


## 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-0000013

**DATE:** September 29, 2023

**SUBJECT:** Request for an Ordinance to relinquish a portion of easements established in the Bill, Ordinance No. 86, Series of 1979; and the Bill, Ordinance No. 438, Series 1990. Located at 3701 West 16<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 Sloan's Lake Affordable Housing, LLC, dated April 17, 2023 on behalf of Lowell17 Equities, LLC; DRMS Sloan's Lake, LLC; and Lowell 17, LLC for the relinquishment of the subject easements.

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; Councilperson Torres, District 3; CPD: DS Project Coordinator; RTD; and CDOT all of whom have indicated no objection to the proposed easement relinquishments.

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

Therefore, you are requested to initiate Council action to relinquish the easements in the following described areas:

**INSERT PARCEL DESCRIPTION 2023-RELINQ-0000013-001 HERE**

**INSERT PARCEL DESCRIPTION 2023-RELINQ-0000013-002 HERE**

A vicinity map of the subject easement areas and a copy of the documents creating the easements are attached.

GB:bw



**DENVER**  
THE MILE HIGH CITY

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

**311 | [POCKETGOV.COM](http://POCKETGOV.COM) | [DENVERGOV.ORG](http://DENVERGOV.ORG) | DENVER 8 TV**

# 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: September 29, 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 easements established in the Bill, Ordinance No. 86, Series of 1979; and the Bill, Ordinance No. 438, Series 1990. Located at 3701 West 16th 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 easements established in the Bill, Ordinance No. 86, Series of 1979; and the Bill, Ordinance No. 438, Series 1990. Located at 3701 West 16th Avenue.

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

## 7. City Council District: Councilperson Torres, District 3

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

## Key Contract Terms

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

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

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

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 (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?

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

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

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

# EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

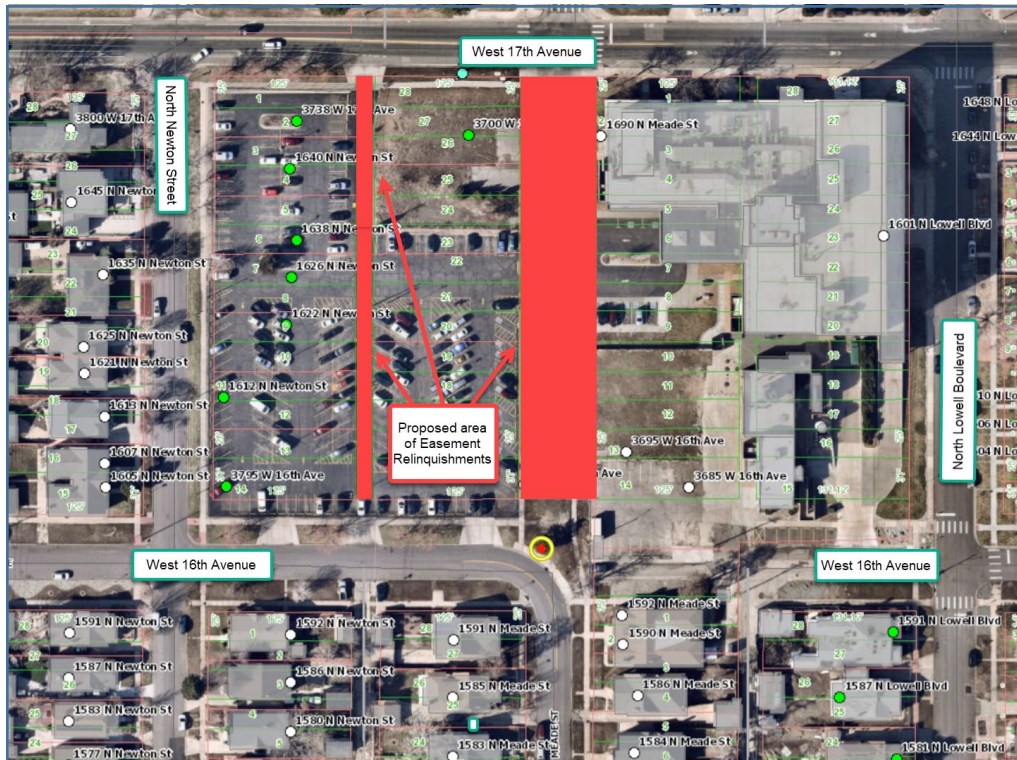
**Project Title:** 2023-RELINQ-0000013 3701 W. 16th Avenue

**Property Owner:** Lowell17 Equities, LLC; DRMS Sloan’s Lake, LLC; and Lowell 17, LLC c/o David Prosser

**Description of Proposed Project:** Request for an Ordinance to relinquish a portion of easements established in the Bill, Ordinance No. 86, Series of 1979; and the Bill, Ordinance No. 438, Series 1990. Located at 3701 West 16th Avenue.

**Background:** The applicant is planning to construct two apartment buildings over the vacated alley between Meade Street and Newton Street and West 16th Avenue and West 17th Avenue. They will be providing new utility lines within the former Meade Street including storm and sanitary lines that will serve the entire site.

## 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/dot](http://www.denvergov.org/dot)  
Phone: 720-865-3003

# EXHIBIT "A"

## LAND DESCRIPTION

### PARCEL 1

A PARCEL OF LAND AS DESCRIBED BEING THE VACATED SOUTH 237 FEET OF THE ALLEY IN BLOCK 3, PIERSON'S ADDITION TO DENVER PER ORDINANCE NO. 86, SERIES OF 1979 RECORDED IN BOOK 1876, PAGE 314 AND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT IN THE INTERSECTION OF NEWTON STREET AND WEST 16TH AVENUE BEING A FOUND 2.5" ALUMINUM CAP "PLS 34183" FROM WHENCE THE RANGE POINT IN THE INTERSECTION OF LOWELL BOULEVARD AND WEST 16TH AVENUE BEING A FOUND 2" ALUMINUM CAP "PLS 37066" BEARS NORTH 89°48'03" EAST, A DISTANCE OF 702.89 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 82°25'22" EAST, A DISTANCE OF 171.32 FEET TO THE SOUTHEAST CORNER OF LOT 14 OF SAID BLOCK 3 AND THE POINT OF BEGINNING;


THENCE NORTH 00°18'25" WEST ALONG THE WEST LINE OF SAID ALLEY, A DISTANCE OF 237.02 FEET TO THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 3;

THENCE NORTH 89°48'03" EAST, A DISTANCE OF 14.00 FEET TO THE SOUTHWEST CORNER OF LOT 24 OF SAID BLOCK 3;

THENCE SOUTH 00°18'25" EAST ALONG THE EAST LINE OF SAID ALLEY, A DISTANCE OF 237.02 FEET TO THE SOUTHWEST CORNER OF LOT 15 OF SAID BLOCK 3;

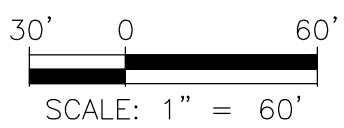
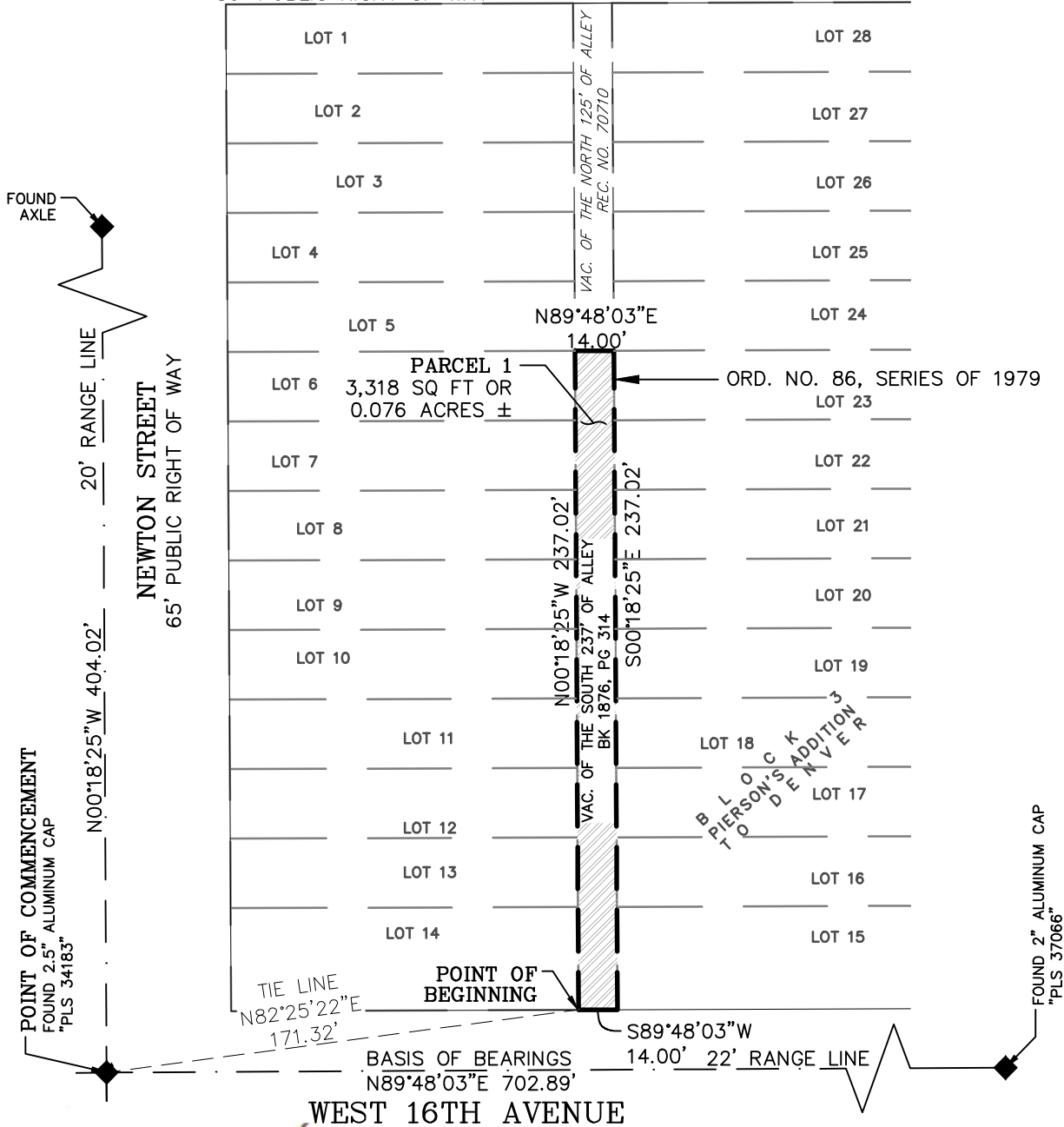
THENCE SOUTH 89°48'03" WEST ALONG THE SOUTH LINE OF SAID BLOCK 3, A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14 AND THE TRUE POINT OF BEGINNING.

CONTAINING 3,318 SQUARE FEET OR 0.076 ACRES OF LAND, MORE OR LESS.

  
 PREPARED BY: JEFFREY J. MACKENNA P.L.S. 34183 DATE: 09/18/2023  
 FOR FALCON SURVEYING, INC.  
 9940 WEST 25TH AVENUE  
 LAKEWOOD COLORADO, 80215  
 (303)202-1560

# EXHIBIT "A"

SITUATED IN THE SE 1/4, SECTION 31, T3S, R68W, OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO  
WEST 17TH AVENUE  
80' PUBLIC RIGHT OF WAY



PREPARED BY:  
JEFFREY J. MACKENNA, P.L.S. 34183 DATE 09/18/2023  
FOR FALCON SURVEYING, INC. 9940 WEST 25TH AVENUE  
LAKEWOOD COLORADO, 80215 (303)202-1560



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



# EXHIBIT "A"

## LAND DESCRIPTION

### PARCEL 2

A PARCEL OF LAND DESCRIBED AS VACATED MEADE STREET PER ORDINANCE NO. 86, SERIES OF 1979 RECORDED IN BOOK 1876, PAGE 314 AND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT IN THE INTERSECTION OF NEWTON STREET AND WEST 16TH AVENUE BEING A FOUND 2.5" ALUMINUM CAP "PLS 34183" FROM WHENCE THE RANGE POINT IN THE INTERSECTION OF LOWELL BOULEVARD AND WEST 16TH AVENUE BEING A FOUND 2" ALUMINUM CAP "PLS 37066" BEARS NORTH 89°48'03" EAST, A DISTANCE OF 702.89 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 85°43'35" EAST, A DISTANCE OF 309.63 FEET TO THE SOUTHEAST CORNER OF BLOCK 3, PIERSON'S ADDITION TO DENVER AND THE POINT OF BEGINNING;


THENCE NORTH 00°18'25" WEST ALONG THE EAST LINE OF SAID BLOCK 3, A DISTANCE OF 362.02 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 3;

THENCE NORTH 89°48'03" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF WEST 17TH AVENUE, A DISTANCE OF 65.00 FEET TO THE NORTHWEST CORNER OF BLOCK 4, PIERSON'S ADDITION TO DENVER;

THENCE SOUTH 00°18'25" EAST ALONG THE WEST LINE OF SAID BLOCK 4, A DISTANCE OF 362.02 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 4;

THENCE SOUTH 89°48'03" WEST ALONG THE NORTH RIGHT OF WAY LINE OF WEST 16TH AVENUE, A DISTANCE OF 65.00 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 3 AND THE TRUE POINT OF BEGINNING.

CONTAINING 23,531 SQUARE FEET OR 0.540 ACRES OF LAND, MORE OR LESS.

  
 PREPARED BY: JEFFREY J. MACKENNA P.L.S. 34183 DATE: 09/18/2023  
 FOR FALCON SURVEYING, INC.  
 9940 WEST 25TH AVENUE  
 LAKEWOOD COLORADO, 80215  
 (303)202-1560





# EXHIBIT "A"

## LAND DESCRIPTION

SHEET 1 OF 2

A PARCEL OF LAND AS DESCRIBED BEING THE VACATED NORTH 125 FEET OF THE ALLEY IN BLOCK 3, PIERSON'S ADDITION TO DENVER PER ORDINANCE NO. 438, SERIES OF 1990 RECORDED UNDER RECEPTION NUMBER R-90-0070710 (1990070710) AND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT IN THE INTERSECTION OF NEWTON STREET AND WEST 16TH AVENUE BEING A FOUND 2.5" ALUMINUM CAP "PLS 34183" FROM WHENCE THE RANGE POINT IN THE INTERSECTION OF LOWELL BOULEVARD AND WEST 16TH AVENUE BEING A FOUND 2" ALUMINUM CAP "PLS 37066" BEARS NORTH 89°48'03" EAST, A DISTANCE OF 702.89 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 32°59'39" EAST, A DISTANCE OF 309.52 FEET TO THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 3 AND THE POINT OF BEGINNING;


THENCE NORTH 00°18'25" WEST ALONG THE WEST LINE OF SAID ALLEY, A DISTANCE OF 125.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 3;

THENCE NORTH 89°48'03" EAST ALONG THE NORTH LINE OF SAID BLOCK 3, A DISTANCE OF 14.00 FEET TO THE NORTHWEST CORNER OF LOT 28 OF SAID BLOCK 3;

THENCE SOUTH 00°18'25" EAST ALONG THE EAST LINE OF SAID ALLEY, A DISTANCE OF 125.00 FEET TO THE SOUTHWEST CORNER OF LOT 24 OF SAID BLOCK 3;

THENCE SOUTH 89°48'03" WEST, A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5 AND THE TRUE POINT OF BEGINNING.

CONTAINING 1,750 SQUARE FEET OR 0.040 ACRES OF LAND, MORE OR LESS.

  
 PREPARED BY: JEFFREY J. MACKENNA P.L.S. 34183 DATE: 09/22/2023  
 FOR FALCON SURVEYING, INC.  
 9940 WEST 25TH AVENUE  
 LAKEWOOD COLORADO, 80215  
 (303)202-1560



ORDINANCE NO. 86  
SERIES OF 1979

BY AUTHORITY

COUNCIL BILL NO. 75

INTRODUCED BY

*Sanders, Burke, Donohue,  
MacIntosh and Nolan*

A B I L L

FOR AN ORDINANCE VACATING CERTAIN PARTS OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY; i.e., VACATING MEADE STREET BETWEEN WEST 16TH AVENUE AND WEST 17TH AVENUE, PORTION OF WEST 16TH AVENUE BETWEEN LOWELL BOULEVARD AND MEADE STREET AND SOUTH 237 FEET OF ALLEY IN BLOCK 3, PIERSON'S ADDITION TO DENVER.

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

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 those certain portions of those certain streets and that certain portion of that certain alley 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 portions of those certain streets and the described portion of that certain alley in the City and County of Denver and State of Colorado, to-wit:

The south 237 feet of the alley in Block 3, Pierson's Addition to Denver.

Also

Meade Street from the north line of West 16th Avenue to the south line of West 17th Avenue.

Also

That part of West 16th Avenue lying between Blocks 4 and 5, Pierson's Addition to Denver, described as follows:

Beginning at the northwest corner of said Block 5; thence northerly along the east line of Meade Street to the southwest corner of said Block 4; thence easterly along the south line of said Block 4 to the west line of Lowell Boulevard; thence southerly along the said west line a distance of 34 feet; thence westerly and parallel with the south line of said Block 4 a distance of 145.12 feet; thence southerly to the northeast corner of Lot 1, said Block 5; thence westerly along the north line of said Lot 1 to the point of beginning.

be and the same is hereby approved and the described portions of those certain streets and the described portion of that certain alley are hereby vacated and declared vacated, provided, however, said vacation shall be subject to the following conditions and reservations:

That easements be and are hereby retained for gas mains in those portions of Meade Street and West 16th Avenue to be vacated; for power lines in the alley in Block 3 and that portion of West 16th Avenue being the north-south projections to the alleys in Blocks 4 and 5, Pierson's Addition to Denver; for telephone lines in the alley in Block 3; also, for storm and sanitary sewer lines in the alley and streets to be vacated.

Section 2. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety, and determines it shall take effect immediately upon its final passage and publication.

PASSED BY The Council February 26<sup>th</sup> 1979

Salvador Caspio -President

APPROVED: W. H. [Signature] -Mayor February 27, 1979

ATTEST: J. J. [Signature] Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver

PUBLISHED IN The Daily Journal Feb. 26, 1979 and Mar. 2, 1979

I have made the findings and determinations set forth in the above and foregoing draft or form of a proposed Bill for An Ordinance, and, subject to approval by Ordinance, have vacated and do hereby vacate the described portions of those certain streets and the described portion of that certain alley, with reservations, and request the Council of the City and County of Denver to approve such vacation, with reservations, by the enactment of an appropriate ordinance. I approve said draft or form of a proposed Bill for an Ordinance and recommend the introduction and passage thereof.

1876 315

104 299

\_\_\_\_\_  
Manager of Public Works

PREPARED BY: Max P. Lall -City Attorney  
WNC



Ordinance No. 86 Series 19 79

Councilman's Bill No. 75

00000 A 3

003371

1979 MAR 26 AM 11:00

F. J. SERAFINI  
COUNTY CLERK  
DENVER COUNTY

1876 317

Meeting Date Feb. 13, 1979

1876 314

Read in full to the Board of Councilmen and referred to the Committee on

Public Works

Committee report adopted and bill ordered published.

Meeting Date Feb. 13, 1979

Read by title and passed.

Meeting Date Feb. 26, 1979

CITY COUNCIL  
CITY & COUNTY OF DENVER

FEB 12 1979

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM



ORDINANCE NO. 438 Series 19 90  
Council Bill No. 453 Series 19 90

Meeting Date 7-23 19 90  
Read by Title, referred to Committee  
on PUBLIC WORKS,  
TRANSPORTATION,

Committee report adopted/failed.

Council Bill ordered published:

Meeting Date July 23 19 90

Council Bill passed/defeated-by the City Council:

Meeting Date 7-30 19 90

VETOED: \_\_\_\_\_ 19 \_\_\_\_\_

- Sustained
- Overruled
- No Action Taken

C/R 48 (Rev. 1/87)

R-90-0070710 8/07/90 16:08 MISC 1/ 3  
FELICIA MUFTIC DENVER COUNTY .00 .00

**ORDINANCE**

BY AUTHORITY

ORDINANCE NO. 438

COUNCIL BILL NO. 453

SERIES OF 1990

COMMITTEE OF REFERENCE:

~~PUBLIC WORKS,~~

~~TRANSPORTATION,~~

A B I L L

FOR AN ORDINANCE VACATING CERTAIN PARTS OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY, I.E., VACATING OF ALLEYS IN BLOCK 3, PIERSON'S ADDITION TO DENVER, SUBJECT TO CERTAIN 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 those certain alleys in the system of thoroughfares of the municipality hereinafter described and, subject to approval by ordinance, has vacated the same with reservations as 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 alleys in the City and County of Denver and State of Colorado, to wit:

The north-south alley in Block 3, Pierson's Addition to Denver, from the north line of said Block 3 to the south line of Lot 5, said Block 3, extended easterly, and an easement given to the City and County of Denver for alley purposes recorded March 19, 1979, in Book 1871, Page 391 of the Clerk and Recorder's Office, City and County of Denver, and more particularly described as follows:

That part of Lot 5, Block 3, Pierson's Addition to Denver, described as follows:

Beginning at the northwest corner of said Lot 5;  
thence easterly along the north line of said Lot 5 to the north-east corner thereof;

thence southerly along the east line of said Lot 5 to the southeast corner thereof;

thence westerly along the south line of said Lot 5 a distance of 45 feet;

thence northwesterly to a point that is 16 feet south of the north line and 60 feet west of the east line of said Lot 5;

thence westerly and parallel with the north line of said Lot 5 to the west line thereof;

thence northerly along the said west line a distance of 16 feet to the point of beginning.

be and the same is hereby approved and the described alleys are hereby vacated and declared vacated provided, however, said vacation shall be subject to the following conditions and reservations:

That easements be and are hereby retained to protect the utilities in the vacated alleys which utilities include power lines, telephone lines and cable television lines.

PASSED BY THE COUNCIL July 30 1990

Cathy Donohue - PRESIDENT

APPROVED: Adriano Pano - MAYOR July 31 1990

ATTEST: [Signature] - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL July 27 1990 Aug 3 1990

I have made the findings and determinations as set forth in the above and foregoing draft or form of a proposed Bill for an Ordinance, and subject to approval by ordinance, have vacated and do hereby vacate the described alleys, subject to certain reservations, and request the Council of the City and County of Denver to approve such vacation, subject to certain reservations, by the enactment of an appropriate ordinance. I approve said draft or form of a proposed Bill for an Ordinance, and recommend the introduction and passage thereof.

\_\_\_\_\_  
Manager of Public Works

PREPARED BY: ROBERT M. KELLY, ASSISTANT CITY ATTORNEY 4/10/90

REVIEWED BY: Janice Wells - CITY ATTORNEY 7/19 1990

SPONSORED BY COUNCIL MEMBER(S) \_\_\_\_\_