



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: Matt Bryner
Director, Public Works Right of Way Services

PROJECT NO: 2017-RELINQ-0000025

DATE: March 4, 2019

SUBJECT: Request for an Ordinance to relinquish a portion of the 12' utility easement established in Vacating Ordinance No. 53, Series of 1938 at 1555 N Xavier 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 Volunteers of America c/o Douglas Snyder, dated October 6, 2017 on behalf of Brandon VOA Family Housing LLC 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-0000025-001 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 by **12:00pm on Monday**. Contact him with questions.

Date of Request: **March 4, 2019**

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.)

Volunteers of America c/o Douglas Snyder on behalf of Brandon VOA Family Housing LLC requests for an Ordinance to relinquish a portion of the 12' utility easement established in Vacating Ordinance No. 53, Series of 1938 at 1555 N Xavier St.

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

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 a portion of the 12' utility easement established in Vacating Ordinance No. 53, Series of 1938 at 1555 N Xavier St.

6. City Attorney assigned to this request (if applicable): Bradley Beck

7. City Council District: City Councilman Rafael 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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2017-RELINQ-0000025 Brandon Flats 1555 Xavier St

Owner name: Brandon VOA Family Housing LLC

Description of Proposed Project: Request for an Ordinance to relinquish a portion of the 12' utility easement established in Vacating Ordinance No. 53, Series of 1938 at 1555 N Xavier St.

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

Background: N/A

Location Map: Continued on next page.



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING PART OF THE ALLY VACATED BY ORDINANCE NO. 53, SERIES OF 1938, IN BLOCK 10, TABOR AND KINDEL'S SUBDIVISION AT BLOCKS 10 AND 11, SLOAN LAKE SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 18, BLOCK 10, TABOR AND KINDEL'S SUBDIVISION AT BLOCKS 10 AND 11, SLOAN LAKE SUBDIVISION, AND CONSIDERING THE WEST LINE OF SAID BLOCK 10, TO BEAR NORTH 00°22'15" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE NORTH 89°47'58" EAST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 117.02 FEET TO THE WESTERLY LINE OF SAID VACATED ALLEY AND THE **POINT OF BEGINNING**;

THENCE NORTH 00°21'52" WEST ALONG SAID WESTERLY LINE A DISTANCE OF 255.13 FEET;

THENCE NORTH 89°47'25" EAST A DISTANCE OF 12.00 FEET TO THE EASTERLY LINE OF SAID VACATED ALLEY;

THENCE SOUTH 00°21'52" EAST ALONG SAID EASTERLY LINE A DISTANCE OF 297.14 FEET;

THENCE SOUTH 89°48'01" WEST A DISTANCE OF 6.00 FEET TO THE CENTERLINE OF SAID VACATED ALLEY;

THENCE NORTH 00°21'52" WEST ALONG SAID CENTERLINE A DISTANCE OF 42.01 FEET;

THENCE SOUTH 89°47'58" WEST A DISTANCE OF 6.00 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 3,314 SQUARE FEET, OR 0.076 ACRES, MORE OR LESS.

THE LINEAL DISTANCE UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE UNITED STATES SURVEY FOOT. THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY DEFINES THE UNITED STATES SURVEY FOOT AS 1200/3937 METERS.

I, THOMAS D. STAAB, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

THOMAS D. STAAB, P.L.S. 25965
 FOR AND ON BEHALF OF
 WARE MALCOMB
 990 SOUTH BROADWAY
 SUITE 230
 DENVER, COLORADO 80209
 P 303.561.3333

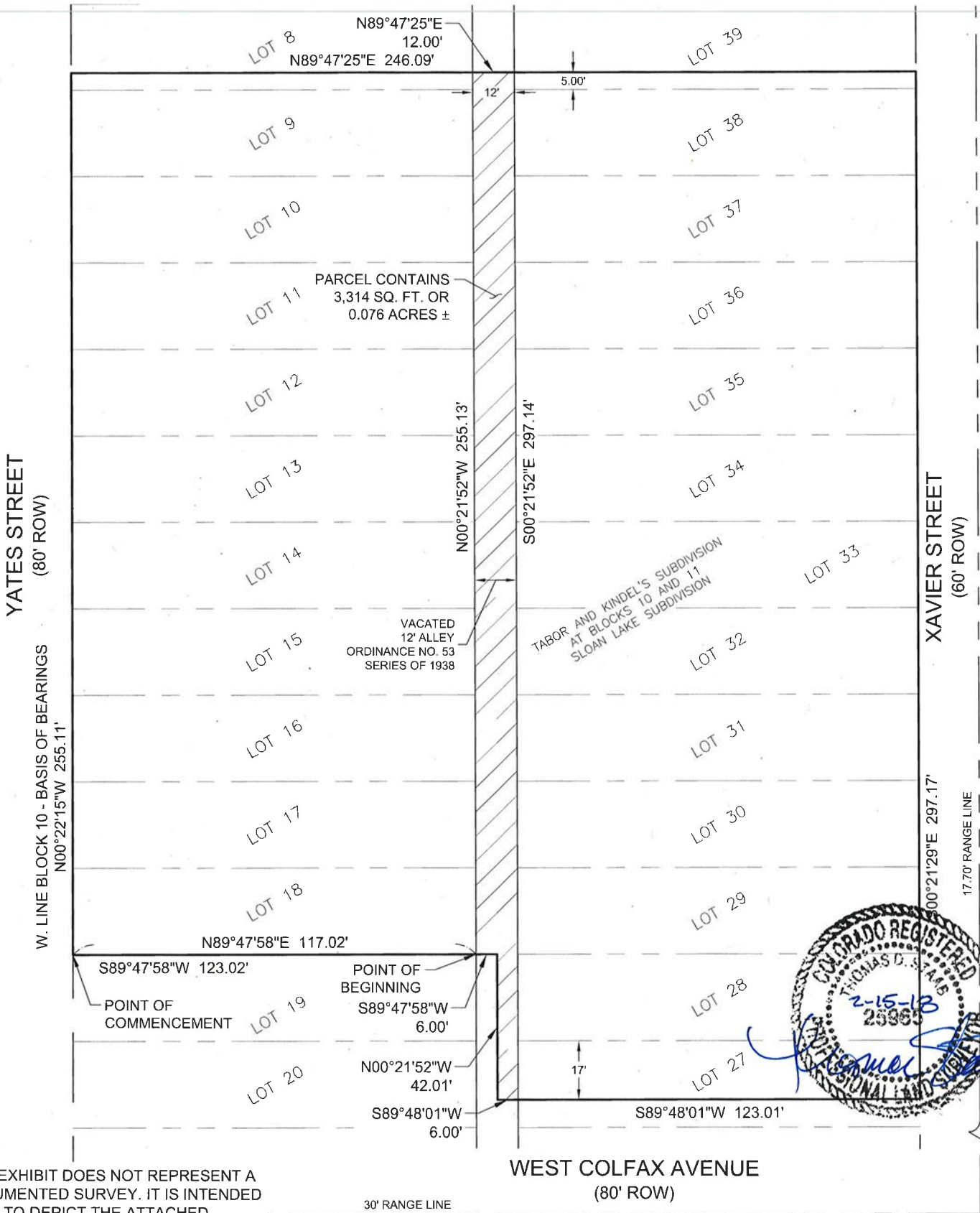


WARE MALCOMB
 Leading Design for Commercial Real Estate

architecture	990 s. broadway
planning	suite 230
interiors	denver, co 80209
graphics	p 303.561.3333
civil engineering	www.waremalcomb.com

PROJECT NAME: 1555 XAVIER STREET		SHEET 1 OF 2
JOB NO.: 15119	DATE : 09/27/2017	
DRAFTED BY: JP	CHECKED BY: TS	

EXHIBIT A



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

WARE MALCOMB
 Leading Design for Commercial Real Estate

architecture 990 s. broadway
 planning suite 230
 interiors denver, co 80209
 graphics p 303.561.3333
 civil engineering www.waremalcomb.com

PROJECT NAME: 1555 XAVIER STREET		SHEET
JOB NO.: 15119	DATE: 09/27/2017	2 OF 2
DRAFTED BY: JP	CHECKED BY: TS	

STATE OF COLORADO }
CITY AND COUNTY OF DENVER } ss.

I, Albert C. Monson, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 53 Series 19.38, signed and approved by the Mayor on the 6th day of August, 1938.

BY AUTHORITY
ORDINANCE NO. 53
COUNCILMAN'S BILL NO. 33. SERIES
OF 1938. INTRODUCED BY COUNCIL-
MAN ROSENTHAL.

A BILL
FOR AN ORDINANCE VACATING THAT
PART OF XAVIER STREET (FORMER-
LY KINDEL AVE.), LYING BETWEEN
BLOCKS 10 AND 11 IN TABOR AND
KINDEL'S SUBDIVISION OF BLOCKS
10 AND 11, SLOAN LAKE SUBDIVISION,
ALSO VACATING THE PUBLIC ALLEY
IN SAID BLOCK 10, IN THE CITY AND
COUNTY OF DENVER.

BE IT ENACTED BY THE COUNCIL OF
THE CITY AND COUNTY OF DENVER:
WHEREAS, GEORGE E. CHAMBER,
Manager of Improvements and Parks, did
heretofore make the following order, to-
wit:
"It is hereby found and determined that
the public use, convenience and necessity
do not now require that part of Xavier
Street (formerly Kindel Ave.), lying be-
tween Blocks 10 and 11 in Tabor and Kin-
del's Subdivision of Blocks 10 and 11, Sloan
Lake Subdivision, also the public alley
in said Block 10, in the City and County
of Denver, in the State of Colorado, and
the same are hereby vacated.
And 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, in the State of Colo-
rado, this 15th day of April, A. D. 1938.
(Signed) GEORGE E. CHAMBER,
Manager."

NOW, THEREFORE
Section 1: That the action of the Man-
ager of Improvements and Parks as above
set forth, be and the same is hereby
ratified, approved and confirmed.

Section 2: That that part of Xavier
Street (formerly Kindel Ave.), lying be-
tween Blocks 10 and 11 in Tabor and Kin-
del's Subdivision of Blocks 10 and 11,
Sloan Lake Subdivision, also the public
alley in said Block 10, in the City and
County of Denver, in the State of Colo-
rado, be and the same are hereby vacated,
reserving to the City and County of Den-
ver 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 sub-
ject to the continued right of the owners
to maintain and operate existing Electric
Light and Power Lines, Telephone Lines,
Gas Mains and Pipes.

Section 3: In the opinion of the Coun-
cil this Ordinance is necessary for the im-
mediate preservation of the public health
and public safety and shall be in full force
and effect immediately after its passage
and first publication.

Passed by the Council and signed by its
President this 2nd day of August, A. D.
1938.

HARRY W. RIBLEY,
President.
Signed and approved by me this 3rd day
of August, A. D. 1938.

BEN F. STAPLETON,
Mayor.

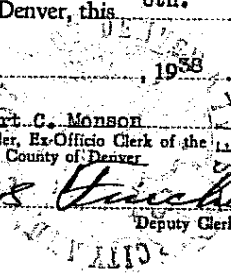
Attested by me with the corporate seal
of the City and County of Denver:
ALBERT C. MONSON,
Clerk and Recorder, Ex-officio Clerk of
the City and County of Denver.
BIEWERS FINCHER,
Deputy Clerk.

Published in The Denver Rocky Moun-
tain News.
First publication, July 30, 1938.
Last publication, Aug. 6, 1938.

Given under my hand and corporate seal of the
City and County of Denver, this 6th day
of August, 1938.

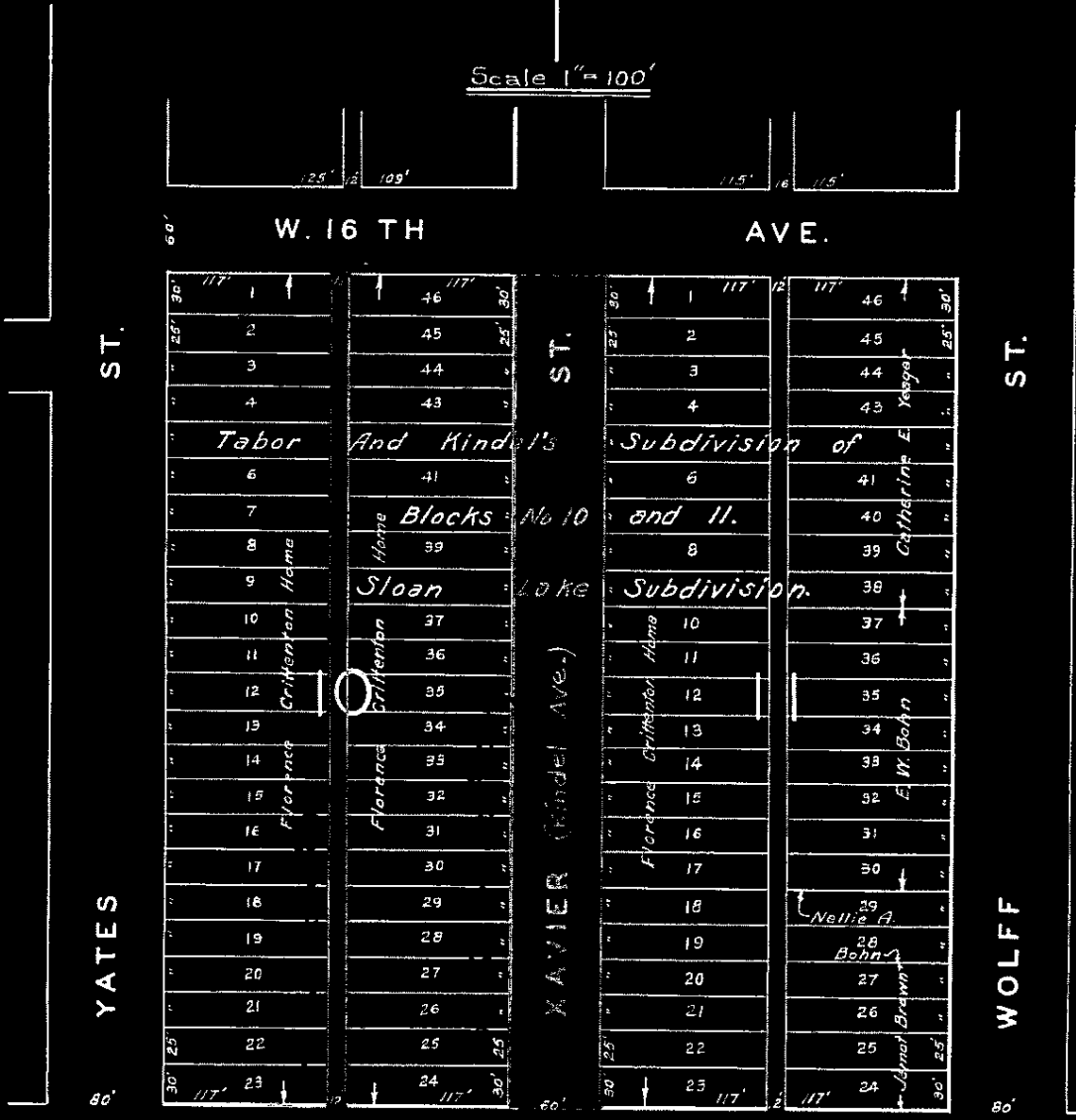
Albert C. Monson
Clerk and Recorder, Ex-Officio Clerk of the
City and County of Denver

By *Georges Fincher*
Deputy Clerk.





Scale 1" = 100'



W. COLFAX AVE.

AVE.

376686

45568

Certified Copy
of

Ord. No. 53, 1938

City and County of Denver.

STATE OF COLORADO)
City and County of Denver) SS.

I hereby certify that this instrument was filed
for record in my office at 10:38
o'clock A.M., AUG - 6 1938
and duly recorded in Book 22 Page 343

Robert C. Morrison

By *Anna S. Wilson* CLERK AND RECORDER
CITY BUSINESS-FEE 75 (SEAL)

Anna S. Wilson

Ordinance No. 53 Series 1938

Councilman's Bill No. 33

Introduced by Councilman

Rosenthal

A BILL
For

An Ordinance vacating that part of Xavier St. lying between Blocks 10 and 11 in Taber and Kinder's Subdivision of Blocks 10 and 11, Sloan Lake Subdivision, also vacating the Public Alley in said Block 10.

Meeting Date of April 15, 1938
Read in full in the Board of Councilmen and referred to the Committee on

Public Camp

Meeting Date of July 25, 1938
Reported back by the Committee on

Public Camp
Recommending that the bill be ordered published and report adopted.

Published in The Denver Play Mt News
this 30 day of July, A. D. 1938

Meeting Date of Aug 22, 1938
Read by title, placed upon its passage and passed.

Presented to the Mayor and signed by him
this 31 day of August, 1938

Ent'd as Ordinance No. 53, Series 1938

Published in The Denver Play Mt News
this 6 day of August, A. D. 1938