


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

# 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 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: <a href="mailto:Jessica.Eusebio@denvergov.org">Jessica.Eusebio@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 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> (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?

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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-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.



City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services / Engineering & Regulatory  
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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.

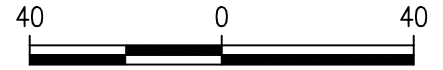
BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED AT THE NORTHEAST SIXTEENTH CORNER BY A 2.5" ALUMINUM CAP STAMPED PLS 36062 AND AT THE NORTH SIXTEENTH CORNER 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

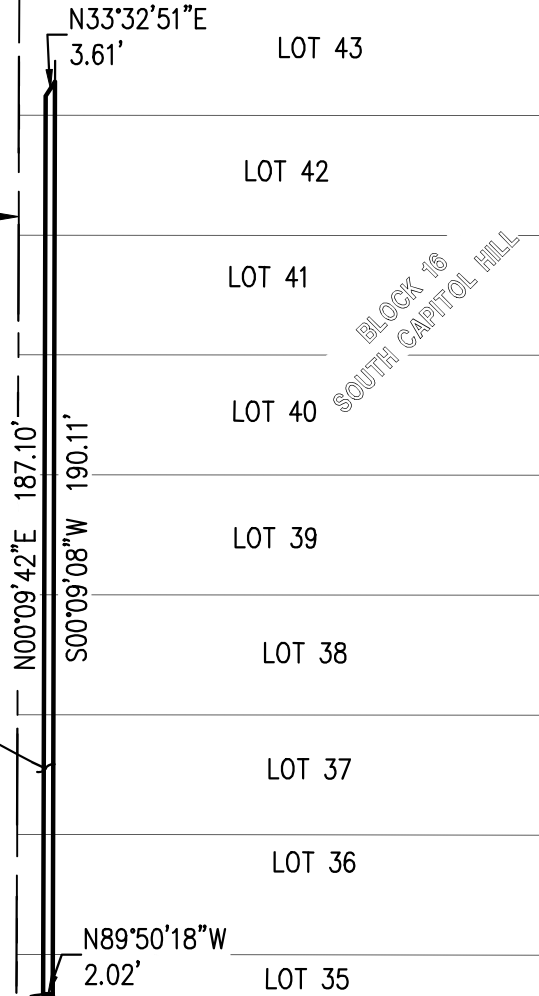


SCALE: 1" = 40'

7.5' DRAINAGE AND  
SEWAGE EASEMENT  
RECEPTION NO. 1999095675

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

PARCEL CONTAINS  
378 SQ. FT. ±



**POINT OF BEGINNING**

*BASIS OF BEARINGS*  
N90°00'00"E

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

**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

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



Plotted: THU 07/06/23 2:51:33P By: Tom Grubestic Filepath: k:\200835\survey\esml\_200835\_vaca.dwg Layout: exhibit a

ILLUSTRATION  
FOR EXHIBIT A

PROJECT #:	200835
CHECKED BY:	AWM
DRAWN BY:	JHS
SHEET NUMBER	2
	2 OF 2