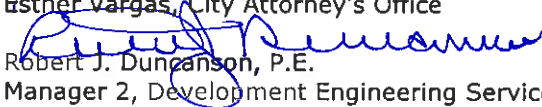




DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Esther Vargas, City Attorney's Office
FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
PROJECT NO: 2010-0418-10
DATE: September 23, 2011
SUBJECT: Request for an Ordinance to relinquish a permit recorded in Book 1412 at Page 9, recorded on March 30, 1977, and a portion of the easement described in that deed at reception #9900144754, recorded on June 17, 1999.

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

This office has investigated the request of Chris D'Ascanio, dated August 23, 2011, on behalf of Sisters of Charity of Leavenworth Health System 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 2010-0418-10-001 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:VLH

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams Councilperson Albus Brooks and Aides Department of Law, Karen Aviles Department of Law, Esther Vargas Department of Law, Arlene Dykstra Public Works, Christine Downs Public Works, Stacie Loucks Public Works Survey-Paul Rogalla Project File **2010-0418-10**

Property Owner Sisters of Charity of Leavenworth Health System c/o Allan Davls 9801 Renner Blvd Suite 100 Lenexa, Ks 66219
Agent Martin/Martin c/o Chris D'Ascanio 12499 W Colfax Ave Lakewood, Co 80215



ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix 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: September 23, 2011

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 a permit recorded in Book 1412 at Page 9, recorded on March 30, 1977, and a portion of the easement described in that deed at reception #9900144754, recorded on June 17, 1999.

3. **Requesting Agency:** PW Right of Way Engineering Services

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

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** vanessa.herman@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:** Stacie Loucks
- **Phone:** 720-865-8720
- **Email:** Stacie.loucks@denvergov.org

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

This is to relinquish a portion of an access easement, and to relinquish a permit to allow construction of a structure over a sanitary main.

****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:** Between 18th Ave and 21st Ave, and Emerson St and Franklin St
- d. **Affected Council District:** Dist #8 Albus Brooks
- 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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title:2010-0418-10, Exempla St. Joseph Hospital, Relinquishment of a permit and access easement

Description of Proposed Project:To relinquish a permit that was granted for a permit to allow construction of a building over a sanitary main, and to relinquish an access easement.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:These were over private property, and due to the redevelopment of the area, they are no longer needed.

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:This is for the redevelopment project of Exempla St. Joseph Hospital between 18th Ave and 21st Ave and Emerson St and Franklin St

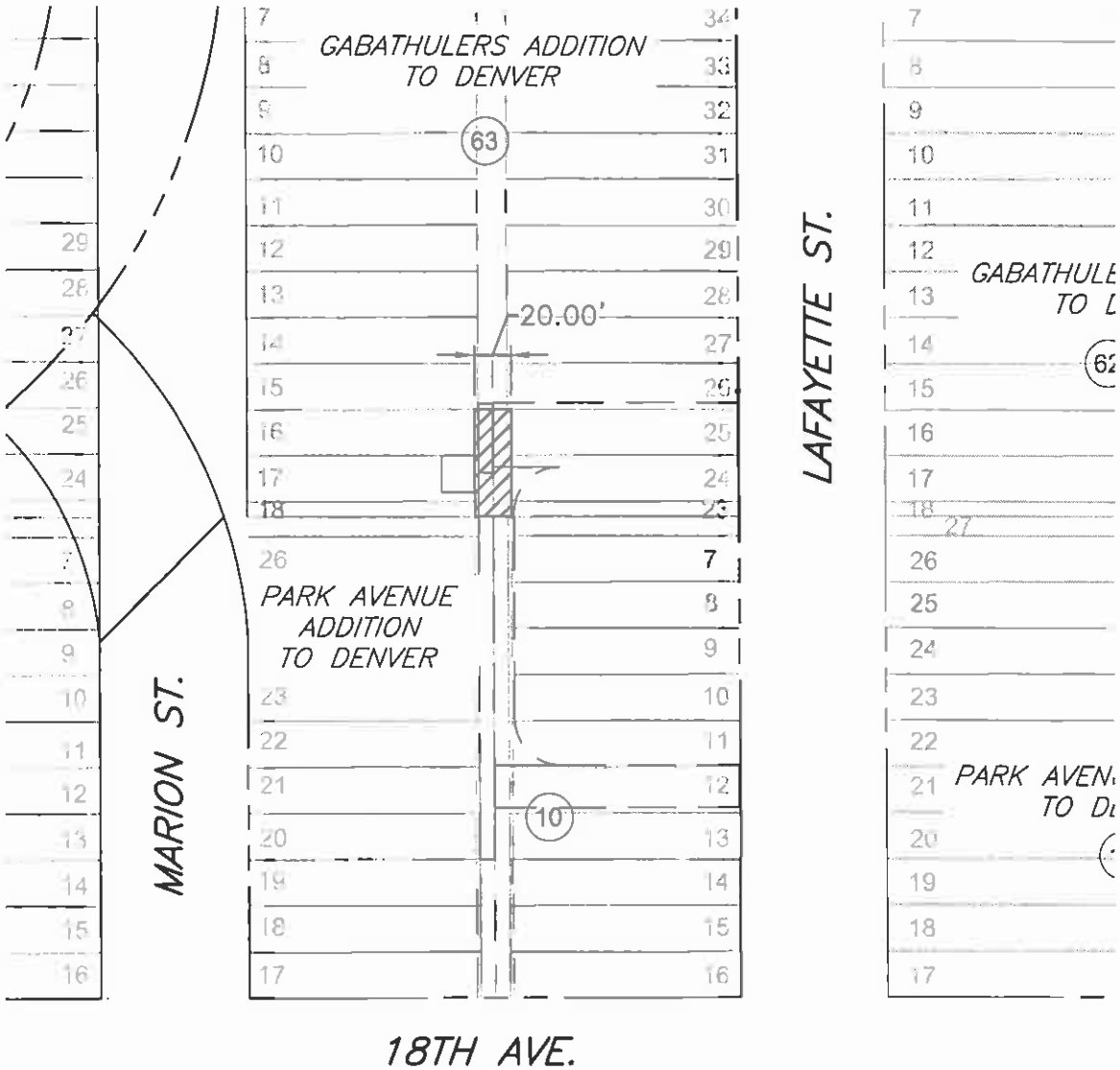
A PORTION OF THE EASEMENT REC #9900144754, IN BLOCK 63 OF GABATHULERS ADDITION TO DENVER BEING IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 2 FEET OF LOTS 16 THROUGH 18, AND THE ALLEY ADJACENT TO SAID LOTS, OF SAID BLOCK 63, GABATHULERS ADDITION TO DENVER AND THE WESTERLY 2 FEET OF LOTS 23 THROUGH 25, AND THE ALLEY ADJACENT TO SAID LOTS, OF SAID BLOCK 63, GABATHULERS ADDITION TO DENVER.

PREPARED BY MATTHEW CHAPA
REVIEWED BY RICHARD NOBBE, PLS FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
P.O. BOX 151500
LAKEWOOD, COLORADO 80215
AUGUST 17, 2011
PROJECT NO.22058.C.02



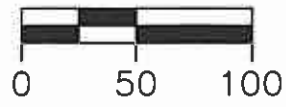
2010-0418-10-001



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

BASIS OF BEARING
 BEARINGS ARE BASED ON COLORADO CENTRAL ZONE STATE PLANE COORDINATES NAD83 (CORS).

AUGUST 17, 2011



SCALE: 1"=100'

MARTIN / MARTIN
 CONSULTING ENGINEERS

12499 WEST COLFAX AVE.
 LAKEWOOD, CO 80215
 303.431.6100
 FAX 303.431.4028

2010-0418-10-001

DRAWING LOCATION: G:\JANSEN\1\Example-St. Joseph's Hospital\22058.C.04-PLAT\Exhibit\186.dwg



WELLINGTON E. WEBB
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF PUBLIC WORKS | OFFICE OF CITY ENGINEER
200 West 14th Ave., Ste303
Denver, Colorado 80204-2700

Bond No.

Policy No.

File No. 98-130

Located: 1029 - 1047 East 20th Avenue

Revocable Permit for a sign at 1029 - 1047 East 20th Avenue. Minimum overhead clearance for pedestrian's is 8'0". Sign design must be approved by vital signs committee. A 1-C Building Permit is required.

Sign Permit from Zoning is required prior to release of Revocable Permit.

The construction shall be by a contractor duly authorized under the Building Code of this municipality.

All work in connection with the above must be done in compliance with the Rules and Regulations Governing Standard Construction Specifications and Drawings (Amended) issued in accordance with Authority of Article II of the Charter of the City and County of Denver, the Specifications of the Building Code and under the General Supervision of the Department of Public works.

A Building Permit will be necessary before commencing the work. This permit may be obtained at the Building Department, 200 West 14th. Avenue, First Floor, Denver, Colorado.

Prior to release of this permit, permittee must deposit with this office a bond issued by a surety company and executed by you, or an insurance policy, whichever you prefer. If a bond is used, it shall be in the sum of \$50,000 and in form will be your agreement to save harmless and defend the City and County of Denver from all suits, claims, demands or actions at law or in equity arising as the result of injury to persons or damage to property occasioned by the use and occupancy of public property. If an insurance policy is used, this municipality must be a named insured with minimum limits of coverage of \$50,000/\$100,000 for bodily injury and \$5,000 for property damage, covering the location of the encroachment on public property for which permit is issued. Said policy may not be canceled except on at least thirty (30) days notice to the municipality.

If bond or insurance policy is not maintained, the authorization herein conferred shall terminate immediately and the aforesaid construction shall forthwith be removed.

The authority herein conferred is revocable at any time and the right to revoke is expressly reserved to the municipality.

Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment areas will have to be borne by the licensee.

The licensee shall pay all costs of construction and maintenance of the said encroachments and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said structures from the encroachment areas and return the streets/alleys to their original condition under the supervision of the City Engineer.

The licensee shall also remove and replace or repair any alley/street paving, sidewalks, curb and gutter that becomes broken or damaged when, in the opinion of the City Engineer, the damage has been caused by the construction within the areas of encroachment.

The licensee is to assume full responsibility for any and all damages incurred to facilities of the Water Department and/or to drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the permit. Any and all replacement or repair of facilities of the Water Department and/or of drainage facilities for water and sewage of the City and County of Denver attributed to the work shall be made by the Water Department and/or the City and County of Denver at the sole expense of the licensee. In the event Licensee's facilities are damaged or destroyed due to the Denver Water Department's repair, replacement and/or operation of its facilities, repairs will be made by the Licensee at its sole expense.

No part hereof shall be of any force and effect until the acceptance hereinafter set forth has been executed. An annual fee of \$50.00 is required each year. These fees are those that are in effect at the time of permit application which are subject to revision and are authorized by Section 49-40(A), "Engineer's Schedule of Fees" of the Revised Municipal Code of the City and County of Denver.

The Licensee shall fully comply with the provisions of Article IV (Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of the City and County of Denver. The failure or refusal to comply with any provision of this Article in said Chapter shall be a proper basis for revocation of this revocable permit or license.

NOTE: Disputes regarding this agreement shall be resolved by administrative hearing pursuant to R.M.C. 56-106.

Failure to comply may result in the imposition of civil penalties up to \$10,000 per day pursuant to R.M.C. 56-107.

Very truly yours,

Manager of Public Works

By RL

Date 5-28-99

Acceptance:

We accept the foregoing authority on the basis of the conditions herein set forth.

Signed by Maura A. McClellan Date 4.9.99
(Permittee/Licensee)