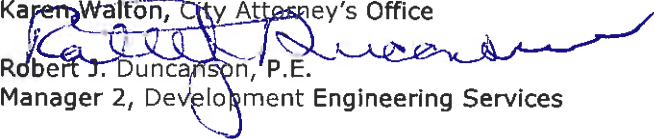


REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office

FROM: 
Robert J. Duncan, P.E.
Manager 2, Development Engineering Services

PROJECT NO: 2012-0363-02

DATE: August 5, 2013

SUBJECT: Request for an Ordinance to relinquish certain easements established in Ordinance number 580 Series of 1976, Ordinance number 407 Series of 1990 and Ordinance number 745 Series of 1990.

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

This office has investigated the request of Jill Jennings Golich, dated September 14, 2012, on behalf of The Auraria Higher Education Center (AHEC) for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Judy Montero; 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 2012-0363-02-001 HERE
INSERT PARCEL DESCRIPTION ROW 2012-0363-02-002 HERE
INSERT PARCEL DESCRIPTION ROW 2012-0363-02-003 HERE
INSERT PARCEL DESCRIPTION ROW 2012-0363-02-004 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:LRA

cc: Asset Mgmt. Steve Wirth City
Council, Gretchen Williams
Councilperson Judy Montero 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 2012-0363-02

Property Owner
C/O Barbara Weiske
Auraria Higher Education Center (AHEC)
Campus Box A
PO Box # 173361
Denver, CO 80217-3361

Agent
C/O Jill Jennings Golich
Auraria Higher Education Center (AHEC)
Campus Box D
PO Box # 173361
Denver, CO 80217-3361

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn 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: August 5, 2013

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 number 580 Series of 1976, Ordinance number 407 Series of 1990 and Ordinance number 745 Series of 1990.

3. **Requesting Agency:** Public Works, Right-of-Way Engineering Services

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3153
- **Email:** lisa.ayala@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:**

Relinquish certain easements established in Ordinance number 580 Series of 1976, Ordinance number 407 Series of 1990 and Ordinance number 745 Series of 1990.

****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:** (1) Alley between Walnut and Larimer Streets, (2) 12th Street between Walnut and Larimer Streets, and (3) Larimer Street between Speer Blvd and 11th Street.
- d. **Affected Council District:** # 9, Judy Montero
- 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: 2012-0363-02 Easement Relinquishment at the Auraria Campus with three easement relinquishments: see below for location.

Description of Proposed Project: Relinquish three easements for the following areas on the Auraria Campus:

- (1) A full easement relinquishment of the vacated alley at Walnut/Larimer Streets between Speer Blvd and 12th Street.
- (2) A partial easement relinquishment on 12th Street between Walnut and Larimer Streets.
- (3) A partial easement relinquishment on Larimer Street running from Speer Blvd to 11th Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The campus is constructing an Academic Building 1 .

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: NO

Additional information: None

BLOCK 2 ALLEY EASEMENT VACATION DESCRIPTION

A 16.5 FOOT WIDE EASEMENT LYING WITHIN THE VACATED ALLEY IN BLOCK 2 OF WEST DENVER, AS RESERVED IN ORDINANCE 580-1976 TO THE CITY AND COUNTY OF DENVER FOR SANITARY SEWERS, CONTAINING 6549 SQUARE FEET OR 0.150 ACRES, MORE OR LESS, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

12TH STREET EASEMENT VACATION DESCRIPTION

THE NORTHEASTERLY 20 FEET OF THE 80 FOOT WIDE EASEMENT FOR ELECTRIC, GAS AND DRAINAGE FACILITIES FOR WATER AND SEWAGE, AS RESERVED IN VACATED 12TH STREET BETWEEN THE NORTHWESTERLY LINE OF VACATED LARIMER STREET AND THE SOUTHEASTERLY LINE OF VACATED WALNUT STREET BY ORDINANCE 407-1990 TO THE CITY AND COUNTY OF DENVER FOR SANITARY SEWERS, CONTAINING 7938 SQUARE FEET OR 0.182 ACRES, MORE OR LESS, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

LARIMER STREET EASEMENT VACATION DESCRIPTION

THE NORTHWESTERLY 12 FEET OF THE 80 FOOT WIDE EASEMENT FOR TELEPHONE, ELECTRIC, GAS AND DRAINAGE FACILITIES FOR WATER AND SEWAGE, AS RESERVED IN VACATED LARIMER STREET BY ORDINANCE 745-1990 TO THE CITY AND COUNTY OF DENVER LYING BETWEEN THE NORTHEASTERLY LINE OF VACATED 11TH STREET AND THE SOUTHWESTERLY LINE OF SPEER BOULEVARD ACCORDING TO THE PLAT OF DENVER WEST AS RECORDED IN DENVER COUNTY CLERK AND RECORDER'S OFFICE,

EXCEPTING THAT PORTION THEREOF LYING IMMEDIATELY ADJACENT TO THE SOUTHWESTERLY 60.00 FEET OF VACATED 12TH STREET, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 9 OF WEST DENVER ACCORDING TO THE RECORDED PLAT THEREOF AS RECORDED AT THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SAID POINT BEING ON THE NORTHWEST LINE OF VACATED LARIMER STREET; THENCE N59°32'55"E ALONG SAID NORTHWEST LINE 60.00 FEET TO A LINE THAT IS 20.00 FEET SOUTHWESTERLY OF, AS MEASURED PERPENDICULAR TO, AND BEING PARALLEL WITH THE SOUTHWEST LINE OF BLOCK 2 OF SAID PLAT OF DENVER WEST; THENCE S30°30'19"E ALONG SAID PARALLEL LINE 12.00 FEET TO A LINE THAT IS 12.00 FEET SOUTHEASTERLY OF, AS MEASURED PERPENDICULAR TO, AND BEING PARALLEL WITH SAID NORTHWEST LINE OF VACATED LARIMER STREET; THENCE S59°32'55"W ALONG SAID PARALLEL LINE 60.00 FEET TO THE INTERSECTION OF SAID LINE WITH THE EXTENSION OF THE NORTHEAST LINE OF SAID BLOCK 9; THENCE N30°30'19"W ALONG SAID EXTENSION OF THE NORTHEAST LINE OF BLOCK 9 12.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT VACATION CONTAINS 6,654 SQUARE FEET (0.153 ACRES), MORE OR LESS.

BEARINGS ARE BASED ON A LINE BETWEEN NGS POINT "MCDONNELL" BEING A 3-1/2" BRASS CAP IN CONCRETE, NORTHEAST OF THE ARCHDIOCESE OF DENVER CHURCH (IN THE ALLEY IN BLOCK 12) AND NGS POINT "MOE", BEING A 3-1/2" BRASS CAP IN CONCRETE ON THE NORTH SIDE OF COLFAX AVENUE (4747 WEST COLFAX AVENUE), BEARING SOUTH 85°47'21" WEST

PREPARED BY NATHAN A. VANRAEMDONCK, PLS #38098
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.
8055 EAST TUFTS AVE., SUITE 850
DENVER, CO 80237



2012-0363-02-002

AURARIA
PARKWAY
ORD. 258-1989

D.W.D. ROW DR 68 NO.
1073 (BK 1912, PG 0248)

WALNUT STREET

VAC. BY ORD. 407-1990 W/RSVN OF ESMT. FOR ELECTRIC,
GAS AND DRAINAGE FACILITIES FOR WATER AND SEWAGE OF
CITY AND COUNTY OF DENVER

12TH STREET

VAC. BY ORD. 407-1990 W/RSVN OF ESMT. FOR ELECTRIC,
GAS AND DRAINAGE FACILITIES FOR
WATER AND SEWAGE OF CITY AND COUNTY OF DENVER

LOT 7

LOT 6

LOT 8

LOT 5

LOT 9

LOT 4

LOT 10

LOT 3

LOT 11

VAC. BY ORD.
580-1976 W/
RSVN. OF
ESMT. FOR
SANITARY
SEWER

LOT 1

D.W.D. ROW DR 402
NO. 1565
(REC. NO. 91087126)

LARIMER STREET

VAC. BY ORD. 745-1990 W/RSVN OF ESMT. FOR TELE.,
ELECTRIC, GAS AND DRAINAGE FACILITIES FOR WATER AND
SEWAGE OF CITY AND COUNTY OF DENVER

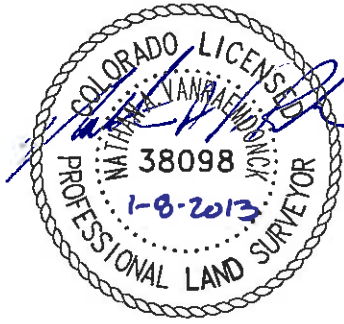
SPEER BLVD.

16.5' ALLEY

WEST DENVER

BLOCK 2

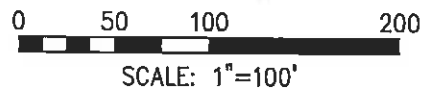
BLOCK 2 ALLEY
EASEMENT RELINQUISHMENT



LEGEND

- INDICATES CHANGE IN DIRECTION ONLY

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



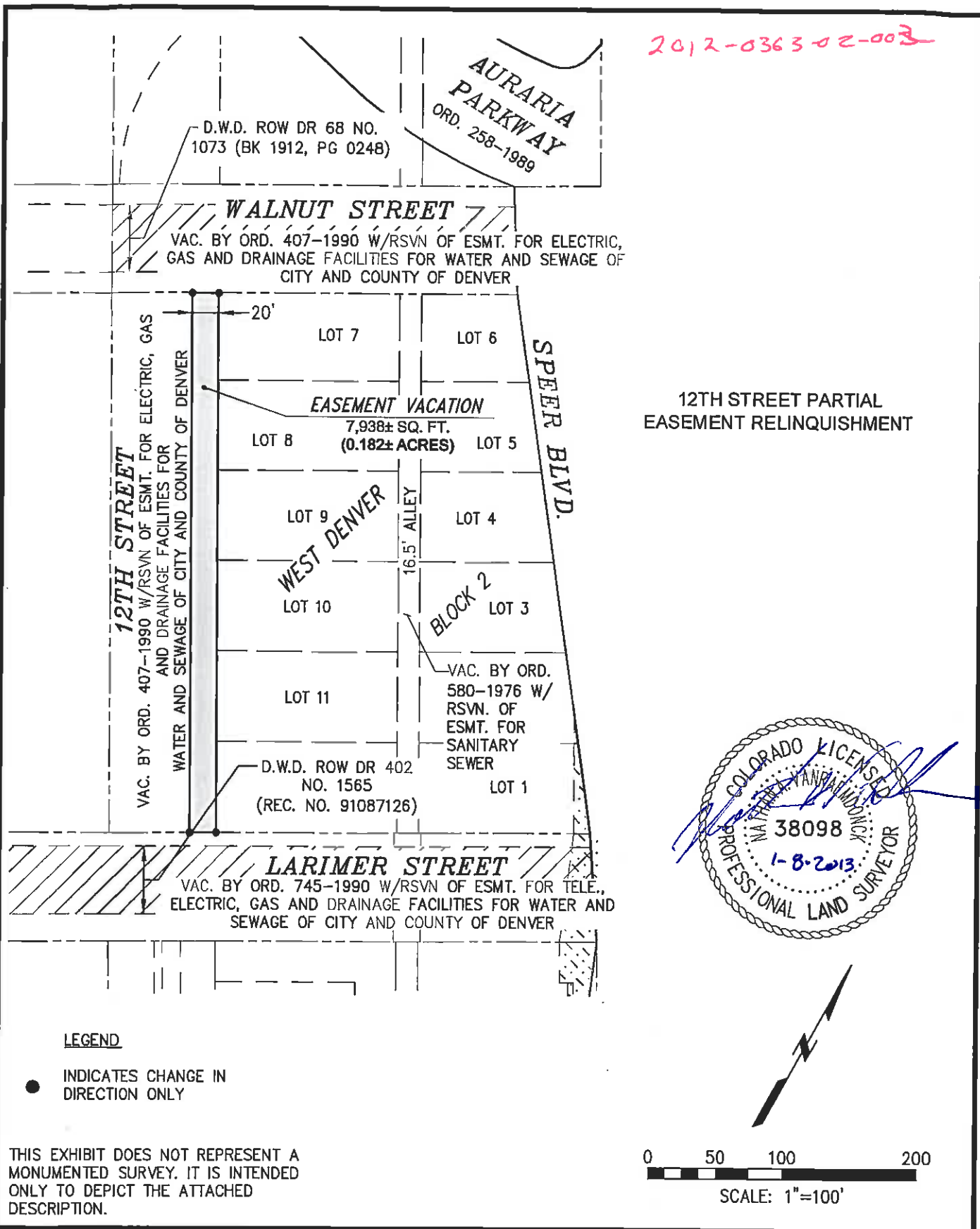
Farnsworth
GROUP
8055 EAST TUFTS AVENUE, SUITE 850
DENVER, COLORADO 80237
(303) 692-8838 / (303) 692-0470 Fax

UNIVERSITY OF COLORADO DENVER
ACADEMIC BUILDING 1
EASEMENT VACATION EXHIBIT
SECTION 33, T3S, R68W, 6TH PM
CITY AND COUNTY OF DENVER, COLORADO

Project No: 0120206.00
Book No:
Drawn by: NAV
Reviewed:
Date: 11-01-2012

P:\2012\0120206.00 - ucd auraria academic bldg 1\dwg\exhibits\V-EASE VACATION 2.DWG | DATE: 04/11/2012 | Time: 15:2 | nvan

2012-0363-02-003



Farnsworth GROUP
8055 EAST TUFTS AVENUE, SUITE 850
DENVER, COLORADO 80237
(303) 692-8838 / (303) 692-0470 Fax

UNIVERSITY OF COLORADO DENVER
ACADEMIC BUILDING 1
EASEMENT VACATION EXHIBIT
SECTION 33, T3S, R68W, 6TH PM
CITY AND COUNTY OF DENVER, COLORADO

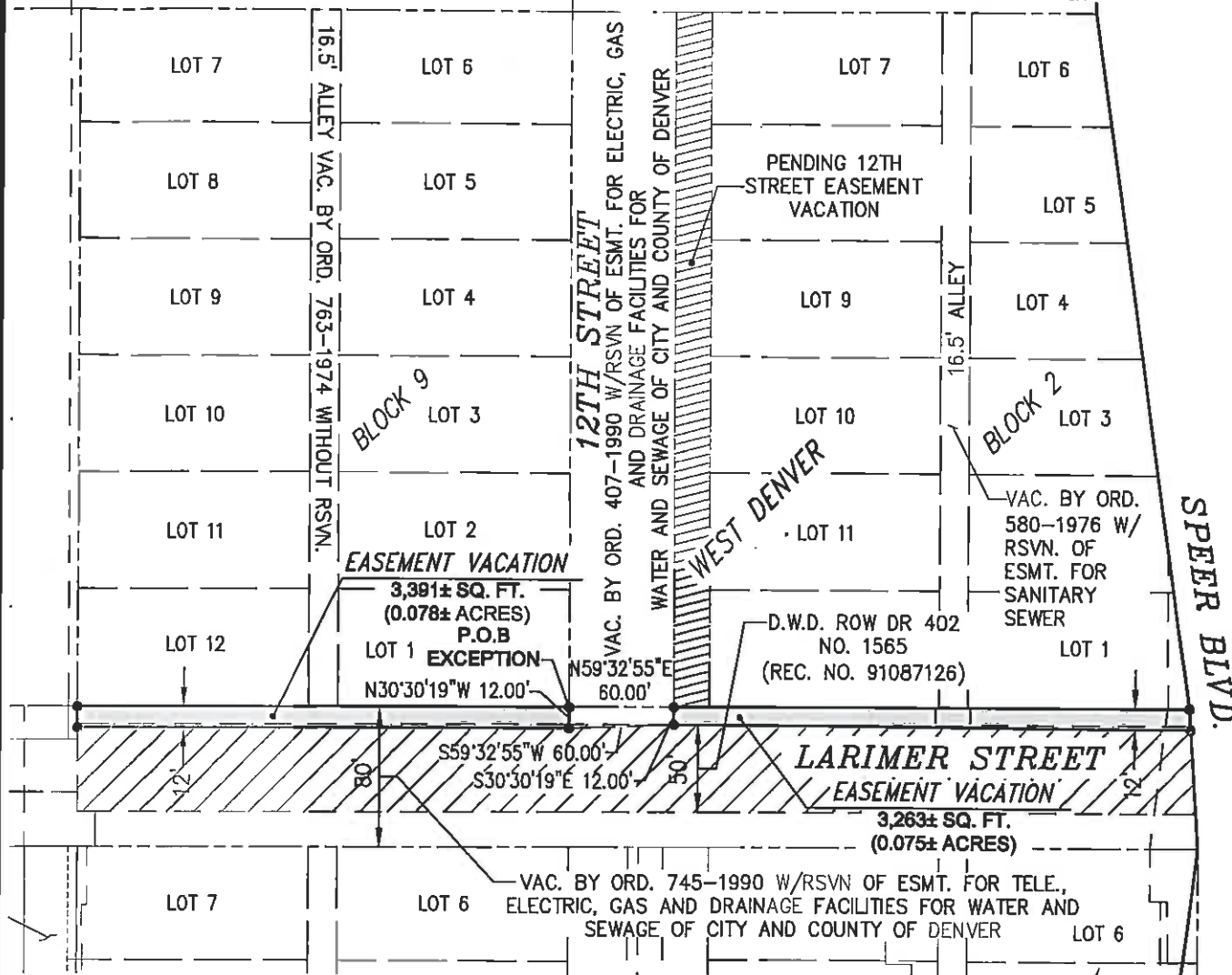
Project No: 0120206.00
Book No:
Drawn by: NAV
Reviewed:
Date: 11-01-2012
2 OF 3

2012-0363-02-004

D.W.D. ROW DR 68 NO.
1073 (BK 1912, PG 0248)

WALNUT STREET

VAC. BY ORD. 407-1990 W/RSVN OF ESMT. FOR ELECTRIC,
GAS AND DRAINAGE FACILITIES FOR WATER AND SEWAGE OF
CITY AND COUNTY OF DENVER



LARIMER STREET PARTIAL EASEMENT RELINQUISHMENT

LEGEND

- INDICATES CHANGE IN
DIRECTION ONLY

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

Farnsworth
GROUP
8055 EAST TUFTS AVENUE, SUITE 850
DENVER, COLORADO 80237
(303) 692-8838 / (303) 692-0470 Fax

UNIVERSITY OF COLORADO DENVER
ACADEMIC BUILDING 1
EASEMENT VACATION EXHIBIT
SECTION 33, T3S, R68W, 6TH PM
CITY AND COUNTY OF DENVER, COLORADO

Project No:0120206.00
Book No:
Drawn by: NAV
Reviewed: BM
Date: 11-01-2012

BY AUTHORITY

ORDINANCE NO. 407

SERIES OF 1990

COUNCIL BILL NO. 418

COMMITTEE OF REFERENCE:

PUBLIC WORKS,

TRANSPORTATION,

A B I L L

FOR AN ORDINANCE VACATING CERTAIN PARTS OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY, SUBJECT TO CERTAIN RESERVATION: I.E., VACATING OF 12TH STREET BETWEEN LARIMER STREET AND WALNUT STREET; AND WALNUT STREET BETWEEN THE WEST LINE OF 12TH STREET AND SPEER BOULEVARD.

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 those certain portions of those certain streets 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 portions of those certain streets in the City and County of Denver and State of Colorado to wit:

12th Street between the Northwesterly Line of Larimer Street and the Southeasterly Line of Walnut Street.

That portion of Walnut Street lying between the Southwesterly Line of 12th Street extended Northwesterly and the Southwesterly Line of that parcel of ground in deed recorded December 12, 1989, at reception No. 89-0114896 in the offices of the Clerk and Recorder of the City and County of Denver, State of Colorado, extended Northwesterly to the Northwesterly Line of Walnut Street.

be and the same is hereby approved and the described portions of those certain streets is hereby vacated and declared vacated;

PROVIDED HOWEVER, said vacation shall be subject to the following conditions and reservations:

That easements be and are hereby retained to protect utilities in the vacated streets which utilities include power lines, gas lines and drainage facilities for water and sewage of the City and County of Denver and Metropolitan Denver Sewage Disposal District No. 1.

PASSED BY THE COUNCIL July 9, 1990

Cathy Donohue - PRESIDENT

APPROVED: Jedediah Davis - MAYOR July 10 1990

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

PUBLISHED IN THE DAILY JOURNAL July 6, 1990 July 13, 1990

I have made the findings and determinations as 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 and do hereby vacate the described street, subject to certain reservations, and request the Council of the City and County of Denver to approve such vacation subject to certain reservations, 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: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 6/27/90

REVIEWED BY: Devin Wells - CITY ATTORNEY 6/27 1990

SPONSORED BY COUNCIL MEMBER(S) _____



BY AUTHORITY

ORDINANCE NO. 580

SERIES OF 1976

COUNCIL BILL NO. 632

INTRODUCED BY

SANDOS, MACINTOSH,
HENTZELL, ROBERTS & PERRY

A B I L L

FOR AN ORDINANCE VACATING CERTAIN PARTS OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY; i.e., VACATING ALLEYS IN BLOCKS 1, 2, 3, 66, 67, 74, 75, 76, 77, 100, 241, 242 AND 255, WEST DENVER; ALSO, ALLEYS IN W.W. AND I.B. PORTER'S RESUBDIVISION OF LOTS 3, 4, 5 AND 6, BLOCK 100, WEST DENVER, 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 those certain alleys 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 alleys in the City and County of Denver and State of Colorado, to-wit:

The alleys in Blocks 1, 2, 3, 66, 67, 74, 75, 76, 77, 100, 241, 242 and 255, West Denver.

Also

The alleys in W.W. and I.B. Porter's Resubdivision of Lots 3, 4, 5 and 6, Block 100, West Denver.

be and the same is hereby approved and the described alleys are hereby vacated and declared vacated, provided, however, said vacation shall be subject to the following conditions and reservations:

1. Easements are retained for telephone lines in the alleys in Blocks 241 and 242, West Denver.
2. Easement for a gas line in the alley in Block 241, West Denver.
3. Easements for sanitary sewer lines in the alleys in Blocks 1, 2, 3, 66, 67, 75, 76, 77, 100 and 242, West Denver, and the alleys in W.W. and I.B. Porter's Re-subdivision of Lots 3, 4, 5 and 6, Block 100, West Denver.

Section 2. 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 October 25, 1976

Edward F. Burke Jr. -President

APPROVED: W.H. Nichols -Mayor October 26, 1976

ATTEST: G.J. Serdjani -Clerk and Recorder, Ex-Officio
Clerk of the City and County of Denver

PUBLISHED IN The Daily Journal Oct. 15, 1976 and Oct. 29, 1976

I have made the findings and determinations as 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, and do hereby vacate the described alleys subject to certain reservations, and request the Council of the City and County of Denver to approve such vacation, subject to certain reservations, 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: M. A. P. Z. A. U. -City Attorney
WHL

BY AUTHORITY
ORDINANCE NO. 745
SERIES OF 1990

COUNCIL BILL NO. 764
COMMITTEE OF REFERENCE:
PUBLIC WORKS.
TRANSPORTATION,

A B I L L

FOR AN ORDINANCE VACATING CERTAIN PARTS OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY, SUBJECT TO CERTAIN RESERVATIONS: I.E., VACATING PORTIONS OF LARIMER STREET, ALLEY IN BLOCK 104, WEST DENVER, AND INTERSECTION OF WALNUT STREET AND 6TH STREET.

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 those certain portions of that certain street, that certain alley and that certain intersection 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 portions of a certain street, a certain alley and a certain intersection in the City and County of Denver and State of Colorado to wit:

Those parts of West Denver, City and County of Denver, more particularly described as follows:

That part of Larimer Street from the southwesterly line of 9th Street to the southwesterly line of Speer Boulevard, the alley in Block 104, West Denver, and 6th Street from the northwesterly line of Walnut Street southeasterly to the following described line:

Commencing at the most westerly corner of Block 103, West Denver, being the intersection of the northeasterly line of 6th Street and the southeasterly line of Walnut Street;

thence southeasterly along the northeasterly line of 6th Street and the southwesterly line of said Block 103 to the intersection with the northerly line of a parcel of land conveyed to the City and County of Denver by a deed recorded April 20, 1989, at Reception No. R-89-0035160, in the Records of the Clerk and Recorder and dedicated as part of Auraria Parkway by Ordinance No. 258, Series of 1989, and the true point of beginning;

thence northeasterly on an angle to the right of 141° 06' 09" a distance of 4.02 feet to a point of curve;

thence along a curve to the left, convex to the north, and having a radius of 340 feet to a point on the southwesterly line of 6th Street and the point of terminus.

be and the same is hereby approved and the described portions of that certain street, that certain alley and that certain intersection are hereby vacated and declared vacated;

PROVIDED HOWEVER, said vacation shall be subject to the following conditions and reservations:

That easements be and are hereby retained to protect the utilities in the vacated areas which utilities include telephone lines, power lines, gas lines, and drainage facilities for water and sewage of the City and County of Denver.

PASSED BY THE COUNCIL November 26 1990

Cathy Donohue - PRESIDENT

APPROVED: Edwin Davis - MAYOR NOV 27 1990

ATTEST: Edward Davis - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL Nov. 23 1990 Nov. 20 1990

I have made the findings and determinations as 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 and do hereby vacate the described areas subject to certain reservations, and request the Council of the City and County of Denver to approve such vacation, subject to certain reservations, 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: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 11/14/90

REVIEWED BY: [Signature] Post - CITY ATTORNEY 11/14 1990

SPONSORED BY COUNCIL MEMBER(S) _____

