


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-0000012

DATE: December 6, 2024

SUBJECT: Request for an Ordinance to relinquish a portion of a non-exclusive easement established in the Ordinance No. 20171152, Series of 2017. Located near the intersection of Wynkoop Street and 40th 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 Michael Bjnes, dated March 29, 2023 on behalf of HCD Brighton Blvd 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; 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.

Therefore, you are requested to initiate Council action to relinquish the easement in the following described area:

INSERT PARCEL DESCRIPTION 2023-RELINQ-0000012-001 HERE

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

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

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: December 6, 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.)

Request for an Ordinance to relinquish a portion of a non-exclusive easement established in the Ordinance No. 20171152, Series of 2017. Located near the intersection of Wynkoop Street and 40th Street.

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:**

Request for an Ordinance to relinquish a portion of a non-exclusive easement established in the Ordinance No. 20171152, Series of 2017. Located near the intersection of Wynkoop Street and 40th Street.

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-0000012, 4050 N Brighton Blvd.

Property Owner: HCD Brighton Blvd Owner LLC

Description of Proposed Easement Relinquishment: The applicant is redeveloping the parcel.

Project Background: NA

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

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BY AUTHORITY

ORDINANCE NO. 20171152
SERIES OF 2017

COUNCIL BILL NO. CB17-1152
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of the right of way near the intersection of Wynkoop Street and 40th Street, with reservations.

WHEREAS, the Executive Director of Public Works 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 Public Works in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2017-VACA-0000006-001:

A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF BLOCK 27, ST. VINCENT ADDITION, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET; THENCE S44°48'31"E ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET, 266.03 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF BLOCK 27, ST. VINCENT'S ADDITION; THENCE N44°58'33"E ALONG THE SOUTHEASTERLY OF BLOCK 27, 228.47 FEET TO A POINT ON THE EAST LINE OF BLOCK 27, ST. VINCENT'S ADDITION; THENCE S00°03'46"W ALONG AN EXTENSION OF THE EAST LINE OF SAID BLOCK 27, 113.31 FEET; THENCE S44°58'33"W ALONG THE NORTHWESTERLY LINE OF BLOCK 28, ST. VINCENT'S ADDITION, 148.53 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET; THENCE N44°48'31"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET, 80.00 FEET TO THE TRUE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 15,067 SQUARE FEET OR 0.3459 ACRES MORE OR LESS.

BASIS OF BEARINGS: AN ASSUMED BEARING OF S89°53'51"E BEING THE EAST-WEST CENTERLINE OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,



1 BETWEEN TWO FOUND MONUMENTS; ONE MONUMENT BEING A 3.25" DIAMETER
2 ALUMINUM CAP STAMPED LS 24961 AT THE WEST CORNER OF SAID SECTION 23 AND
3 THE OTHER BEING A 3.25" DIAMETER ALUMINUM CAP STAMPED LS 23521 IN A RANGE
4 BOX BEING THE EAST CORNER OF SAID SECTION 23

5 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
6 vacated;

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

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

22
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1 COMMITTEE APPROVAL DATE: October 17, 2017 by Consent
 2 MAYOR-COUNCIL DATE: October 24, 2017
 3 PASSED BY THE COUNCIL: _____ November 6, 2017
 4 _____ *Al Beh* - PRESIDENT
 5 APPROVED: _____ *John* - MAYOR Nov 7, 2017
 6 ATTEST: _____ *Debra Johnson* - CLERK AND RECORDER,
 7 EX-OFFICIO CLERK OF THE
 8 CITY AND COUNTY OF DENVER
 9
 10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ November 2, 2017 ; _____ November 9, 2017
 11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 26, 2017
 12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
 13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
 14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
 15 3.2.6 of the Charter.
 16
 17 Kristin M. Bronson, Denver City Attorney
 18 BY: _____ *Kristin J. Crawford*, Assistant City Attorney DATE: _____ Oct 26, 2017



EXHIBIT A
LAND DESCRIPTION
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF VACATED WYNKOOP STREET NORTHEAST OF 40TH STREET AND ADJACENT TO BLOCK 27, ST. VINCENT’S ADDITION TO DENVER, THAT WAS VACATED BY ORDINANCE 20171152, SERIES 2017, RECORDED AT RECEPTION NUMBER 2017146893, LOCATED IN THE NORTHEAST QUARTER OF 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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID BLOCK 27, ST. VINCENT’S ADDITION, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET; THENCE S44°48’31”E ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET, 266.03 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF BLOCK 27, ST. VINCENT’S ADDITION; THENCE N44°58’33”E ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK 27, 228.47 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 27 ST. VINCENT’S ADDITION; THENCE S00°03’46”W ALONG AN EXTENSION OF THE EAST LINE OF SAID BLOCK 27, 26.04 FEET TO A SOUTHEASTERLY LINE OF THE PROPERTY RECORDED AT RECEPTION NUMBER 2022089555; THENCE ALONG SAID SOUTHEASTERLY LINES THE FOLLOWING THREE (3) COURSES 1) S44°58’43”W A DISTANCE OF 70.71 FEET 2) THENCE S00°07’12”W A DISTANCE OF 43.97 FEET; 3) THENCE S44°58’11”W A DISTANCE OF 108.34 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH STREET EXTENDED; THENCE ALONG SAID RIGHT-OF WAY LINE EXTENDED, N44°48’31”W A DISTANCE OF 49.41 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.181 ACRES, (7,873 SQUARE FEET), MORE OR LESS.

ALL LINEAR DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 20’ RANGE LINE, IN 40TH AVENUE ASSUMED TO BEAR N44°48’31”W BEING MONUMENTED BY A FOUND 1’ SQUARE BAR IN RANGE BOX AT THE INTERSECTION OF 40TH STREET AND WYNKOOP STREET AND BY A FOUND #6 REBAR WITH A 2-1/2” ALUMINUM CAP PLS #29425 IN RANGE BOX AT THE INTERSECTION OF 40TH STREET AND BRIGHTON BOULEVARD.

PREPARED BY MATTHEW CHAPA
REVIEWED BY SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
SEPTEMBER 26, 2023
JOB NO. 22.0369



ILLUSTRATION FOR
EXHIBIT A
SHEET 2 OF 2

FOUND #6 REBAR W/
2-1/2" ALUM. CAP
PLS #29425 IN RANGE BOX

BLOCK 27
ST. VINCENT'S ADDITION
(BOOK 2, PAGE 57 ARAPAHOE
COUNTY RECORDS)

EASTERLY LINE OF BLOCK
27, ST. VINCENT'S ADDITION

P.O.C.
WEST CORNER
BLOCK 27

FOUND #6 REBAR W/
2-1/2" ALUM. CAP
PLS #29425
IN RANGE BOX

S00°03'46"W 26.04'

20' RANGE LINE
N44°48'31"E 266.03'
N44°48'31"W 345.95'
(BASIS OF BEARING)

VACATED WYNKOOP STREET
RIGHT-OF-WAY WITH
RESERVATIONS ORDINANCE
NO. 20171152, SERIES 2017
RECORDED AT REC. NO. 2017146893

N44°58'33"E 228.47'

S44°58'43"W 70.71'

S00°07'12"W
43.97'

40TH STREET
(80' R.O.W.)

P.O.B.

FOUND 1"X1" SQUARE BOLT
IN RANGE BOX

N44°48'31"W 49.41'

WYNKOOP
STREET
(80' R.O.W.)

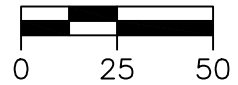
S44°58'11"W
108.34'

SOUTHEASTERLY LINE
REC. #2022089555

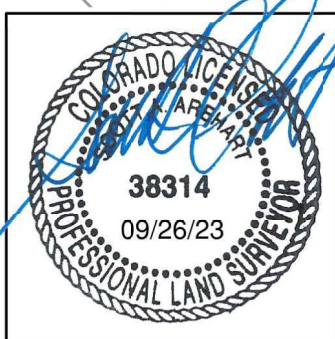
THIS EXHIBIT DOES NOT
REPRESENT A MONUMENTED LAND
SURVEY. IT IS ONLY TO DEPICT
THE ATTACHED DESCRIPTION.

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

SEPTEMBER 26, 2023



SCALE: 1"=50'
ALL LINEAL
DIMENSIONS ARE IN
U.S. SURVEY FEET



MARTIN/MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

DRAWING LOCATION: G:\BUCKLEY\22.03689-Mfca 2.0\PLANS\EXHIBITS\Easement_201714683_Vacation\Alley_Vacation.dwg