



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: 2015-RELINO-0000004

DATE: April 12, 2018

SUBJECT: Request for an Ordinance to relinquish **the reservations established in the vacating Ordinance No. 339 Series of 2008** with recordation number 2008092309. Located at 26th and Alcott.

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

This office has investigated the request of Brian Valentine, dated June 25, 2015 on behalf of L&L Development LLC, for the relinquishment of said easements.

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 in Ordinance No. 339 Series of 2008.

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

MB:cs

cc:
City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Brad Beck
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 the Angela Casias

at angela.casias@DenverGov.org by **12:00pm on Monday**. Contact the her with questions

Date of Request: April 12, 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:

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.)

Request for an Ordinance to relinquish the reservations established in the vacating Ordinance No. 339 Series of 2008 with recordation number 2008092309. Located at 26th and Alcott.

3. Requesting Agency:

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Chaunda Sinn	Name: Angela Casias
Email: Chaunda.sinn@denvergov.org	Email: angela.casias@denvergov.org

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

Request for an Ordinance to relinquish the reservations established in the vacating Ordinance No. 339 Series of 2008 with recordation number 2008092309. Located at 26th and Alcott.

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

N/A

7. City Council District:

District 1 – Councilman Espinoza

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: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2015-RELINQ-0000004 - 26th and Alcott

Landowner name: L&L Developments LLC

Description of Proposed Project: Request for an Ordinance to relinquish the reservations established in the vacating Ordinance No. 339 Series of 2008 with recordation number 2008092309. Located at 26th and Alcott.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Customer would like to redevelop the land and the relinquishment of the reservations within the alley way is necessary to accomplish that.

Background: This project has been pending for some time because they were working to relocate utilities. All have been relocated and the project is ready to proceed.

Location Map:



BY AUTHORITY

ORDINANCE NO. 339
SERIES OF 2008

COUNCIL BILL NO.: 324
COMMITTEE OF REFERENCE:

A BILL

Public Works

For an ordinance vacating an alley between Bryant Street and Alcott Street and between 26th Avenue and 27th Avenue, 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:

ALL OF THE ALLEY, LOCATED IN BLOCK 7, EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, 16, HIGHLAND; AS RECORDED IN BOOK 4 AT PAGE 8 IN THE RECORDS OF THE ARAPAHOE COUNTY, NOW CITY AND COUNTY OF DENVER, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL CONTAINS 8,634 SQUARE FEET OR 0.20 ACRES, MORE OR LESS.

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

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire easement area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the easement area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property 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 utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees

2008092309

Page: 1 of 2
07/03/2008 09:19A



1 and other authorized users shall not be liable for any damage to property owner's property due
2 to use of this reserved easement.

3
4 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: June 17, 2008

5 PASSED BY THE COUNCIL June 30 2008

6 [Signature] - PRESIDENT

7 APPROVED: [Signature] - MAYOR July 1, 2008

8 ATTEST: [Signature] - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER
11

12
13 NOTICE PUBLISHED IN THE DAILY JOURNAL June 27, 2008; July 3, 2008

14 PREPARED BY: ^{KA} KAREN A. AVILES, ASSISTANT CITY ATTORNEY, June 19, 2008

15
16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office
17 of the City Attorney. We find no irregularity as to form, and have no legal objection to the
18 proposed ordinance. The proposed ordinance is not submitted to the City Council for approval
19 pursuant to § 3.2.6 of the Charter.
20
21

22 David R. Fine, City Attorney
23 BY: [Signature], Assistant City Attorney DATE: June 19, 2008
24

