



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-0000024

DATE: March 22, 2019

SUBJECT: Request for an Ordinance to relinquish a portion of the easement established in the Permanent Access and Common Easement for Alley Way document with Recordation No. 2003116383 and the easement, in its entirety, established in the Deed of Easement document as recorded in Book 7792 Page 433. Located at E 51st Ave and Broadway.

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

This office has investigated the request of Gorman & Company, LLC c/o Kimball Crangle, dated October 6, 2017 on behalf of Laradon Hall Society for Exceptional Children and Adults 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 2017-RELINQ-0000024-001 HERE

INSERT PARCEL DESCRIPTION 2017-RELINQ-0000024-002 HERE

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

MB:bp

- 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
 - 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 22, 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.)

Gorman & Company, LLC c/o Kimball Crangle, on behalf of Laradon Hall Society for Exceptional Children and Adults requests for an Ordinance to relinquish a portion of the easement established in the Permanent Access and Common Easement for Alley Way document with Recordation No. 2003116383 and the easement, in its entirety, established in the Deed of Easement document as recorded in Book 7792 Page 433. Located at E 51st Ave and Broadway.

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: Brittany Pirtle	Name: Jason Gallardo
Email: Brittany.Pirtle@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 easement established in the Permanent Access and Common Easement for Alley Way document with Recordation No. 2003116383 and the easement, in its entirety, established in the Deed of Easement document as recorded in Book 7792 Page 433. Located at E 51st Ave and Broadway.

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

7. City Council District: District 9; Councilman Albus Brooks

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-0000024, Laradon West at 51st Ave and Broadway

Owner name: Laradon Hall Society for Exceptional Children and Adults

Description of Proposed Project: Gorman & Company, LLC c/o Kimball Crangle, on behalf of Laradon Hall Society for Exceptional Children and Adults requests for an Ordinance to relinquish a portion of the easement established in the Permanent Access and Common Easement for Alley Way document with Recordation No. 2003116383 and the easement, in its entirety, established in the Deed of Easement document as recorded in Book 7792 Page 433. Located at E 51st Ave and Broadway.

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

Background: N/A

Location Map:

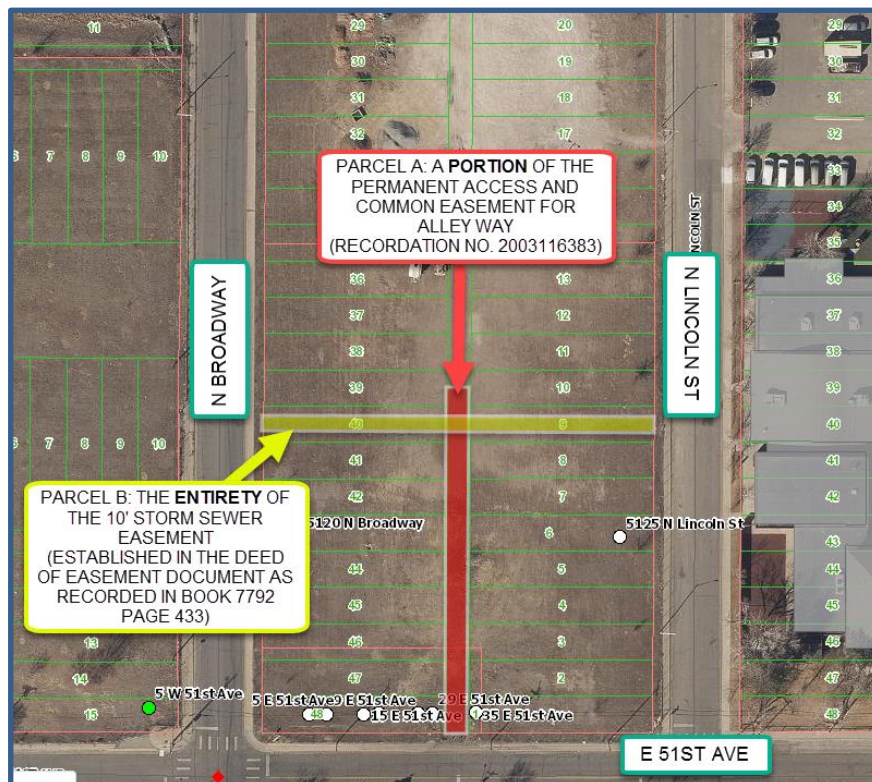


EXHIBIT "A" LEGAL DESCRIPTION

PARCEL A:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 15,
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY AND COUNTY OF DENVER, STATE OF COLORADO,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND AXLE IN RANGE BOX IN THE INTERSECTION OF LINCOLN STREET AND EAST 51ST AVENUE FROM WHENCE A FOUND AXLE IN RANGE BOX IN THE INTERSECTION OF BROADWAY STREET AND EAST 51ST AVENUE BEARS S89°36'40"W A DISTANCE OF 310.04 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE N45°12'19"W A DISTANCE OF 28.19 FEET TO THE SOUTHEAST CORNER OF BLOCK 3 OF MIDLAND ADDITION SUBDIVISION;
THENCE S89°36'40"W ALONG THE SOUTH LINE OF SAID BLOCK 3 A DISTANCE OF 127.02 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 3 AND THE POINT OF BEGINNING;

THENCE S89°36'40"W ALONG THE SOUTH LINE OF SAID BLOCK 3 A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF LOT 48 OF SAID BLOCK 3;
THENCE N00°01'03"W A DISTANCE OF 237.56 FEET;
THENCE N89°36'40"E A DISTANCE OF 16.00 FEET TO THE WEST LINE OF LOT 10 OF SAID BLOCK 3;
THENCE S00°01'04"E A DISTANCE OF 237.56 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 3 AND THE POINT OF BEGINNING;

CONTAINING AN AREA OF 3,800 SQ. FT. OR 0.087 ACRE.


PREPARED BY:
JEFFREY J. MACKENNA
PLS 34183
FALCON SURVEYING, INC.
9940 WEST 25TH AVENUE
LAKEWOOD, CO 80215



EXHIBIT "A" ILLUSTRATION

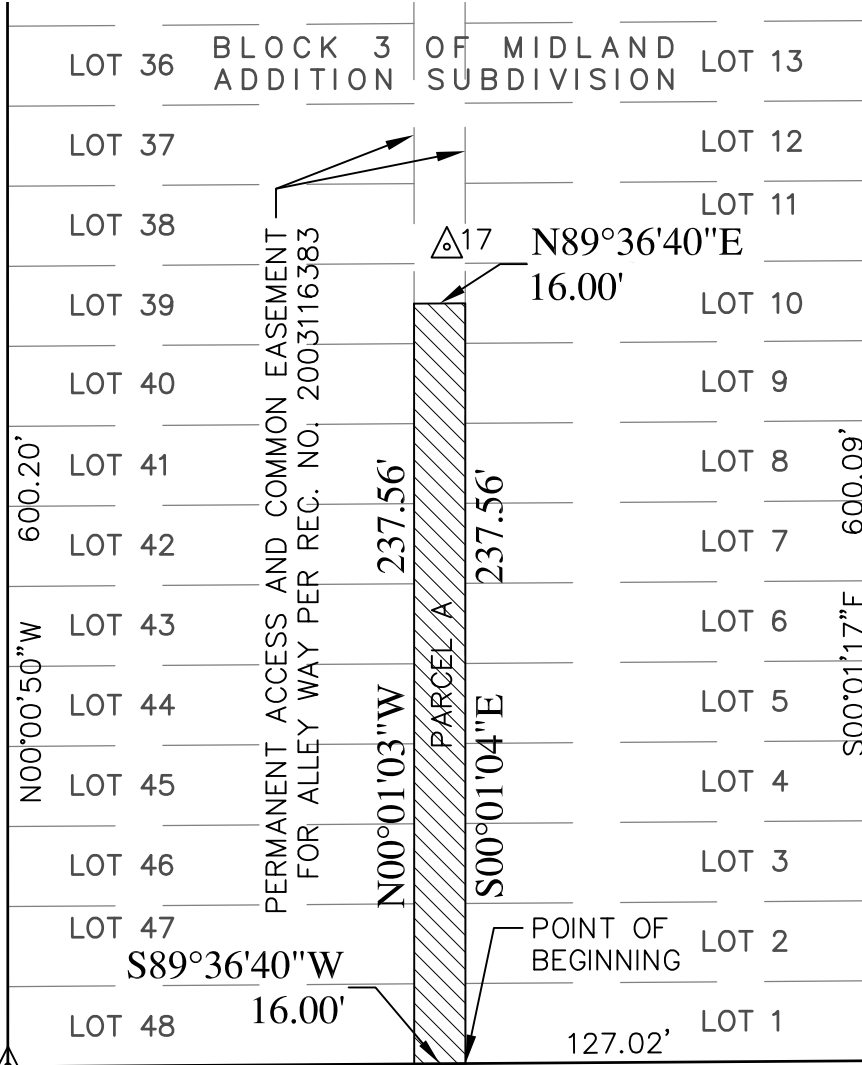
A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 15,
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY AND COUNTY OF DENVER, STATE OF COLORADO



BLOCK 3 OF BURLINGTON
PARK SUBDIVISION

BROADWAY STREET
60' RIGHT OF WAY

20' RANGE LINE



20' RANGE LINE

LINCOLN STREET
60' RIGHT OF WAY

BLOCK 4 OF MIDLAND
ADDITION SUBDIVISION

06
07+

13
12
11

FOUND AXLE

EAST 51ST AVENUE
RIGHT OF WAY VARIES

N45°12'19"W
28.19'

BASIS OF BEARINGS

20' RANGE LINE
S89°36'40"W(M)
310.04'(M)
310.00'(R)

POINT OF COMMENCEMENT
FOUND AXLE

14
15
04
16

BLOCK 2 OF
RH WREN SUBDIVISION

NOTE: THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PREPARED BY FALCON SURVEYING, INC., 9940 WEST 25TH AVENUE,
LAKEWOOD CO 80215 (303) 202-1560

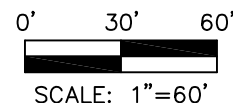


EXHIBIT "A" LEGAL DESCRIPTION

PARCEL B:

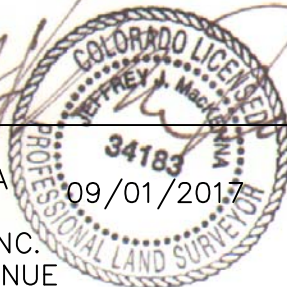
A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 15,
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY AND COUNTY OF DENVER, STATE OF COLORADO,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND AXLE IN RANGE BOX IN THE INTERSECTION OF LINCOLN STREET AND EAST 51ST AVENUE FROM WHENCE A FOUND AXLE IN RANGE BOX IN THE INTERSECTION OF BROADWAY STREET AND EAST 51ST AVENUE BEARS S89°36'40"W A DISTANCE OF 310.04 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE N45°12'19"W A DISTANCE OF 28.19 FEET TO THE SOUTHEAST CORNER OF BLOCK 3 OF MIDLAND ADDITION SUBDIVISION;
THENCE N00°01'17"W ALONG THE EAST LINE OF SAID BLOCK 3 A DISTANCE OF 207.03 FEET TO THE POINT OF BEGINNING;
THENCE S89°37'17"W A DISTANCE OF 270.01 FEET TO THE WEST LINE OF SAID BLOCK 3;
THENCE N00°00'50"W ALONG THE WEST LINE OF SAID BLOCK 3 A DISTANCE OF 10.00 FEET;
THENCE N89°37'17"E A DISTANCE OF 270.01 FEET TO THE EAST LINE OF SAID BLOCK 3;
THENCE S00°01'17"E ALONG THE EAST LINE OF SAID BLOCK 3 A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 2,700 SQ. FT. OR 0.062 ACRE.


PREPARED BY:
JEFFREY J. MACKENNA
PLS 34183
FALCON SURVEYING, INC.
9940 WEST 25TH AVENUE
LAKEWOOD, CO 80215



GRANT OF PERMANENT ACCESS AND COMMON EASEMENT FOR ALLEY WAY.

Ryberg Construction Company, Inc., A Colorado Corporation is the owner of certain real property located in the City and County of Denver, State of Colorado, described as lots 1 through 48 inclusive and all of the vacated alley adjacent to Block 3, Midland Addition in the City and County of Denver, and now hereby declares in respect the above described property as follows:

**Section One
Definition of Premises:**

The term premises as used in this Declaration is the entire parcel of property described above, consisting of Lots 1 through 48 inclusive.

**Section Two
Grant of Permanent Easement for Access**

Ryberg Construction Company, Inc., hereby grants a perpetual easement over and across that portion of Grantor's above described property which is necessary for the use of any of the described lots for joint access purposes, and for emergency services access, more particularly describing the easement as referenced in the attached **Exhibit A, Access Easement, Block 3, Midland Addition** which description is by this reference incorporated herein and which easement shall run with the real property and the title to such property, and be binding upon the Grantor and its heirs and successors and any person who shall after the date of this instrument, acquire title to Grantor's property or any portion thereof.

**Section Three
Emergency Services Access**

An access easement for emergency services is hereby granted on and across all areas for police, fire, medical and other emergency vehicles and for the provision of emergency services.

**Section Four
Creation of Cross Easement**

- A. If at any time in the future, any one or more of the separate lots constituting the above described property shall be severed from the other lots, then in such case, the owner of each and every one of the parcels, shall have access to and the right to use in common with the owners and occupants of each of the other lots, any portion of the described common access easement for alleyway. .
- B. The above stated right also carries with it a responsibility upon the owner of the lot or lots claiming this right paying that proportional part of the cost of maintenance, use and operation of such common access easement for alleyway as the total number of lots whose owner claims the right under the easement bears to the total number of all lots.

*Return To: - 2 pgs
Ryberg Construction Co., Inc
17843 W CR 6
Brighton, Co 80603*

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT HOUSING AUTHORITY OF THE CITY AND COUNTY OF DENVER OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, FOR AND IN CONSIDERATION OF ONE (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS IN HAND PAID, DO HEREBY GRANT AND CONVEY TO THE CITY AND COUNTY OF DENVER, A MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE CONSTITUTION OF THE STATE OF COLORADO, AN EASEMENT AND RIGHT-OF-WAY FOR A SEWER OVER, UPON, ACROSS, IN, THROUGH AND UNDER THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, TO-WIT:

#167

DEC-15-55 065521 I FEEMIS 0.00

The south 10 feet of the north 10 feet of Lots 9 and 40, Block 3, Midland Addition.

RECORDED IN BOOK PAGE PAUL V. HODGES, JR. CLERK AND RECORDER
1955 DEC 15 PM 3:22
7792.433
59031

RESERVING, HOWEVER, TO THE UNDERSIGNED, ITS SUCCESSORS, THE RIGHT TO UTILIZE AND ENJOY THE ABOVE DESCRIBED PREMISES PROVIDING THE SAME SHALL NOT INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, REPAIRING, INSPECTION, AND OPERATION OF SAID SEWER, AND PROVIDING FURTHER THAT THE GRANTOR SHALL NOT ERECT OR PLACE ANY BUILDING OR TREE ON THE ABOVE DESCRIBED RIGHT-OF-WAY AND THE CITY SHALL NOT BE LIABLE FOR THEIR REMOVAL IF THEY ARE SO PLACED.

SIGNED AND DELIVERED THIS 14TH DAY OF DECEMBER A. D. 1955.

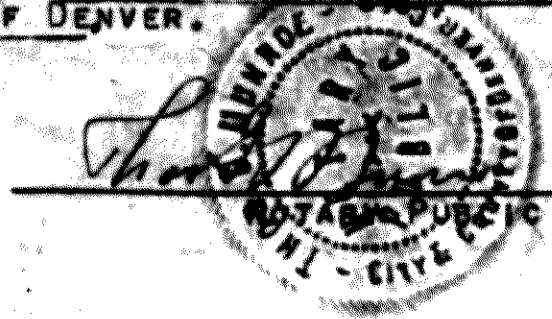
Housing Authority of the City & County of Denver
by *Walter A. Galt*

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

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14TH DAY OF DECEMBER A. D. 1955, BY WALTER A. GALT FOR THE HOUSING AUTHORITY OF THE CITY AND COUNTY OF DENVER.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES:
April 6 1959



APPROVED FOR RECORDING:
LAND OFFICE

As to Form
[Signature]

