

REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE
Director, Right of Way Services

PROJECT NO: 2019-RELINQ-0000009

DATE: May 4, 2020

SUBJECT: Request for an Ordinance to relinquish the easement, in its entirety, as reserved in the Vacation Ordinance No. 1183, Series of 1996, and the easement, in its entirety, as reserved in the Deed of Easement with Recordation No. 9900177333. Easements are located at 1400 North Jackson Street, bounded by East Colfax Avenue, North Jackson Street, East 14th Avenue, and North Garfield Street.

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

This office has investigated the request of Martin/Martin, Inc., c/o Dan Bearse, dated July 31, 2019 on behalf of National Jewish Health for the relinquishment of subject easements.

This matter has been inspected and has been coordinated with Asset Management; Comcast; City Councilperson, Chris Hinds; Community and Planning Department - Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; DOTI: ER Transportation and Wastewater, Construction Engineering, Policy and Planning; Metro Wastewater Reclamation District; Survey; CenturyLink; Regional Transportation District; Colorado Department of Transportation; 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.

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

MB:je

cc: City Councilperson & 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
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Jason Gallardo
DOTI, Survey – Paul Rogalla

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003

ORDINANCE/RESOLUTION REQUEST

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

Date of Request: **May 4, 2020**

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: 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.)

Request for an Ordinance to relinquish the easement, in its entirety, as reserved in the Vacation Ordinance No. 1183, Series of 1996, and the easement, in its entirety, as reserved in the Deed of Easement with Recordation No. 9900177333. Easements are located at 1400 North Jackson Street, bound by East Colfax Avenue, North Jackson Street, East 14th Avenue and North Garfield Street.

3. Requesting Agency: Department of Transportation & Infrastructure, Engineering & Regulatory

4. Contact Person:

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

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

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

7. City Council District: District 10, Chris Hinds

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2019-RELINQ-0000009 National Jewish Health Center at E. Colfax Ave. and N. Garfield St.

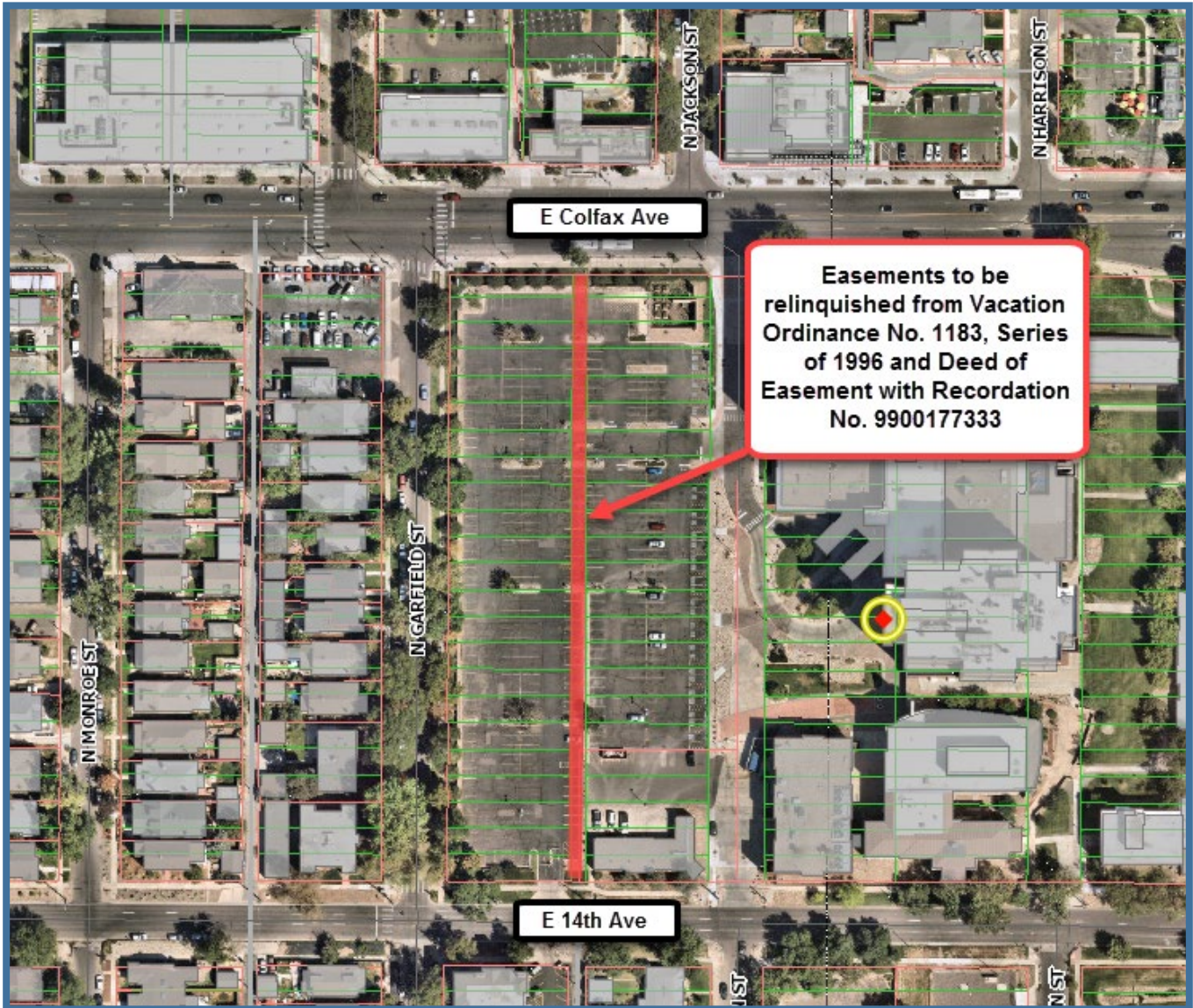
Owner name: National Jewish Health

Description of Proposed Project: Request for an Ordinance to relinquish the easement, in its entirety, as reserved in the Vacation Ordinance No. 1183, Series of 1996, and the easement, in its entirety, as reserved in the Deed of Easement with Recordation No. 9900177333. Easements are located at 1400 North Jackson Street, bound by East Colfax Avenue, North Jackson Street, East 14th Avenue and North Garfield Street.

Explanation of why the Easement Relinquishment is needed to accomplish the proposed project: The applicant requests the proposed easement relinquishment indicating the relinquishment is needed to begin construction for their Center for Outpatient Health for the existing National Jewish Health campus. The area is to include parking, utilities, and landscaping to support the new addition.

Background: The easements were originally reserved for an existing City and County of Denver sanitary sewer pipe located in the subject areas. The sanitary sewer pipe in the easement area has since been relocated and accepted by the City, and the easements are no longer necessary. No other utilities were identified as using the subject easements.

Location Map: Please see next page



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Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
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DEED OF EASEMENT
(vacated alley)

KNOW ALL MEN BY THESE PRESENTS:
That (Print Name) NATIONAL JEWISH CENTER FOR IMMUNOLOGY
AND RESPIRATORY MEDICINE, a Colorado
non-profit corporation
(Address) 1400 Jackson Street
Denver, Colorado 80206

of the County of Denver State of Colorado,

a corporation duly organized and existing under the laws of the State of Colorado, hereinafter sometimes referred to as "Grantor", for and in consideration of One Dollar (\$1.00), receipt of which is acknowledged, and the prospective benefits to be derived by reason of the locating, establishing and constructing drainage facilities for water and sewage under the supervision of and for the City and County of Denver, and other good and valuable considerations in hand paid, do hereby grant, convey and release to the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado, its successors and assigns, sometimes hereinafter referred to as the "City" or "Grantee", an exclusive and perpetual easement and right-of-way for drainage facilities for water and sewage across lands owned by Grantor, and situated in the City and County of Denver, State of Colorado.

NY non-

Grantor hereby grants to Grantee the perpetual right to enter, re-enter and use the hereinafter described easement to locate, construct, inspect, operate, maintain, repair, remove, replace, relocate and reconstruct drainage facilities for water and sewage, including underground and surface facilities and appurtenances thereto, into, within, over, upon, across, through and under the parcel of land for which the easement and right-of-way is hereby granted, and said parcel of land is more particularly described as follows, to wit:

(Legal Description of land for easement itself)

A parcel of land described in Exhibit(s) "A" attached hereto, which by reference is (are) expressly incorporated herein.

9900177333 1999/10/08 15:28:00 1/ 4 D
DENVER COUNTY CLERK AND RECORDER .00 .00 JCZ

The Grantor hereby warrants that Grantor has full right and lawful authority to make the grant herein contained and that Grantor has fee simple title to the land over which said easement is granted, and more particularly described as follows, to wit:
by Authority, Ordinance No. 1183, Series of 1996.

Land owned by Grantor/

The interest granted to the City herein shall specifically include any after acquired rights of Grantor in the subject property, to the extent of the specified easement rights herein stated.

NATIONAL JEWISH CENTER
SANITARY SEWER Project No. _____ WMD No. 1147.07-SE

APPROVED FOR RECORDING FORM SANITARY SEWER
ASSET MGMT. 5/14/96 TO COLFAX
CARRIED TO JAC. JACKSON

AS TO FORM
Lynn Digby
City Attorney's Office

84-99

14

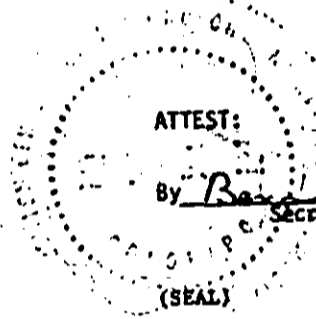
If ingress to and egress from the parcel of land for which an easement is hereby granted from and to a public road or highway is not available, the Grantor grants to Grantee the right of ingress to and egress from said parcel over and across the land owned by Grantor by means of roads and lanes thereon, if such exist, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor; provided that such right of ingress and egress shall not extend to any portion of said land which is isolated from the strip by any public road or highway now crossing or hereafter crossing said land; and provided further, that if any portion of said land is or shall be subdivided and dedicated roads or highways on such portion shall extend to the strip, the right of ingress and egress on that portion shall be confined to such dedicated roads and highways.

Grantor further grants to Grantee the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on the strip and to trim and to cut down and clear away any trees on either side of the strip which now or hereafter in the opinion of Grantee may be a hazard to the said facilities, or appurtenances thereto, or may interfere with the exercise of Grantee's rights hereunder; provided, however, that all trees which Grantee is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of Grantor, but all tops, lops, brush and refuse wood shall be burned or removed by Grantee.

Grantor releases the City and County of Denver from any and all claims for damages arising in any way or incident to the construction and/or maintenance by Grantor, or his agents, of the said facilities across the described land.

RESERVING, however, to the undersigned and their successors in interest and assigns the right to use and enjoy the above-described premises, PROVIDING such use and enjoyment shall not interfere with the installation, construction, maintenance, repair, inspection, and operation of said facilities installed or permitted to be installed by the City and County of Denver, and PROVIDING FURTHER that the Grantor shall not erect or place any building, tree or other obstruction on the above-described easement and right-of-way and the City shall not be liable for their removal if they are so placed.

Signed and delivered this 29th day of August A.D., 1996.
 NATIONAL JEWISH CENTER FOR IMMUNOLOGY AND
 RESPIRATORY MEDICINE, a Colorado non-profit
 corporation
 Grantor



ATTEST:

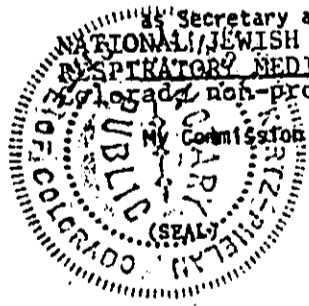
By Bernard S. Fellner
Secretary

By Frederick A. Langelle
Executive Vice President

*(which term does not include planters with grass or low-lying shrubs, irrigation systems, pavers, traffic control gates, asphalt, concrete, or curb and gutter, all of which Grantor is responsible to repair or replace if damaged in connection with the installation, construction, maintenance, repair, inspection or operation of facilities installed by the City & County of Denver)

STATE OF COLORADO
 CITY OF DENVER
 COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 28th day of August A.D., 1996, by Bernard S. Fellner Executive Vice Secretary and by Frederick A. Langelle as President of NATIONAL JEWISH CENTER FOR IMMUNOLOGY AND RESPIRATORY MEDICINE, a Colorado non-profit corporation.



My Commission Expires 1-12-97

John J. [Signature]
Notary Public