

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-0000014

DATE: September 22, 2023

SUBJECT: Request for an Ordinance to relinquish a portion of the easement established in the Deed of Easement, Recordation No. 1999095675. Located at 5231 Leedsdale Drive.

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

This office has investigated the request of Harris Kocher Smith, dated February 16, 2023 on behalf of Leedsdale-DEN, LLC for the relinquishment of the subject easement(s).

This matter has been coordinated with Asset Management; City Forester; Comcast; Denver Water; DOTI: Survey, Construction Engineering, Policy & Planning, TES Signing and Striping, DES Transportation & Wastewater; Denver Fire Department; Historic Preservation/Landmark; Metro Water Recovery; Emergency Management; Parks & Recreation; CenturyLink; Xcel Energy; City Councilperson Sawyer, District 5; CPD: DS Project Coordinator; RTD; and CDOT 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):

INSERT PARCEL DESCRIPTION 2023-RELINQ-0000014-001 HERE

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

GB:je

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 – 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
Phone: 720-865-3003

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: **September 22, 2023**

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.)

Request for an Ordinance to relinquish a portion of the easement established in the Deed of Easement, Recordation No. 1999095675. Located at 5231 Leetsdale Drive.

3. Requesting Agency: Department of Transportation & Infrastructure, Right-of-Way Services, Engineering & Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Jessica Eusebio	Name: Jason Gallardo
Email: Jessica.Eusebio@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 a portion of the easement established in the Deed of Easement, Recordation No. 1999095675. Located at 5231 Leetsdale Drive.

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

7. City Council District: Councilperson Sawyer, District 5

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:

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2023-RELINQ-0000014 - 5377 Leetsdale Apartments Relinquishment

Property Owner: Leetsdale-DEN, LLC

Description of Proposed Project: Request for an Ordinance to relinquish a portion of the easement established in the Deed of Easement, Recordation No. 1999095675. Located at 5231 Leetsdale Drive.

Background: The applicant is proposing to relinquish a portion of the easement to allow for construction of a new retaining wall along the eastern edge of the easement. There are no existing utilities within the area being proposed to be relinquished.

Location Map: Continued on next page.



DENVER
THE MILE HIGH CITY



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/dot
Phone: 720-865-3003

EXHIBIT A DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE DRAINAGE AND SEWAGE EASEMENT DESCRIBED AT RECEPTION NO. 1999095675 OVER AND ACROSS LOTS 35 THROUGH 43, BLOCK 16, SOUTH CAPITOL HILL RECORDED IN BOOK A1, PAGE 16, SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST SIXTEENTH CORNER OF SAID SECTION 18; THENCE NORTH 31°19'28" EAST, A DISTANCE OF 349.73 FEET TO THE EAST LINE OF SAID EASEMENT AND THE **POINT OF BEGINNING**;

THENCE NORTH 89°50'18" WEST, A DISTANCE OF 2.02 FEET;
THENCE NORTH 00°09'42" EAST, A DISTANCE OF 187.10 FEET;
THENCE NORTH 33°32'51" EAST, A DISTANCE OF 3.61 FEET TO THE EAST LINE OF SAID EASEMENT;
THENCE SOUTH 00°09'08" WEST ALONG SAID EAST LINE, A DISTANCE OF 190.11 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 378 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED AT THE NORTHEAST SIXTEENTH CORNER BY A 2.5" ALUMINUM CAP STAMPED PLS 36062 AND AT THE NORTH SIXTEENTH CORNER WITH 3.25" ALUMINUM CAP STAMPED PLS 33200, ASSUMED TO BEAR NORTH 90°00'00" EAST.

PREPARED BY: AARON MURPHY
PLS 38162
ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



ILLUSTRATION FOR EXHIBIT A

SITUATED IN THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 4 SOUTH,
RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER,
STATE OF COLORADO

7.5' DRAINAGE AND
SEWAGE EASEMENT
RECEPTION NO. 1999095675

15' VACATED ALLEY
UTILITY EASEMENTS
RETAINED
ORD. 359-1983

PARCEL CONTAINS
378 SQ. FT. ±

N33°32'51"E
3.61'

LOT 43

LOT 42

LOT 41

LOT 40

LOT 39

LOT 38

LOT 37

LOT 36

LOT 35

N00°09'42"E 187.10'
S00°09'08"W 190.11'

N89°50'18"W
2.02'

POINT OF
BEGINNING

N51°19'28"E
349.73'

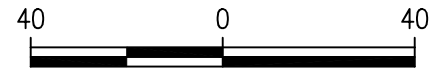
BASIS OF BEARINGS
N90°00'00"E

SOUTH LINE NE 1/4 NE 1/4 SECTION 18

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

POINT OF COMMENCEMENT
NORTHEAST 1/16TH CORNER
SECTION 18, T4S R67W
2.5" ALUMINUM CAP
PLS 36062

N 1/16TH CORNER
SECTION 18-17, T4S, R67W
3.25" ALUMINUM CAP
PLS 33200



SCALE: 1" = 40'



Plotted: THU 07/06/23 2:51:33P By: Tom Grubestic Filepath: k:\200835\survey\esml_200835_vaca.dwg Layout: exhibit a

HKS **HARRIS
KOCHER
SMITH**

1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

ILLUSTRATION
FOR EXHIBIT A

PROJECT #: 200835

CHECKED BY: AWM

DRAWN BY: JHS

SHEET NUMBER

2

2 OF 2