


## 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 (Apr 17, 2023 15:33 MDT)

**PROJECT NO:** 2023-RELINQ-00000004

**DATE:** April 12, 2023

**SUBJECT:** Request for an Ordinance to relinquish a portion of the easement established in Ordinance Number 116, Series 1947, and the easement in its entirety as established in Ordinance Number 115, Series 1926. Located at 725 West 39<sup>th</sup> Avenue.

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

This office has investigated the request of Kimley-Horn and Associates, dated February 6, 2023, on behalf of AMFP V FOX STATION LLC for the relinquishment of the subject easements.

This matter has been coordinated with City Councilperson CdeBaca, District 9; Asset Management; Emergency Management; Community Planning & Development: Development 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; Colorado Department of Transportation; Regional Transportation District; Comcast; Metro Water Recovery; CenturyLink; 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 easements in the following described area(s):

### INSERT PARCEL DESCRIPTION 2023-RELINQ-00000004-001 HERE

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

MB: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 – 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: **April 12, 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 Ordinance Number 116, Series 1947, and the easement in its entirety as established in Ordinance Number 115, Series 1926. Located at 725 West 39th Avenue.

### 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 established in Ordinance Number 116, Series 1947, and the easement in its entirety as established in Ordinance Number 115, Series 1926. Located at 725 West 39th Avenue.

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

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

### 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?**

---

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

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

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

## EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

**Project Title:** 2023-RELINQ-0000004 - 40th and Fox, 725 West 39<sup>th</sup> Avenue

**Property Owner:** AMFP V FOX STATION LLC

**Description of Proposed Project:** Request for an Ordinance to relinquish a portion of the easement established in Ordinance Number 116, Series 1947, and the easement in its entirety as established in Ordinance Number 115, Series 1926. Located at 725 West 39<sup>th</sup> Avenue.

**Background:** Vacating the utility easement rights retained allows the development team to fully pursue a redevelopment plan. These utility easement rights need to be relinquished to remove encumbrances so that buildings can be constructed with the existing easement area.

### 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

1-3

# CITY AND COUNTY OF DENVER

STATE OF COLORADO

## Certification

*I, Arie P. Taylor, Clerk and Recorder,  
Ex-Officio Clerk of the City and County of Denver,  
do hereby certify that the attached is a true and  
correct copy of*  
Ordinance No. 116 Series 1992

*I have hereunto set my  
hand and affixed the Seal of  
the City and County of  
Denver, State of Colorado,  
this 17th day of*

August

A.D. 1992



Arie P. Taylor

Clerk and Recorder  
Clerk of the City and County of Denver

*Arie P. Taylor*  
Deputy

B Y      A U T H O R I T YORDINANCE NO. 116.....

SERIES OF 1947

COUNCILMAN'S BILL NO. 127.....

INTRODUCED BY COUNCILMAN

MARRANZINO

A      B I L L

FOR AN ORDINANCE VACATING A PORTION  
OF GALAPAGO STREET AND OF W. 40TH AVENUE,  
IN VIADUCT ADDITION TO DENVER, 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:

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

Galapago Street extending north from the north line of  
West 39th Avenue to the north line of West 40th Avenue,  
and that portion of West 40th Avenue extending east from  
the east line of Galapago Street a distance of 125 feet,  
in Viaduct Addition to Denver,

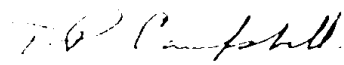
in the City and County of Denver, and State of Colorado, and the same are  
hereby vacated.


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 6th day of August

A. D. 1947.

APPROVED AS TO FORM:

  
(Signed) T. P. Campbell  
Manager."

  
Attorney for City and County of Denver.

NOW, THEREFORE,

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

Section 2:-That the portions of Galapago Street and West 40th Avenue described in the aforesaid order, in the City and County of Denver, and State of Colorado, be and the same are hereby vacated; reserving to the City and County of Denver at all times, the right to construct, maintain and remove sewers, water pipes, and appurtenances, and to authorize the construction, maintenance and removal of the same therein and therefrom, and subject to the continued right of the owners to maintain and operate existing electric light and power lines, telephone lines, gas mains and pipes.

Section 3:-In the opinion of the Council this ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience and welfare, and it is enacted for that purpose and shall be in full force and effect immediately after its passage and final publication.

Passed by the Council of the City and  
County of Denver, and signed by its President,  
this 18<sup>th</sup> day of August  
A. D. 1947.

William Stafford  
PRESIDENT

Signed and approved by me this 20<sup>th</sup>  
day of August A. D. 1947.

Rugg Newton  
MAYOR

Attested by the undersigned with the  
corporate seal of the City and County of  
Denver.

Marie Howe  
CLERK AND RECORDER, EX-OFFICIO  
CLERK OF THE CITY AND COUNTY OF  
DENVER.

By Edwin Fincher  
DEPUTY CLERK

Published in The Daily Journal  
First publication Aug 16 - 1947  
Last publication Aug 27 1947



I, CHAS. D. VAIL, Manager of the DENVER TIMES, do hereby certify that the following is a true and correct copy of Ordinance No. 115 Series 1926, signed and approved by the Mayor of the City and County of Denver, this 13th day of May A. D. 1926.

(Signed) CHAS. D. VAIL, Manager.

NOW, THEREFORE,

UNITED STATES OF AMERICA

STATE OF COLORADO )  
 CITY AND COUNTY OF DENVER )

I, Albert C. Monson, Clerk and Recorder,  
 Ex-Officio Clerk of the City and County of Denver, do  
 hereby certify that the above and foregoing is a true  
 and correct copy of Ordinance No. 115 Series 1926,  
 signed and approved by the Mayor of the 25<sup>th</sup> day  
 of May 1926.

Given under my hand and corporate  
 seal of the City and County of  
 Denver this 18 day of April  
 1935.

Albert C. Monson  
 Clerk and Recorder, Ex-officio  
 Clerk of the City & County of Denver

By Ben. Drape  
 Deputy Clerk



THE CITY AND COUNTY OF DENVER, COLORADO, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 115, SERIES 1926, SIGNED AND APPROVED BY THE MAYOR OF THE CITY AND COUNTY OF DENVER, COLORADO, THIS 18TH DAY OF APRIL, 1935.

CHAS. D. VAIL, Mayor  
 NOW HEREBY  
 ALBERT C. MONSON, Clerk and Recorder

UNITED STATES OF AMERICA

STATE OF COLORADO )  
 CITY AND COUNTY OF DENVER ) 87

I, Albert C. Monson, Clerk and Recorder,  
 Ex-Officio Clerk of the City and County of Denver, do  
 hereby certify that the above and foregoing is a true  
 and correct copy of Ordinance No. 115 Series 1926,  
 signed and approved by the Mayor of the 25<sup>th</sup> day  
 of May 1926.

Given under my hand and corporate  
 seal of the City and County of  
 Denver this 18 day of April  
 1935.



Albert C. Monson  
 Clerk and Recorder, Ex-officio  
 Clerk of the City & County of Denver

By Ben. Drape  
 Deputy Clerk

BY AUTHORITY  
ORDINANCE NO. 115, SERIES OF 1926  
COUNCILMAN'S BILL NO. 115 IN  
PRODUCED BY COUNCILMAN  
MITCHELL.  
A BILL  
FOR AN ORDINANCE VACATING  
THAT PORTION OF WEST 40TH  
AVENUE (FORMERLY GREELEY  
AVENUE) LYING BETWEEN  
BLOCKS 28 AND 27 VIADUCT AD-  
DITION TO DENVER, IN THE  
CITY AND COUNTY OF DENVER,  
BE IT ENACTED BY THE COUNCIL  
OF THE CITY AND COUNTY OF  
DENVER:  
WHEREAS, CHAS. D. VAIL, Man-  
ager of Improvements and Parks, did  
heretofore make the following order,  
to-wit:  
"It is hereby found and determined  
that the public use, convenience and  
necessity do not require that portion  
of West 40th Avenue (formerly Gree-  
ley Avenue) lying between Blocks 28  
and 27, Viaduct Addition to Denver,  
in the City and County of Denver,  
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 in the State of  
Colorado, this 13th day of May, A. D.  
1926.  
(Signed) CHAS. D. VAIL, Manager."  
NOW, THEREFORE,  
Section 1. That that portion of  
West 40th Avenue (formerly Greeley  
Avenue) lying between Blocks 28 and  
27, Viaduct Addition to Denver, in the  
City and County of Denver, State of  
Colorado, be and hereby is vacated,  
reserving to the City and County of  
Denver at all times the right to con-  
struct, maintain and remove sewers,  
water pipes and appurtenances, and  
to authorize the construction, main-  
tenance and removal of the same therein  
and thereon.  
Section 2. In the opinion of the  
Council this Ordinance is necessary  
for the immediate preservation of the  
public health and public safety and  
shall be in full force and effect im-  
mediately after its passage and final  
publication.  
Passed by the Council and signed by  
its president this 24th day of May,  
A. D. 1926.  
HARRY W. RISLEY, President.  
Signed and approved by me this  
26th day of May, A. D. 1926.  
BENJ. F. STAPLETON, Mayor.  
Attested by me with the corporate  
seal of the City and County of Denver.  
(Seal) WILLIAM S. LAITE,  
Clerk and Recorder, Ex Officio Clerk  
of the City and County of Denver.  
By W. S. PECK, Deputy Clerk.  
Published in The Denver Times.  
First publication May 21st, 1926.  
Last publication May 27th, 1926.

UNITED STATES OF AMERICA

STATE OF COLORADO )  
CITY AND COUNTY OF DENVER ) s.

I, Albert C. Monson, Clerk and Recorder,  
Ex-Officio Clerk of the City and County of Denver, do  
hereby certify that the above and foregoing is a true  
and correct copy of Ordinance No. 115 Series 1926,  
signed and approved by the Mayor on the 25 day  
of May 19 26.

Given under my hand and corporate  
seal of the City and County of  
Denver this 18 day of April  
19 35.

Albert C. Monson  
Clerk and Recorder, Ex-officio  
Clerk of the City & County of Denver

By Ben. Draper  
Deputy Clerk



# EXHIBIT "A"

2023-RELINQ-0000004-001

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22 ,  
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

## PARCEL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE INTERSECTION OF GALAPAGO STREET AND WEST 39TH AVENUE, AS MONUMENTED BY A DENVER RANGE POINT BEING AN AXLE IN A RANGE BOX, WHENCE THE INTERSECTION OF ELATI STREET AND SAID 39TH AVENUE, AS MONUMENTED BY A DENVER RANGE POINT BEING A 3-1/4" ILLEGIBLE ALUMINUM CAP, BEARS S89°48'47"E, A DISTANCE OF 691.68 FEET ALONG THE 20' RANGE LINE OF SAID 39TH AVENUE, FORMING THE BASIS OF BEARINGS USED IN THIS DESCRIPTION;

THENCE N25°14'46"E, A DISTANCE OF 435.85 FEET TO A POINT BEING ON THE SOUTH LINE OF WEST 40TH AVENUE, AND THE NORTHEAST CORNER OF LOT 1, BLOCK 38 VIADUCT ADDITION TO DENVER RECORDED IN BOOK 4, PAGE 20 IN THE RECORDS OF CITY AND COUNTY OF DENVER, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTH LINE OF SAID BLOCK 38 VIADUCT ADDITION TO DENVER, N89°54'38"W, A DISTANCE OF 124.70 FEET;

THENCE DEPARTING SAID BLOCK 38, N00°11'56"E, A DISTANCE OF 80.00 FEET TO A POINT BEING THE SOUTHWEST CORNER OF LOT 15, BLOCK 27 VIADUCT ADDITION TO DENVER;

THENCE ALONG SAID SOUTH LINE OF SAID BLOCK 27 VIADUCT ADDITION TO DENVER, S89°54'38"E, A DISTANCE OF 124.59 FEET TO A POINT BEING THE SOUTHWEST CORNER OF LOT 15, BLOCK 27 VIADUCT ADDITION TO DENVER;

THENCE DEPARTING SAID BLOCK 27, S00°07'11"E, A DISTANCE OF 80.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 9,972 SQ. FT. OR 0.229 ACRES, MORE OR LESS.

I, DOUGLAS H. ORT III, BEING A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. THIS CERTIFICATION IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.



Notice: According to Colorado State Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than 10 years from the date of the certification shown hereon.

This Exhibit and Legal Description does not represent a Land Survey Plat, an Improvement Survey Plat or a Boundary Survey.

DOUGLAS H. ORT III , PLS 37066 February 3, 2023  
For and on Behalf of Colliers Engineering and Design



Engineering  
& Design

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EXHIBIT A  
SOUTHWEST QUARTER  
OF SECTION 22,  
TOWNSHIP 3 SOUTH,  
RANGE 68 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER  
STATE OF COLORADO



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OF EXCAVATORS, DESIGNERS, OR  
ANY PERSON PREPARING TO  
DISTURB THE EARTH'S SURFACE  
ANYWHERE IN ANY STATE

SCALE	DATE	DRAWN BY	CHECKED BY
N/A	02.03.2023	LCB	DHO

PROJECT NUMBER	DRAWING NAME
21007252A	21007252A-ESMT-RELQ

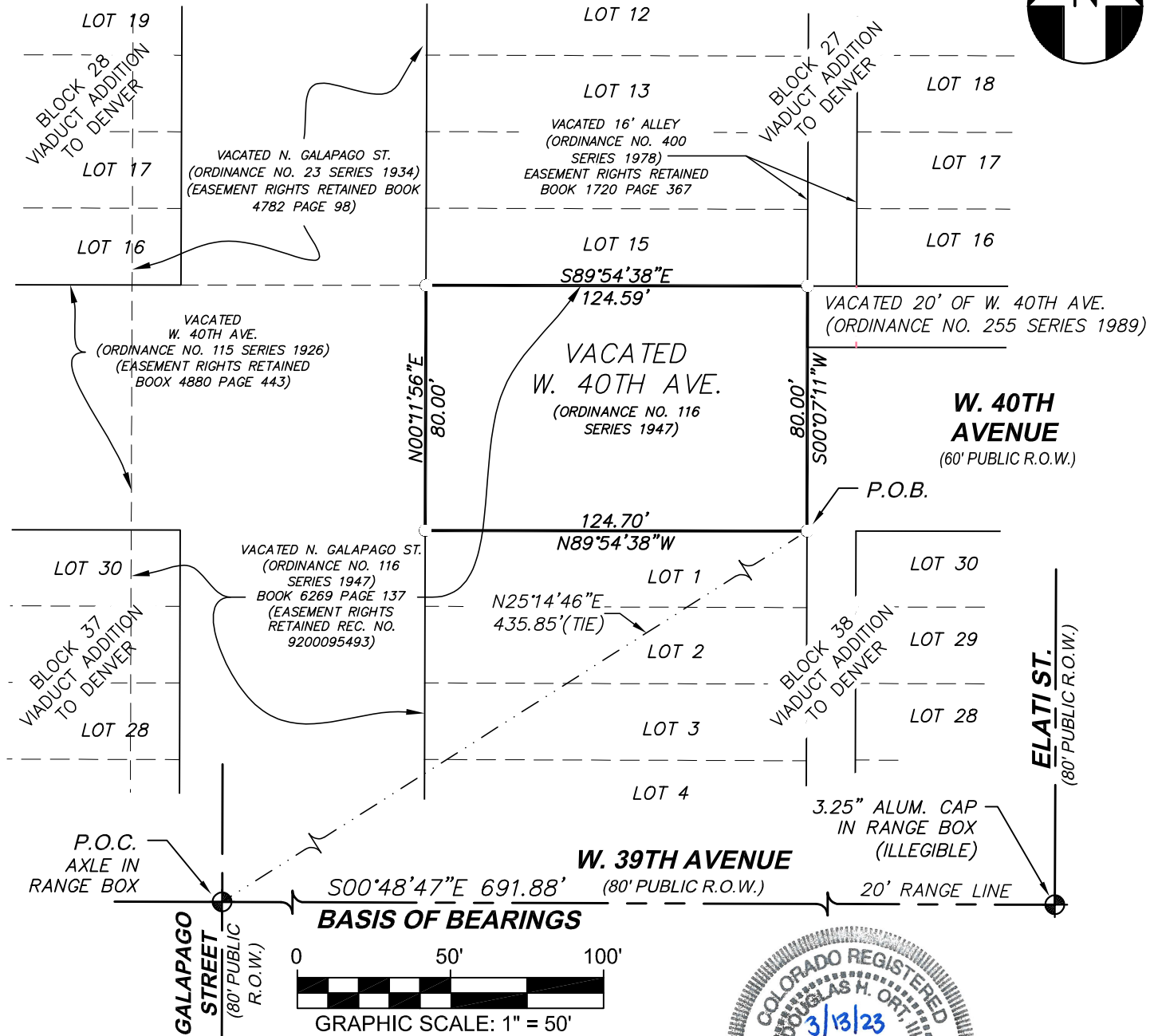
SHEET TITLE
EXHIBIT A

SHEET NUMBER
1 of 2

# EXHIBIT "A"

2023-RELINQ-0000004-001

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22,  
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO



Notice: According to Colorado State Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than 10 years from the date of the certification shown hereon.

This Exhibit and Legal Description does not represent a Land Survey Plat, an Improvement Survey Plat or a Boundary Survey.

DOUGLAS H. ORT III, PLS 37066 February 3, 2023  
For and on Behalf of Colliers Engineering and Design



Engineering  
& Design

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## EXHIBIT A

SOUTHWEST QUARTER  
OF SECTION 22,  
TOWNSHIP 3 SOUTH,  
RANGE 68 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER  
STATE OF COLORADO



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Lakewood, CO 80235  
Phone: 303.731.6216  
Fax: 303.632.2445

PROTECT YOURSELF  
ALL STATES REQUIRE NOTIFICATION  
OF EXCAVATORS, DESIGNERS, OR  
ANY PERSON PREPARING TO  
DISTURB THE EARTH'S SURFACE  
ANYWHERE IN ANY STATE

SCALE	DATE	DRAWN BY	CHECKED BY
1" = 50'	02.03.2023	LCB	DHO
PROJECT NUMBER	DRAWING NAME		
21007252A	21007252A-ESMT-RELQ		

SHEET TITLE:
EXHIBIT A

SHEET NUMBER:
2 of 2