



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. Duncan, P.E.
Manager 2, Development Engineering Services
PROJECT NO: 2015-RELINQ-0000009
DATE: December 18, 2015
SUBJECT: This is a proposal to relinquish easements reserved by Ordinance #749, Series 2014 which provided for vacation of an alley, with reservations. (Project # 2014-0596-03-01 - Vacation at 38th and Lowell.)

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

This office has investigated the request of Michael Moore., P.E., with Harris Kocher Smith, on behalf of 38th Street Apartments, LLC.

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-0000009-001 HERE

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

RJD:cmc

cc:
City Councilperson & Aides (Dist. 1 - R. Espinoza)
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: December 18, 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-0000009: 38TH and Lowell – Request to relinquish utility easements.

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:

Relinquishment of utility easements.
(Reserved in Ordinance Number 749, Series 2014, recorded under reception number 2014150193.
The utilities have been relocated to allow for development of the area.)

****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:** 38th and Lowell
- d. Affected Council District:** #1 – Rafael Espinosa.
- 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.
None.

To be completed by Mayor’s Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2015-RELINQ-0000009
Request for Relinquishment of Utility Easements near 38th and Lowell

Description of Proposed Project:

This is a proposal to relinquish easements reserved in Ordinance Number 749, Series 2014.

Background:

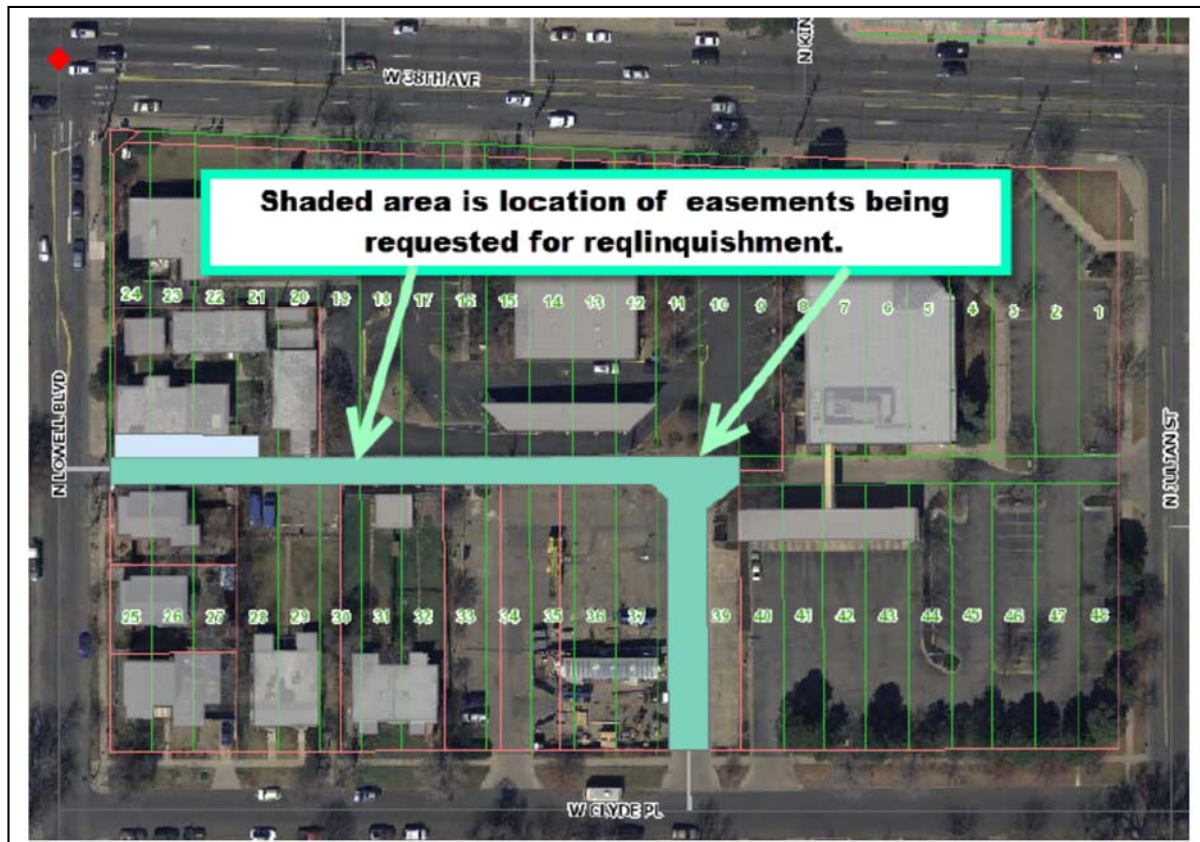
Utilities were previously existing under the alley but have since been removed. The area is part of a proposed development intended to include a multi-level mixed-use residential apartment building in connection with Site Development Plan 2014D00133.

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 allow for proposed development.

Will an easement relinquishment be submitted at a later date: No.

Additional information: None.



DESCRIPTION

2015-RELINQ-0000009-001

SITUATED IN THE NORTHWEST QUARTER OF SECTION 29,
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THAT ALLEY LOCATED IN BLOCK 36, SECOND FILING OF A PORTION OF HIGHLAND PARK, RECORDED IN BOOK 4 OF PLATS AT PAGE 43 OF THE ARAPAHOE COUNTY RECORDS AND ALL OF THAT ALLEY DESCRIBED IN ORDINANCE NO. 826 SERIES 1986, ALL SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, 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 NORTHWEST CORNER OF LOT 25 SAID BLOCK 36 AND ASSUMING THE SOUTH LINE OF SAID BLOCK 36 TO BEAR NORTH 89°58'45" WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE SOUTH 89°59'05" EAST ALONG THE NORTH LINE OF SAID LOT 25, A DISTANCE OF 2.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°01'51" EAST PARALLEL WITH AND 2.00 FEET EAST OF THE RIGHT-OF-WAY LINE OF LOWELL BOULEVARD, A DISTANCE OF 16.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 24 IN SAID BLOCK 36;

THENCE SOUTH 89°59'05" EAST ALONG THE SOUTH LINE OF LOTS 10 THROUGH 24 IN SAID BLOCK 36, A DISTANCE OF 374.87 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10;

THENCE SOUTH 00°00'39" WEST, A DISTANCE OF 16.00 FEET TO THE NORTHWEST CORNER OF LOT 40 IN SAID BLOCK 36 AND THE NORTHEAST CORNER OF SAID ALLEY DESCRIBED IN ORDINANCE NO. 826 SERIES 1986;

THENCE ALONG THE PERIMETER OF SAID ALLEY FOR THE FOLLOWING FIVE (5) COURSES:

- 1) SOUTH 46°53'41" WEST, A DISTANCE OF 26.49 FEET;
- 2) SOUTH 00°00'24" WEST, A DISTANCE OF 142.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST CLYDE PLACE;
- 3) NORTH 89°58'45" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 24.08 FEET;
- 4) NORTH 00°04'04" EAST, A DISTANCE OF 150.10 FEET;
- 5) NORTH 44°57'30" WEST, A DISTANCE OF 14.14 FEET TO THE NORTH LINE OF LOT 37 IN SAID BLOCK 36;

THENCE NORTH 89°59'05" WEST ALONG THE NORTH LINE OF LOTS 25 THROUGH 37 IN SAID BLOCK 36, A DISTANCE OF 321.62 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING A CALCULATED AREA OF 10,033 S.F., OR 0.23 ACRES MORE OR LESS.



AARON MURPHY, PLS NO. 38162

FOR AND ON BEHALF OF:
HARRIS KOCHER SMITH

FILEPATH: P:\31255\WORK\159817_ALLEY VACATIONING LAYOUT SHEET 1
1.XREF: 3814-03-18-1.dwg
PLOTED: TUE 09/23/14 11:02:58A BY: AARON MURPHY

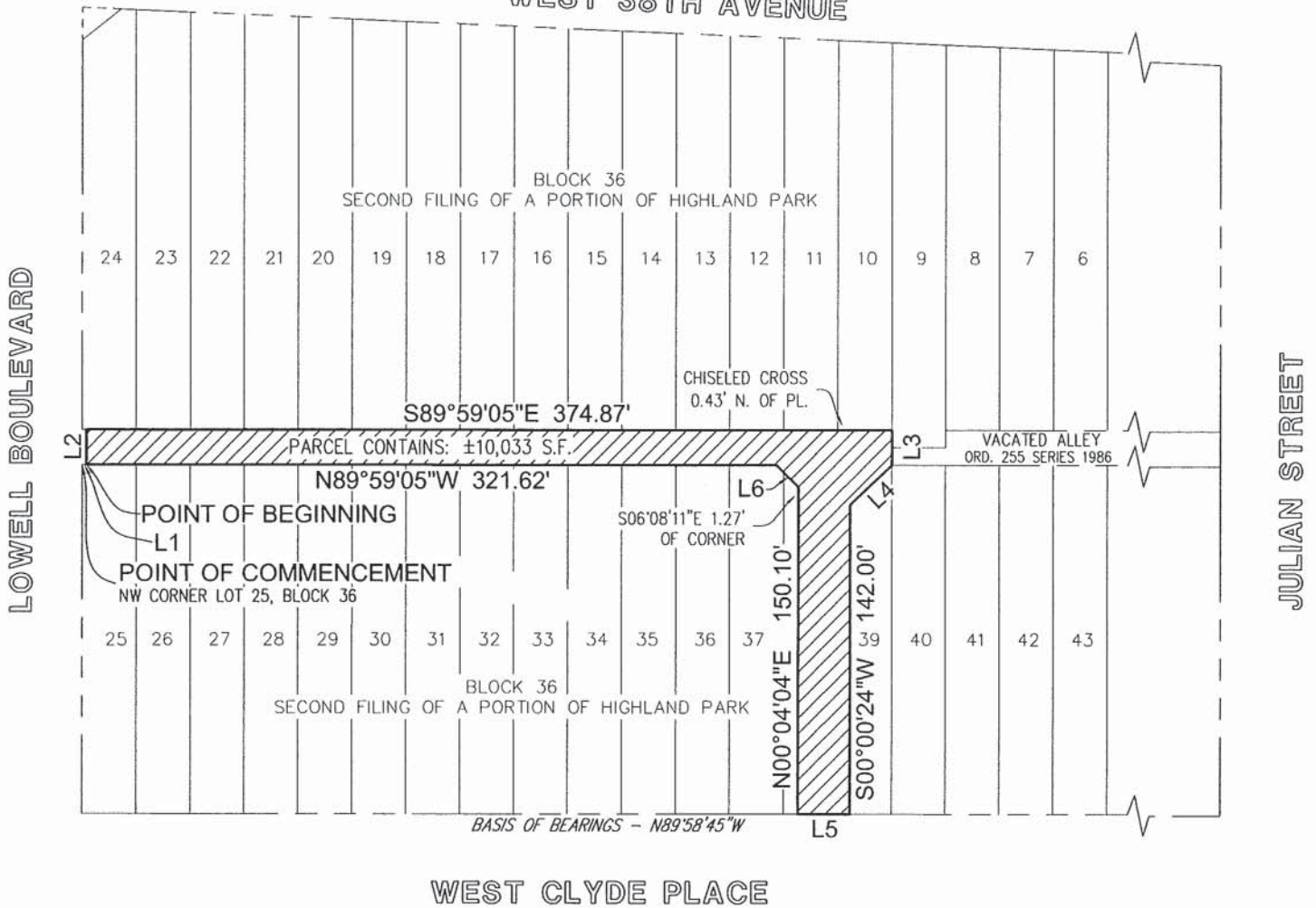
NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE:		ALLEY EASEMENT RELINQUISHMENT	LOWELL PROPERTY EXHIBIT	 1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303-623-6300 F: 303-623-6311 HarrisKocherSmith.com	CHK'D BY: AWM DRAWN BY: SCT JOB NUM: 131205 SHEET NO: <b style="font-size: 24px;">1 1 OF 2
<small>DATE</small>	<small>REVISION COMMENTS</small>				
9-23-14	REV TO MATCH DEDICATION				

EXHIBIT

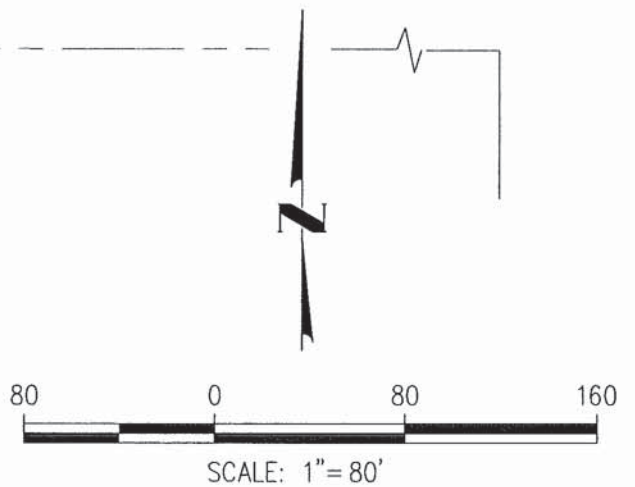
SITUATED IN THE NORTHWEST QUARTER OF SECTION 29,
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CITY AND COUNTY OF DENVER, STATE OF COLORADO.

WEST 38TH AVENUE



WEST CLYDE PLACE

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°59'05"E	2.00'
L2	N00°01'51"E	16.00'
L3	S00°00'39"W	16.00'
L4	S46°53'41"W	26.49'
L5	N89°58'45"W	24.08'
L6	N44°57'30"W	14.14'



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

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

FILEPATH: P:\13255\SURVEY\EXHIBIT_ALLEY VACATED\DWG_LAYOUT SHEET 1
1 393: 3814-23-18-10.dwg
PLOTTED: TUE 09/23/14 11:02:42A BY: JARON MURPHY

ISSUE DATE:	
DATE	REVISION COMMENTS
9-23-14	REV TO MATCH DEDICATION

ALLEY
EASEMENT
RELINQUISHMENT

LOWELL PROPERTY
EXHIBIT

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303-623-6300 F: 303-623-6311
HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: SCT JOB NUM: 131205
SHEET NO 2 2 OF 2

**2015-RELINQ-0000009 – 38th & Lowell – Relinquishment of Utility Easements
(Previously reserved in Ordinance Number 0749, Series 2014.)**



BY AUTHORITY

ORDINANCE NO. 0749
SERIES OF 2014

COUNCIL BILL NO. CB14-0991
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating an alley bounded by West 38th Avenue, West Clyde Place, Lowell Boulevard and Julian Street, with 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 right-of-way in the City and County of Denver, State of Colorado, to wit:

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]



12/10/2014 06:10 PM
City & County of Denver

R \$0.00

ORD

2014150193
Page: 1 of 3
D \$0.00

PARCEL DESCRIPTION ROW NO. 2014-0596-03-01

SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PORTION OF THAT ALLEY LOCATED IN BLOCK 36, SECOND FILING OF A PORTION OF HIGHLAND PARK, RECORDED IN BOOK 4 OF PLATS AT PAGE 43 OF THE ARAPAHOE COUNTY RECORDS AND ALL OF THAT ALLEY DESCRIBED IN ORDINANCE NO. 826 SERIES 1986, ALL SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, 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:

BEGINNING AT THE NORTHWEST CORNER OF LOT 25 SAID BLOCK 36 AND ASSUMING THE SOUTH LINE OF SAID BLOCK 36 TO BEAR NORTH 89°58'45" WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 00°01'51" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LOWELL BOULEVARD, A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF LOT 24 IN SAID BLOCK 36;

THENCE SOUTH 89°59'05" EAST ALONG THE SOUTH LINE OF LOTS 10 THROUGH 24 IN SAID BLOCK 36, A DISTANCE OF 374.87 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10;

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SAID PARCEL CONTAINING A CALCULATED AREA OF 10,065 S.F., OR 0.23 ACRES MORE OR LESS.

be and the same is hereby approved and the described right-of-way is hereby vacated and declared vacated;

1 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

2 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
3 successors and assigns, over, under, across, along, and through the vacated area for the
4 purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or
5 private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and
6 all appurtenances to said utilities. A hard surface shall be maintained by the property owner over
7 the entire vacated area. The City reserves the right to authorize the use of the reserved easement
8 by all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls,
9 landscaping or structures shall be allowed over, upon or under the vacated area. Any such
10 obstruction may be removed by the City or the utility provider at the property owner's expense.
11 The property owner shall not re-grade or alter the ground cover in the vacated area without
12 permission from the City and County of Denver. The property owner shall be liable for all damages
13 to such utilities, including their repair and replacement, at the property owner's sole expense. The
14 City and County of Denver, its successors, assigns, licensees, permittees and other authorized
15 users shall not be liable for any damage to property owner's property due to use of this reserved
16 easement.

17 COMMITTEE APPROVAL DATE: November 20, 2014 [by consent]

18 MAYOR-COUNCIL DATE: November 25, 2014

19 PASSED BY THE COUNCIL: December 8, 2014

20 Christopher A. Kemdon - PRESIDENT

21 APPROVED: [Signature] - MAYOR December 9, 2014

22 ATTEST: Debra Johnson - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER
25

26 NOTICE PUBLISHED IN THE DAILY JOURNAL: DEC 4, 2014; DEC 11, 2014

27 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: November 26, 2014

28 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
29 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
30 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
31 3.2.6 of the Charter.
32

33 D. Scott Martinez, Denver City Attorney

34 BY: [Signature], City Attorney

DATE: 27 Nov, 2014

