


REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Glen Blackburn, PE, Director, Right of Way Services 

PROJECT NO: 2023-RELINQ-0000019

DATE: 8/13/2024

SUBJECT: Request for an Ordinance to relinquish an alley easement in its entirety established in the Bill Ordinance No. 20220141, Series of 2022. Bounded by North Brighton Boulevard, 35th Street, Wynkoop Street and 36th Street.

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

This office has investigated the request of McCaffery Interests, Inc., dated July 13, 2023 on behalf of 35 Brighton Owner, LLC for the relinquishment of the subject easement.

This matter has been coordinated with Asset Management; City Forester; Comcast; Denver Water; DOTI ROWS Survey; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Emergency Management; Parks & Recreation; DOTI ROWS Construction Engineering; DOTI Policy and Planning; DOTI Sign & Stripe; CenturyLink; Xcel Energy; City Councilperson Watson, District 9; CPD DS Project Coordinator; DOTI ROWS DES Transportation and Wastewater; DOTI ER Transportation and Wastewater; RTD; and CDOT, all of whom have indicated no objection to the proposed easement relinquishment.

As a result of these investigations, it has been determined that there is no objection to relinquishing the subject easement.

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

GB:bw

cc: City Councilperson & Aides
City Council Staff – Luke Palmisano
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 – Alaina McWhorter
DOTI, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: August 13, 2024

Please mark one: Bill Request or Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

Yes No

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.)

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

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Brianne White	Name: Alaina McWhorter
Email: Brianne.white@denvergov.org	Email: Alaina.mcwhorter@denvergov.org

5. **General description or background of proposed request. Attach executive summary if more space needed:**

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

7. **City Council District:** Council Person Watson, District 9

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 (including any dba's):

Contract control number (legacy and new):

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

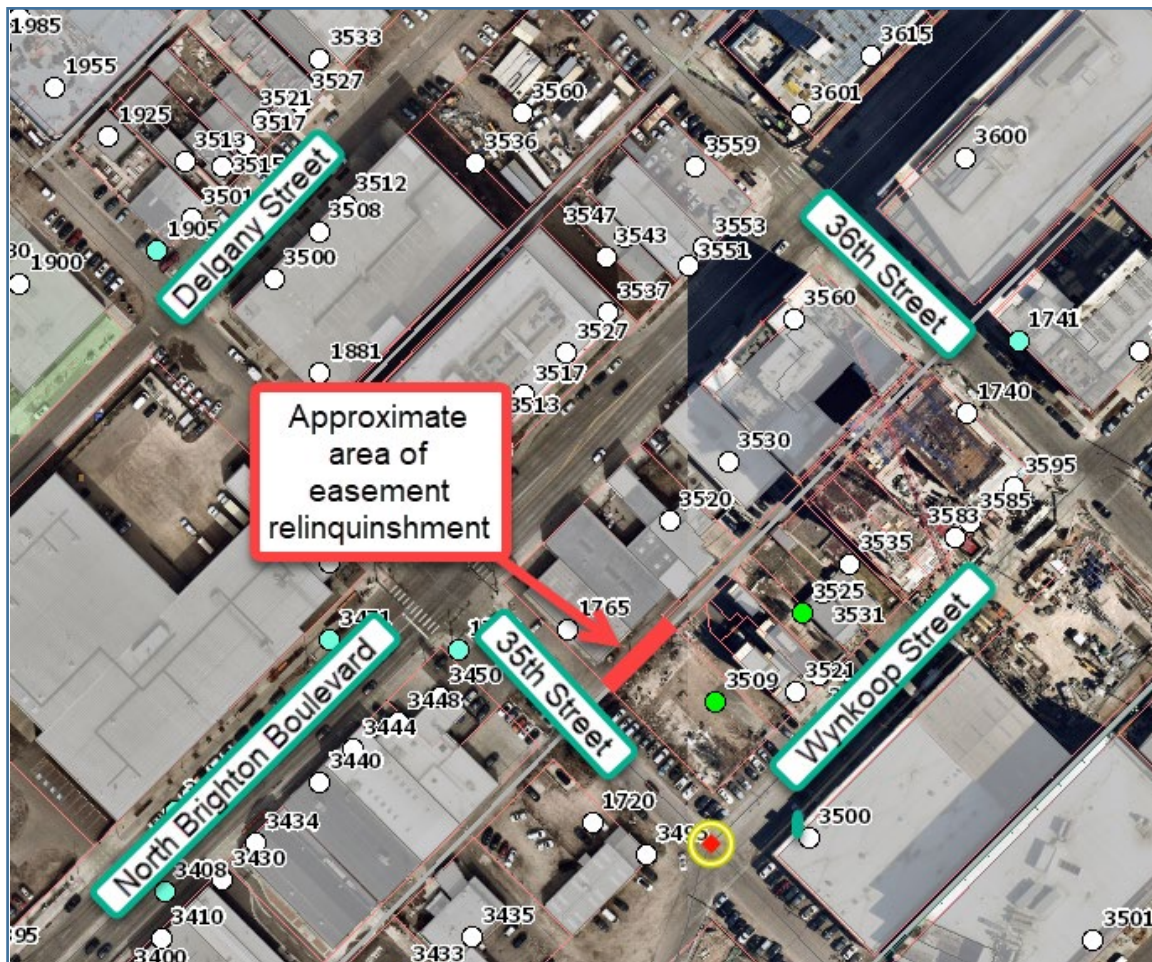
Application Title: 2023-RELINQ-0000019, 3510 N. Brighton Blvd.

Property Owner: 35 Brighton Owner, LLC

Description of Proposed Easement Relinquishment: The applicant is building a 12-story building on this site. Relinquishing the easement will allow the applicant to build on the subject easement area.

Project Background: Existing utilities were relocated, and utility easement is no longer needed.

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/rowplanreview
Phone: (720) 865-3003

BY AUTHORITY

ORDINANCE NO 20220141

COUNCIL BILL NO. CB22-0141

SERIES OF 2022

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of the alley bounded by North Brighton Boulevard, 35th Street, Wynkoop Street and 36th Street, with reservations.

WHEREAS, the Executive Director of the Department of Transportation and Infrastructure 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;

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

Section 1. That the action of the Executive Director of the Department of Transportation and Infrastructure in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2021-VACA-0000007-001:

THAT PORTION OF THE 16-FOOT WIDE PUBLIC ALLEY IN BLOCK 6, FIRST ADDITION TO IRONTON, ADJACENT TO LOTS 13 THROUGH 16, INCLUSIVE AND LOTS 17 THROUGH 20, INCLUSIVE, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY MOST CORNER OF SAID LOT 17, SAID POINT ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 35TH STREET, AN 80-FOOT WIDE PUBLIC RIGHT-OF-WAY;
THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 45°26'37" WEST, A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY MOST CORNER OF SAID LOT 16, SAME BEING A POINT ON THE NORTHWESTERLY LINE OF SAID PUBLIC ALLEY;
THENCE ALONG THE NORTHWESTERLY LINE OF SAID ALLEY AND THE SOUTHEASTERLY LINES OF SAID LOTS 13 THROUGH 16, INCLUSIVE, NORTH 44°35'06" EAST, A DISTANCE OF 80.08 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 13;
THENCE SOUTH 45°26'19" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 20, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID PUBLIC ALLEY;



1 THENCE ALONG SAID RIGHT-OF-WAY LINE AND THE NORTHWESTERLY LINE OF SAID LOTS
2 17 THROUGH 20, INCLUSIVE, SOUTH 44°35'06" WEST A DISTANCE OF 80.08 FEET TO THE
3 **POINT OF BEGINNING.**

4
5 SAID PARCEL CONTAINS 1,281 SQUARE FEET OR 0.029 ACRE OF LAND.

6
7 THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS BASED ON THE 15.75' RANGE
8 LINE IN 35TH STREET BETWEEN BRIGHTON BOULEVARD AND WYNKOOP STREET AS
9 MONUMENTED AT THE NORTHWEST END BY A 2-1/2" ALUMINUM CAP IN RANGE BOX
10 STAMPED "LS 29425" AND AT THE SOUTHEAST END BY A YELLOW PLASTIC CAP MARKED
11 "LS 16845". SAID LINE BEARS SOUTH 45°26'37" EAST

12
13 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
14 vacated;

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

16 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
17 successors and assigns, over, under, across, along and through the vacated area for the purposes
18 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
19 including, without limitation, storm drainage, sanitary sewer, and water facilities and all
20 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the
21 entire easement area. The City reserves the right to authorize the use of the reserved easement by
22 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,
23 landscaping or structures shall be allowed over, upon or under the easement area. Any such
24 obstruction may be removed by the City or the utility provider at the property owner's expense. The
25 property owner shall not re-grade or alter the ground cover in the easement area without permission
26 from the City and County of Denver. The property owner shall be liable for all damages to such
27 utilities, including their repair and replacement, at the property owner's sole expense. The City and
28 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall
29 not be liable for any damage to property owner's property due to use of this reserved easement.

30
31

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1 COMMITTEE APPROVAL DATE: February 1, 2022 by Consent
 2 MAYOR-COUNCIL DATE: N/A
 3 PASSED BY THE COUNCIL: February 14, 2022
 4 *Sam Johnson* - PRESIDENT
 5 APPROVED: _____ - MAYOR *Mike Johnston* Feb 15, 2022
 6 ATTEST: *Paul Johnson* - CLERK AND RECORDER,
 7 EX-OFFICIO CLERK OF THE
 8 CITY AND COUNTY OF DENVER
 9 NOTICE PUBLISHED IN THE DAILY JOURNAL: February 10, 2022 ; February 17, 2022
 10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: February 3, 2022
 11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
 12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
 13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
 14 3.2.6 of the Charter.
 15
 16 Kristin M. Bronson, Denver City Attorney
 17
 18 BY: *Jonathan Griffin*, Assistant City Attorney DATE: Feb 3, 2022

