



**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:** 2012-0369-02  
**DATE:** January 24, 2014  
**SUBJECT:** Request for an Ordinance to relinquish certain easements established in Ordinance No. **303**, Series of **1969**.

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

This office has investigated the request of Meaghan M. Turner, dated August 9, 2013, on behalf of Wonderland at City Park South, 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 Albus Brooks; 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 the following described areas:

**INSERT PARCEL DESCRIPTION ROW 2012-0369-02-001 HERE**

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:bj

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams  
Councilperson Albus Brooks and Aides  
Department of Law, Karen Aviles  
Department of Law, Brent Eisen  
Department of Law, Karen Walton  
Department of Law, Shaun Sullivan  
Public Works, Alba Castro  
Public Works, Nancy Kuhn  
Public Works Survey-Paul Rogalla  
Project File: 2012-0369-02

**Property Owner**  
Wonderland at City Park South, LLC  
c/o Michael R. Hart  
8601 Turnpike Drive, Suite 106  
Westminster, CO 80031

**Agent**  
Kimley-Horn and Associates, Inc.  
c/o Meaghan Turner  
990 S Broadway, Suite 200  
Denver, CO 80209

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at  
Nancy.khun@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: January 24, 2014

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 Ordinance No. 303, Series of 1969.

3. **Requesting Agency:** Public Works Survey

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

- **Name:** Beverly J Aragon
- **Phone:** 720-865-3125
- **Email:** [Beverly.Aragon@denvergov.org](mailto:Beverly.Aragon@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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** [Nancy.Kuhn@denvergov.org](mailto:Nancy.Kuhn@denvergov.org)

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

To relinquish certain easements established in Ordinance No. 303, Series of 1969.

**\*\*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:** E 16<sup>th</sup> Ave and Milwaukee St
- d. **Affected Council District:** Albus Brooks, District #8
- 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

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*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title:** 2012-0369-02 Easement Relinquishment, 16<sup>th</sup> Ave Residence

**Description of Proposed Project:** Request for an Ordinance to relinquish certain easements established in Ordinance No. 303, Series of 1969.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** For improvements and development.

**Has a Temp MEP been issued, and if so, what work is underway:** No

**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:** None

**EXHIBIT A  
PROPERTY DESCRIPTION**

THAT CERTAIN PARCEL OF LAND LYING WITHIN BLOCK 14, COLFAX AVENUE PARK SUBDIVISION, BEING THE VACATED PORTION OF THE PLATTED ALLEY, AS VACATED BY ORDINANCE NO. 303, SERIES OF 1969, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID VACATED ALLEY, SAID CORNER ALSO BEING ON THE SOUTH LINE OF 16TH AVENUE AND THE NORTHWEST CORNER OF LOT 46, BLOCK 14, SAID SUBDIVISION;

THENCE ALONG THE EAST LINE OF SAID VACATED ALLEY, SOUTH 00°15'23" EAST, 161.45 FEET TO A POINT THAT IS 11.478 FEET SOUTHERLY OF THE NORTHWEST CORNER OF LOT 40, BLOCK 14, SAID SUBDIVISION;

THENCE SOUTH 89°58'23" WEST, 16.00 FEET TO THE WEST LINE OF SAID VACATED ALLEY, SAID LINE ALSO BEING THE EAST LINE OF LOT 7, BLOCK 14, SAID SUBDIVISION;

THENCE ALONG SAID WEST LINE, NORTH 00°15'23" WEST, 161.44 FEET TO THE SOUTH LINE OF 16TH AVENUE, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 14, SAID SUBDIVISION;

THENCE ALONG SAID SOUTH LINE, NORTH 89°55'21" EAST, 16.00 FEET TO THE **POINT OF BEGINNING**.

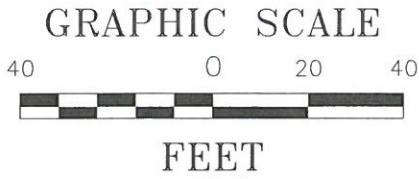
CONTAINING 2,583 SQUARE FEET OR 0.059 ACRES, MORE OR LESS.

AS SHOWN ON THE EXHIBIT ATTACHED HERETO, MADE A PART THEREOF.



JESUS A. LUGO, PLS 38081  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR  
FOR AND ON BEHALF OF  
CALVADA SURVEYING, INC.  
6551 SO. REVERE PARKWAY, SUITE 165  
CENTENNIAL, CO 80111

EXHIBIT A  
PORTION OF BLOCK 14, COLFAX AVENUE PARK SUBDIVISION  
PORTION SW1/4, SECTION 36  
T3S, R68W, 6TH P.M.  
COUNTY OF DENVER  
STATE OF COLORADO

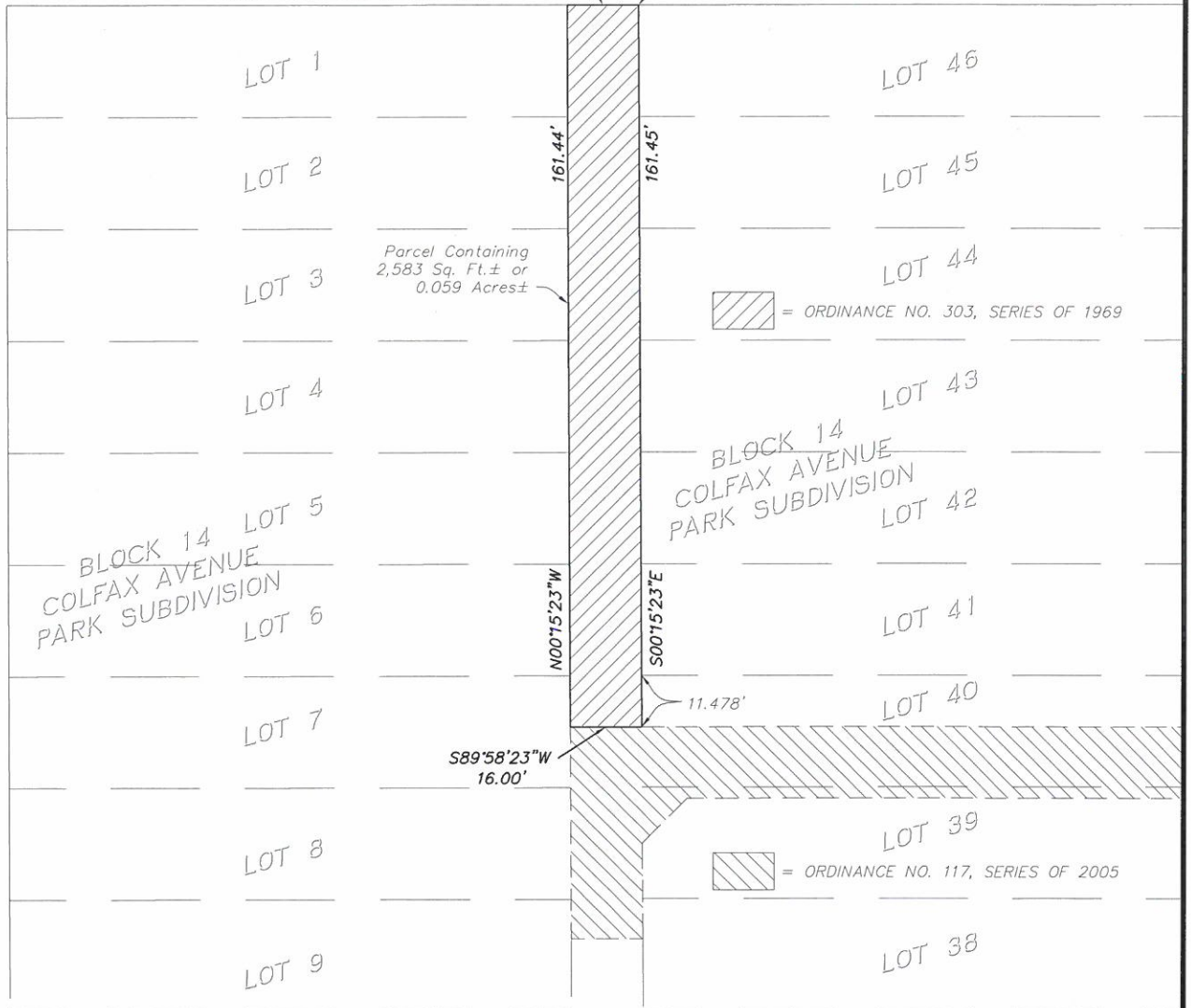


E. 16TH AVE.  
(70' R.O.W.)

N89°55'21"E  
16.00'

Point of Beginning

South R.O.W. Line E. 16th Ave.



[Hatched Box] = ORDINANCE NO. 303, SERIES OF 1969

[Hatched Box] = ORDINANCE NO. 117, SERIES OF 2005

Last Saved On: 1-20-14 At: 07:27am As: \\issifent\1\PROJECTS\2012\12139-2920 E 16TH STREET\dwg\12139-2920 E 16TH STREET-EXHIBIT By: XPMUser



BLOCK 14 COLFAX AVENUE PARK SUB.  
DENVER, CO.  
COUNTY OF DENVER

66153

SEP 10 1969  
BY AUTHORITY

ORDINANCE NO. 303

COUNCILMAN'S BILL NO. 330

SERIES OF 1969

INTRODUCED BY COUNCILMEN

*Hentyell, Wood and Temple*

A BILL

FOR AN ORDINANCE RELOCATING THE ALLEY  
IN BLOCK 14, COLFAX AVENUE PARK SUBDIVISION  
BY VACATING A PORTION OF THE EXISTING ALLEY  
SUBJECT TO CERTAIN RESERVATIONS AND  
DEDICATING A CERTAIN AREA OF LAND IN  
REPLACEMENT THEREOF.

WHEREAS, the Manager of Public Works of the City and County of  
Denver has found and determined that the public use, convenience and necessity  
require that the alley in Block 14, Colfax Avenue Park Subdivision be relocated;  
and

WHEREAS, the said Manager has found and determined that the  
relocation of the aforesaid alley shall be accomplished by vacating, subject  
to certain reservations, a portion thereof and by opening and establishing  
another area of land to replace that portion of said alley vacated and,  
subject to approval by ordinance, has vacated a portion of the alley as afore-  
said and has laid out, opened and established a new area as a public alley; 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 portion of the following described alley in the City and  
County of Denver, State of Colorado, to-wit:

That part of the alley in Block 14, Colfax Avenue Park  
Subdivision, from the South line of 16th Avenue to a point that is  
11.478 feet Southerly of the Northwest corner of Lot 40, said Block,  
extended Westerly;

be and the same is hereby approved and the described portion of the alley is  
hereby vacated and declared vacated; provided, however, said vacation shall  
be subject to the following conditions and reservations:

There is reserved to the utility owners and to the City and County of Denver the continued use and the right to construct, operate and maintain power, telephone and sewer lines in the said vacated portion of said alley.

Section 2. That the action of the Manager of Public Works in laying out, opening and establishing as a public alley the following described real property situate, lying and being in the City and County of Denver, State of Colorado, to-wit:

Those parts of Lots 39 and 40, Block 14, Colfax Avenue Park Subdivision, described as follows:

Beginning at a point on the West line of said Lot 40 and 11.478 feet South of the Northwest corner thereof;

thence Easterly on a line parallel with the North line of said Lot 40 to the East line of said Block 14;

thence Southerly on the said East line 16 feet;

thence Westerly on a line parallel with the said North line of Lot 40 to a point that is 10 feet East of the West line of Lots 39 and 40 in said Block;

thence Southwesterly to a point on the said West line and 12.5 feet Southerly of the Northwest corner of said Lot 39;

thence Northerly on the West line of said Lots 39 and 40 to the point of beginning;

be and the same is hereby approved and said portion of real property is hereby laid out, opened and established and declared laid out, opened and established as a public alley.

Section 3. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety and determines that it shall take effect immediately upon its final passage and publication.

PASSED BY the Council September 2, 1969

Edward F. Buck President

APPROVED: [Signature] Mayor September 4, 1969

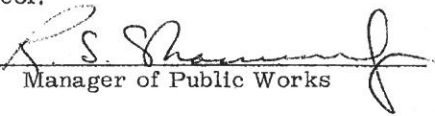
ATTEST: [Signature] Clerk and Recorder, Ex-Officio  
Clerk of the City and County  
of Denver



PUBLISHED IN The Daily Journal Aug. 29, 1969 and Sept. 5, 1969

81 227  
83 260

I have made the findings and determinations set forth in the above and foregoing draft or form of a proposed Bill for an Ordinance, and subject to approval by ordinance, have vacated subject to certain conditions and reservations, and do hereby vacate that portion of that certain alley therein described and have laid out, opened and established as a public alley the real property therein described and request the Council of the City and County of Denver to approve such vacation, subject to certain conditions and reservations, and to approve the laying out, opening and establishment of the public alley by the enactment of an appropriate ordinance. I approve said draft or form of a proposed Bill for an Ordinance and recommend the introduction and passage thereof.

  
\_\_\_\_\_  
Manager of Public Works

PREPARED BY: Max P. Zani City Attorney

APPROVED: \_\_\_\_\_ Planning Director



Ordinance No. 303 Series 1969

Councilman's Bill No. 320

Introduced by Councilmen

Hentzell, Hook & DePue

**A BILL**

For

An Ordinance RELOCATING THE ALLEY IN  
BLOCK 14, COLFAX AVENUE PARK SUB-  
DIVISION BY VACATING A PORTION OF THE  
EXISTING ALLEY SUBJECT TO CERTAIN  
RESERVATIONS AND DEDICATING A CERTAIN  
AREA OF LAND IN REPLACEMENT THEREOF.

Meeting Date of August 25, 1969  
Read in full in the Board of Councilmen and  
referred to the Committee on

Public Improvements

Meeting Date of August 25, 1969  
Reported back by the Committee on

Public Improvements

Recommended that the bill be ordered published  
and report adopted.

Published in The Daily Journal  
this 29<sup>th</sup> day of Aug, A. D. 1969

Meeting Date of Sept 2, 1969

Read by title, placed upon its passage and  
passed.

Presented to the Mayor and signed by him  
this 4<sup>th</sup> day of Sept, A. D. 1969

Ent'd as Ordinance No. 303, Series 1969

Published in The Daily Journal  
this 5<sup>th</sup> day of Sept, A. D. 1969

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EST. 1963

SEP-10-69 131837

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STATE OF COLORADO  
CITY & COUNTY  
OF DENVER  
FILED IN MY OFFICE ON

SEP 10 2 57 PM '69

RECORDED IN 83 259

F. J. SERAFINI  
CLERK AND RECORDER

83 262

CITY COUNCIL  
CITY & COUNTY OF DENVER  
RECEIVED

AUG 21 1969

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