

## 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 (Sep 8, 2022 14:26 MDT)

**PROJECT NO:** 2022-RELINQ-0000012

**DATE:** August 9, 2022

**SUBJECT:** Request for an Ordinance to relinquish a portion of the easement as reserved in Vacating Ordinance No. 189, Series of 1947. Located at 3800 North Brighton Boulevard.

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

This office has investigated the request of Michael Moore, dated August 19, 2022 on behalf of Carmel Partners for the relinquishment of the subject easement(s).

This matter has been coordinated with City Councilperson CdeBaca, District 9; Asset Management; Emergency Management; Community Planning & Development: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; DOTI: DES Transportation & Wastewater, Construction Engineering, Policy and Planning, TES Signing and Striping, Survey; Regional Transportation District; Comcast; Metro Wastewater Reclamation District; CenturyLink; Colorado Department of Transportation; 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):

### 2022-RELINQ-0000012-001

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

MB:bw



**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](http://www.denvergov.org/doti)  
Phone: 720-865-3003

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# ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo  
at [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

Date of Request: **August 9, 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: Partial Easement Relinquishment

2. **Title:** Request for an Ordinance to relinquish a portion of the easement as reserved in Vacating Ordinance No. 189, Series of 1947. Located at 3800 North Brighton Boulevard.

3. **Requesting Agency:** DOTI, Right of Way Services, Engineering and Regulatory

## 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brianne White	Name: Jason Gallardo
Email: <a href="mailto:Brianne.white@denvergov.org">Brianne.white@denvergov.org</a>	Email: <a href="mailto:Jason.Gallardo@denvergov.org">Jason.Gallardo@denvergov.org</a>

## 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 as reserved in Vacating Ordinance No. 189, Series of 1947. Located at 3800 North Brighton Boulevard.

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

7. **City Council District:** District 9, Councilperson CdeBaca

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

## Key Contract Terms

**Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):**

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

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

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

# EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

**Project Title:** 2022-RELINQ-0000012, 3800 Brighton Blvd Partial Easement

**Property Owner:** Carmel Partners

**Description of Proposed Project:** Request for an Ordinance to relinquish a portion of the easement as reserved in Vacating Ordinance No. 189, Series of 1947 Located at 3800 North Brighton Boulevard.

**Background:** Relinquish a portion of the easement as reserved in Vacating Ordinance No. 189, Series of 1947, to allow for development of the city block without the encumbrance of the reserved easement. Located at 3800 North Brighton Boulevard.

## 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](http://www.denvergov.org/doti)  
Phone: 720-865-3003

EXHIBIT A  
LAND DESCRIPTION  
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF THE ALLEY WITHIN BLOCK 39, ST. VINCENTS ADDITION SECOND FILING VACATED BY ORDINANCE NO. 189 SERIES OF 1947, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST CORNER OF LOT 1, BLOCK 39, ST. VINCENTS ADDITION;  
THENCE SOUTH 44°45'40" EAST ALONG THE NORTHEASTERLY BLOCK LINE, A DISTANCE OF 16.00 FEET TO THE NORTH CORNER OF LOT 26, SAID BLOCK 39;  
THENCE SOUTH 45°03'20" WEST ALONG THE SOUTHEASTERLY ALLEY LINE, A DISTANCE OF 201.50 FEET;  
THENCE NORTH 44°56'40" WEST, A DISTANCE OF 16.00 FEET TO A POINT ON THE NORTHWESTERLY ALLEY LINE;  
THENCE NORTH 45°03'20" EAST ALONG SAID NORTHWESTERLY ALLEY LINE, A DISTANCE OF 201.55 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3,224 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTHEASTERLY BLOCK LINE OF BLOCK 39, ST. VINCENTS ADDITION SECOND FILING ASSUMED TO BEAR SOUTH 44°45'40" EAST.

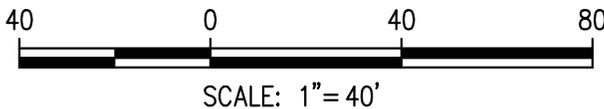
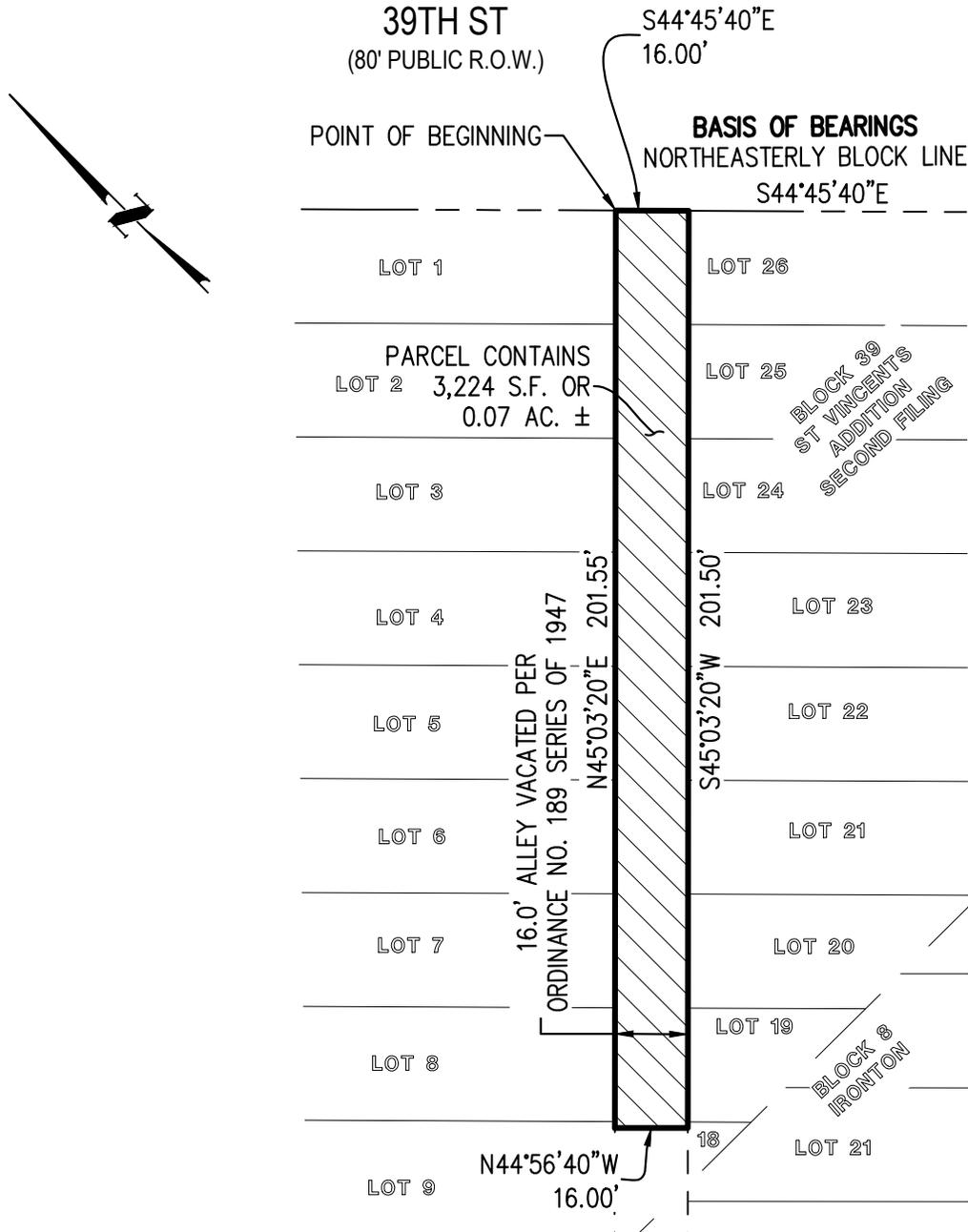
PREPARED BY: AARON MURPHY  
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



**EXHIBIT A**  
SHEET 2 OF 2

2022-RELINQ-000012-001



**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.



FILEPATH: P:\190314\SURVEY\ESMT-VACA-SOUTH.DWG LAYOUT: LAYOUT1  
NO PLETS  
PLOTTER: THU 06/02/22 7:48:02A BY: JEFFREY NYE

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 9/19/2019	PROJECT #: 190314
DATE	REVISION COMMENTS
06-19-2020	CITY AND COUNTY OF DENVER COMMENTS
06-02-2022	CITY AND COUNTY OF DENVER COMMENTS

ILLUSTRATION

**HKS HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: JAF
SHEET NO. <b>2</b>
2 OF 2

B Y A U T H O R I T YORDINANCE NO. 189

SERIES OF 1947

COUNCILMAN'S BILL NO. 210

INTRODUCED BY COUNCILMAN

MARRANZINO

A B I L L

FOR AN ORDINANCE VACATING THE PUBLIC ALLEY  
16 FEET IN WIDTH, IN BLOCK 39, ST. VINCENT'S  
ADDITION SECOND FILING, AND IN BLOCK 8, IRONTON,  
IN THE CITY AND COUNTY OF DENVER.

- - - - -

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

WHEREAS, T. P. CAMPBELL, Manager of Improvements and Parks, did  
heretofore make the following order and direction to-wit:

"ORDER

It is hereby found and determined that the public use,  
convenience and necessity no longer require the public alley,

16 feet in width, in Block 39, St. Vincent's  
Addition Second Filing, and in Block 8,  
Ironton, extending northeasterly and southwesterly  
through said blocks,

in the City and County of Denver, and State of Colorado, and the same  
is hereby vacated.

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, Colorado this 30<sup>th</sup> day of November

A. D. 1947.

  
(Signed) T.P. Campbell  
Manager."

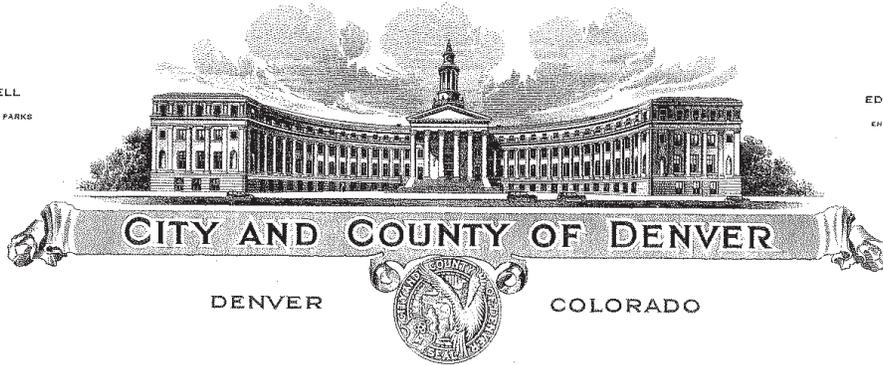
NOW, THEREFORE,

Section 1:-That the action of the Manager of Improvements and  
Parks, in the promulgation and adoption of the foregoing order, be, and  
the same hereby is approved, ratified and confirmed.



T. P. CAMPBELL  
MANAGER  
IMPROVEMENTS AND PARKS

EDWARD A. SMITH  
CITY ENGINEER  
ENGINEERING DIVISION



LETTER OF TRANSMITTAL

TO: GLENN DONALDSON  
CITY ATTORNEY

FROM: E. A. SMITH  
CITY ENGINEER

DATE: December 2nd, 1947

Ordinance vacating public alley 16 feet in width in Block 19, St. Vincents Addition Second Filing, and in Block 8, Ironton, extending northeasterly and southwesterly through said blocks.

Alley is located between 30<sup>th</sup> Street and 39th Street, Brighton Blvd, and Wynkoop Street and the East Denver Lumber Co., who own yards on both sides of the alley, the Continental Oil Co., and Pig Parlor Inc., have joined together in making this request, in order that they may occupy the alley in the conduct of their several businesses.

Petition on file in the office of the City Engineer.

Approved by Mr. Marranzino

Approved by Mr. Campbell

*E. A. Smith*

O R D E R

It is hereby found and determined that the public use, convenience and necessity no longer require the public alley,

16 feet in width, in Block 39, St. Vincent's Addition Second Filing, and in Block 8, Ironton, extending northeasterly and southwesterly through said blocks,

in the City and County of Denver, and State of Colorado, and the same is hereby vacated.

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, Colorado this 30<sup>TH</sup> day of November A. D. 1947.

  
T. P. Campbell  
Manager."

451672

Ordinance No. 189 Series 19 47

Councilman's Bill No. 216

Introduced by Councilman

Marranzino

**ABILL**

For

An Ordinance vacating  
the public alley 16 feet in  
width, in Block 39, St. Vincent's  
Addition Second Filing, and  
in Block 8, Trenton, in the  
City and County of Denver.

Meeting Date of December 8, 1947  
Read in full in the Board of Councilmen and  
referred to the Committee on

Public Improvements

Meeting Date of December 8, 1947  
Reported back by the Committee on

Public Improvements  
Recommended that the bill be ordered published  
and report adopted.

Published in The Daily Journal  
this 13<sup>th</sup> day of December, A. D. 1947

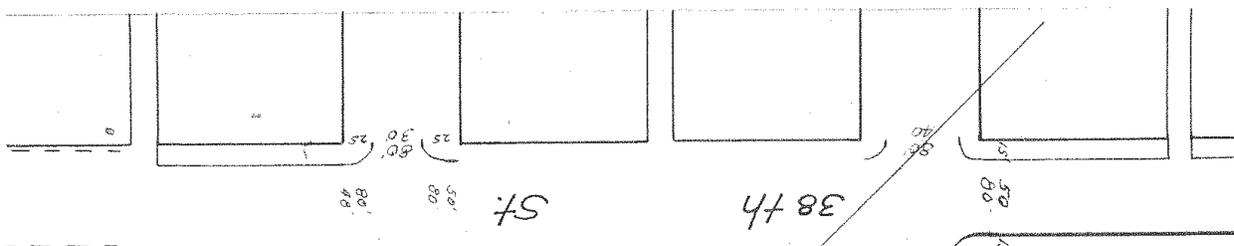
Meeting Date of December 15, 1947  
Read by title, placed upon its passage and  
passed.

Presented to the Mayor and signed by him  
this 17 day of December, 1947

Ent'd as Ordinance No. 189, Series 1947

Published in The Daily Journal  
this 20 day of December, A. D. 1947

STATE OF COLORADO  
City and County of Denver  
I hereby certify that this Ordinance was filed  
with the City Clerk on JAN - 2 1948  
and that the same is on file in the City Clerk's office.  
By Paul Dreyfus Deputy  
CITY CLERK



Wynkoop

17	16	12.5	2.5
18	15		
19	14		
20	13		
21	12		
22	11		
23	10		
24	9		
25	8		
26	7	105.35	
27	6	91.11	
28	5		
29	4		
30	3		
31	2		
32	1		

IRON TON

17	16	12.5	2.5
18	15		
19	14		
20	13		
21	12		
22	11		
23	10		
24	9		
25	8		
26	7		
27	6		
28	5		
29	4		
30	3		
31	2		
32	1		

Brighton

ST. VINCENT'S SECOND ADDITION

17	16	12.5	2.5
18	15		
19	14		
20	13		
21	12		
22	11		
23	10		
24	9		
25	8		
26	7		
27	6		
28	5		
29	4		
30	3		
31	2		
32	1		

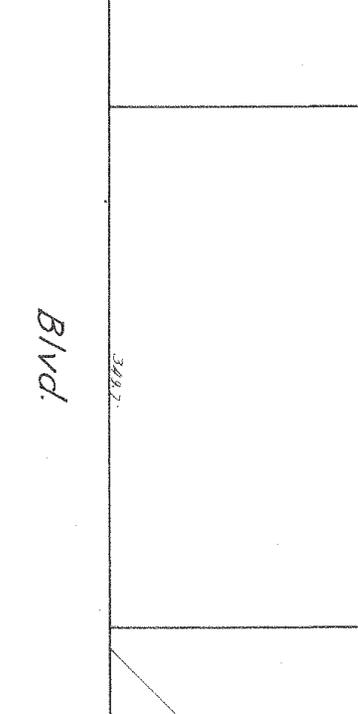
ST.

17	16	12.5	2.5
18	15		
19	14		
20	13		
21	12		
22	11		
23	10		
24	9		
25	8		
26	7		
27	6		
28	5		
29	4		
30	3		
31	2		
32	1		

39th

ADDITION

17	16	12.5	2.5
18	15		
19	14		
20	13		
21	12		
22	11		
23	10		
24	9		
25	8		
26	7		
27	6		
28	5		
29	4		
30	3		
31	2		
32	1		



Vacated

17	16	12.5	2.5
18	15		
19	14		
20	13		
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22	11		
23	10		
24	9		
25	8		
26	7		
27	6		
28	5		
29	4		
30	3		
31	2		
32	1		

40th

ST. VINCENT'S

17	16	12.5	2.5
18	15		
19	14		
20	13		
21	12		
22	11		
23	10		
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26	7		
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29	4		
30	3		
31	2		
32	1		

