



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: 2018-RELINQ-0000021

DATE: May 13, 2019

SUBJECT: Request for an Ordinance to relinquish the perpetual, non-exclusive easement, in its entirety, as established in Vacating Ordinance No. 15-0310, Series of 2015, between Lawrence St to Arapahoe St and 26th St to 27th St.

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

This office has investigated the request of Westfield Company Inc., dated November 15, 2018 on behalf of AVA Lawrence Street, 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 Brooks; 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 perpetual, non-exclusive easement, in its entirety, between Lawrence St to Arapahoe St and 26th St to 27th St.

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

MB:kr

cc:

City Councilperson Brooks & 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: May 13, 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.)

Westfield Company Inc. on behalf of AVA Lawrence Street, LLC requests for an Ordinance to relinquish the perpetual, non-exclusive easement, in its entirety, as established in Vacating Ordinance No. 15-0310, Series of 2015, between Lawrence St to Arapahoe St and 26th St to 27th St.

3. Requesting Agency: Public Works, 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: Katie Ragland	Name: Jason Gallardo
Email: Katie.Ragland@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 the perpetual, non-exclusive easement, in its entirety, as established in Vacating Ordinance No. 15-0310, Series of 2015, between Lawrence St to Arapahoe St and 26th St to 27th St.

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

7. City Council District: City Councilperson Brooks of District 9

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

N/A

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: 2018-RELINQ-0000021 Lawrence St and 27th St

Owner name: AVA Lawrence Street, LLC

Description of Proposed Project: Request for an Ordinance to relinquish the perpetual, non-exclusive easement, in its entirety, as established in Vacating Ordinance No. 15-0310, Series of 2015, between Lawrence St to Arapahoe St and 26th St to 27th St.

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

Background: N/A

Location Map: Continued on next page.



BY AUTHORITY

ORDINANCE NO. ORD 15-0310
SERIES OF 2015

COUNCIL BILL NO. CB15-0310
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating the right-of-way between Lawrence Street, Arapahoe Street, 26th Street and 27th Street, 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 right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2014-1126-01-001

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE 16 FOOT WIDE PUBLIC ALLEY COINCIDENT WITH BLOCK 86, CURTIS AND CLARKE'S ADDITION TO THE CITY OF DENVER, BLOCK 47, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, BLOCK 86, STORY AND APPLETON'S ADDITION TO DENVER AND BLOCK 86, GEO. W. BROWN'S ADDITION TO DENVER.

CONTAINING AN AREA OF 0.147 ACRES, (6,408 SQUARE FEET), MORE OR LESS.

be and the same is hereby approved and the described right-of-way is hereby vacated and declared vacated;

PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

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 portion of the vacated area as described below ("Easement Area") for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage, sanitary sewer, and water 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

1 right to authorize the use of the reserved easement by all utility providers with existing facilities in
 2 the Easement Area. No trees, fences, retaining walls, landscaping or structures shall be allowed
 3 over, upon or under the Easement Area. Any such obstruction may be removed by the City or the
 4 utility provider at the property owner's expense. The property owner shall not re-grade or alter the
 5 ground cover in the Easement Area without permission from the City and County of Denver. The
 6 property owner shall be liable for all damages to such utilities, including their repair and
 7 replacement, at the property owner's sole expense. The City and County of Denver, its
 8 successors, assigns, licensees, permittees and other authorized users shall not be liable for any
 9 damage to property owner's property due to use of this reserved easement.

10 COMMITTEE APPROVAL DATE: May 21, 2015 by consent

11 MAYOR-COUNCIL DATE: May 26, 2015

12 PASSED BY THE COUNCIL: June 8, 2015

13 Judy H. Montano - PRESIDENT PRO-TEM

14 APPROVED [Signature] - MAYOR June 9, 2015

15 ATTEST: [Signature] - CLERK AND RECORDER,
 16 EX-OFFICIO CLERK OF THE
 17 CITY AND COUNTY OF DENVER
 18 Deputy Clerk & Recorder

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: JUN 4, 2015; JUN 12, 2015

20 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 28, 2015

21 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
 22 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
 23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
 24 3.2.6 of the Charter.
 25

26 D. Scott Martinez, Denver City Attorney

27
 28 BY: [Signature], Assistant City Attorney

DATE: 28 May, 2015

