



REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
PROJECT NO: 2011-0300-07
DATE: July 27, 2012
SUBJECT: Request for an Ordinance to relinquish the easements established in Ordinance number **575** Series of **2011**.

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

This office has investigated the request of Mark Wilson, dated January 3, 2012, on behalf of Block 54, LLC for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Judy Montero; CPD: Planning Services; Denver Water Board; Fire Department; Metro Wastewater Reclamation District; Office of Telecommunications; PW: DES Engineering, and DES Survey; Qwest Corporation; 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(s).

Therefore, you are requested to initiate Council action to relinquish the easements in the following described areas:

A map is attached showing the area in which the subject easement is to be relinquished. A copy of the Ordinance creating the easement is also attached.

Attachments

RJD:ACP

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams
Councilperson Judy Montero and Aides
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Department of Law, Arlene Dykstra
Public Works, Alba Castro
Public Works, Nancy Kuhn
Public Works Survey-Paul Rogalla
Project File **2011-0300-07**

Property Owner
Block 54, LLC
c/o Scott Johnson
2300 Walnut Venture, LLC
210 University Blvd.
Suite 200

Agent
Mark T. Wilson
Harris Kocher Smith
1391 Speer Blvd., Suite 390
Denver, CO 80204

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at
Nancy.khun@denvergov.org by **NOON on Monday**.

All fields must be completed.

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: July 27, 2012

Please mark one: ☒ Bill Request or ☐ Resolution Request

1. Has your agency submitted this request in the last 12 months?

☐ Yes ☒ No

If yes, please explain:

2. **Title:** *(Include a concise, one sentence description – please include name of company or contractor and contract control number – that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

Request for an Ordinance to relinquish the easements established in Ordinance number 575 Series of 2011.

3. **Requesting Agency:** Public Works Plan Review Services

4. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** Adam Perkins
- **Phone:** 720.865.3036
- **Email:** adam.perkins@denvergov.org

5. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- **Name:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** Nancy.Kuhn@denvergov.org

6. **General description of proposed ordinance including contract scope of work if applicable:**

Request for an Ordinance to relinquish the easements established in Ordinance number 575 Series of 2011

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** 2300 Walnut St
- d. **Affected Council District:** District 9: Judy Montero
- e. **Benefits:** None
- f. **Costs:** None

7. **Is there any controversy surrounding this ordinance?** *(Groups or individuals who may have concerns about it?)* 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:2011-0300-07 Arapahoe Square - 2300 Walnut - 2011D00093

Description of Proposed Project:Request for an Ordinance to relinquish certain easements established in Ordinance number 575 Series of 2011.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:This area was vacated by Ordinance number 575, Series of 2011 reserving the easement which is no longer needed.

Has a Temp MEP been issued, and if so, what work is underway:No

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

BY AUTHORITY

ORDINANCE NO. 575

COUNCIL BILL NO. CB11-0773

SERIES OF 2011

COMMITTEE OF REFERENCE:



2011130899

Land Use, Transportation, and Infrastructure

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11/18/2011 09:02A

A BILL

City & County Of Denver OR0 R0.00 D0.00

For an ordinance to vacate the entire alley bounded by Walnut Street, Larimer Street, 24th Street and Park Avenue West, with reservations.

WHEREAS, the Manager of Public Works of the City and County of Denver has found and determined that the public use, convenience and necessity no longer require that certain area in the system of thoroughfares of the municipality hereinafter described and, subject to approval by ordinance, has vacated the same with the reservations hereinafter set forth;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the action of the Manager of Public Works in vacating the following described area in the City and County of Denver and State of Colorado, to wit:

PARCEL DESCRIPTION ROW 2011-0300-001

A PARCEL OF LAND BEING ALL OF THE ALLEY LOCATED IN BLOCK 54 EAST DENVER, COMMONLY KNOWN AS STECK'S ADDITION TO DENVER, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

be and the same is hereby approved and the described area is hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations covering the land described below:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire easement area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the easement area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver. The property

owner shall be liable for all damages to such utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not be liable for any damage to property owner's property due to use of this reserved easement.

COMMITTEE APPROVAL DATE: October 27, 2011 [by consent]

MAYOR-COUNCIL DATE: November 1, 2011

PASSED BY THE COUNCIL November 14, 2011

- PRESIDENT

APPROVED: Nov. 15, 2011

- CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: NOV 11, 2011; NOV 18, 2011

PREPARED BY: - KAREN A. AVILES, Assistant City Attorney DATE: November 3, 2011

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Douglas J. Friednash, Denver City Attorney

BY: 3 Nov., 2011

