



**Department of Public Works**  
Engineering Regulatory & Analytics  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
720-865-3001  
[www.denvergov.org/survey](http://www.denvergov.org/survey)

## **REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT**

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Matt Bryner  
Director, Public Works Right of Way Services

**PROJECT NO:** 2017-RELINQ-0000026

**DATE:** April 10, 2019

**SUBJECT:** Request for an Ordinance to relinquish the 16' utility easement, in its entirety, as established in Vacating Ordinance No. 255, Series of 1986, Council Bill No. 256 at W 38<sup>th</sup> Ave and N Julian St.

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

This office has investigated the request of Kimley-Horn and Associates, Inc., dated October 2, 2017 on behalf of CH MF BTH I/Denver West Highlands, L.L.C. 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 Espinoza; 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 area(s):

### **INSERT PARCEL DESCRIPTION 2017-RELINQ-0000026-001 HERE**

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

MB:kr

cc:

City Councilperson Espinoza & Aides  
City Council Staff – Zach Rothmier  
Department of Law – Bradley Beck  
Department of Law – Deanne Durfee  
Department of Law – Maureen McGuire  
Department of Law – Martin Plate  
Public Works, Manager's Office – Alba Castro  
Public Works, Legislative Services – Jason Gallardo  
Public Works, Survey – Paul Rogalla

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Jason Gallardo  
at [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

Please mark one:       **Bill Request**                      or               **Resolution Request**                      Date of Request:           **April 10, 2019**          

**1. Type of Request:**

- Contract/Grant Agreement**     **Intergovernmental Agreement (IGA)**     **Rezoning/Text Amendment**
- Dedication/Vacation**               **Appropriation/Supplemental**               **DRMC Change**
- Other: Easement Relinquishment**

**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.)

Kimley-Horn and Associates, Inc. on behalf of CH MF BTH I/Denver West Highlands, L.L.C. requests for an Ordinance to relinquish the 16’ utility easement, in its entirety, as established in Vacating Ordinance No. 255, Series of 1986, Council Bill No. 256 at W 38<sup>th</sup> Ave and N Julian St.

**3. Requesting Agency:** Public Works, Engineering and Regulatory

**4. Contact Person:**

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Katie Ragland	Name: Jason Gallardo
Email: Katie.Ragland@denvergov.org	Email: Jason.Gallardo@denvergov.org

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

Request for an Ordinance to relinquish the 16’ utility easement, in its entirety, as established in Vacating Ordinance No. 255, Series of 1986, Council Bill No. 256 at W 38<sup>th</sup> Ave and N Julian St.

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

**7. City Council District:** City Councilman Espinoza of District 1

**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: \_\_\_\_\_

## Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract?  Yes  No Is this an Amendment?  Yes  No If yes, how many? \_\_\_\_\_

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before?  Yes  No

Source of funds:

Is this contract subject to:  W/MBE  DBE  SBE  XO101  ACDBE  N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

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

Resolution/Bill Number: \_\_\_\_\_

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

# EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

**Project Title:** 2017-RELINQ-0000026 38th and Julian

**Owner name:** CH MF BTH I/Denver West Highlands, L.L.C.

**Description of Proposed Project:** Request for an Ordinance to relinquish the 16' utility easement, in its entirety, as established in Vacating Ordinance No. 255, Series of 1986, Council Bill No. 256 at W 38<sup>th</sup> Ave and N Julian St.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Redevelopment

**Background:** N/A

**Location Map:**





**EXHIBIT A  
EASEMENT RELINQUISHMENT**

THAT CERTAIN PORTION OF THE VACATED 16.00-FOOT WIDE ALLEY PER ORDINANCE NO. 255 SERIES OF 1986 WITH RESERVATIONS, LYING WITHIN BLOCK 36, SECOND FILING OF A PORTION OF HIGHLAND PARK, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, PER PLAT RECORDED IN BOOK 4, PAGE 43 OF PLATS, RECORDS OF ARAPAHOE COUNTY, COLORADO, LYING WITHIN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE NORTHEASTERLY CORNER OF LOT 48, BLOCK 36, SAID SECOND FILING OF A PORTION OF HIGHLAND PARK;

THENCE ALONG THE NORTHERLY LINE OF LOTS 40 THROUGH 48, INCLUSIVE, BLOCK 36, SAID SECOND FILING OF A PORTION OF HIGHLAND PARK, SOUTH 89°28'04" WEST, 224.92 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 40, BLOCK 36;

THENCE ALONG SAID THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 40, BLOCK 36, NORTH 00°31'01" WEST, 16.00 FEET TO THE SOUTHWESTERLY CORNER OF LOT 9, BLOCK 36;

THENCE ALONG THE SOUTHERLY LINE OF LOTS 1 THROUGH 9, INCLUSIVE, BLOCK 36, SAID SECOND FILING OF A PORTION OF HIGHLAND PARK, NORTH 89°28'04" EAST, 224.92 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 1, BLOCK 36;

THENCE ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 1, BLOCK 36, SOUTH 00°31'44" EAST, 16.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 3,599 SQUARE FEET OR 0.083 ACRES, MORE OR LESS.

AS SHOWN ON THE ATTACHED ILLUSTRATION TO ACCOMPANY LEGAL DESCRIPTION

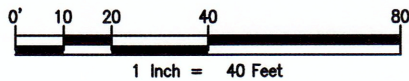
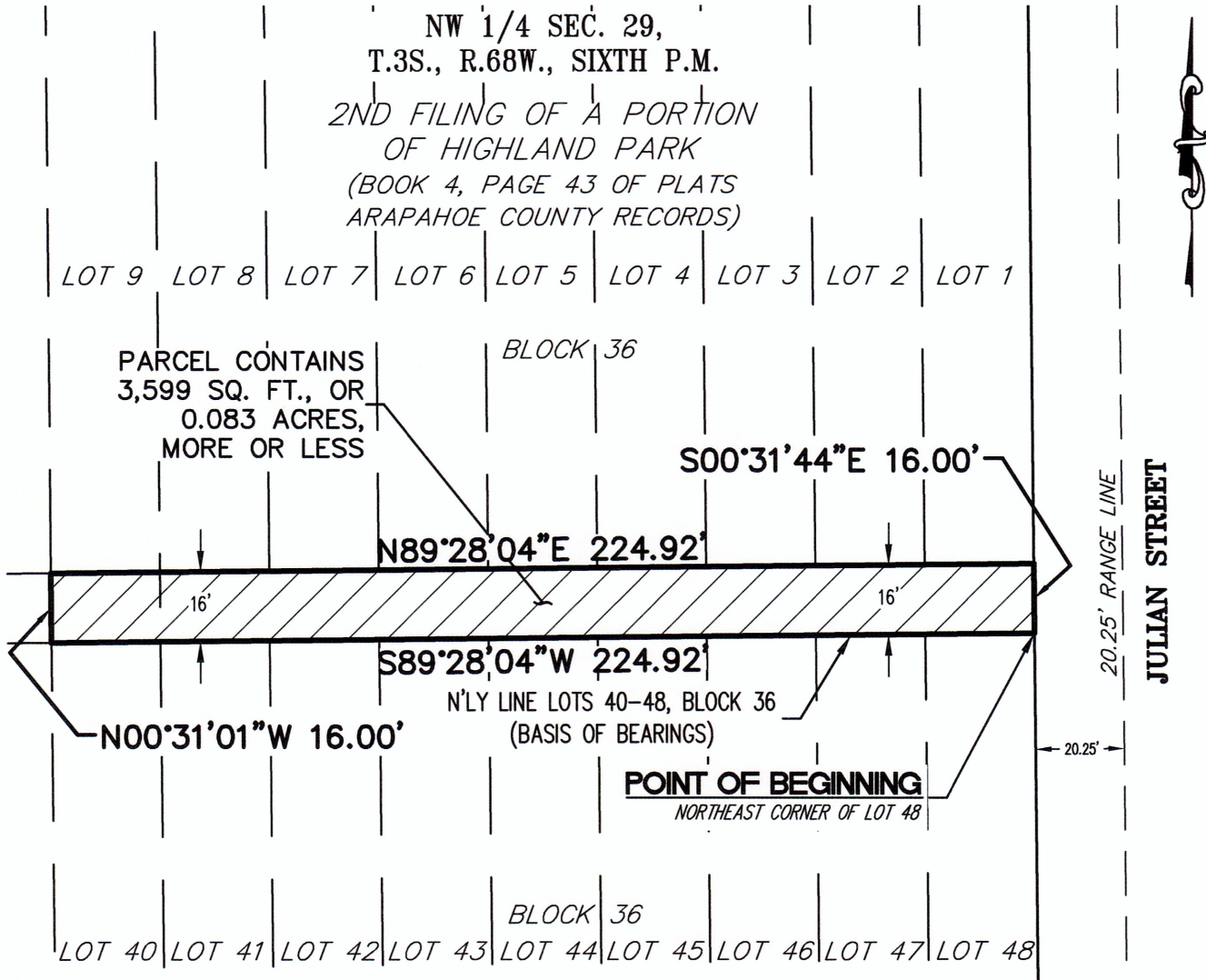


DON R. HULSEY, PLS 38291  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVENUE, SUITE 1  
LITTLETON, CO 80122



# ILLUSTRATION TO EXHIBIT A

2017-RELINQ-0000026-001



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: Q:\48116-48-38th & Julian\Dwg  
 DWG NAME: EASEMENT VACATION.DWG  
 DWG: NAK CHK: DRH  
 DATE: 2018-02-01  
 SCALE: 1" = 40'



300 East Mineral Ave,  
 Suite 1  
 Littleton, Colorado 80122  
 Phone: (303)713-1898  
 Fax: (303)713-1897  
[www.aztecconsultants.com](http://www.aztecconsultants.com)

**EASEMENT VACATION**  
 NW 1/4 SEC. 29, T3S, R68W, 6TH P.M.  
 CITY AND COUNTY OF DENVER, CO

JOB NUMBER 48116-48

2 OF 2 SHEETS

BY AUTHORITY

ORDINANCE NO. 255

SERIES OF 1986

COUNCIL BILL NO. 256

COMMITTEE OF REFERENCE:

PUBLIC WORKS

A B I L L

FOR AN ORDINANCE VACATING A CERTAIN PART OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY, I.E., VACATING A PORTION OF ALLEY IN BLOCK 36, SECOND FILING OF A PORTION OF HIGHLAND PARK, SUBJECT TO CERTAIN RESERVATIONS. BLOCK IS BOUNDED BY JULIAN STREET, WEST CLYDE PLACE, LOWELL BOULEVARD AND WEST 38TH AVENUE.

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 portion of that certain alley in the system of thoroughfares of the municipality hereinafter described and, subject to approval by ordinance, has vacated the same with reservations as 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 alley in the City and County of Denver and State of Colorado, to wit:

That part of the alley in Block 36, Second Filing of a portion of Highland Park, lying between the westerly line of Julian Street and the westerly line of Lot 9, said Block 36, extended southerly.

be and the same is hereby approved and the described portion of that certain alley 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 the utilities in portion of the alley vacated which utilities include cable television lines, telephone lines, power

PASSED By The Council April 28, 1986

Robert L. Grier - President

APPROVED: Indigo Pina - Mayor April 30, 1986

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

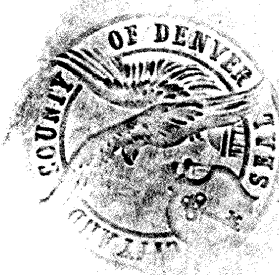
PUBLISHED IN The Daily Journal April 25, 1986 May 6, 1986

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 portion of that certain alley, 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.

PREPARED By: Robert M. Kelly, Ass't City Atty., 4/17/86

REVIEWED By: Patricia Wells - City Attorney 4/16 1986

SPONSORED By Council Member(s): \_\_\_\_\_





Ordinance No. 255 Series 19 86

Councilman's Bill No. 256

MISC 1 .00

005934

17 05 12 06 PM 12:57  
DENVER COUNTY  
COUNTY CLERK  
FELICIA MUFFIC

Meeting Date 4/21, 1986  
Read in full to the Board of Councilmen and referred to the Committee on  
PUBLIC WORKS

Committee report adopted and bill ordered published.

Meeting Date 4-21, 1986

Read by title and passed.

Meeting Date 4-28, 1986