



Department of Public Works
Right-of-Way Services
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: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
PROJECT NO: 2014-0038-05
DATE: February 9, 2015
SUBJECT: Request for an Ordinance to relinquish certain easements established by documents recorded with the City and County of Denver under Reception Number: 2007087235.

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

This office has investigated the request of Brooke Maloy, dated February 3, 2015, on behalf of Madre Investment Company and Belquince 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; 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; Office of Telecommunication; 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 areas:

INSERT PARCEL DESCRIPTION ROW 2014-0038-05-001 HERE

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

RJD:aal

cc:

Asset Management – Steve Wirth
City Councilperson & Aides
City Council Staff – Shelley Smith
Department of Law – Karen Aviles
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.

Date of Request: February 9, 2015

Please mark one: Bill Request or Resolution Request

Is this request: A new contract* A contract amendment* or Neither

***If this request is a contract or an amendment, is it:**

A revenue agreement or An expenditure agreement

Contract Control Number:

Contract Terms/Dates:

Costs (if this is a contract amendment please include the original cost, additional cost and new total. *Failure to provide this information may delay processing*):

1. Bill Description for the City Council Agenda: (please give a one sentence description of the ordinance request. Describe if the request is a contract, amendment, lease, grant, change to code, rezoning, etc. and any other information that Council needs to approve the request)

2014-0038-05: This is a request to relinquish easements established by documents recorded under reception number 2007087235.

2. Requesting Agency: Public Works - Survey

3. Contact Person: (Subject Matter Expert on the request)

- **Name:** Adrienne Lorantos, AICP
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@denvergov.org

4. Contact Person: (Please list the person who will read this item at Mayor Council and attend first and second reading to answer questions)

- **Name:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@denvergov.org

5. Background on the request:

This is a request to relinquish easements established by documents recorded under reception number 2007087235.

6. Please complete the following fields:

- A. Location:** 6950 E Chenango Ave
- B. Affected Council District:** #4 – Peggy Lehmann
- C. Benefits:** N/A

7. Is there any controversy surrounding this ordinance? Please explain.

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2014-0038-05: Request to relinquish an easement at 6950 E Chenango Ave, Belleview Station, Block B.

Description of Proposed Project: This is a proposal to relinquish an easement in Belleview Station, Block B.

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

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: None.

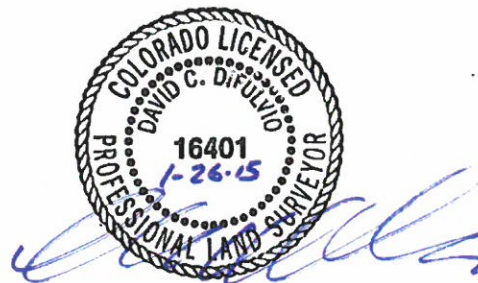
2014-0038-05-001

EASEMENT RELINQUISHMENT DESCRIPTION

1-26-15

ALL THAT PARCEL OF LAND DESCRIBED AND NOTED AS EXHIBIT B IN THAT PERMANENT EASEMENT DOCUMENT RECORDED 06/06/2007 AT RECEPTION NO. 2007087235 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, CONTAINING 1,411 SQUARE FEET, MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY DAVID C. DIFULVIO, PLS #16401, FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.
5613 DTC PARKWAY, SUITE 100
GREENWOOD VILLAGE, CO. 8011





Columbine Realty, Inc.

Suite 1005, 650 South Cherry Street • Glendale, Colorado 80246
303-320-6778 • FAX 303-316-4692

February 3, 2015

Public Works Plan Review Services
201 W. Colfax Ave., Department 507
Denver, CO 80202

RE: Easement Relinquishment

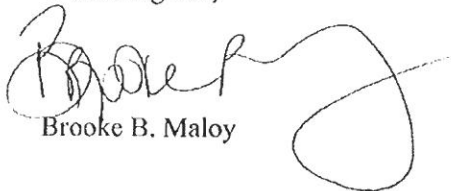
Front Range Land & Development Company, as Master Developer, Madre Investment Company and Belquince Ltd. Liability Co. as property owners hereby request the relinquishment of the following easement:

That parcel of land that is described in Exhibit B in the Permanent Easement document executed on 6/1/2007 and recorded with the City and County of Denver under Reception Number 2007087235

Please communicate comments and directly with the Requestor using the contact information below:

Brooke B. Maloy
Madre Investment Co.
650 S. Cherry Street, Suite 1005
Glendale, CO 80246
Work phone: 303-320-6778
Cell Phone 303-506-0094
Email: brookemaloy@columbiner.com

Warm Regards,



Brooke B. Maloy



Columbine Realty, Inc.

Suite 1005, 650 South Cherry Street • Glendale, Colorado 80246
303-320-6778 • FAX 303-316-4692

December 12, 2014

Public Works Plan Review Services
201 W. Colfax Ave., Department 507
Denver, CO 80202

RE: Easement Relinquishment

Front Range Land & Development Company, as Master Developer, Madre Investment Company and Belquince Ltd. Liability Co. as property owners hereby request the relinquishment of the following easements:

Reception No. 9600160516 dated 7/9/1996 – This is an easement for the southern portion of an old cul-de-sac bulb located on Chenango Street just east of Olive Street

Reception No 2007087235 dated 6/1/2007 – This is an easement which includes two parcels; Parcel 1 is described in Exhibit A and Parcel 2 is described in Exhibit B. Please note that the easement defined in Exhibit A is no longer owned by Madre Investment Co. Rather, the land burdened by this easement is owned by The City and County of Denver via Plat filing 2 which was accepted by Denver on July 24, 2009 Reception No. 2009095677. Therefore, Madre Investment Co. is only seeking the relinquishment of the easement identified as Exhibit B and more specifically is the northern portion of an old cul-de-sac bulb located on Chenango Street just west of Olive Street.

It is our understanding the City and County of Denver has already relinquished the easement under **Reception No. 2007087234** dated 6/1/2007. The property owner is no longer Belquince Ltd. Liability Co.. The property was sold to Nash-Holland Belleview Block B Investors on June 30, 2014 and they sought relinquishment of this easement. Please verify that this easement was relinquished under Reception No. 2014059048; 312 Series 2014.

Please find attached a letter explaining why the Easement Relinquishment is being requested in addition to clarifying that there are no existing utilities located within either easement. Also attached are the additional items listed under the Easement Relinquishment Entrance Requirements form.

Please communicate comments and directly with the Requestor using the contact information below:

Brooke B. Maloy
Madre Investment Co.
650 S. Cherry Street, Suite 1005
Glendale, CO 80246
Work phone: 303-320-6778
Cell Phone 303-506-0094
Email: brookemaloy@columbiner.com

Warm Regards,

Brooke B. Maloy

reception No 2007087235 EXHIBIT 'B'



1601 Blake Street, Suite 200
Denver, Colorado 80202
(303) 572-0200
Fax (303) 572-0202

JN 06.024.007
DATE: DECEMBER 12, 2006
REVISED: MAY 02, 2007
CUL DE SAC EASEMENT - MADRE
SHEET 1 OF 2

PARCEL DESCRIPTION

A PARCEL OF LAND BEING PART OF THAT PARCEL DESCRIBED IN BOOK 2972 AT PAGE 247, RECORDED DECEMBER, 1983 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO AND ALSO BEING LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST ONE-QUARTER; THENCE SOUTH 89°34'48" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER; A DISTANCE OF 823.82 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 550.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 62.00 FEET TO A POINT OF CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 312.00 FEET, A CENTRAL ANGLE OF 17°19'30" AND AN ARC LENGTH OF 94.34 FEET; THENCE NORTH 72°40'30" EAST, A DISTANCE OF 65.04 FEET TO A POINT OF CURVE TO THE LEFT AND BEING THE POINT OF BEGINNING

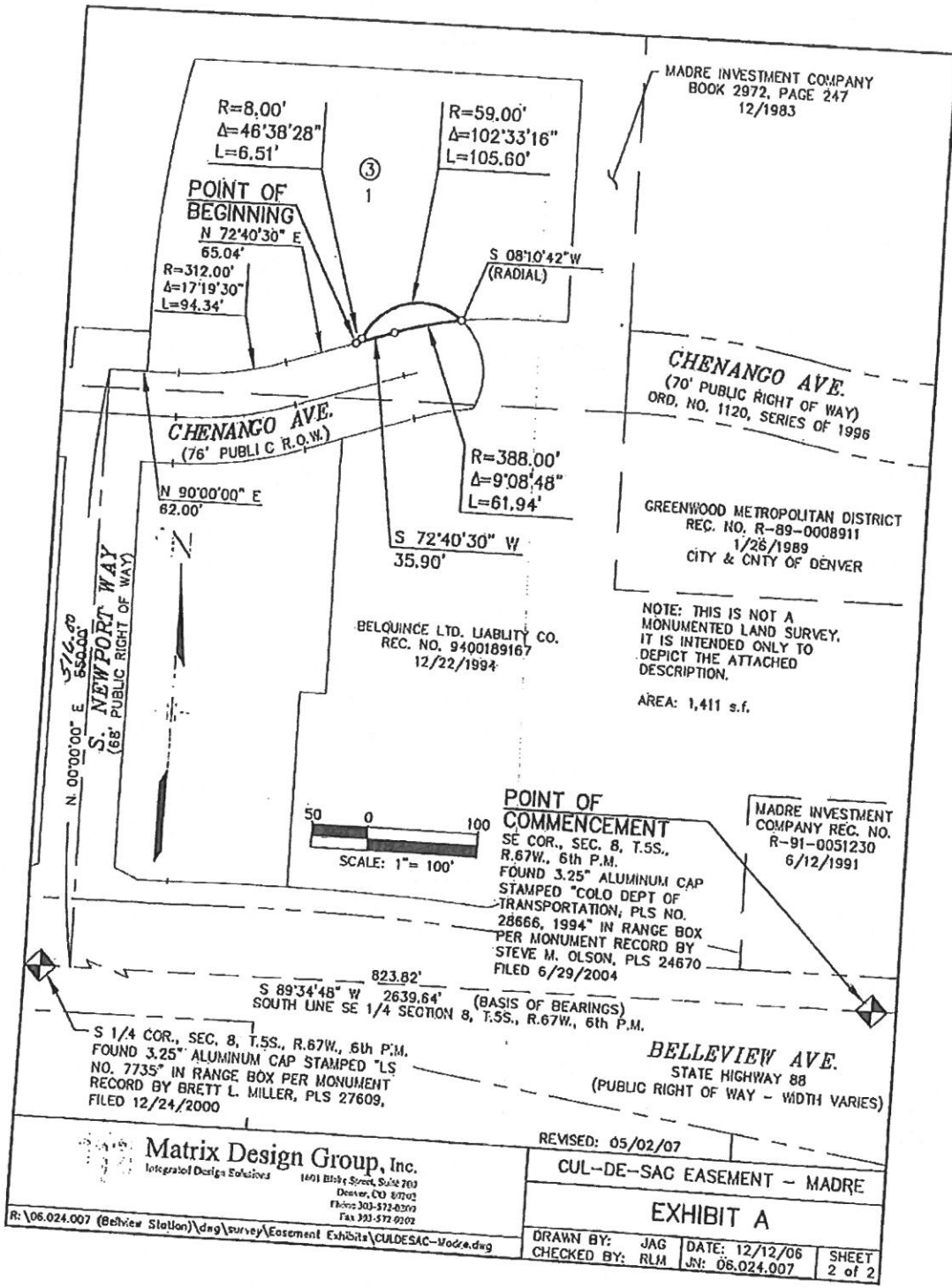
1. THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 8.00 FEET, A CENTRAL ANGLE OF 46°38'28" AND AN ARC LENGTH OF 6.51 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT;
2. THENCE WESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 59.00 FEET, A CENTRAL ANGLE OF 102°33'16" AND AN ARC LENGTH OF 105.60 FEET TO A NON-TANGENT POINT OF CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 08°10'42" EAST;
3. THENCE SOUTHWESTERLY ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 388.00 FEET, A CENTRAL ANGLE OF 9°08'48" AND AN ARC LENGTH OF 61.94 FEET TO A POINT OF TANGENCY;
4. THENCE SOUTH 72°40'30" WEST, A DISTANCE OF 35.90 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL ENCOMPASSES 1,411 SQUARE FEET OR 0.0324 ACRE, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES OF RECORD. A GRAPHICAL DEPICTION OF THE ABOVE DESCRIBED PROPERTY IS ATTACHED HERETO AS AN AID IN THE VISUAL INTERPRETATION OF THE WRITTEN DOCUMENT.

THE BASIS OF BEARINGS IS THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MARKED ON THE EAST BY A FOUND 3.25" ALUMINUM CAP STAMPED "COLO DEPT OF TRANSPORTATION, PLS NO. 28668, 1994" AND ON THE WEST END BY A FOUND 3.25" ALUMINUM CAPSTAMPED "LS 7735" IN RANGE BOX, BEARING SOUTH 89°34'48" WEST, A DISTANCE OF 2639.64 FEET.

ROBERT F. CWETNA, PLS 37979
PREPARED FOR AND ON BEHALF OF
MATRIX DESIGN GROUP, INC.

Denver



Matrix Design Group, Inc.
 Integrated Design Solutions
 1601 Blake Street, Suite 203
 Denver, CO 80202
 Phone 303-572-0200
 Fax 303-572-0202

REVISED: 05/02/07

CUL-DE-SAC EASEMENT - MADRE

EXHIBIT A

| | | |
|-----------------|----------------|--------|
| DRAWN BY: JAG | DATE: 12/12/06 | SHEET |
| CHECKED BY: RLM | JN: 06.024.007 | 2 of 2 |

reception No. 2007087235

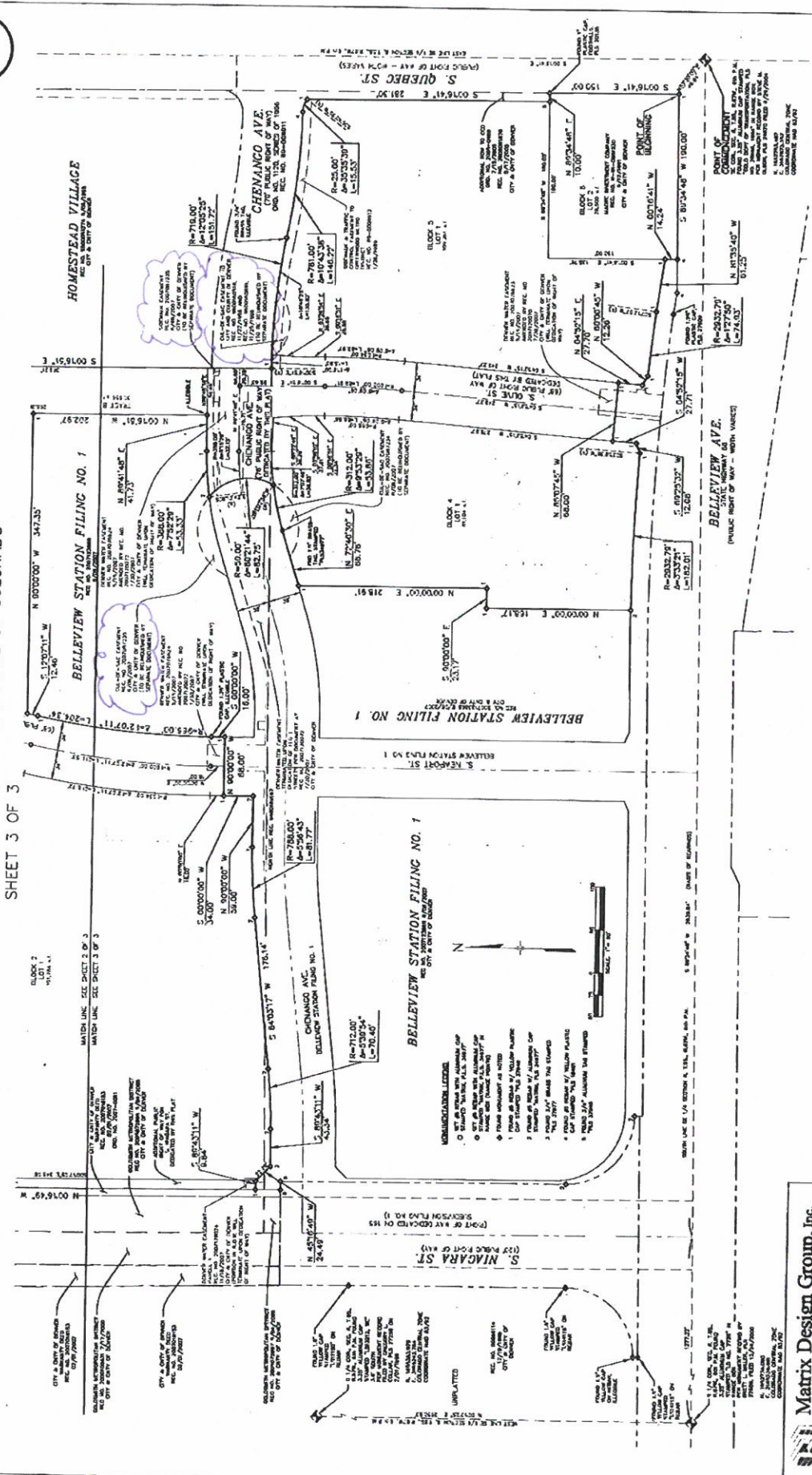
1431-B

BELLEVIEW STATION FILING NO. 2

A PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY AND COUNTY OF DENVER, STATE OF COLORADO

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SHEET 3 OF 3



RECORDING INFORMATION:

FILED IN THE OFFICE OF THE COUNTY CLERK OF DENVER, COLORADO, ON 07/14/2009 AT 10:35:20 AM.

BY: [Signature]

NOTICE: THIS PLAT IS SUBJECT TO THE CITY AND COUNTY OF DENVER'S SUBDIVISION MAP ACT, C.R.S. 31-1-101 THROUGH 31-1-109.

LEGAL DESCRIPTION: BELLEVIEW STATION FILING NO. 2, PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PREPARED BY: Matrix Design Group, Inc. 1601 Idaho Street, Suite 200, Denver, CO 80202. Phone: 303-732-0200. Fax: 303-732-0203.

Matrix Design Group, Inc.
 Integrated Design Solutions
 1601 Idaho Street, Suite 200
 Denver, CO 80202
 Phone: 303-732-0200
 Fax: 303-732-0203



CITY & COUNTY OF DENVER
 ASSET MANAGEMENT
 201 W. CULFAX AVE DEPT 1012-902
 DENVER, CO 80202

71
 SR

PERMANENT EASEMENT FOR SIDEWALK and RIGHT-OF-WAY AREA

56-035
 Asset Mgmt #

THIS PERMANENT EASEMENT, made this 1st day of June 2007, between the Madre Investment Co., LLC, whose address is c/o Louis P. Bannsbach III, 650 S. Cherry Street, Suite #1005, Glendale, Colorado 80246-1812 ("Grantor") and the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("Grantee");

WITNESSETH:

Asset Mgmt # 6-6-07
 Appeared

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged. Grantor has this day bargained and sold and by these presents does bargain and sell and convey and transfer and deliver unto the Grantee a permanent easement, including the perpetual right to enter upon the lands hereinafter described at all times to construct, reconstruct, maintain, service, operate, use, and repair a sidewalk, traffic control devices, street lights, landscaping, utilities and any necessary appurtenances thereto and to the street ("Improvements"), upon, over, through and across the lands hereinafter described, together with the right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction, use and maintenance of said Improvements. Nothing herein shall require the City to construct, reconstruct, maintain, service or repair such Improvements.

The permanent easement granted herein is located in the City and County of Denver, State of Colorado, and is over, across and through the land described as follows (the "Property"):

SEE EXHIBIT A and B
 ATTACHED HERETO AND INCORPORATED HEREIN

Project Description: Beulah & S. Nevada

To have and hold such easement unto the Grantee and unto its successors and assigns forever.

The Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the Property, and that it has good and lawful right to grant this Permanent Easement in the Property. Grantor further covenants and agrees that no building, structure, or other above or below ground obstruction that may interfere with the purposes for which this Easement is

CERTIFICATION
 The Clerk and Recorder for the CITY AND COUNTY OF DENVER State of Colorado does hereby certify this document to be a full, true and correct copy of the original document recorded in my office.



Clerk and Recorder
 by [Signature]
 Deputy County Clerk
 Date 6/6/07

granted may be placed, erected, installed or permitted upon the Property. Grantor further agrees that in the event the terms of this Easement are violated, that such violation shall immediately be corrected by the Grantor upon receipt of written notice from the City, or the City may itself elect to correct or eliminate such violation at the Grantor's expense. The Grantor shall promptly reimburse the City for any costs or expenses incurred by the City in enforcing the terms of this paragraph.

Grantor further understands and agrees that with respect to the Property, all laws, ordinances, and regulations pertaining to streets, sidewalks, and public places shall apply so that the public use of the Improvements and the Property is consistent with the use and enjoyment of the adjacent dedicated public right-of-way.

The Grantor further grants to the Grantee the right of ingress to and egress over and across adjacent lands owned by the Grantor by such route or routes as shall occasion the least practical damage and inconvenience to the Grantor, for the purpose of constructing, maintaining and operating the Improvements.

Each and every term, condition, or covenant herein is subject to and shall be construed in accordance with the provisions of Colorado law, any applicable State or federal law, the Charter of the City and County of Denver and the ordinances, regulations, and Executive Orders enacted and/or promulgated pursuant thereto. Such applicable law, together with the Charter, Revised Municipal Code and regulations of the City and County of Denver, as the same may be amended from time to time, is hereby expressly incorporated into this Agreement as if fully set out herein by this reference. Venue for any action arising hereunder shall be in The Denver District Court in the City and County of Denver, Colorado.

Grantor shall indemnify, defend and hold harmless the City from any and all claims, damages, fines, judgments, penalties, costs, liabilities or losses arising from the environmental condition of the Property, including the existence of any hazardous material, substance or waste.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto and all covenants herein shall apply to and run with the land.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and official seals on this 1ST day of June, 2007.

By: [Signature]

Name: Robert E. Warren, Jr.

Title: Manager

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 1ST day of June, 2007 by Robert E. Warren, Jr., Manager.

Witness my hand and official seal.

My commission expires: June 10, 2009

[Signature]

Notary Public

"GRANTOR"