



**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:** 2011-0356-02  
**DATE:** September 26, 2011  
**SUBJECT:** Request for an Ordinance to relinquish a portion of an easement established in Ordinance number 137, Series of 1948, and relinquish the easement established in Ordinance number 31 Series of 1917

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

This office has investigated the request of Aaron Murphy, dated August 15, 2011, on behalf of Kenneth A. Seagren for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Montero, Dist 9; 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 2011-0356-02-001**  
**INSERT PARCEL DESCRIPTION ROW 2011-0356-02-002 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:as

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams Councilperson Montero and Nathan Batchelder and Stephanie Syner 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 2011-0356-02

Agent, Harris Kocher Smith c/o Aaron Murphy 1391 Speer Blvd, Suite 390 Denver, CO 80204

Owner, Denver Studio Complex LLC Kenneth A. Seagren 241 So. Cherokee St Denver, Co 80223



**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 26, 2011

Please mark one:      **X Bill Request**                      or                      **Resolution Request**

1. Has your agency submitted this request in the last 12 months?

Yes                      **X 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 to relinquish an easement as established in Ordinance number 31 Series of 1917, also requesting to relinquish a portion of the easement as established in Ordinance number 137, Series of 1948.

3. **Requesting Agency:** PWPRS

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

- **Name:** Ava Simmons
- **Phone:** 720-865-3036
- **Email:** ava.simmons@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:** Stacy Loucks
- **Phone:** 720-865-8720
- **Email:** stacy.loucks@denvergov.org

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

The purpose of this request is for building demolition and site redevelopment.

**\*\*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:** 235 So Cherokee St.
- d. **Affected Council District:** Judy Montero, District 9
- 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: 2011-0356-02\_Easement Relinquishment**

**Description of Proposed Project: Request for Ordinance to relinquish 1 easement as established in Ordinance 31, Series 1917 and relinquish a portion of another easement as established in Ordinance 137, Series 1948**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The purpose of this request is to allow for building demolition and site redevelopment.**

**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: The 2 existing easements are located within the same block and there is a proposed redevelopment of the block.**

# DESCRIPTION

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 10,  
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

AN EASEMENT RESERVED OVER A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 10,  
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,  
STATE OF COLORADO, BEING THE SOUTH 24.00 FEET OF WEST BYERS PLACE LOCATED BETWEEN BLOCKS 51  
AND 52, FIRST ADDITION TO THE BYER'S SUBDIVISION, AS RECORDED IN BOOK 3 AT PAGE 2, AND AS  
VACATED WITH RESERVATIONS BY ORDINANCE 137 SERIES OF 1948 RECORDED AT RECEPTION NO. 563815.

PREPARED BY: AARON MURPHY, PLS 38162  
ON BEHALF OF: HARRIS KOCHER SMITH  
1391 SPEER BLVD. SUITE 390  
DENVER, CO 80204



ALP-11-0-03-000-11013 SURVEY SHEET RELINQ. LAYOUT SHEET  
PLOTED: 08/31/11 8:44:23A BY: AARON MURPHY

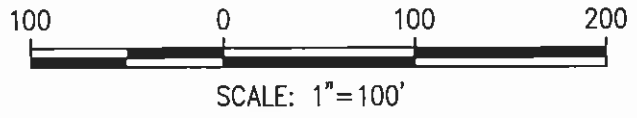
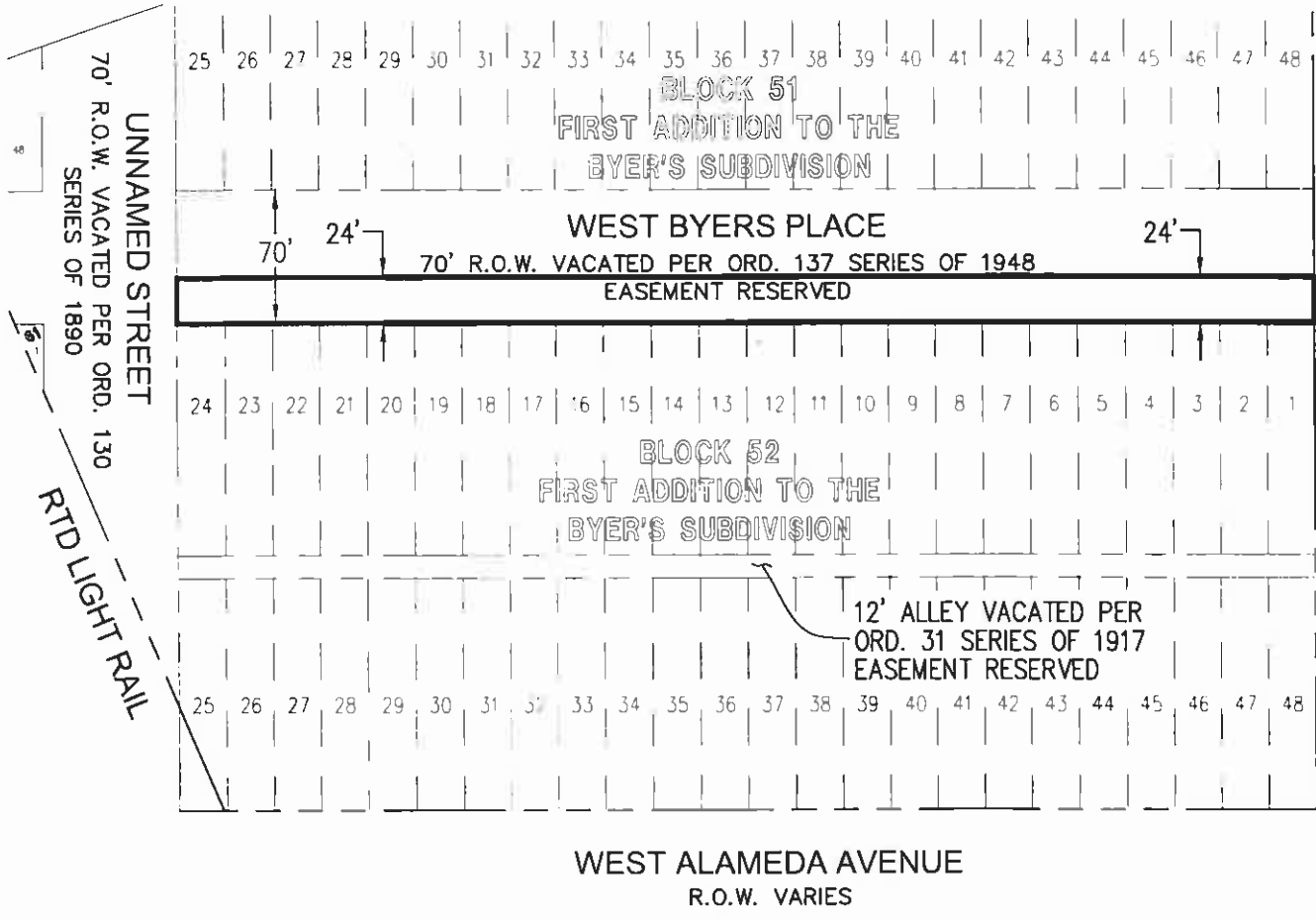
NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

DATE	REVISION COMMENTS	DESCRIPTION	STREET EASEMENT RELINQUISHMENT	HARRIS KOCHER SMITH 1391 Speer Blvd Suite 390 Denver, Colorado 80204 Phone (303) 623 6300 Fax (303) 623-6311	ISSUE DATE 8-15-11
					CHKD BY GGS
					DRAWN BY AWM
					JOB NUM 110313
					1

# EXHIBIT

PW ROW PROJECT NO. 2011-0356  
 PW LEGAL DESCRIPTION NO. 2011-0356-02-001

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 10,  
 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.  
 CITY AND COUNTY OF DENVER, STATE OF COLORADO.



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

<small>REVISIONS</small> <small>REVISION NO. DATE BY DESCRIPTION</small>		EXHIBIT	STREET EASEMENT RELINQUISHMENT	<b>HARRIS KOCHER SMITH</b> 1391 Speer Blvd. Suite 390 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311	ISSUE DATE 8-15-11 CHKD BY GGS DRAWN BY AWM JOB NUM 110313
					SHEET NO. <b>2</b>

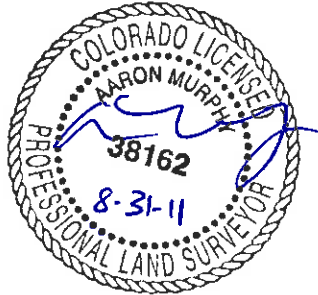
NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

**DESCRIPTION** PW LEGAL DESCRIPTION NO. 2011-0356-02-002

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 10,  
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

AN EASEMENT RESERVED OVER A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 10,  
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,  
STATE OF COLORADO, BEING ALL OF THAT ALLEY LOCATED IN BLOCK 52, FIRST ADDITION TO THE BYER'S  
SUBDIVISION, AS RECORDED IN BOOK 3 AT PAGE 2, AND AS VACATED WITH RESERVATIONS BY ORDINANCE 31  
SERIES OF 1917 RECORDED IN BOOK 2671 AT PAGE 545.

PREPARED BY: AARON MURPHY, PLS 38162  
ON BEHALF OF: HARRIS KOCHER SMITH  
1391 SPEER BLVD. SUITE 390  
DENVER, CO 80204



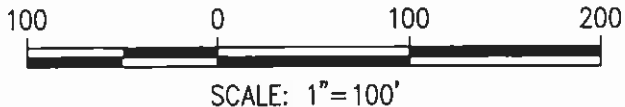
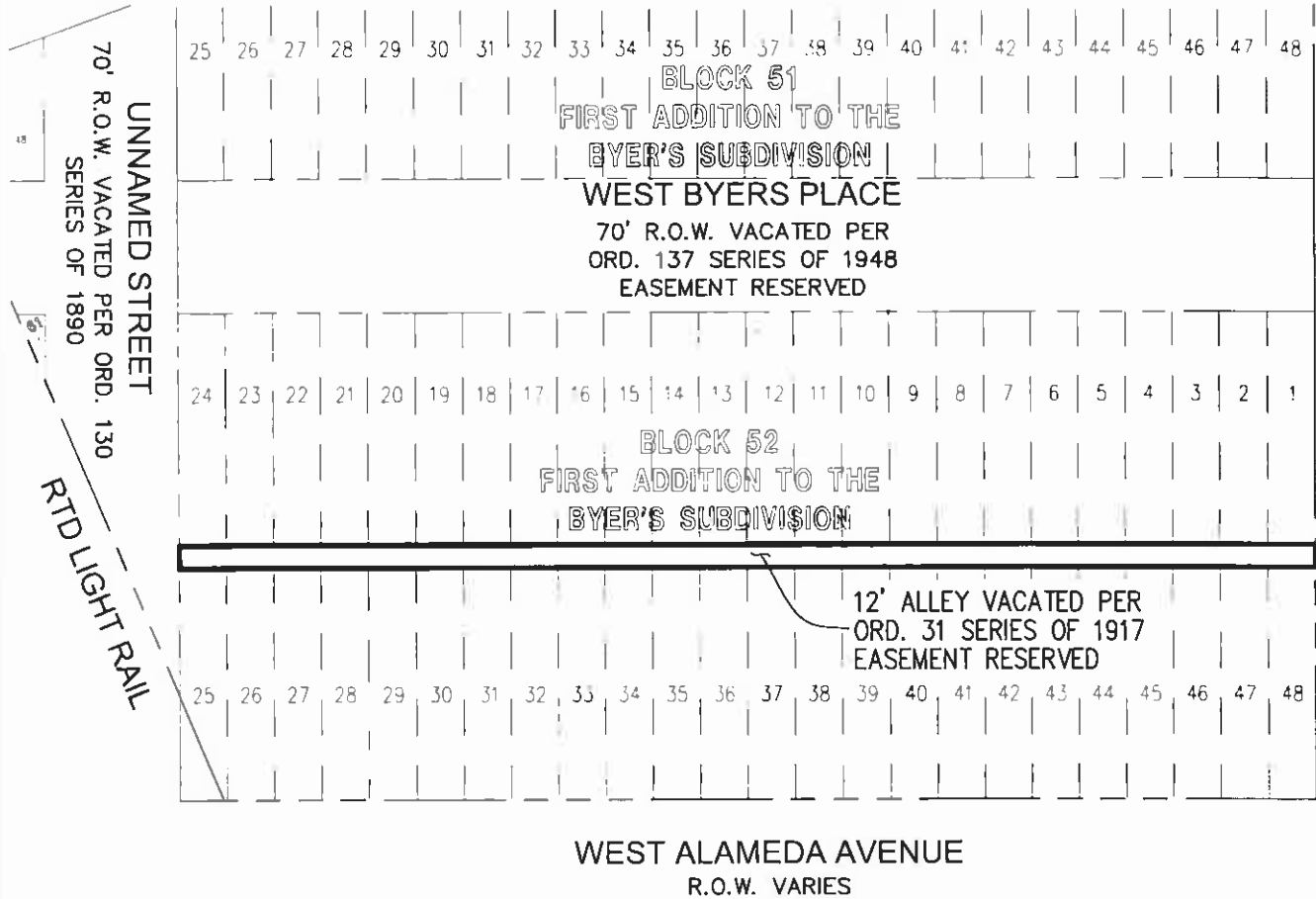
SCALE: 1" = 40' (SEE PLAN FOR DIMENSIONS AND NOTES)

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

DATE	REVISION COMMENTS	DESCRIPTION	ALLEY EASEMENT RELINQUISHMENT	<b>HARRIS KOCHER SMITH</b> 1391 Speer Blvd., Suite 390 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311	ISSUE DATE 8-15-11
					CHKD BY GGS
					DRAWN BY AWM
					JOB NUM 110313
					SHEET NO <b>1</b> OF 2

**EXHIBIT** PW LEGAL DESCRIPTON NO. 2011-0356-02-002

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 10,  
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO.



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

<small>REVISIONS TO THIS DRAWING SHALL BE MADE BY THE ORIGINAL DRAWER OR HIS SUCCESSOR.</small>		<small>NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH</small>	
DATE	REVISION COMMENTS	<b>EXHIBIT</b>	<b>ALLEY EASEMENT RELINQUISHMENT</b>
<b>HARRIS KOCHER SMITH</b> 1391 Speer Blvd., Suite 390 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311		ISSUE DATE 8-15-11 CHK'D BY GGS DRAWN BY AWM JOB NUM 110313	SHEET <b>2</b>

BY AUTHORITY

ORDINANCE No. 31  
COUNCILMAN'S BILL No. 42

Series of 1917  
INTRODUCED BY COUNCILMAN  
RYCRAFT.

A B I L L

FOR AN ORDINANCE VACATING THE PUBLIC ALLEY IN BLOCK  
52, FIRST ADDITION TO THE BYERS SUBDIVISION, IN  
THE CITY AND COUNTY OF DENVER, STATE OF COLORADO,  
AND RESERVING CERTAIN RIGHTS TO THE CITY AND  
COUNTY OF DENVER.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

THEREAS, W. W. E. Mills, Manager of Improvements  
and Parks of the City and County of Denver, did heretofore  
make the following order, to-wit:



"WHEREAS, The House of the Good Shepherd, The Atchison, Topeka and Santa Fe Railroad Company, and Percy A. Phillips, being the owners of all of the lots in Block 52, First Addition to the Byers Subdivision, in the City and County of Denver, have requested that the public alley in said Block be vacated; and,

Whereas, it is found and determined that the public necessity and convenience do not now require the public alley in said Block 52, First Addition to the Byers Subdivision, except for the construction, maintenance, repair or removal of sewers and water pipes and appurtenances,

NOW THEREFORE, IT IS HEREBY ORDERED that the public alley in Block numbered 52, First Addition to the Byers Subdivision, in the City and County of Denver, State of Colorado, be, and the same is hereby vacated, reserving to the City and County of Denver at all times the right to construct, maintain, repair or remove sewers and water pipes and appurtenances, and to authorize the construction, maintenance, repair or removal of the same in the above described property;

And the Council of the City and County of Denver is requested to give effect to this finding and order by the passage of a suitable ordinance;"

N o w   T h e r e f o r e

Section 1. That the public alley in Block numbered 52, First Addition to the Byers Subdivision, in the City and County of Denver, be, and the same is hereby vacated, reserving to the City and County of Denver at all times, the right to construct, maintain, repair or remove sewers and water pipes and appurtenances, or to authorize the same, in, through, upon and under said described property heretofore constituting the said public alley.

Passed by the Council and signed by its President this 9<sup>th</sup> day of April, 1917.

Louis F. Bartels  
President

Signed and approved by me this 10<sup>th</sup> day of April, 1917.

Reuben  
MAYOR

Attested by me with the corporate seal of the City and County of Denver

Charles A. Lemmers  
Clerk and Recorder ex officio  
Clerk of City and County of Denver

by W.S. Beck  
Deputy Clerk

Published in The Denver Times

First publication April 5<sup>th</sup> 1917  
Last publication April 12<sup>th</sup> 1917

563813

ORDINANCE NO. 137  
COUNCILMAN'S BILL NO. 170

SERIES OF 1948  
INTRODUCED BY COUNCILMAN  
McWILLIAMS

BY AUTHORITY

A BILL

FOR AN ORDINANCE VACATING WEST BYERS PLACE INTERJACENT TO BLOCKS 51 AND 52, FIRST ADDITION TO THE BYERS SUBDIVISION; AND A PORTION OF SAID WEST BYERS PLACE, IF PRODUCED, LYING WEST OF THE WEST LINES OF SAID BLOCKS, IN THE CITY AND COUNTY OF DENVER.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER.

WHEREAS, T. P. CAMPBELL, Manager of Improvements and Parks did heretofore make the following order and direction to-wit:

"It is hereby found and determined that the public use, convenience and necessity no longer require

West Byers Place interjacent to Blocks 51 and 52, First Addition to The Byers Subdivision; also,

That portion of said West Byers Place, if produced west, located within a normal distance of thirty (30) feet from the extended west and south lines of said Block 51, First Addition to The Byers Subdivision,

in the City and County of Denver, and State of Colorado, and said portions of West Byers Place are hereby vacated; reserving to the City and County of Denver, at all times, the right to construct, maintain and remove sewers, water pipes, and appurtenances, and to authorize the construction, maintenance and removal of the same therein and therefrom, and subject to the continued right of the owners to maintain and operate existing electric light and power lines, telephone lines, gas mains, and pipes.

The Council of the City and County of Denver is hereby requested to give effect to this order by the passage of a suitable ordinance.

Done at Denver, Colorado this 31 st  
day of August A. D. 1948.

(Signed) T. P. Campbell  
Manager

NOW, THEREFORE,

50314

Section 1:-That the action of the Manager of Improvements and Parks as set forth in the foregoing order, be, and the same is hereby ratified, approved and confirmed.

Section 2:- That the portions of West Byers Place described in the foregoing order of the Manager of Improvements and Parks, in the City and County of Denver, and State of Colorado, be and the same are hereby vacated; reserving to the City and County of Denver at all times, the right to construct, maintain and remove sewers, water pipes, and appurtenances, and to authorize the construction, maintenance and removal of the same therein and therefrom, and subject to the continued right of the owners to maintain and operate ex-isting electric light and power lines, telephone lines, gas mains, and pipes.

Section 3:-In the opinion of the Council this ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience and welfare, and it is enacted for that purpose and shall be in full force and effect immediately after its passage and final publication.

Passed by the Council of the City and County of Denver, and signed by its President, this

20<sup>th</sup> day of September A.D. 1948

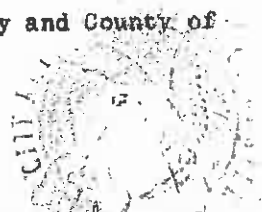
[Signature]  
PRESIDENT

Signed and approved by me this

23<sup>rd</sup> day of September  
A. D. 1948

[Signature]  
MAYOR

Attested by the undersigned with the corporate seal of the City and County of Denver.



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

Published in The Daily Incentive  
First Publication September 18 1948  
Last Publication September 25 1948

[Signature]  
Deputy Clerk

Approved as to form by J. GIFFIN DONALDSON,  
Attorney for the City and County of Denver.  
[Signature]  
City Attorney

Ordinance No. 177 Series 1948

Councilman's Bill No. 170

Introduced by Councilman

M<sup>c</sup>Williams

**A BILL**

For

An Ordinance Decreasing  
West Byers Place, adjacent  
to Block 51 and 52, that  
relates to the Byers  
Division of said West  
Division of said West  
Byers Place, of produce,  
lying west of the West  
Division of said Block,  
in the City and County of  
Denver.

Meeting Date of September 13, 1948  
Read in full in the Board of Councilmen and  
referred to the Committee on  
Public Improvements

Meeting Date of September 13, 1948  
Reported back by the Committee on  
Public Improvements  
Recommended that the bill be ordered published  
and report adopted.

Published in The Daily Journal  
this 18<sup>th</sup> day of September, A. D. 1948

Meeting Date of September 20, 1948  
Read by title, placed upon its passage and  
passed.

Presented to the Mayor and signed by him  
this 22<sup>nd</sup> day of September, 1948

Ent'd as Ordinance No. 177, Series 1948

Published in The Daily Journal  
this 22<sup>nd</sup> day of Sept, A. D. 1948

563815

STATE OF COLORADO }  
City and County of Denver } SS.  
I hereby certify that this has been examined and  
for record in my office on Sept 21 5 1948  
at 10:30 A.M., 1948  
at which time it is Book 031, Page 317

Mae Hynes

CITY AND RECORDER  
By Mary A. Clancy No. 10  
REC'D CITY BUSINESS NO FEE