

REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Matt R. Bryner, PE, Director, Right of Way Services *Matt R. Bryner*
Matt R. Bryner (Jul 12, 2022 12:42 MDT)

PROJECT NO: 2022-RELINQ-0000005

DATE: July 12, 2022

SUBJECT: Request for an Ordinance to relinquish a portion of an easement(s) established in the Vacating Ordinance No. 25, Series of 1924. Located at North Albion Street between East 13th Avenue and East 14th Avenue.

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

This office has investigated the request of Katherine Rinehart, dated 3/1/2022 on behalf of The City and County of Denver for the relinquishment of the subject easement(s).

This matter has been coordinated with City Councilperson Sawyer, District 5; Asset Management; Emergency Management; Community Planning & Development: Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; DOTI: ER Transportation and Wastewater, DES Transportation & Wastewater, Construction Engineering, Policy and Planning, TES Signing and Striping, Survey; Colorado Department of Transportation; Regional Transportation District; Comcast; Metro Wastewater Reclamation District; CenturyLink; and Xcel Energy, all of whom have indicated no objection to the proposed easement relinquishment(s).

As a result of these 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 easement(s) in the following described area(s):

INSERT PARCEL DESCRIPTION 2022-RELINQ-0000005-001 HERE

A vicinity map of the subject easement area(s) and a copy of the document(s) creating the easement(s) are attached.

MB:VW



DENVER
THE MILE HIGH CITY

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

311 | POCKETGOV.COM | DENVERGOV.ORG | DENVER 8 TV

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: 6/23/2022

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 **a portion of an** easement(s) established in the Vacating Ordinance No. **25**, Series of **1924**. Located at North Albion Street between East 13th Avenue and East 14th Avenue.

3. Requesting Agency: DOTI ROWS Engineering & Regulatory

4. Contact Person:

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

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

Relinquish **a portion of an** easement(s) established in the Vacating Ordinance No. **25**, Series of **1924**. Located at North Albion Street between East 13th Avenue and East 14th Avenue.

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

7. City Council District: Councilperson Sawyer, District 5

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

Key Contract Terms

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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

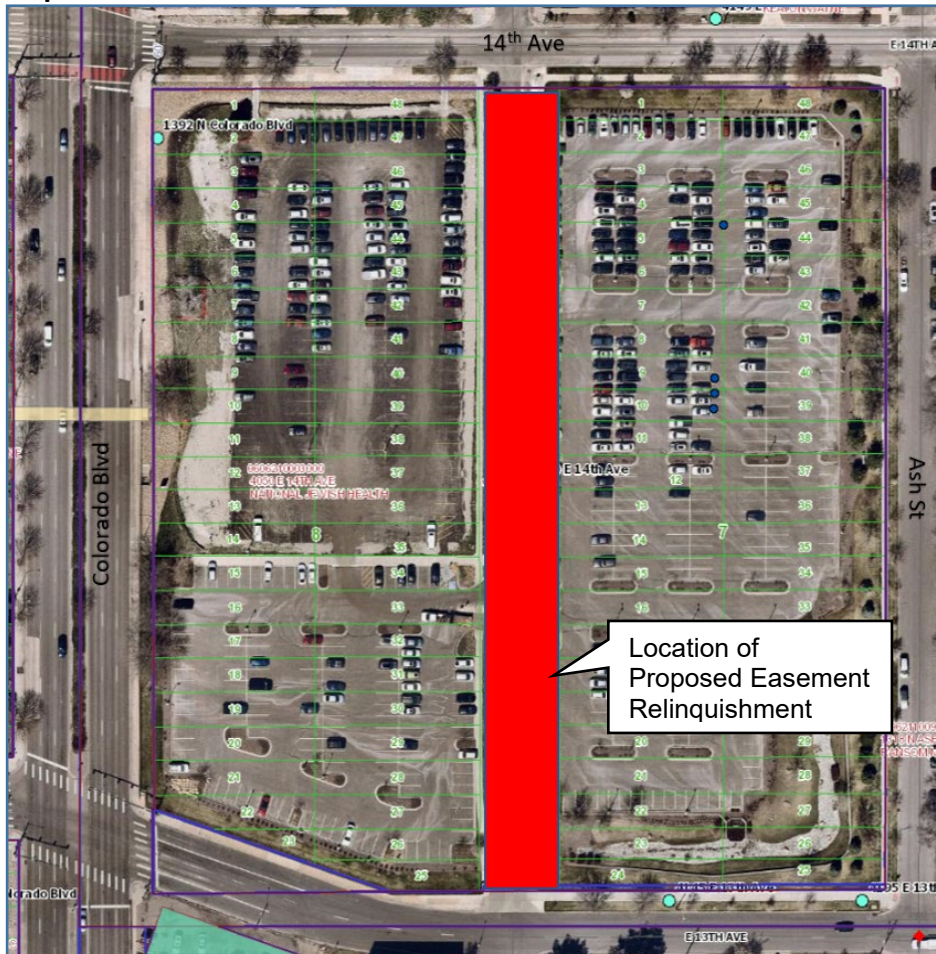
Project Title: 2022-RELINQ-0000005 Albion St between 13th Ave and 14th Ave

Property Owner: National Jewish Health

Description of Proposed Project: Relinquish a portion of an easement(s) established in the Vacating Ordinance No. 25, Series of 1924. Located at North Albion Street between East 13th Avenue and East 14th Avenue.

Background: The easement was originally held for sewer and water pipes. No sewer or water pipes were ever installed, and the easement is no longer needed.

Location Map:



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

EXHIBIT A LAND DESCRIPTION

A tract or parcel of land being a portion of Albion Street as described in Ordinance No. 25, Series of 1924, between the north line of 13th Avenue and the south line of 14th Avenue and lying between Block Seven (7) and Eight (8) in Bellevue West, recorded in Plat Book 8 at Page 72 in the City and County of Denver Clerk and Recorder's Office, located in the Northwest Quarter of Section 6, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

For the purpose of this description the bearings are referenced to the 20' Range line along Albion Street (vacated) between the intersections at E. 14th Avenue and E. 13th Avenue, bearing South 00°08'43" West, a distance of 654.11 feet (654.78' per CCD records). Monumented by a #6 rebar in a range box at the intersection at E. 14th Avenue and Albion Street (vacated) and by a 2" Aluminum Cap, illegible, on a #6 rebar in a range box at the intersection at E. 13th Avenue and Albion Street (vacated).

Commencing at the range point at the intersection of E. 14th Avenue and Albion Street (vacated);

THENCE South 00°08'43" West, a distance of 40.00 feet along the 20' Range Line along Albion Street (vacated) to the south right of way line of E. 14th Avenue and the Point of Beginning;

THENCE North 89°58'06" East, along said south right of way line, a distance of 40.00 feet to the northwest corner of said Block 7;

THENCE South 00°08'43" West, along the west line of said Block 7, a distance of 590.10 feet to the north line of that strip of land described at Reception No. 2012093818;

THENCE South 89°56'48" West, along said north line, a distance of 40.00 feet to a point on said 20' Range Line;

THENCE continuing along said north line South 89°56'48" West, a distance of 16.79 feet;

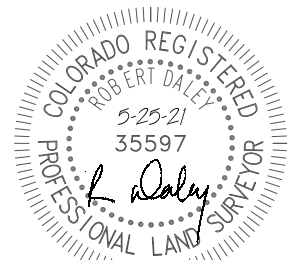
THENCE South 00°08'43" West, a distance of 4.00 feet to the north right of way line of E. 13th Avenue;

THENCE South 89°56'48" West, along said north line, a distance of 3.21 feet to the southeast corner of said Block 8;

THENCE North 00°08'43" East, along the east line of said Block 8, a distance of 594.12 feet to said south right of way line of E. 14th Avenue and the northeast corner of said Block 8;

THENCE North 89°57'44" East, along said south line, a distance of 20.00 feet to the Point of Beginning.

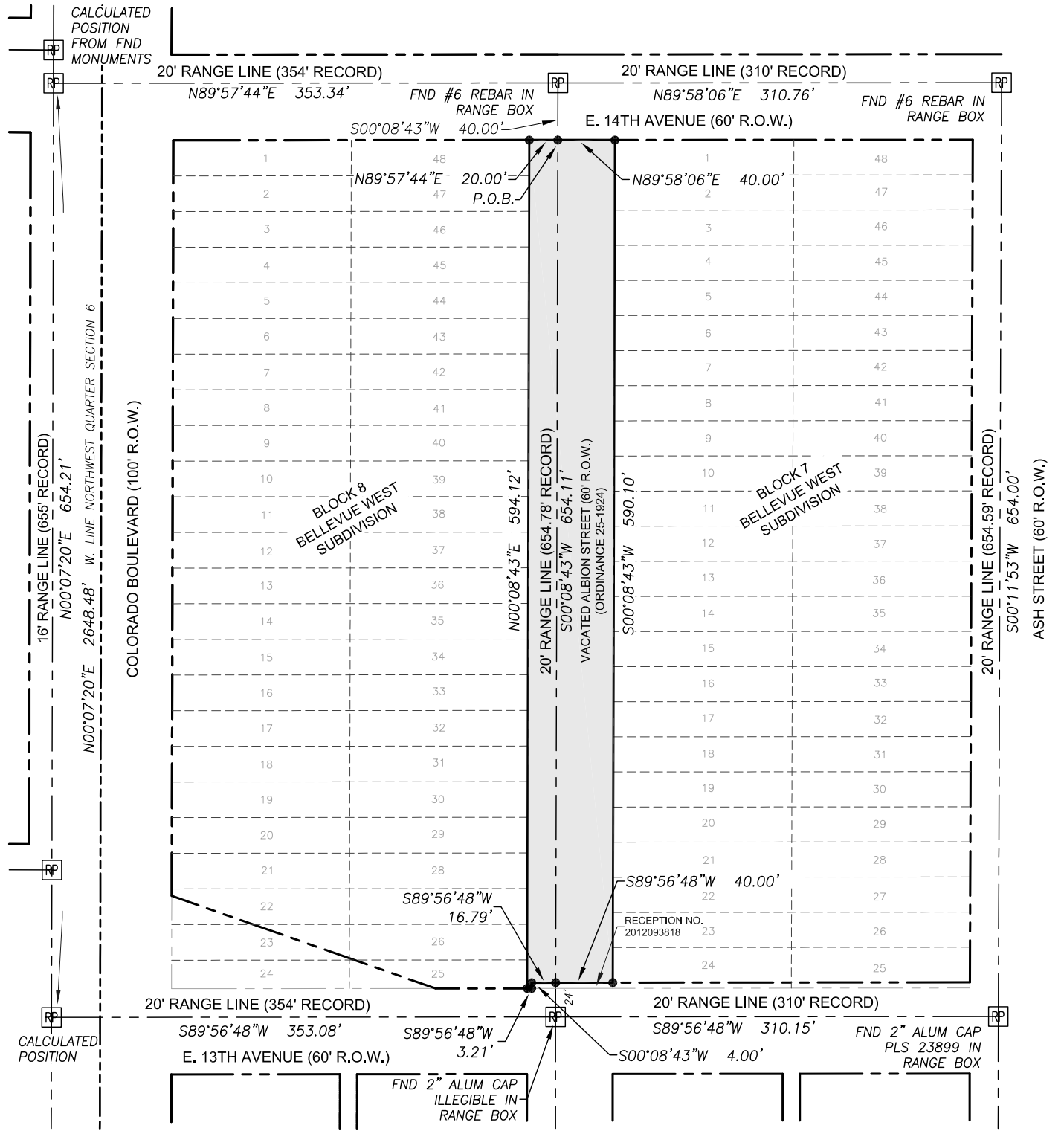
Containing 35419 Square Feet, or 0.813 Acres, more or less.



FOR AND ON BEHALF OF
DALEY LAND SURVEYING INC.,
Robert Daley, PLS 35597

<p><small>OWNER</small></p> <p>NATIONAL JEWISH CENTER</p> <hr/> <p><small>APN. 06062-10-003-000</small></p> <p><small>CALC: RD DATE: 5/25/2021</small></p> <p><small>DRWN: AVV JOB No. 1503-035</small></p> <p><small>SHEET 1 OF 2</small></p>	<p>ALBION STREET</p> <p>NW 1/4 SEC. 6, T.4S., R.67W. DENVER COUNTY, COLORADO</p>	<p>THIS DOES NOT REPRESENT A MONUMENTED SURVEY.</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 10px;"> <p>DALEY LAND SURVEYING, INC.</p> <p>17011 LINCOLN AVE #301 PARKER, CO 80134</p> </div>
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EXHIBIT A ILLUSTRATION



\\Survey\1503035\Drawings\ICOM - Albion Street Vacation.dwg

OWNER
NATIONAL JEWISH CENTER

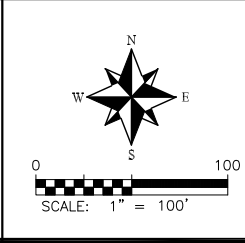
APN. 06062-10-003-000

CALC: RD	DATE: 5/25/2021
DRWN: AVV	JOB No. 1503-035

SHEET 2 OF 2

ALBION STREET

NW 1/4 SEC. 6, T.4S., R.67W.
DENVER COUNTY, COLORADO



THIS DOES NOT REPRESENT
A MONUMENTED SURVEY.

BY AUTHORITY.ORDINANCE NO. ¹²⁵.....

SERIES OF 1924.

COUNCILMAN'S BILL NO. ¹⁷...

INTRODUCED BY COUNCILMAN BURNETT.

A BILL

FOR AN ORDINANCE VACATING THE ALLEY IN BLOCK NUMBERED THREE (3) IN ASHLEYS ADDITION TO THE CITY OF DENVER; ALSO THE ALLEY IN BLOCK NUMBERED FIFTEEN (15) IN WOLFE PLACE ADDITION; ALSO THE ALLEYS IN BLOCK NUMBERED SEVEN (7) IN SOUTH FAIRVIEW; ALSO THE ALLEY IN BLOCK NUMBERED SEVEN (7) IN TACOMA HEIGHTS, AND THE ALLEY IN BLOCK NUMBERED SIXTEEN (16) IN GARDEN PLACE, SOUTH OF THE SOUTH LINES OF LOTS NUMBERED NINETEEN (19) AND THIRTY (30) IN SAID BLOCK SIXTEEN (16), AND ACCEPTING THE DEDICATION OF AN ALLEY, BEING LOT NUMBERED THIRTY (30) IN SAID BLOCK SIXTEEN (16); ALSO VACATING THE ALLEY IN BLOCK NUMBERED FIVE (5) IN FIRST ADDITION TO PARK HILL HEIGHTS; ALSO THE ALLEY IN BLOCK NUMBERED TWENTY-SEVEN (27) IN VILLA PARE; ALSO THE ALLEY IN BLOCK NUMBERED TWENTY (20) IN FORDS ADDITION TO THE CITY OF DENVER, AND THAT PORTION OF HUMBOLDT STREET BETWEEN THE NORTH LINE OF 32ND AVENUE AND THE SOUTH LINE OF 33RD AVENUE, AND LYING BETWEEN BLOCKS NINETEEN (19) AND TWENTY (20) IN SAID FORDS ADDITION; ALSO THE SOUTH TWO HUNDRED AND FIVE (205) FEET OF THE ALLEY IN BLOCK NUMBERED THREE (3), AND THE ALLEYS IN BLOCKS NUMBERED FOUR (4) AND TEN (10), ALL SAID BLOCKS BEING IN SMITHS ADDITION TO THE CITY OF DENVER; AND THAT PORTION OF WEST 10TH AVENUE BETWEEN THE WEST LINE OF FOX STREET AND THE EAST LINE OF GALAPAGO STREET, AND THAT PORTION OF FOX STREET BETWEEN THE NORTH LINE OF WEST 9TH AVENUE AND A LINE TWO HUNDRED AND FIVE (205) FEET NORTH OF THE NORTH LINE OF WEST 10TH AVENUE, AND ACCEPTING THE DEDICATION OF AN ALLEY, BEING THE NORTH TWENTY (20) FEET OF LOTS NUMBERED TWELVE (12) AND TWENTY-NINE (29) IN BLOCK NUMBERED THREE (3) IN SAID SMITHS ADDITION, AND THE DEDICATION OF AN ALLEY, BEING THE NORTH TWENTY (20) FEET OF LOT NUMBERED TEN (10) IN BLOCK NUMBERED THIRTY-SEVEN (37) IN WITTERS FIRST ADDITION TO THE CITY OF DENVER; ALSO VACATING THE ALLEY IN BLOCK NUMBERED THIRTY-FIVE (35) IN WESTERN CAPITOL HILL SUBDIVISION; ALSO THE ALLEY IN THAT TRACT OF LAND DESCRIBED AS THE NORTH HALF OF THE NORTHWEST QUARTER (N 1/2 OF NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP THREE (3) SOUTH, RANGE SIXTY-EIGHT (68) WEST, AND LYING BETWEEN 37TH AND 38TH AVENUES, AND ADAMS AND STEELE STREETS; ALSO THAT PORTION OF SOUTH STEELE STREET BETWEEN THE SOUTH LINE OF ILIFF AVENUE AND THE NORTH LINE OF WESLEY AVENUE, AND LYING BETWEEN BLOCK NUMBERED ONE (1) IN ILIFFS UNIVERSITY ADDITION AND BLOCK NUMBERED SIXTEEN (16) IN ASBURY PARK, SECOND FILING; ALSO THAT PORTION OF ALBION STREET BETWEEN THE NORTH LINE OF 13TH AVENUE AND THE SOUTH LINE OF 14TH AVENUE, AND LYING BETWEEN BLOCKS SEVEN (7) AND EIGHT (8) IN BELLEVUE WEST; ALSO THAT PORTION OF ELIOT STREET BETWEEN THE NORTH LINE OF WEST LAKE PLACE AND THE SOUTHERLY LINE OF WEST DOUGLAS PLACE; AND ACCEPTING A CONVEYANCE FOR STREET AND PARK PURPOSES OF BLOCK NUMBERED TWO HUNDRED AND TWENTY-FIVE (225) IN CLEMENTS ADDITION TO THE CITY OF DENVER.)

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

WHEREAS, The 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, necessity and convenience require that, the alley in Block numbered Three (3) in

Ashleys Addition to the City of Denver; also the alley in Block numbered Fifteen (15) in Wolff Place Addition; also the alleys in Block numbered Seven (7) in South Fairview; also the alley in Block numbered Seven (7) in Tacoma Heights, and the alley in Block numbered Sixteen (16) in Garden Place, south of the south lines of Lots numbered Nineteen (19) and Thirty (30) in said Block Sixteen (16); also the alley in Block numbered Five (5) in First Addition to Park Hill Heights; also the alley in Block numbered Twenty-seven (27) in Villa Park; also the alley in Block numbered Twenty (20) in Fords Addition to the City of Denver, and that portion of Humboldt Street between the north line of 32nd Avenue and the south line of 33rd Avenue, and lying between Blocks numbered Nineteen (19) and Twenty (20) in said Fords Addition; also the south two hundred and five (205) feet of the alley in Block numbered Three (3), and the alleys in Blocks numbered Four (4) and Ten (10), all said Blocks being in Smiths Addition to the City of Denver; and that portion of West 10th Avenue between the west line of Fox Street and the east line of Galapago Street, and that portion of Fox Street between the north line of West 9th Avenue and a line two hundred and five (205) feet north of the north line of West 10th Avenue; also the alley in Block numbered Thirty-five (35) in Eastern Capitol Hill Subdivision; also the alley in that tract of land described as the north half (N 1/2) of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of Section Twenty-five (25), Township Three (3) South, range Sixty-eight (68) West, and lying between 37th and 38th Avenues, and Adams and Steele Streets; also that portion of South Steele Street between the south line of Iliff Avenue and the north line of Wesley Avenue, and lying between Block numbered One (1) in Iliff's University Addition and Block numbered Sixteen (16) in Ashbury Park, Second Filing; also that portion of Albion Street between the north line of 13th Avenue and the south line of 14th Avenue, and lying between Blocks numbered Seven (7) and Eight (8) in Bellevue West; also that portion of Eliot Street between the north line of West Lake Place and the southerly line of West Douglas Place, 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 and water pipes, and their appurtenances, and to authorize the construction, maintenance, and removal of the same therein and therefrom.

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.

Chas. D. Vail

Manager of Improvements and Parks.

NOW, THEREFORE,

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 alley in Block numbered Three (3) in Ashleys Addition to the City of Denver; also the alley in Block numbered Fifteen (15) in Wolff Place Addition; also the alleys in Block numbered Seven (7) in South Fairview; also the alley in Block numbered Seven (7) in Tacoma Heights, and the alley in Block numbered Sixteen (16) in Garden Place, south of the south lines of Lots numbered Nineteen (19) and Thirty (30) in said Block Sixteen (16); also the alley in Block numbered Five (5) in First Addition to Park Hill Heights; also the alley in Block numbered Twenty-seven (27) in Villa Park; also the alley in Block numbered Twenty (20) in Fords Addition to the City of Denver, and that portion of Humboldt Street between the north line of 32nd Avenue and the south line of 33rd Avenue, and lying between Blocks numbered Nineteen (19) and Twenty (20) in said Fords Addition; also the south two hundred and five (205) feet of the alley in Block numbered Three (3), and the alleys in Blocks numbered Four (4) and Ten (10), all said Blocks being in Smiths Addition to the City of Denver, and that portion of West 10th Avenue between the west line of Fox Street and the east line of Galapago Street, and that portion of Fox Street between the north line of West 9th Avenue and a line two hundred and five (205) feet north of the north line of West 10th Avenue; also the alley in Block numbered Thirty-five (35) in Eastern Capitol Hill Subdivision; also the alley in that tract of land described as the north half (N 1/2) of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of Section Twenty-five (25),

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Township Three (3) South, Range Sixty-eight (68) West, and lying between 37th and 38th Avenues, and Adams and Steele Streets; also that portion of South Steele Street between the south line of Iliff Avenue and the north line of Wesley Avenue, and lying between Block numbered One (1) in Iliffs University Addition and Block numbered Sixteen (16) in Ashbury Park, Second Filing; also that portion of Albion Street between the north line of 13th Avenue and the south line of 14th Avenue, and lying between Blocks numbered Seven (7) and Eight (8) in Bellevue West; also that portion ~~line~~ of Eliot Street between the north line of West Lake Place and the southerly line of West Douglas Place, 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, and water pipes, and their appurtenances, and to authorized the construction, maintenance, and removal of the same, therein and therefrom, upon condition, however, that School District No. One in the City and County of Denver and State of Colorado, shall, by good and sufficient deed, or deeds, convey to the City and County of Denver, for use as public alleys (the dedication of which is hereby accepted) the following described lots or parcels of land, to-wit:- Lot numbered Thirty (30) in Block numbered Sixteen (16) in Garden Place, the north Twenty (20) feet of Lots numbered Twelve (12) and Twenty-nine (29) in Block numbered Three (3) in Smiths Addition to the City of Denver, and the north Twenty (20) feet of Lot numbered Ten (10) in Block numbered Thirty-seven (37) in Witters First Addition to the City of Denver, (and further, shall convey to the City and County of Denver, for street and park purposes, Block numbered Two Hundred and Twenty-five (225) in Clements Addition to the City of Denver.)

Section 3. In the opinion of the Council, this ordinance is necessary for the immediate preservation of the public health and public safety and shall be in full force and effect from and after its passage and final publication.

Passed by the Council of the City and County of Denver, and signed by its President, this *11th* day of February, 1924.

Thomas F. Appell
.....
President.

Signed and approved by me this 13th day of February, 1924.

Benjamin Stapleton
Mayor.

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

Approved:

Charles J. Vane

Manager Improvements & Parks

William S. Lail

Clerk & Recorder, Ex-Officio Clerk

of the City and County of Denver.

By

W. S. Beck

Deputy.

Published in the Denver Times.

First publication: Feb. 7, 1924

Last publication: Feb. 15th - 1924

W. S. Beck
Jan 15 1924