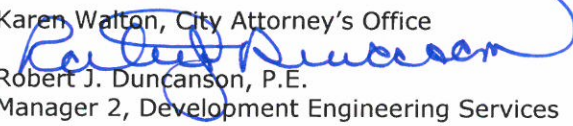




Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
www.denvergov.org/pwprs

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: 2014-0038-02
DATE: April 21, 2014
SUBJECT: Request for an Ordinance to relinquish certain easements established by reception number 2007087234 in Belleview Station Block B.

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

This office has investigated the request of Dennis Sobieski of Redland, dated February 28, 2014, on behalf of Belquince Ltd. Liability Co. for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson; 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 2014-0038-02-001 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:aal

c: Asset Management: Steve Wirth
City Council: Gretchen Williams
Councilperson Lehmann 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

Property Owner
Belquince Ltd. Liability Co.
650 South Cherry Creek, Suite 1005
Glendale, CO 80246-1812

Agent
Dennis Sobieski
Redland
8000 South Lincoln Street, Suite 206
Littleton, CO 80122

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: April 21, 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:

2014-0038-02 Belleview Station Block B: This is a request to relinquish the easement for a portion of a temporary cul-de-sac at Chenango Ave near Olive St.

3. Requesting Agency: Public Works Survey

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

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@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

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

***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:** Belleview Station Block B
- d. **Affected Council District:** Lehmann, District 4
- 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2014-0038-02 Belleview Station Block B Easement Relinquishment

Description of Proposed Project: This is a request to relinquish the easement for a portion of a temporary cul-de-sac at Chenango Ave near Olive St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: There is no longer any need for a cul-de-sac since the platted area is now a through-street.

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: None.

2014-0038-02-001

**EASEMENT VACATION DESCRIPTION
EXHIBIT A**

A CUL-DE-SAC EASEMENT AS DESCRIBED UNDER RECEPTION NUMBER 2007087234 IN THE RECORDS OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER; SITUATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST ONE-QUARTER;

THENCE SOUTH 89° 34' 48" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 823.82 FEET;

THENCE NORTH 00°00'00" EAST, A DISTANCE OF 440.00 FEET;

THENCE NORTH 90°00'00" EAST. A DISTANCE OF 62.00 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 388.00 FEET, A CENTRAL ANGLE OF 17°19'30" AND AN ARC LENGTH OF 117.32 FEET;

THENCE NORTH 72°40'30" EAST, A DISTANCE OF 65.04 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 72°40'30" EAST, A DISTANCE OF 35.90 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 312.00 FEET, A CENTRAL ANGLE OF 09°53'28" AND AN ARC LENGTH OF 53.86 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 61°02'58" WEST;

THENCE WESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 59.00 FEET, A CENTRAL ANGLE OF 90°21'55" AND AN ARC LENGTH OF 93.05 FEET TO A POINT OF TANGENT CURVE TO THE LEFT;

THENCE WESTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 8.00 FEET, A CENTRAL ANGLE OF 46°38'27" AND AN ARC LENGTH OF 6.51 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,225 SQUARE FEET OR 0.028 ACRE, MORE OR LESS.

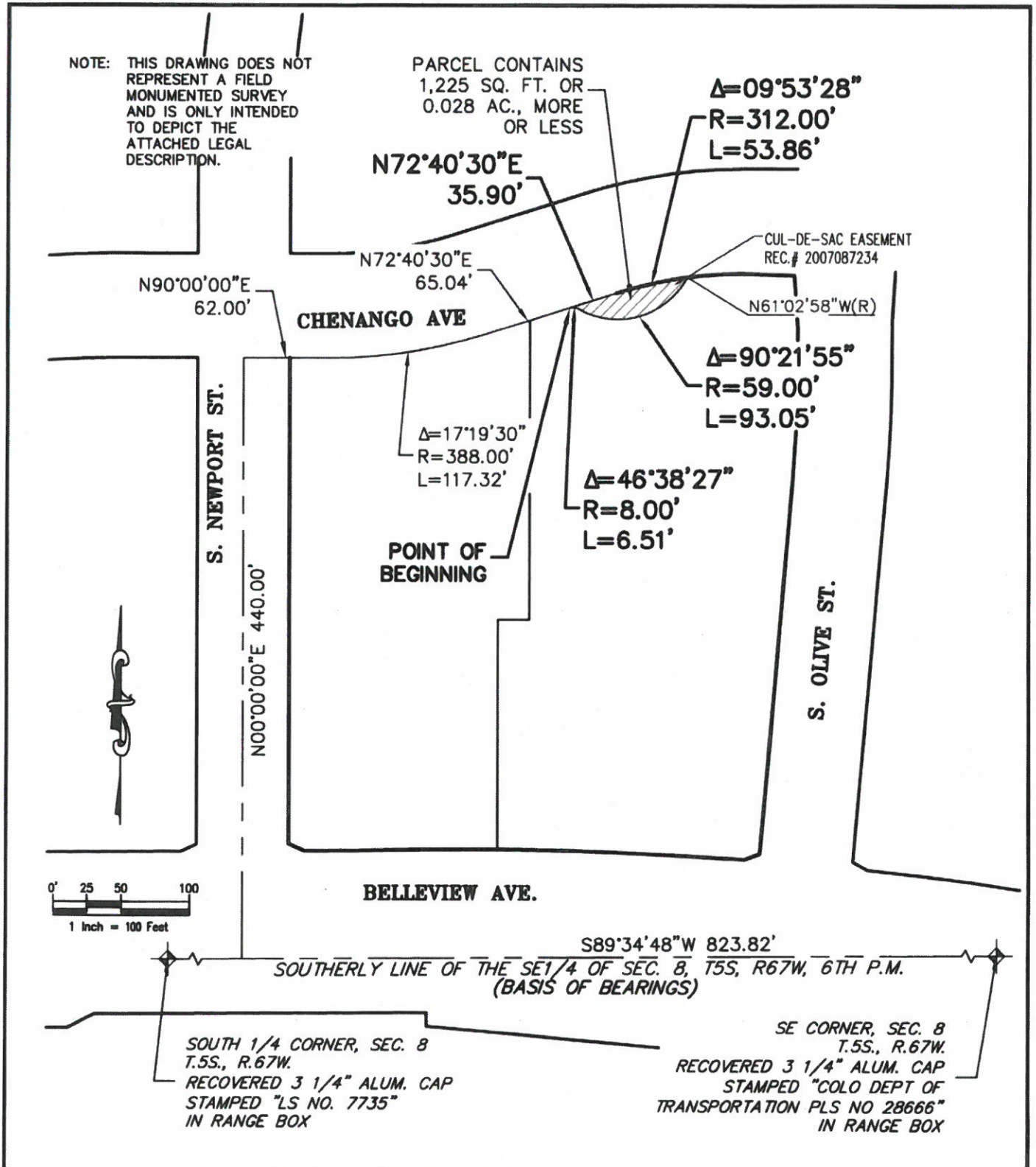
EXHIBIT ATTACHED AND MADE A PART HEREOF.

JAMES E. LYNCH, PLS NO. 37933
FOR AND ON BEHALF OF AZTEC CONSULTANTS,
8000 S. LINCOLN ST., SUITE 201, LITTLETON, CO 80120
303-713-1898



2014-0038-02-001

ILLUSTRATION TO EXHIBIT A



PATH: g:\4013-32 - Boulder Station Block 9 ALM\001
 DWG NAME: Easement Vacation 1
 DWG: JEL CHK: DED
 DATE: 2/7/14
 SCALE: 1" = 100'

AZTEC
 CONSULTANTS, INC.

8000 SOUTH LINCOLN ST.
 SUITE 201
 Littleton, Colorado 80122
 Phone: (303)713-1898
 Fax: (303)713-1897
 www.aztecconsultants.com

EASEMENT VACATION EXHIBIT
SE 1/4, SEC. 8, T5S, R67W
CITY AND COUNTY OF DENVER, COLORADO
 JOB NUMBER 54813-32 2 OF 2 SHEETS



CITY & COUNTY OF DENVER
ASSET MANAGEMENT
201 W. COLFAX AVE DEPT 402 902
DENVER, CO 80202

PERMANENT EASEMENT FOR SIDEWALK and RIGHT-OF-WAY AREA

THIS PERMANENT EASEMENT, made this 1ST day of June 2007, between the **Belquince Ltd. Liability Co.**, whose address is c/o Louis P. Bansbach III, 650 S. Cherry Street, Suite #1005, Glendale, Colorado 80246-1812 ("Grantor") and the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("Grantee");

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged. Grantor has this day bargained and sold and by these presents does bargain and sell and convey and transfer and deliver unto the Grantee a permanent easement, including the perpetual right to enter upon the lands hereinafter described at all times to construct, reconstruct, maintain, service, operate, use, and repair a sidewalk, traffic control devices, street lights, landscaping, utilities and any necessary appurtenances thereto and to the street ("Improvements"), upon, over, through and across the lands hereinafter described, together with the right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction, use and maintenance of said Improvements. Nothing herein shall require the City to construct, reconstruct, maintain, service or repair such Improvements.

The permanent easement granted herein is located in the City and County of Denver, State of Colorado, and is over, across and through the land described as follows (the "Property"):

**SEE EXHIBIT A
ATTACHED HERETO AND INCORPORATED HEREIN**

To have and hold such easement unto the Grantee and unto its successors and assigns forever.

The Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the Property, and that it has good and lawful right to grant this Permanent Easement in the Property. Grantor further covenants and agrees that no building, structure, or other above or below ground obstruction that may interfere with the purposes for which this Easement is

07-03-07
Asset Mgmt. #:
Asset Management:
Date: 6-6-07
Approved:
Project Description: Row
Belquince Ltd. Liability Co.

granted may be placed, erected, installed or permitted upon the Property. Grantor further agrees that in the event the terms of this Easement are violated, that such violation shall immediately be corrected by the Grantor upon receipt of written notice from the City, or the City may itself elect to correct or eliminate such violation at the Grantor's expense. The Grantor shall promptly reimburse the City for any costs or expenses incurred by the City in enforcing the terms of this paragraph.

Grantor further understands and agrees that with respect to the Property, all laws, ordinances, and regulations pertaining to streets, sidewalks, and public places shall apply so that the public use of the Improvements and the Property is consistent with the use and enjoyment of the adjacent dedicated public right-of-way.

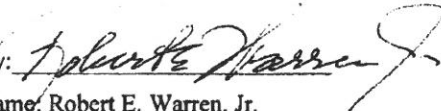
The Grantor further grants to the Grantee the right of ingress to and egress over and across adjacent lands owned by the Grantor by such route or routes as shall occasion the least practical damage and inconvenience to the Grantor, for the purpose of constructing, maintaining and operating the Improvements.

Each and every term, condition, or covenant herein is subject to and shall be construed in accordance with the provisions of Colorado law, any applicable State or federal law, the Charter of the City and County of Denver and the ordinances, regulations, and Executive Orders enacted and/or promulgated pursuant thereto. Such applicable law, together with the Charter, Revised Municipal Code and regulations of the City and County of Denver, as the same may be amended from time to time, is hereby expressly incorporated into this Agreement as if fully set out herein by this reference. Venue for any action arising hereunder shall be in The Denver District Court in the City and County of Denver, Colorado.

Grantor shall indemnify, defend and hold harmless the City from any and all claims, damages, fines, judgments, penalties, costs, liabilities or losses arising from the environmental condition of the Property, including the existence of any hazardous material, substance or waste.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto and all covenants herein shall apply to and run with the land.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and official seals on this 1st day of June, 2007.

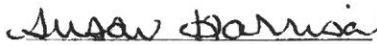
By: 
Name: Robert E. Warren, Jr.
Title: Manager

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 1st day of June, 2007 by Robert E. Warren, Jr., Manager.

Witness my hand and official seal.

My commission expires: June 10, 2009



Notary Public

“GRANTOR”

si