



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: *for* Ted Christianson
Director, Public Works Right of Way Services

PROJECT NO: 2016-RELINQ-0000028

DATE: January 10, 2017

SUBJECT: Request for an Ordinance to relinquish **a portion of a single easement** established in the vacating Ordinance No. **635**, Series of **2012**. Located in the alley bounded by W. 10th Ave, W. 11th Ave and Navajo St, Mariposa 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 Mark Howard, dated December 7, 2016 on behalf of the Denver Housing Authority 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 area(s):

INSERT PARCEL DESCRIPTION 2016-RELINQ-0000028-001 HERE

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

TC:vw

cc:

City Councilperson & Aides
City Council Staff – Shelley Smith
Department of Law – Brent Eisen
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 Angela Casias
at angela.casias@DenverGov.org by **12:00 pm 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: February 10, 2017

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, contract amendment, municipal code change, supplemental request, etc.)*

Request for an Ordinance to relinquish a portion of a single easement established in the vacating Ordinance No. 635, Series of 2012. Located in the alley bounded by W. 10th Ave, W. 11th Ave and Navajo St, Mariposa St.

3. Requesting Agency: PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Vanessa West
- **Phone:** 720-913-0719
- **Email:** Vanessa.west@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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** angela.casias@denvergov.org

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

To relinquish a portion of a single easement established in the vacating Ordinance No. 635, Series of 2012. Located in the alley bounded by W. 10th Ave, W. 11th Ave and Navajo St, Mariposa St

****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 – please do not leave blank.)*

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:**
- d. **Affected Council District:** Dist # 3, Lopez
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2016-RELINQ-0000028, DHA Mariposa and 11th

Owner name: Denver Housing Authority

Description of Proposed Project: Request for an Ordinance to relinquish a portion of a single easement established in the vacating Ordinance No. 635, Series of 2012. Located in the alley bounded by W. 10th Ave, W. 11th Ave and Navajo St, Mariposa St.

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

Background: N/A

Location Map:



EASEMENT RELINQUISHMENT EXHIBIT

PART OF BLOCK 24, HUNT'S ADDITION TO DENVER, ALL BEING IN THE EAST 1/2 OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST, 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

LEGAL DESCRIPTION TAKEN FROM RECEPTION #2012169278, ORDINANCE NO. 635, COUNCIL BILL NO. CB12-0888, SERIES OF 2012, CONTAINED WITHIN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING PART OF THAT ALLEY SIXTEEN FEET (16') IN WIDTH LYING WITHIN BLOCK 24, HUNT'S ADDITION TO DENVER AS RECORDED FEBRUARY 19TH, 1874, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, LOCATED IN THE EAST HALF OF SECTION 4 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 21, OF SAID BLOCK 24, HUNT'S ADDITION TO DENVER, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF SAID ALLEY, AND CONSIDERING THE 21' RANGE LINE IN 10TH AVENUE IMMEDIATELY SOUTH OF SAID BLOCK 24 TO BEAR NORTH 89°48'59" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WESTERLY LINE OF LOTS 21 THROUGH 30, INCLUSIVE OF SAID BLOCK 24 AND THE EASTERLY LINE OF SAID ALLEY NORTH 00°11'17" WEST A DISTANCE OF 243.74 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 30, BLOCK 24, AND THE POINT OF BEGINNING;

THENCE SOUTH 89°53'24" WEST A DISTANCE OF 16 FEET TO A POINT ON THE EASTERLY LINE OF LOT 11, OF SAID BLOCK 24;

THENCE ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 11, INCLUSIVE, SAID BLOCK 24 AND THE WESTERLY LINE OF SAID ALLEY NORTH 00°11'17" WEST A DISTANCE OF 256.03 FEET TO THE NORTHWESTERLY CORNER OF SAID ALLEY AND THE NORTHEASTERLY CORNER OF LOT 1, SAID BLOCK 24;

THENCE ALONG THE NORTHERLY LINE OF SAID ALLEY NORTH 89°53'24" EAST A DISTANCE OF 16 FEET TO THE NORHTWESTERLY CORNER OF LOT 40, SAID BLOCK 24 AND THE NORTHEASTERLY CORNER OF SAID ALLEY;

THENCE ALONG THE WESTERLY LINE OF LOTS 30 THOUGH 40, INCLUSIVE, SAID BLOCK 24 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°11'17" EAST A DISTANCE OF 256.03 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS AN AREA OF 4,096 SQUARE FEET, OR 0.094 ACRES, MORE OR LESS.

PREPARED BY: GERALD MATT NICHOLS, PLS
 PLS # 38026
 ON BEHALF OF: SURVEY SYSTEMS INC.
 PO BOX 2168
 EVERGREEN, COLORADO 80437
 (303)679-8122



FILEPATH: G:\2016-335-01-031\DHOC19\01_TECHNICAL\01_SURVEY DRAWINGS\01_MODELS\DHOC19_EASEMENT_RELINQUISHMENT.DWG LAYOUT: LEGAL
 PLOTTED: TUE 12/06/16 2:01:14P BY: CSMBDR

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF SURVEY SYSTEMS INC.

ISSUE DATE: 12/6/2016	
DATE	REVISION COMMENTS

MARIPOSA PHASE 9
 EASEMENT RELINQUISHMENT
 EXHIBIT

SURVEY SYSTEMS

A Professional Land Surveying Company

P.O. Box 2168 - Evergreen, CO 80437 Tel: 303.679.8122 - Fax: 303.679.8123

Info@SurveySystems.net www.SurveySystemsInc.com



A Service-Disabled Veteran-Owned Small Business SDVO SB | SBE

CHECKED BY: MN
 DRAWN BY: CLG
 JOB #: 2016-335-01-031
 CLIENT CODE: DHOC19

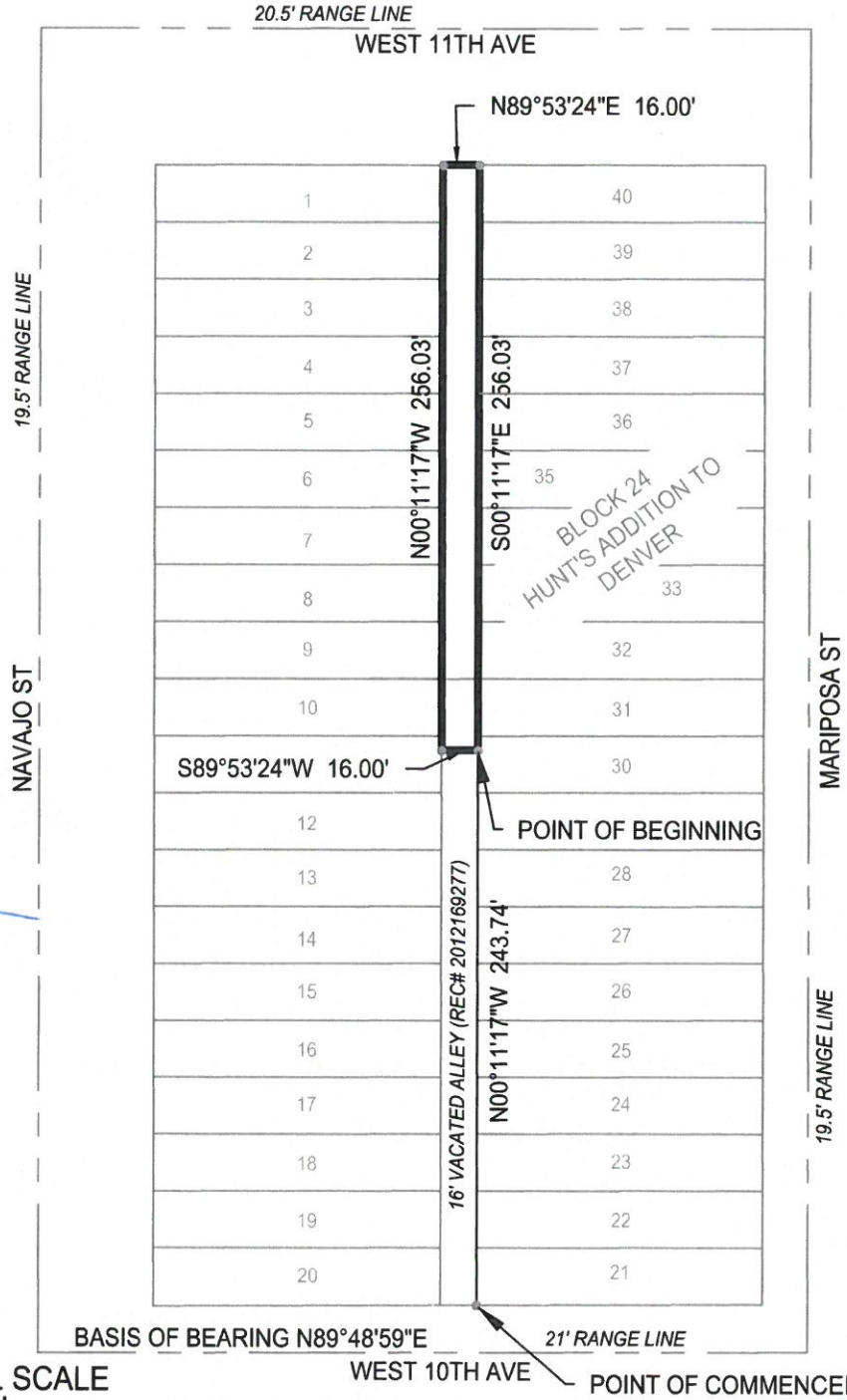
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1 OF 2

EASEMENT RELINQUISHMENT EXHIBIT

PART OF BLOCK 24, HUNT'S ADDITION TO DENVER, ALL BEING IN THE EAST 1/2 OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST, 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO



GRAPHICAL SCALE
1"=80'



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PLOTTED: TUE 12/06/16 2:23:56P BY: CSABER

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF SURVEY SYSTEMS INC.

ISSUE DATE: 12/6/2016	
DATE	REVISION COMMENTS

MARIPOSA PHASE 9
EASEMENT RELINQUISHMENT
EXHIBIT

SURVEY SYSTEMS
A Professional Land Surveying Company
P.O. Box 2168 - Evergreen, CO 80437 Tel: 303.679.8122 - Fax: 303.679.8123
Info@SurveySystems.net www.SurveySystemsInc.com
A Service-Disabled Veteran-Owned Small Business SDVOSB | SBE

CHECKED BY: MN DRAWN BY: CLG JOB #: 2016-335-01-031 CLIENT CODE: DHOC19
SHEET NO. 2
2 OF 2

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BY AUTHORITY

ORDINANCE NO. 635
SERIES OF 2012

COUNCIL BILL NO. CB12-0888
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating two partial alleys, including half of the alley bounded by 9th Avenue, 10th Avenue, Mariposa Street and Navajo Street and half of the alley bounded by 10th Avenue, 11th Avenue, Mariposa Street and Navajo Street, with 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:

PARCEL DESCRIPTION ROW 2011-0361-07-001

A PARCEL OF LAND BEING PART OF THAT ALLEY SIXTEEN FEET (16') IN WIDTH LYING WITHIN BLOCK 29, HUNT'S ADDITION TO DENVER AS RECORDED FEBRUARY 19TH, 1874, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, LOCATED IN THE EAST HALF OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 40, OF SAID BLOCK 29, HUNT'S ADDITION TO DENVER, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF SAID ALLEY, AND CONSIDERING THE 21' RANGE LINE IN 10TH AVENUE IMMEDIATELY NORTH OF SAID BLOCK 29 TO BEAR NORTH 89°48'59" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WESTERLY LINE OF LOTS 31 THROUGH 40, INCLUSIVE, SAID BLOCK 29 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°11'17" EAST A DISTANCE OF 238.47 FEET TO A POINT ON THE WESTERLY LINE OF LOT 31, SAID BLOCK 29 AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY LINE OF LOTS 21 THROUGH 31, INCLUSIVE, SAID BLOCK 29 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°11'17" EAST A DISTANCE OF 262.35 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 21, BLOCK 29 AND THE EASTERLY CORNER OF SAID ALLEY, THENCE ALONG THE SOUTHERLY LINE OF SAID ALLEY SOUTH 89°43'52" WEST A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 20, BLOCK 29 AND THE SOUTHWESTERLY CORNER OF SAID ALLEY; THENCE ALONG THE EASTERLY LINE OF LOTS 10 THROUGH 20, INCLUSIVE, SAID BLOCK 29 AND THE WESTERLY LINE OF SAID ALLEY NORTH 00°11'17" WEST A DISTANCE OF 262.39 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 10, BLOCK 29; THENCE NORTH 89°52'49" EAST A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING;

1 SAID PARCEL CONTAINS AN AREA OF 4,198 SQUARE FEET, OR 0.096 ACRES, MORE OR LESS.

2 **PARCEL DESCRIPTION ROW 2011-0361-07-004**

A PARCEL OF LAND BEING PART OF THAT ALLEY SIXTEEN FEET (16') IN WIDTH LYING WITHIN BLOCK 24, HUNT'S ADDITION TO DENVER AS RECORDED FEBRUARY 19TH, 1874, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, LOCATED IN THE EAST HALF OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 21, OF SAID BLOCK 24, HUNT'S ADDITION TO DENVER, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF SAID ALLEY, AND CONSIDERING THE 21' RANGE LINE IN 10TH AVENUE IMMEDIATELY SOUTH OF SAID BLOCK 24 TO BEAR NORTH 89°48'59" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WESTERLY LINE OF LOTS 21 THROUGH 30, INCLUSIVE OF SAID BLOCK 24 AND THE EASTERLY LINE OF SAID ALLEY NORTH 00°11'17" WEST A DISTANCE OF 243.74 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 30, BLOCK 24, AND THE POINT OF BEGINNING; THENCE SOUTH 89°53'24" WEST A DISTANCE OF 16.00 FEET TO A POINT ON THE EASTERLY LINE OF LOT 11, OF SAID BLOCK 24; THENCE ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 11, INCLUSIVE, SAID BLOCK 24 AND THE WESTERLY LINE OF SAID ALLEY NORTH 00°11'17" WEST A DISTANCE OF 256.03 FEET TO THE NORTHWESTERLY CORNER OF SAID ALLEY AND THE NORTHEASTERLY CORNER OF LOT 1, SAID BLOCK 24; THENCE ALONG THE NORTHERLY LINE OF SAID ALLEY NORTH 89°53'24" EAST A DISTANCE OF 16.00 FEET TO THE NORTHWESTERLY CORNER OF LOT 40, SAID BLOCK 24 AND THE NORTHEASTERLY CORNER OF SAID ALLEY; THENCE ALONG THE WESTERLY LINE OF LOTS 30 THROUGH 40, INCLUSIVE, SAID BLOCK 24 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°11'17" EAST A DISTANCE OF 256.03 FEET TO THE POINT OF BEGINNING;

3 SAID PARCEL CONTAINS AN AREA OF 4,096 SQUARE FEET, OR 0.094 ACRES, MORE OR LESS.

4 be and the same is hereby approved and the described area is hereby vacated and
5 declared vacated;

1 PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:
2 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver,
3 its successors and assigns, over, under, across, along, and through the portion of the
4 vacated area as described above ("Easement Area") for the purposes of constructing,
5 operating, maintaining, repairing, upgrading and replacing public or private utilities
6 including, but not limited to, storm drainage, sanitary sewer, and water facilities and all
7 appurtenances to said utilities. A hard surface shall be maintained by the property owner
8 over the entire Easement Area. The City reserves the right to authorize the use of the
9 Easement Area by all utility providers with existing facilities in the Easement Area. No
10 trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or
11 under the Easement Area. Any such obstruction may be removed by the City or the utility
12 provider at the property owner's expense. The property owner shall not re-grade or alter
13 the ground cover in the Easement Area without permission from the City and County of
14 Denver. The property owner shall be liable for all damages to such utilities, including their
15 repair and replacement, at the property owner's sole expense. The City and County of
16 Denver, its successors, assigns, licensees, permittees and other authorized users shall not
17 be liable for any damage to property owner's property due to use of this reserved
18 easement.

19 COMMITTEE APPROVAL DATE: November 15, 2012 [by consent]

20 MAYOR-COUNCIL DATE: November 20, 2012

21 PASSED BY THE COUNCIL: December 3
22 2012

23 May Beate Johnson - PRESIDENT

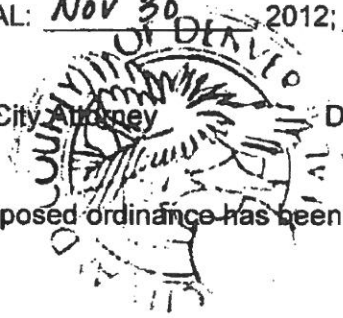
24 APPROVED: [Signature] -MAYOR December 4
25 2012

26 ATTEST: Debra Johnson - CLERK AND RECORDER,
27 EX-OFFICIO CLERK OF THE
28 CITY AND COUNTY OF DENVER

29 NOTICE PUBLISHED IN THE DAILY JOURNAL: Nov 30 2012; Dec 7
30 2012

31 PREPARED BY: - Brent A. Eisen, Assistant City Attorney DATE: November
32 21, 2012

33 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the
34



1 office of the City Attorney. We find no irregularity as to form, and have no legal objection to
2 the proposed ordinance. The proposed ordinance is not submitted to the City Council for
3 approval pursuant to § 3.2.6 of the Charter.
4

5 Douglas J. Friednash, Denver City Attorney

6 BY:  Assistant City Attorney

DATE: 21 Nov., 2012