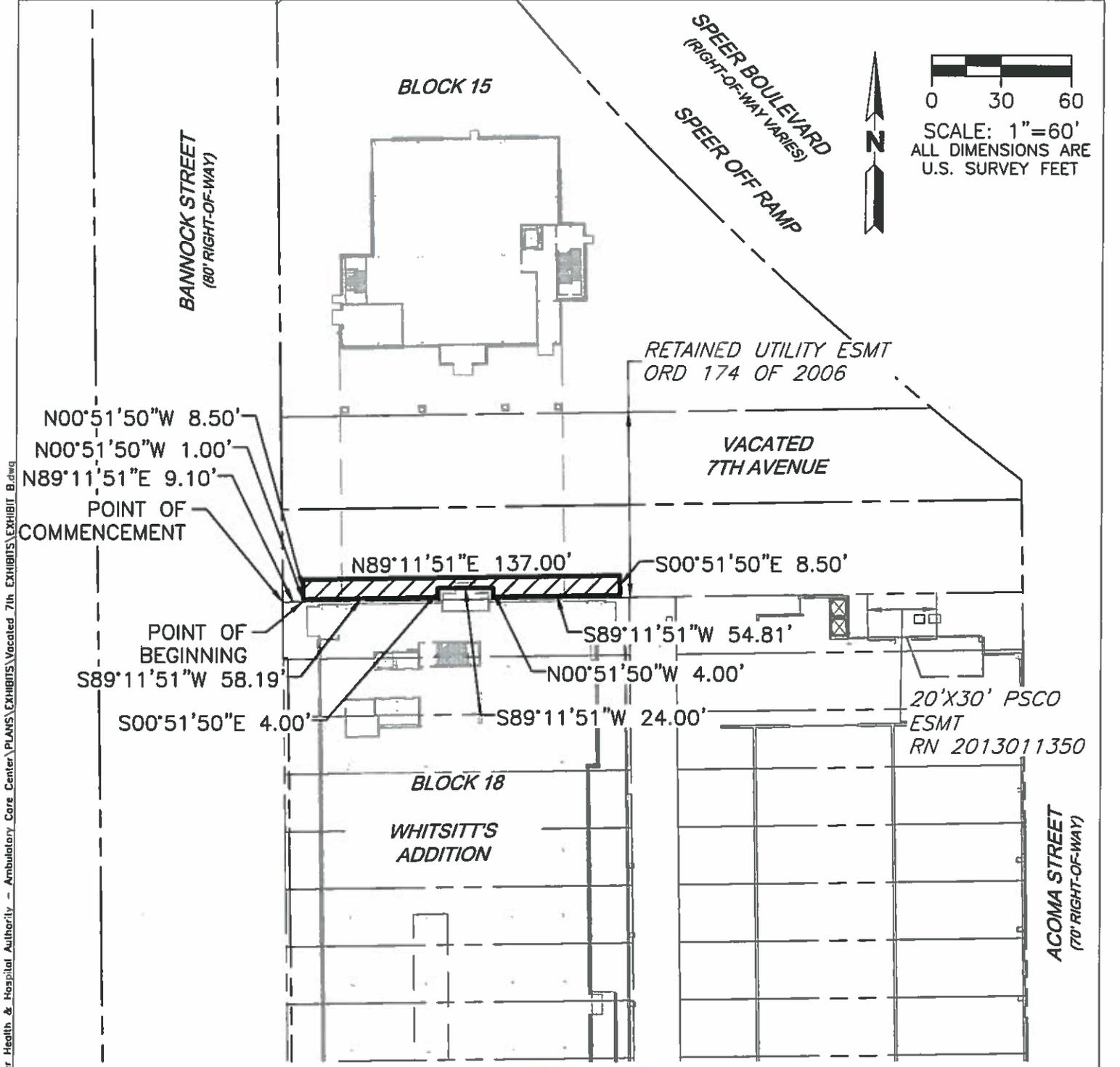
BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2" DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET.

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  
JULY 06, 2018



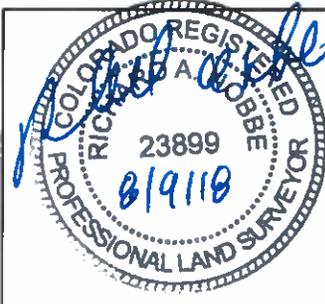
**LAND DESCRIPTION - B**

SHEET 2 OF 2



DRAWING LOCATION: C:\SCHLAPPE\16.1220-Denver Health & Hospital Authority - Ambulatory Care Center\PLANS\EXHIBITS\Vacated 7th EXHIBITS\EXHIBIT B.dwg

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



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303.431.6100 MARTINMARTIN.COM

LAND DESCRIPTION - C  
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 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 NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VACATED 7TH AVENUE N89°11'51"E A DISTANCE OF 9.10 FEET TO THE POINT OF BEGINNING; THENCE N00°51'50"W A DISTANCE OF 1.00 FEET; THENCE N89°11'51"E A DISTANCE OF 58.19 FEET; THENCE N00°51'50"W A DISTANCE OF 4.00 FEET; THENCE N89°11'51"E A DISTANCE OF 24.00 FEET; THENCE S00°51'50"E A DISTANCE OF 4.00 FEET; N89°11'51"E A DISTANCE OF 54.81 FEET THENCE S00°51'50"E A DISTANCE OF 1.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S89°11'51"W A DISTANCE OF 137.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 233 SQUARE FEET (0.005 ACRES), MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

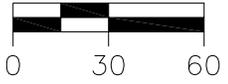
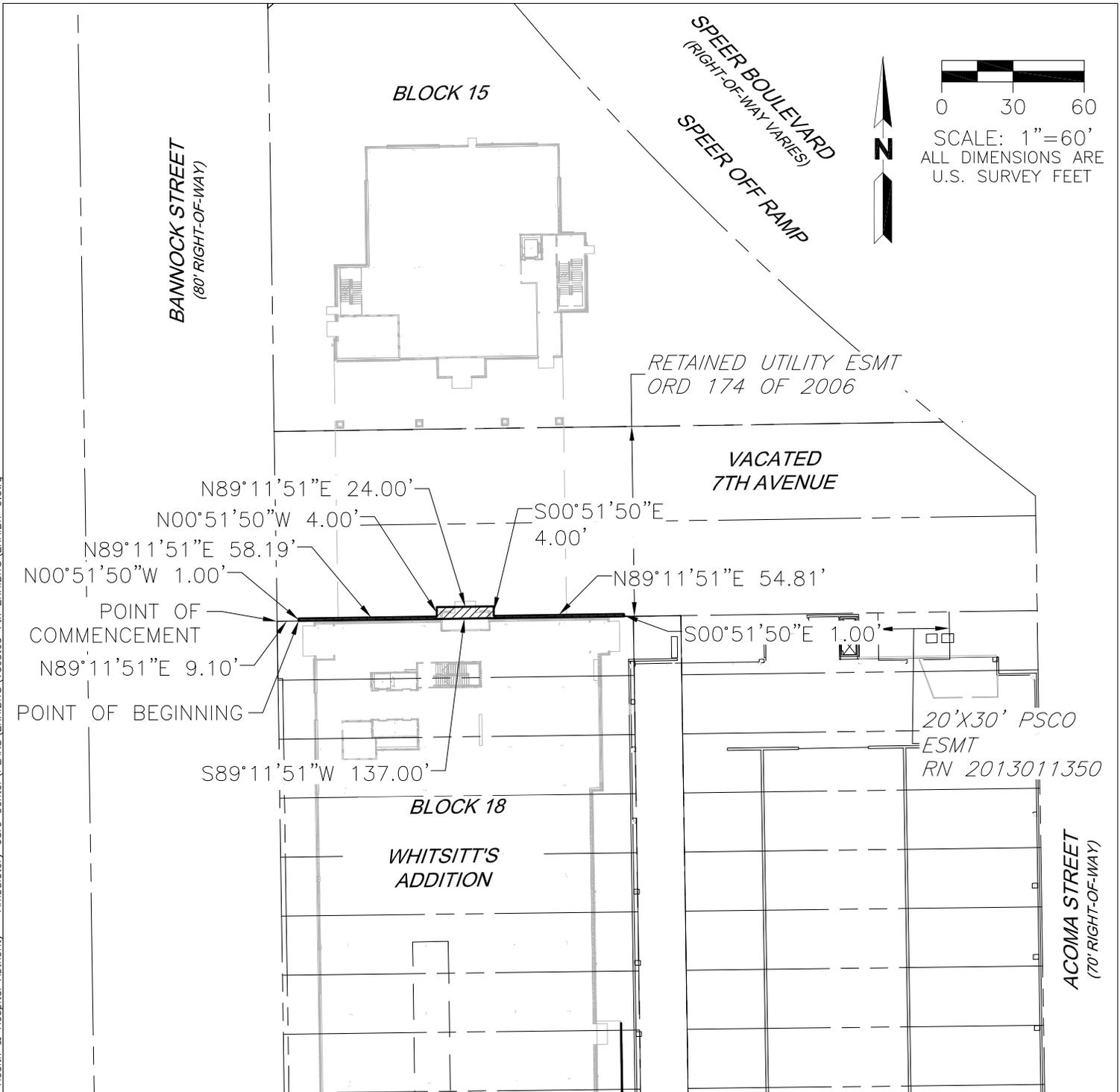
BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2" DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET.

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  
JULY 06, 2018



LAND DESCRIPTION - C

SHEET 2 OF 2



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

DRAWING LOCATION: G:\SCHLAPPE\16.1220-Denver Health & Hospital Authority - Ambulatory Care Center\PLANS\EXHIBITS\Vacated 7th EXHIBITS\EXHIBIT\_C.dwg

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LAND DESCRIPTION - D  
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 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 NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VACATED 7TH AVENUE, N89°11'51"E A DISTANCE OF 146.10 FEET TO THE POINT OF BEGINNING; THENCE N00°51'50"W A DISTANCE OF 9.50 FEET; THENCE S89°11'51"W A DISTANCE OF 13.37 FEET; THENCE N00°51'50"W A DISTANCE OF 70.50 FEET TO A POINT ON THE NORTHERLY LINE OF SAID VACATED 7TH AVENUE; THENCE ALONG SAID NORTHERLY LINE, N89°11'51"E A DISTANCE OF 148.98 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SPEER BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY LINE, 49.71 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1891.39 FEET, A CENTRAL ANGLE OF 01°30'21" AND A CHORD WHICH BEARS S51°21'14"E 49.71 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ACOMA STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE, S00°52'36"E A DISTANCE OF 48.42 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION TO DENVER; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 7TH AVENUE, S89°11'51"W A DISTANCE OF 173.97 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 14,250 SQUARE FEET (0.327 ACRES), MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

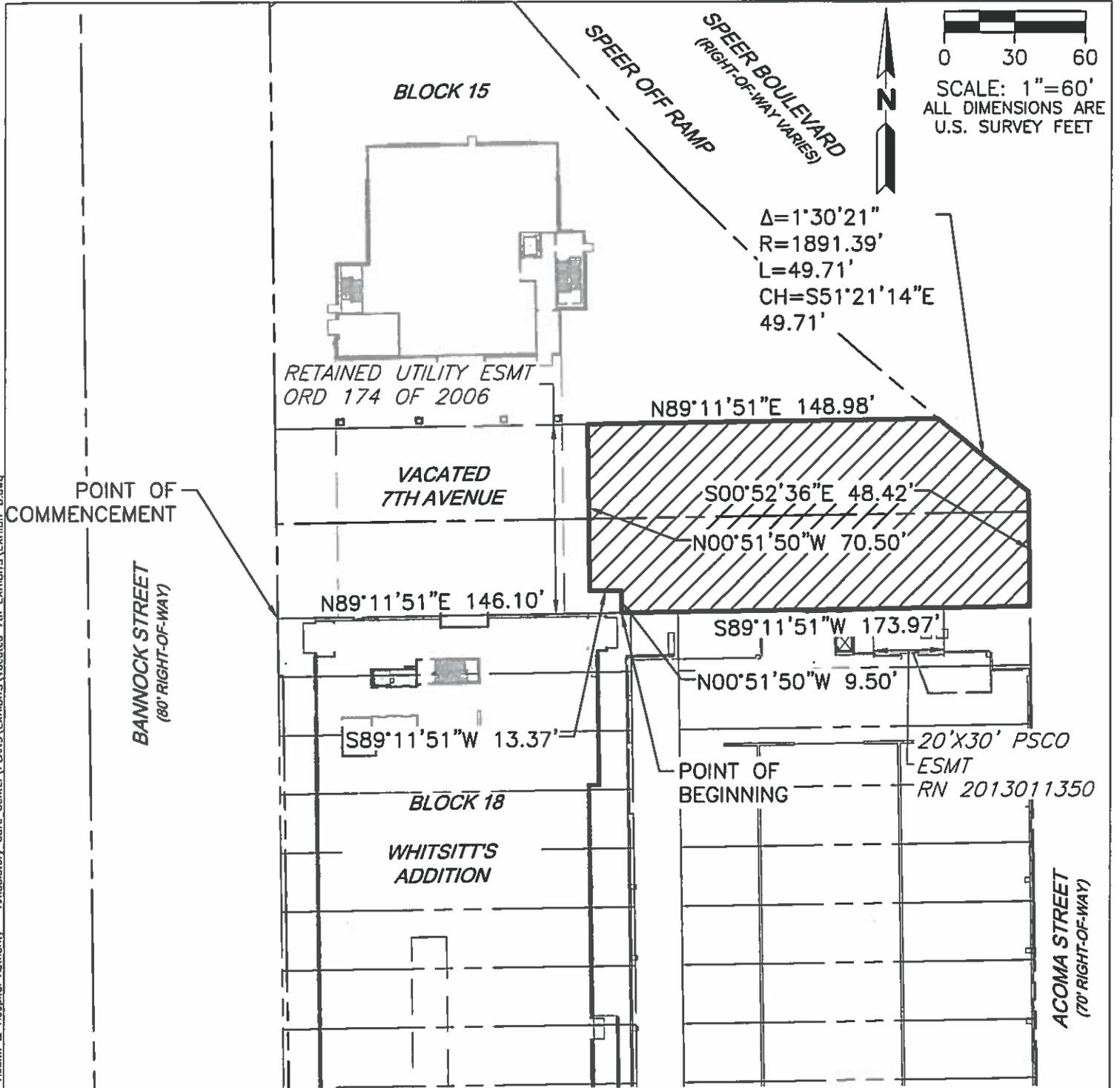
BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2" DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET.

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  
AUGUST 07, 2018



**LAND DESCRIPTION-D**

SHEET 2 OF 2



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



$\Delta=1^{\circ}30'21''$   
 $R=1891.39'$   
 $L=49.71'$   
 $CH=S51^{\circ}21'14''E$   
 $49.71'$

POINT OF COMMENCEMENT

BANNOCK STREET  
(60' RIGHT-OF-WAY)

POINT OF BEGINNING

20'X30' PSCO  
ESMT  
RN 2013011350

ACOMA STREET  
(70' RIGHT-OF-WAY)

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DRAWING LOCATION: G:\SCHLAPPE\16.1220-Denver Health & Hospital Authority - Ambulatory Care Center\PLANS\EXHIBITS\Vacated 7th EXHIBITS\EXHIBIT D.dwg

LAND DESCRIPTION - E  
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 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 NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION TO DENVER, POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BANNOCK STREET AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N00°51'50"W A DISTANCE OF 80.00 FEET TO THE NORTHWEST CORNER OF VACATED 7<sup>TH</sup> AVENUE; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID VACATED 7<sup>TH</sup> AVENUE, N89°11'51"E A DISTANCE OF 22.73 FEET; THENCE S00°51'50"E A DISTANCE OF 70.50 FEET; THENCE S89°11'51"W A DISTANCE OF 13.63 FEET; THENCE S00°51'50"E A DISTANCE OF 9.50 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 7<sup>TH</sup> AVENUE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S89°11'51"W A DISTANCE OF 9.10 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,689 SQUARE FEET (0.039 ACRES), MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2" DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET.

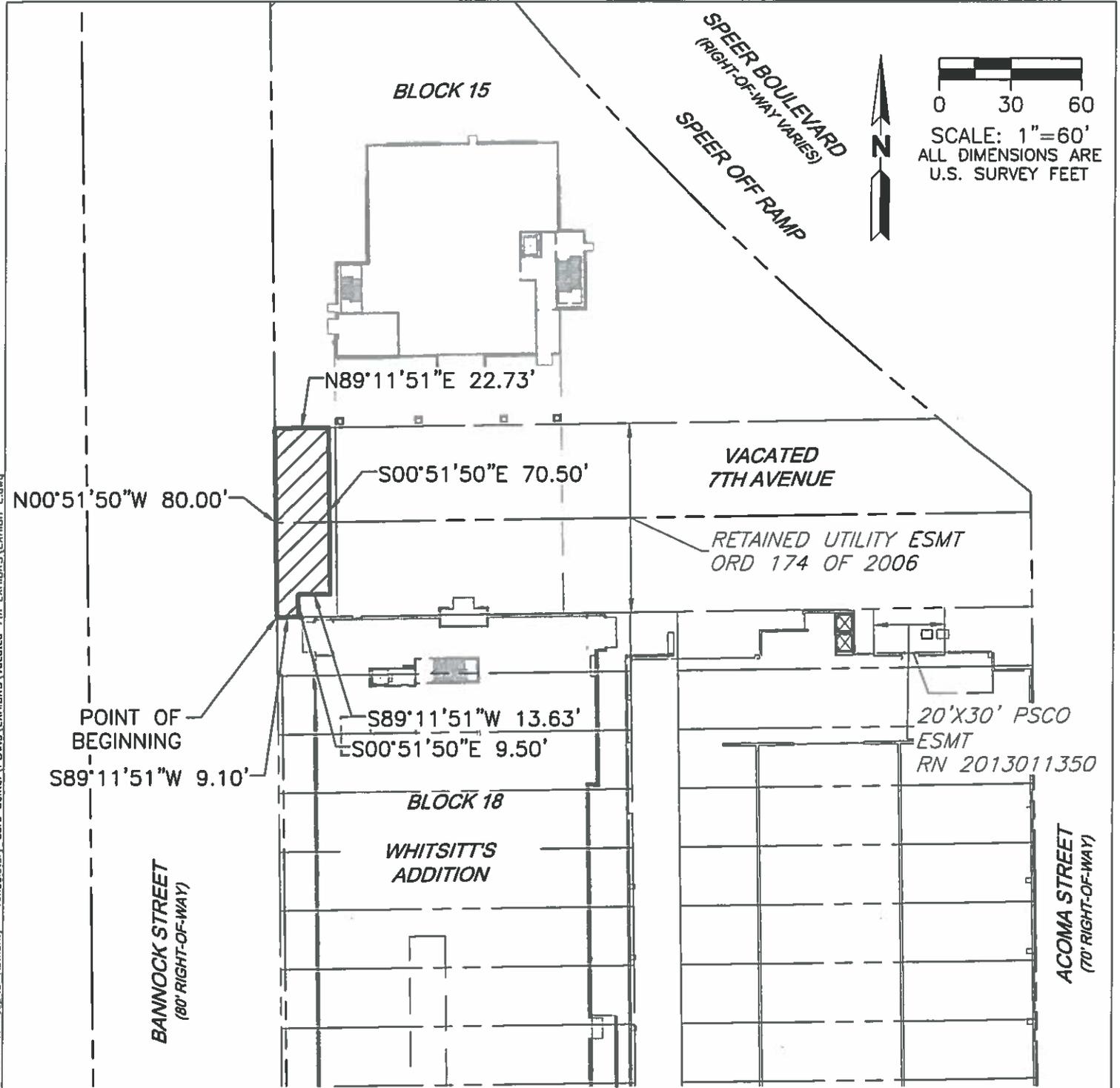
PREPARED BY MATTHEW CHAPA  
REVIEWED BY RICHARD NOBBE, PLS #23899  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVENUE  
LAKEWOOD, COLORADO 80215  
JULY 17, 2018



**LAND DESCRIPTION-E**

SHEET 2 OF 2

DRAWING LOCATION: G:\SCHLAPPE\16.1220-Denver Health & Hospital Authority - Ambulatory Care Center\PLANS\EXHIBITS\Vacated 7th EXHIBITS\EXHIBIT E.dwg



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



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REPRESENT A MONUMENTED  
LAND SURVEY. IT IS ONLY  
TO DEPICT THE ATTACHED  
DESCRIPTION



**MARTIN/MARTIN**  
CONSULTING ENGINEERS

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

BY AUTHORITY

ORDINANCE NO. 174  
SERIES OF 2006

COUNCIL BILL NO. 147  
COMMITTEE OF REFERENCE:  
Public Works

A BILL

For an ordinance vacating West 7<sup>th</sup> Avenue between Bannock Street and Acoma Street, subject to certain 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 area in the system of thoroughfares of the municipality 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 area in the City and County of Denver and State of Colorado, to wit:

A PARCEL BEING A PORTION OF 7<sup>TH</sup> AVENUE AS DEFINED BY THE PLAT OF WHITSITT'S ADDITION TO DENVER RECORDED OCTOBER 11, 1873 IN BOOK 1 AT PAGE 48 OLD ARAPAHOE COUNTY RECORDS, SAID PORTION LYING BETWEEN BLOCK 15 ON THE NORTH AND BLOCK 18 ON THE SOUTH AND IS BOUNDED ON THE WEST END BY BANNOCK STREET AND ON THE EAST END BY SPEER BOULEVARD AND ACOMA STREET, SAID PARCEL SITUATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION TO DENVER;

THENCE S89°11'10"W, ALONG THE NORTHERLY LINE OF SAID BLOCK 18, 320.09 FEET TO THE EASTERLY LINE OF BANNOCK STREET;

THENCE N00°52'38"W, ALONG SAID EASTERLY LINE, 80.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 15, WHITSITT'S ADDITION TO DENVER;

THENCE N89°11'10"E, ALONG THE SOUTHERLY LINE OF SAID BLOCK 15, 289.72 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND ACQUIRED FOR PUBLIC USE BY THE CITY AND COUNTY OF DENVER AND DESCRIBED IN ORDINANCE NO. 900, SERIES OF 1991, SAID CORNER BEING ON A CURVE;

THENCE SOUTHEASTERLY, ALONG THE SOUTHEASTERLY EXTENSION OF SAID CURVE, HAVING A RADIUS OF 1465.14 FEET, A CENTRAL ANGLE OF 01°31'38" AND A CHORD BEARING S51°55'18"E, 39.06 FEET TO THE WESTERLY LINE OF ACOMA STREET;

THENCE S00°52'36"E, ALONG SAID WESTERLY LINE, 55.48 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PARCEL CONTAINS 25,231 SQUARE FEET MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS PARCEL DESCRIPTION BEING THE NORTH LINE OF SAID BLOCK 18, WHITSITT'S ADDITION TO DENVER BEARS S89°11'10"W (ASSUMED).

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be and the same is hereby approved and the described areas are hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

A hard surface easement is hereby reserved by the City and County of Denver over, under, across, and through the vacated area for the purposes of operating, maintaining, repairing and replacing existing public or private utilities including any storm drainage and sanitary sewer facilities. The City reserves the right to authorize the use of the reserved easement by all existing utilities. No trees, fences, retaining walls, landscaping or structures shall be approved over, upon or under the vacated area. The owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver. The property owner shall be liable for all damages to such existing utilities, including their repair and replacement, at owner's sole expense. The City and County of Denver shall not be liable for any damage to owner's property due to use of this reserved easement.

COMMITTEE APPROVAL DATE: N/A

MAYOR-COUNCIL DATE: February 28, 2006

PASSED BY THE COUNCIL March 13 2006

[Signature] - PRESIDENT

APPROVED: [Signature] - MAYOR MARCH 14 2006

ATTEST: [Signature] - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL Mar. 10, 2006; Mar. 17, 2006

PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY; 2/28/06

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Cole Finegan, City Attorney

BY: [Signature], Asst City Attorney

DATE: 1 Mar 06

