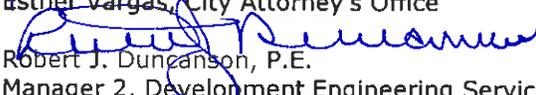




DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Esther Vargas, City Attorney's Office
FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

PROJECT NO: 2010-0418-10

DATE: September 23, 2011

SUBJECT: Request for an Ordinance to relinquish a permit recorded in Book 1412 at Page 9, recorded on March 30, 1977, and a portion of the easement described in that deed at reception #9900144754, recorded on June 17, 1999.

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

This office has investigated the request of Chris D'Ascanio, dated August 23, 2011, on behalf of Sisters of Charity of Leavenworth Health System for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast Corporation; Councilperson Albus Brooks; 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:

INSERT PARCEL DESCRIPTION ROW 2010-0418-10-001 HERE

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:VLH

cc: Asset Mgmt. Steve Wirth City Council, Gretchen Williams
Councilperson Albus Brooks and Aides
Department of Law, Karen Aviles
Department of Law, Esther Vargas
Department of Law, Arlene Dykstra
Public Works, Christine Downs
Public Works, Stacie Loucks
Public Works Survey-Paul Rogalla
Project File **2010-0418-10**

Property Owner
Sisters of Charity of Leavenworth Health System
c/o Allan Davis
9801 Renner Blvd Suite 100
Lenexa, Ks 66219

Agent
Martin/Martin
c/o Chris D'Ascanio
12499 W Colfax Ave
Lakewood, Co 80215



ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at daelene.mix@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: September 23, 2011

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 a permit recorded in Book 1412 at Page 9, recorded on March 30, 1977, and a portion of the easement described in that deed at reception #9900144754, recorded on June 17, 1999.

3. **Requesting Agency:** PW Right of Way Engineering Services

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

- **Name:** Vanessa Herman
- **Phone:** 720-913-0719
- **Email:** vanessa.herman@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:** Stacie Loucks
- **Phone:** 720-865-8720
- **Email:** Stacie.loucks@denvergov.org

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

This is to relinquish a portion of an access easement, and to relinquish a permit to allow construction of a structure over a sanitary main.

****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:** Between 18th Ave and 21st Ave, and Emerson St and Franklin St
- d. **Affected Council District:** Dist #8 Albus Brooks
- e. **Benefits:** N/A
- f. **Costs:** N/A

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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title:2010-0418-10, Exempla St. Joseph Hospital, Relinquishment of a permit and access easement

Description of Proposed Project:To relinquish a permit that was granted for a permit to allow construction of a building over a sanitary main, and to relinquish an access easement.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:These were over private property, and due to the redevelopment of the area, they are no longer needed.

Has a Temp MEP been issued, and if so, what work is underway:N/A

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:This is for the redevelopment project of Exempla St. Joseph Hospital between 18th Ave and 21st Ave and Emerson St and Franklin St

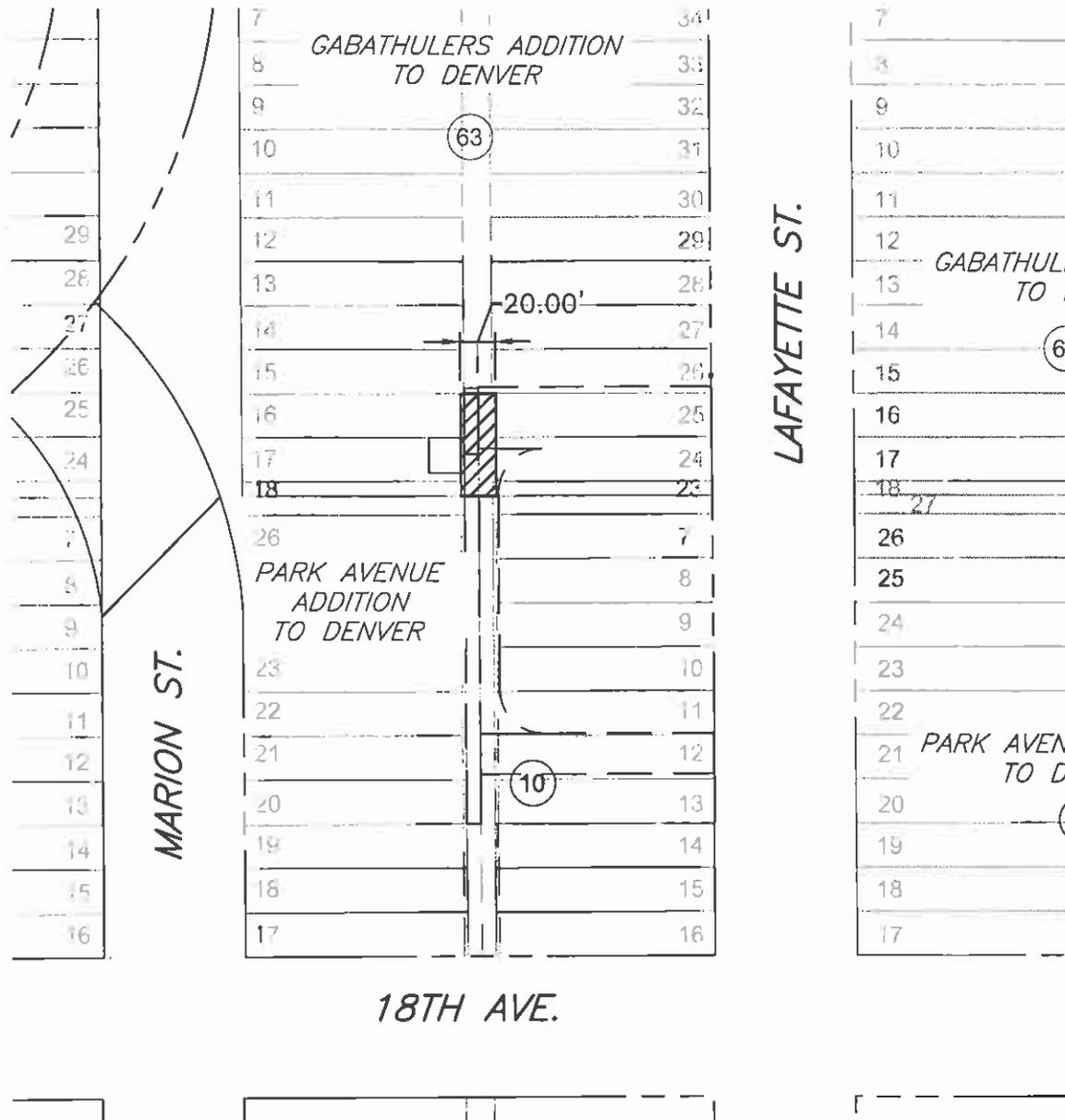
A PORTION OF THE EASEMENT REC #9900144754, IN BLOCK 63 OF GABATHULERS ADDITION TO DENVER BEING IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 2 FEET OF LOTS 16 THROUGH 18, AND THE ALLEY ADJACENT TO SAID LOTS, OF SAID BLOCK 63, GABATHULERS ADDITION TO DENVER AND THE WESTERLY 2 FEET OF LOTS 23 THROUGH 25, AND THE ALLEY ADJACENT TO SAID LOTS, OF SAID BLOCK 63, GABATHULERS ADDITION TO DENVER.

PREPARED BY MATTHEW CHAPA
REVIEWED BY RICHARD NOBBE, PLS FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
P.O. BOX 151500
LAKEWOOD, COLORADO 80215
AUGUST 17, 2011
PROJECT NO.22058.C.02



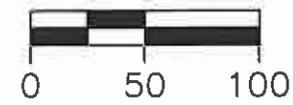
2010-0418-10-001



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO DEPICT THE ATTACHED DESCRIPTION

BASIS OF BEARING
 BEARINGS ARE BASED ON COLORADO CENTRAL ZONE STATE PLANE COORDINATES NAD83 (CORS).

AUGUST 17, 2011



SCALE: 1"=100'

MARTIN / MARTIN
 CONSULTING ENGINEERS

12499 WEST COLFAX AVE.
 LAKEWOOD, CO 80215
 303.431.6100
 FAX 303.431.4028

2010-0418-10-001

DRAWING LOCATION: G:\JANSEN\Example-St. Joseph's Hospital\22058.C.04-PLAT\ExhibitA\FB6.dwg

P E R M I T

THIS PERMIT, made and executed this 22ND day of February, A. D. 1977, by 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, hereinafter referred to as the "CITY", and granted to THE CHILDREN'S HOSPITAL ASSOCIATION, a partnership, hereinafter referred to as the "PERMITTEE":

W I T N E S S E T H

WHEREAS, the Permittee is the owner of the following described property situate in the City and County of Denver, State of Colorado, to-wit:

1056 E. 19th Avenue, County of Denver, State of Colorado, more particularly described as:

All of Blocks 1 and 8, and included vacated alley and E. 19th Avenue, Park Avenue Addition.

WHEREAS, by Ordinance No. 396, Series of 1957, a public alley, as platted in Park Avenue Addition, from the North line of East 18th Avenue to the South line of East 20th Avenue, was vacated as a public alley, reserving to the City and County of Denver the continued use and right to construct, operate and maintain a sewer line in the said vacated portion of said street; and

WHEREAS, the City owns and presently maintains and operates a ten (10) inch sanitary sewer line in, along and through said vacated street; and

WHEREAS, the Permittee desires to build and maintain a structure upon its own property, as hereinabove described, which structure will be built and maintained in part directly above, over, across or around said sanitary sewer line; and

WHEREAS, the Permittee's plans and specifications for construction of the said structure have been approved by the Waste-water Control Division contingent upon the Permittee's seeking and procuring this permit.

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. Subject to the terms and conditions hereinafter set forth, the City hereby grants the Permittee permission to construct and maintain the said structure as heretofore approved by the Wastewater Management Division over, above, across and around the said sanitary sewer line. The City, however, reserves the right to do all things reasonably necessary or proper for the inspection, operation, maintenance, repair, replacement and relocation of the sanitary sewer line in said vacated street.

(A) The Permittee hereby agrees to save the City harmless and to repair or pay for the repair of any and all damages to the said sanitary sewer line which may be caused by or in any way result from the construction or the maintenance thereafter of said structure over, above, across or around said sanitary sewer line. The Permittee further agrees to pay all cost and expense for the relocation of the said sanitary sewer line on the above described property should such relocation become necessary.

(B) The Permittee agrees to indemnify and save harmless the City of and from all liability for damages or injury to any person or property resulting from or occasioned by the construction or the maintenance of the structure over, above, across or around said sanitary sewer line.

(C) The Permittee agrees that it will indemnify and save the City harmless of and from all liability for damage or injury to the structure to be constructed and maintained over, above, across or around the sanitary sewer line resulting from or occasioned by the operation, maintenance, repair, replacement and relocation of said sanitary sewer line by the City.

2. It is mutually agreed by the parties hereto that all the covenants and agreements herein contained shall inure and extend to and be obligatory upon the successors and assigns of the respective parties hereto.

If ingress to and egress from the parcel of land for which an easement is hereby granted from and to a public road or highway is not available, the Grantor grants to Grantee the right of ingress to and egress from said parcel over and across the land owned by Grantor by means of roads and lanes thereon, if such exist, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor; provided that such right of ingress and egress shall not extend to any portion of said land which is isolated from the strip by any public road or highway now crossing or hereafter crossing said land; and provided further, that if any portion of said land is or shall be subdivided and dedicated roads or highways on such portion shall extend to the strip, the right of ingress and egress on that portion shall be confined to such dedicated roads and highways.

Grantor further grants to Grantee the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on the strip and to trim and to cut down and clear away any trees on either side of the strip which now or hereafter in the opinion of Grantee may be a hazard to the said facilities, or appurtenances thereto, or may interfere with the exercise of Grantee's rights hereunder; provided, however, that all trees which Grantee is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of Grantor, but all tops, lops, brush and refuse wood shall be burned or removed by Grantee.

Grantor releases the City and County of Denver from any and all claims for damages arising in any way or incident to the construction and/or maintenance by Grantor, or his agents, of the said facilities across the described land.

RESERVING, however, to the undersigned and their successors in interest and assigns the right to use and enjoy the above-described premises, PROVIDING such use and enjoyment shall not interfere with the installation, construction, maintenance, repair, inspection, and operation of said facilities installed or permitted to be installed by the City and County of Denver, and PROVIDING FURTHER that the Grantor shall not erect or place any building, tree or other obstruction on the above-described easement and right-of-way and the City shall not be liable for their removal if they are so placed.

See Attached List of Grantors

LIST OF GRANTORS
3 OF 4

Signed and delivered this 1st day of February A.D., 1999

Grantor: Marian Plaza Inc.
Mr. Theodore Borrillo
1818 Marion Street
Denver, Colorado 80218

THEODORE A. BORRILLO, President
Marian Plaza, Inc.

Theodore A. Borrillo, President
as to the easterly 2 feet of Lots 17 through
27 of Block 10, Park Avenue Addition; City
and County of Denver, State of Colorado.

STATE OF COLORADO)

CITY OF DENVER)

COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 1st day of February
A.D., 1999, by Theodore A. Borrillo and President, Marian Plaza, Inc.

My Commission Expires July 22, 1999

THOMAS J. WEGS

Thomas J. Wegs
Notary Public



(SEAL)

SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6th P.M.

LEGAL DESCRIPTION

A parcel of land 20 feet in width, in Block 63 of Gabathuler's Addition To Denver, and in Block 10 of Park Avenue Addition To Denver, being in the Southwest $\frac{1}{4}$ of Section 35, Township 3 South, Range 68 West, of the 6th P.M., City and County of Denver, State of Colorado, more particularly described as follows:

The easterly 2 feet of Lots 16 through 18, Inclusive, of said Block 63;
 and
 the westerly 2 feet of Lots 23 through 25, Inclusive, of said Block 63;
 and
 The vacated 16 foot wide alley adjacent to Lots 16 through 18, inclusive, and adjacent to Lots 23 through 25, Inclusive, of said Block 63;

and
 The easterly 2 feet of Lots 17 through 27, Inclusive, of said Block 10;
 and
 The westerly 2 feet of lots 6 through 16, Inclusive, of said Block 10;
 And
 The vacated 16 foot wide alley of said Block 10.

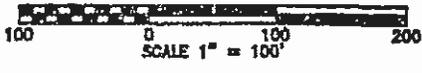
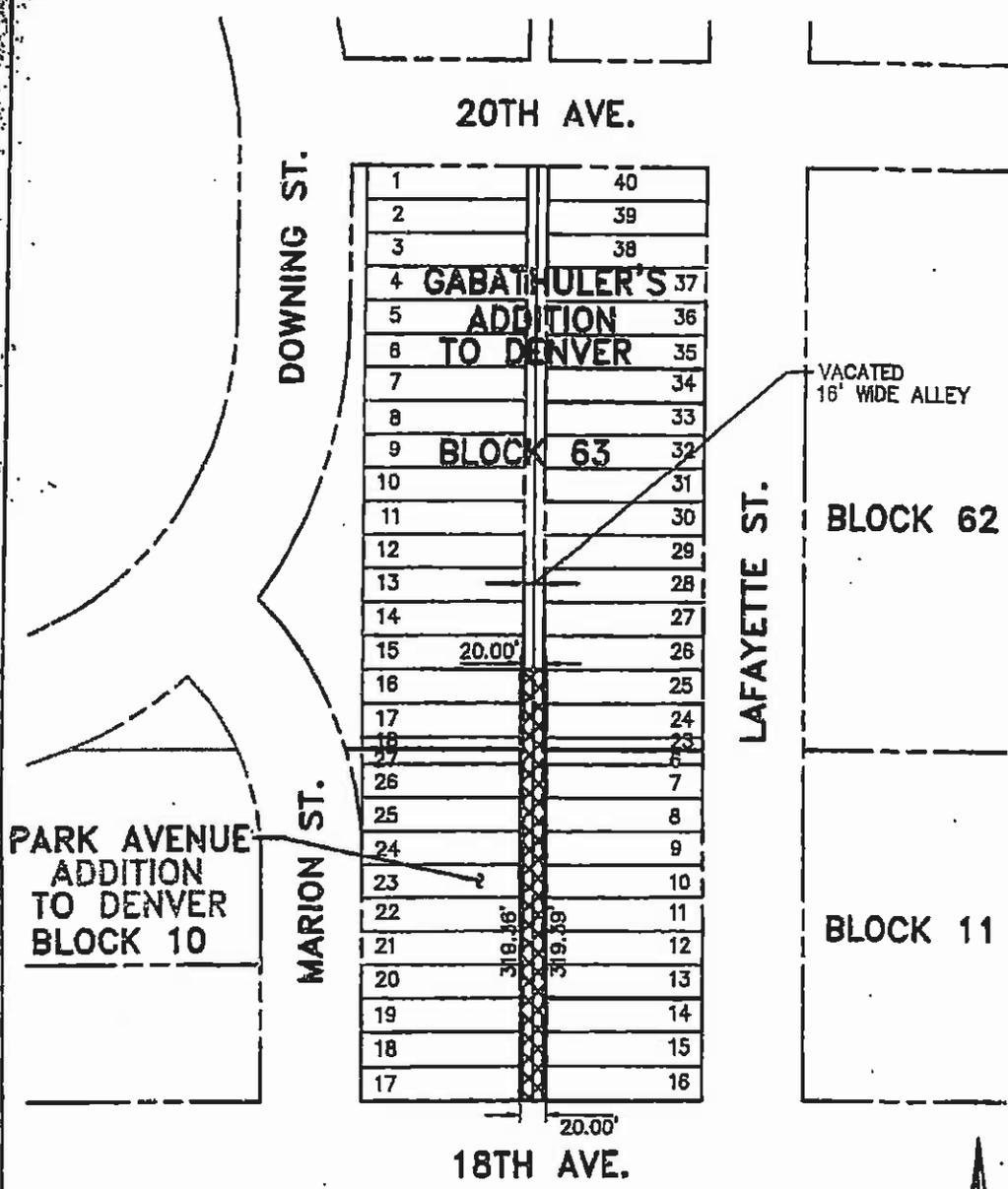
Prepared by Deborah A. Fisher and
 Reviewed by Wayne Wray Harris, P.E., P.L.S., for
 and on behalf of:
 Martin/Martin, Inc.
 4251 Kipling Street
 Wheat Ridge, Colorado 80034
 Project No. 13788.03

Wayne Wray Harris
 CERTIFICATION REGISTERED LAND SURVEYOR

			EXHIBIT "A"	
REVISED	DF	04/22/89	PROJECT	ST. JOSEPH'S/CHILDREN'S HOSPITAL SANITARY SEWER
APPROVED			LOCATION (RT-807)	R88W, T35S, SEC 35, SW 1/4, (683-35.3)
CHECKED	DF	01/07/89	PROJECT NO.	1093-03-SE
DRAWN	DC	01/07/89	IS IT THE NO.	1 OF 2
SURVEYED			BY	2
ACTION	BY	DATE	PROJECT NO.	1093-03-SE
			IS IT THE NO.	1 OF 2



SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6th P.M.



Wayne Wray Harris
 CERTIFICATE REGISTERED LAND SURVEYOR



			EXHIBIT "A"	
			PREPARED BY	
REVISED	DF	04/22/93	CONSULTING MARTIN/MARTIN ENGINEERS	
APPROVED			CITY ENGINEER	
CHECKED	DF	01/07/99	PROJECT ST. JOSEPH'S/CHILDREN'S HOSPITAL SANITARY SEWER	
DRAWN	DC	01/07/99	LOCATION (RT-80) R68W, T3S, SEC35, SW1/4, (883-35.3)	
SURVEYED			JOB NO. 13788.03 PROJECT NO. 1083-03-SE 2 of 2	
ACTION	SY	DATE		

DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION