



REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO:

Caroline Martin, City Attorney's Office

FROM:

Ted Christianson

Director, Public Works Right of Way Services

PROJECT NO:

2017-RELINQ-0000007

DATE:

April 25, 2017

SUBJECT:

Request for an Ordinance to relinquish the easement, in its entirety, conveyed in the

Permanent Non-Exclusive Easement (PNEE) recorded on 01/13/2014 with recordation no.

2014003336 at 1042 S Parker Rd.

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

This office has investigated the request of Tori Green, dated March 20, 2017 on behalf of Tim Stanley for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; the City Councilperson; CPD: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forestry; Parks and Recreation; Engineering, Regulatory, and Analytics Transportation and Wastewater; Public Works: Construction Engineering; Public Works – Policy and Planning; Metro Wastewater Reclamation District; Survey; CenturyLink; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

As a result of the 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 easements in the following described area(s):

INSERT PARCEL DESCRIPTION 2017-RELINQ-0000007-001 HERE

A map of the area and a copy of the document creating the easement are attached.

TC:cs

cc:

City Councilperson & Aides
City Council Staff – Shelley Smith
Department of Law – Brent Eisen
Department of Law – Shaun Sullivan
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Angela Casias
Public Works, Survey – Paul Rogalla

Please email requests to Angela Casias at angela.casias@DenverGov.org by 12:00 pm on Monday.

All fields must be completed.
Incomplete request forms will be returned to sender which may cause a delay in processing.

				Date of Request:	April 25, 2017
Please mark one:	⊠ Bill Request	or	Resolution Rec	quest	
1. Has your agency	submitted this request in	n the last 1	2 months?		
☐ Yes	⊠ No				
If yes, please	explain:				
2. Title: (Include a c - that clearly indic supplemental requ	ates the type of request: $oldsymbol{g}$	eription – po rant accept	lease include <u>name of c</u> tance, contract executi	company or contractor and co	ontract control numbe unicipal code change,
Request for an (PNEE) record	Ordinance to relinquish led on 01/13/2014 with re	the easement ecordation n	nt, in its entirety, conve no. 2014003336 at 1042	yed in the Permanent Non-Ext S Parker Rd.	xclusive Easement
3. Requesting Agency Agency Division:	y: PW Right of Way Ser Engineering, Regulatory	vices & Analytic	es		
Name: ChausPhone: 720-8		f proposed	ordinance/resolution.)		
Name: AngelPhone: 720-9	<u>r first and second reading</u> a Casias	proposed o	ordinance/resolution <u>wł</u> ur <u>y</u> .)	ho will present the item at Mo	ayor-Council and who
6. General description	n/background of propo	sed ordina	nce including contract	t scope of work if applicable	e:
Request for an		he easemen	nt, in its entirety, convey	yed in the Permanent Non-Ex	
** Please complete the j enter N/A for that field -	f ollowing fields: (Incomp please do not leave blan	lete fields m k.)	nay result in a delay in	processing. If a field is not a	pplicable, please
a. Contract	Control Number: N/A				
b. Contract					
c. Location:	1042 S Parker Rd.	11.5.0			
d. Affected (e. Benefits:	Council District: Dist N/A	# 5, Counc	ilwoman Susman		
	Amount (indicate ameno	led amoun	t and new contract tot	tal): N/A	
7. Is there any contro	oversy surrounding this	ordinance?	? (Groups or individual	's who may have concerns ab	out it?) Please
None.					
	To be	completed	by Mayor's Legislative	Team:	
SIRE Tracking Number:			Dat	te Entered:	



Denver, CO 80202 720-865-3003 www.denvergov.org

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2017-RELINQ-0000007 1042 S Parker Rd

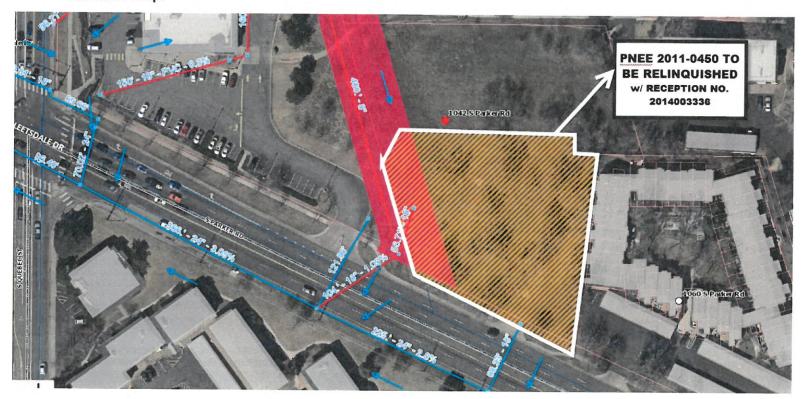
Owner name: Tim Stanley

Description of Proposed Project: Request for an Ordinance to relinquish the easement, in its entirety, conveyed in the Permanent Non-Exclusive Easement (PNEE) recorded on 01/13/2014 with recordation no. 2014003336 at 1042 S Parker Rd.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The customer would like to develop a single 3 story storage facility.

Background: The proposed development will be over the land in which the easement covers which is the reason for this easement relinquishment request. A new easement has been recorded to serve the purpose of connection to city wastewater facilities.

Location Map:





01/13/2014 08:09 AM City & County of Denver R \$0.00

2014003336 Page: 1 of 8 D \$0.00

PERMANENT NON-EXCLUSIVE EASEMENT

[1042 South Parker Road, Denver, Colorado 80224]

This Permanent Non-Exclusive Easement ("Easement"), made on the day of December, 2013 between Parker Road Properties, LLC whose address is 394 South Oneida Way, Denver, Colorado 80224 ("Owner" or "Grantor") and the CITY AND COUNTY OF DENVER, a home rule city and municipal corporation of the State of Colorado, whose address is 1437 Bannock Street, Denver, Colorado 80202 ("City" or "Grantee")

For and in consideration of connection to city wastewater facilities and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the Grantor agrees as follows:

- 1. The Grantor is the owner of the property commonly known and addressed as 1042 S. Parker Road (the "Property"), described in Exhibit A attached hereto and incorporated herein, which will be served by the following privately owned wastewater facilities [sanitary sewer, storm sewer, permanent aboveground water quality pond, permanent underground detention structure or vault without pump(s) and storm sewer outlet pipe] (collectively the "Facilities").
- 2. The Grantor is responsible for the maintenance and service of such Facilities to ensure conformance with all applicable plans and standards approved by the City.
- 3. The Grantor hereby grants and conveys a permanent non-exclusive easement to the City under, in, upon, across and over the land described in Exhibit B attached hereto and incorporated herein ("Easement Area"), for the purpose of maintaining, repairing, and servicing the Facilities if required as set forth herein, together with any and all rights of ingress and egress, necessary or convenient to the City to accomplish such purposes.
- 4. The Grantor shall pay for and be responsible for all costs to construct, reconstruct, repair and maintain the Property, the Easement Area and all Facilities within the Easement Area to ensure conformance with all applicable plans and standards relating to the Facilities approved by the City. The City shall not be responsible for any construction, repairs, maintenance, cleaning, snow removal or any other services on the Property, within the Easement Area or of the Facilities.

- 5. If, in the sole opinion of the City's Manager of Public Works, Facilities are not properly maintained, constructed, repaired, or serviced by Grantor, the City shall give notice to the Grantor and if maintenance, construction, repairs, servicing, or corrections are not made within the time designated in such notice, the City is authorized, but not required, to make or have made maintenance, construction, repairs, servicing or corrections. If the City performs such maintenance, construction, repair, servicing or correction, the City shall charge and collect the cost thereof from the Grantor. However, in cases of emergency, as solely determined by the City's Manager of Public Works, the City may choose to make immediate maintenance, servicing, repairs or corrections and to collect the cost thereof from the Grantor without notice.
- 6. The Grantor shall in no way consider or hold the City or its personnel liable for trespass in the performance of any of the maintenance, construction, repairing, servicing, correcting or other activities referred to herein. Grantor hereby agrees to defend, indemnify, reimburse and hold harmless City, its appointed and elected officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to the work performed under this Easement ("Claims"), unless such Claims have been specifically determined by the trier of fact to be the sole negligence or willful misconduct of the City. This indemnity shall be interpreted in the broadest possible manner to indemnify City for any acts or omissions either passive or active, irrespective of fault, including City's concurrent negligence whether active or passive, except for the sole negligence or willful misconduct of City. Grantor's duty to defend and indemnify City shall arise at the time written notice of the Claim is first provided to City regardless of whether claimant has filed suit on the Claim. Grantor's duty to defend and indemnify City shall arise even if City is the only party sued by claimant and/or claimant alleges that City's negligence or willful misconduct was the sole cause of claimant's damages. Grantor will defend any and all Claims which may be brought or threatened against City and will pay on behalf of City any expenses incurred by reason of such Claims including, but not limited to, court costs and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation. Such payments on behalf of City shall be in addition to any other legal remedies available to City and shall not be considered City's exclusive remedy. This defense and indemnification obligation shall survive the termination of this Easement.
- 7. If the Grantor forms an Owners Association to hold title to and/or administer the use, construction, repair, servicing and maintenance of the Facilities, the declaration or any similar instrument for any such Owners Association shall clearly state that the Owners Association has joint and several financial responsibility for the maintenance and repair of such Facilities, and the indemnity provisions of this Easement.
- 8. This Easement shall run with the land and shall be binding upon, jointly and severally, and shall inure to the benefit of, the parties hereto, their heirs, successors, or assigns.

- 9. This Permanent Non-Exclusive Easement shall be recorded in the Denver County real property records.
- 10. Notices required hereunder shall be in writing and shall be personally delivered or mailed by registered and certified United States mail, postage prepaid, return receipt requested to the following address, or at such other addresses that may be specified in writing:

If to City:

Manager of Public Works

201 W. Colfax, Department 608

Denver, Colorado 80202

If to Grantor:

Parker Road Properties, LLC

394 South Oneida Way Denver, Colorado 80224

11. All obligations of the City pursuant to this Easement, if any, are subject to prior appropriation of monies expressly made by the City Council for the purposes of this Easement and paid into the Treasury of the City.

[Signatures follow on next page.]

IN WITNESS WHEREOF, the Grantor hereto has executed this Permanent Non-Exclusive Easement as of the day and year first above written.

GRANTOR: Parker Road Properties, LLC

BY:	Person and Title	, Manager
	Eugene Nesbit Printed Name	
STATE O	F COLORADO)	
COUNTY	OF DENVER	
E1	oing instrument was acknowledged before men	2 8
	y hand and official seal.	
My commi	ission expires: 1 7917	Notary Public 4643 S Wester St., Ste 130 Denver Co 80237

Address

EXHIBIT A

LEGAL DESCRIPTION:

THE PROPERTY

PLOT 11 AND A PART OF PLOT 13, HUGHES MOUNTAIN VIEW SUBDIVISION, AS RECORDED AT RECEPTION NO. 357453 IN THE ARAPAHOE COUNTY, COLORADO CLERK AND RECORDER'S OFFICE AND A PART OF VACATED QUINCE STREET (ORD. 135, SERIES 1996) AS RECORDED AT RECEPTION NO. 9600021537 IN THE DENVER COUNTY, COLORADO CLERK AND RECORDERS OFFICE, AND SITUATED IN THE SW1/4 OF SECTION 16, T.4S., R.67W., OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHWEST CORNER OF SECTION 16, T.4S., R.67W., OF THE 6TH P.M.; THENCE N40°17'59"E A DISTANCE OF 696.81 FEET TO A POINT ON THE NORTHEASTERLY R.O.W. LINE OF SOUTH PARKER ROAD - (HIGHWAY 83) AND THE POINT OF BEGINNING; THENCE N16°56'02"W ALONG THE CENTERLINE OF VACATED QUINCE STREET A DISTANCE OF 305.00 FEET;

THENCE N73*03'58"E A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF PLOT 11, HUGHES MOUNTAIN VIEW SUBDIVISION;

THENCE S89'21'07'E ALONG THE NORTH LINE OF PLOT 11, A DISTANCE OF 287.14 FEET TO THE NORTHEAST CORNER OF PLOT 11;

THENCE S16°56'32"E ALONG THE EAST LINE OF PLOT 11, A DISTANCE OF 157.61 FEET TO THE SOUTHEAST CORNER OF PLOT 11:

THENCE N89*11'46"W ALONG A PORTION OF THE SOUTH LINE OF PLOT 11 A DISTANCE OF 51.24 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 2011021487 IN THE DENVER COUNTY CLERK AND RECORDERS OFFICE:

THENCE S06°03'04"W ALONG SAID EASTERLY LINE A DISTANCE OF 234.36 FEET TO A POINT ON THE NORTHEASTERLY R.O.W. LINE OF SOUTH PARKER ROAD - (HIGHWAY 83); THENCE N64"39'36"W ALONG SAID NORTHEASTERLY R.O.W. LINE A DISTANCE OF 207.36 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (87,972 SQUARE FEET) 2.0196 ACRES.

BEARINGS USED IN THE ABOVE LEGAL DESCRIPTIONS ARE BASED ON THE WEST LINE OF THE SW1/4 OF THE SW1/4 OF SECTION 16, T.4S., R67W., OF THE 6TH P.M. BEARING S00°05'23"E, BOUNDED BY A 3-1/4" BRASS CAP STAMPED LS 16398 - 1995, FOUND IN A RANGE BOX AT THE S1/16 CORNER OF SAID SECTION 16|17 AND A 3" BRASS CAP STAMPED LS 16398 - 1988, FOUND IN A RANGE BOX AT THE SW CORNER OF SAID SECTION 16.

Date prepared: January 6, 2014 Date of last revision:

Prepared by: Charles N. Beckstrom, PLS No. 33202

for and on behalf of Engineering Service Company 1300 South Potomac Street, Suite 126 Aurora. Colorado 80012

Phone: 303-337-1393



CITY AND COUNTY OF DENVER

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

DRAWN BY:

SCALE:

R.O.W. FILE#

THE PROPERTY

A PART OF PLOT 11 & PLOT 13, HUGHES MOUNTAIN VIEW SUBDIVISION AND A PORTION OF VACATED SOUTH QUINCE STREET SITUATED IN THE SW 1/4 OF SECTION 16, T.4S., R.67W., OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO

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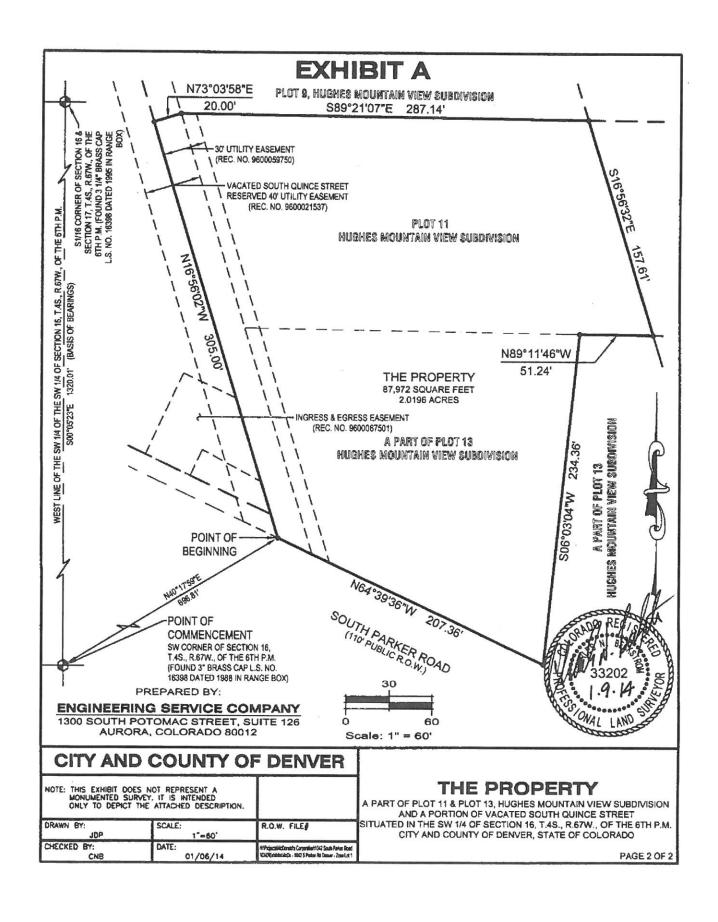


EXHIBIT B

LEGAL DESCRIPTION:

THE EASEMENT AREA

A PART OF PLOTS 11 AND 13, HUGHES MOUNTAIN VIEW SUBDIVISION, AS RECORDED AT RECEPTION NO. 357453 IN THE ARAPAHOE COUNTY, COLORADO CLERK AND RECORDER'S OFFICE AND A PART OF VACATED QUINCE STREET (ORD. 135, SERIES 1996) AS RECORDED AT RECEPTION NO. 9600021637 IN THE DENVER COUNTY, COLORADO CLERK AND RECORDERS OFFICE AND SITUATED IN THE SW1/4 OF SECTION 18, T.45., R.67W., OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHWEST CORNER OF SECTION 16, T.4S., R.67W., OF THE 6TH P.M.; THENCE N40°17'59"E A DISTANCE OF 696.81 FEET TO A POINT ON THE NORTHEASTERLY R.O.W. LINE OF SOUTH PARKER ROAD - (HIGHWAY 83) TO THE POINT OF BEGINNING; THENCE N18"56'02"W ALONG THE CENTERLINE OF VACATED QUINCE STREET A DISTANCE OF 135.68 FEET;

THENCE N26"13"36"E A DISTANCE OF 44.94 FEET; THENCE S89"21"07"E A DISTANCE OF 205.89 FEET; THENCE S00"38"01"W A DISTANCE OF 23.18 FEET

THENCE S89*21'59"E A DISTANCE OF 26.15 FEET TO A POINT ON THE NORTH LINE OF PLOT 13 AND THE EASTERLY LINE OF A PARCEL OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 2011021487 IN THE DENVER COUNTY CLERK AND RECORDERS OFFICE;;

THENCE S06°03'04"W ALONG SAID EASTERLY LINE A DISTANCE OF 234.36 FEET TO A POINT ON THE NORTHEASTERLY R.O.W. LINE OF SOUTH PARKER ROAD - (HIGHWAY 83); THENCE N64°39'36"W ALONG SAID NORTHEASTERLY R.O.W. LINE A DISTANCE OF 207.36 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (46,561 SQUARE FEET) 1.0689 ACRES.

BEARINGS USED IN THE ABOVE LEGAL DESCRIPTIONS ARE BASED ON THE WEST LINE OF THE SW1/4 OF THE SW1/4 OF SECTION 16, T.4S., R67W., OF THE 6TH P.M. BEARING S00°05'23"E, BOUNDED BY A 3-1/4" BRASS CAP STAMPED LS 16398 – 1995, FOUND IN A RANGE BOX AT THE S1/16 CORNER OF SAID SECTION 16|17 AND A 3" BRASS CAP STAMPED LS 16398 – 1988, FOUND IN A RANGE BOX AT THE SW CORNER OF SAID SECTION 16.

Date prepared: November 14, 2013 Date of last revision: January 6, 2014

Prepared by: Charles N. Beckstrom, PLS No. 33202

for and on behalf of Engineering Service Company 1300 South Potomac Street, Suite 126 Aurora, Colorado 80012 Phone: 303-337-1393 REGISTAL SECTION OF THE PROPERTY OF THE PROPER

CITY AND COUNTY OF DENVER

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

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THE EASEMENT AREA

A PART OF PLOT 11 & PLOT 13, HUGHES MOUNTAIN VIEW SUBDIVISION AND A PORTION OF VACATED SOUTH QUINCE STREET SITUATED IN THE SW 1/4 OF SECTION 16, T.4S., R.67W., OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO

PAGE 1 OF 2

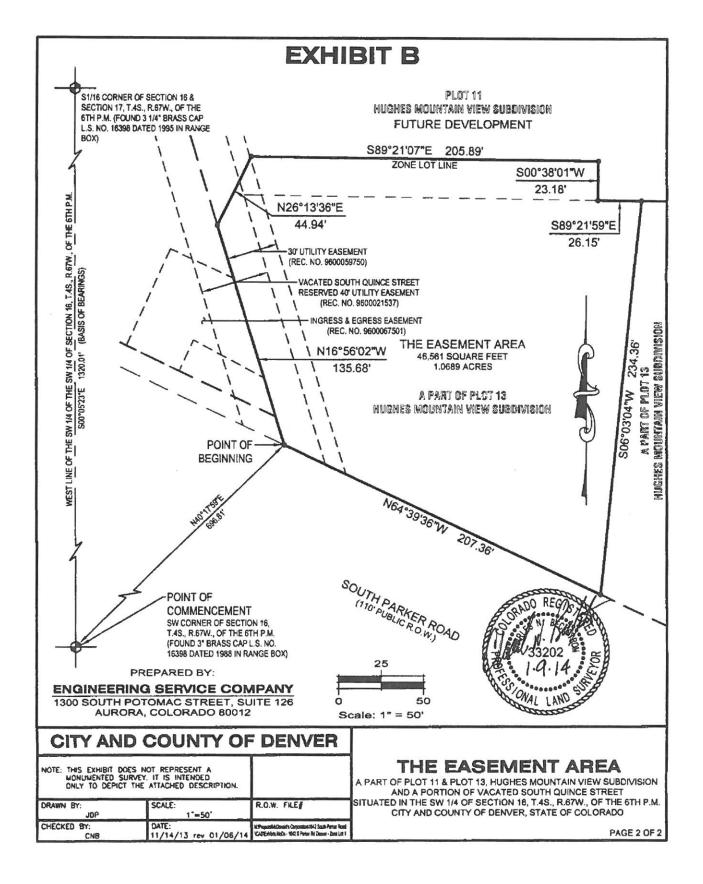


EXHIBIT A

That parcel as described in Exhibit B (the Easement Area) of a Permanent Non-Exclusive Easement to the City and County of Denver, recorded on the 13th of January, 2014, at Reception Number 2014003336 in the City and County of Denver Clerk and Recorder's Office, State of Colorado:

A part of PLOTS 11 and 13, HUGHES MOUNTAIN VIEW SUBDIVISION, as recorded at Reception No. 357453 in the Arapahoe County, Colorado Clerk and Recorder's office and a part of Vacated Quince Street (Ord. 135, Series 1996) as recorded at Reception No. 9600021537 in the Denver County, Colorado Clerk and Recorders Office and situated in the SW1/4 of Section 16, T.4S., R.67W., of the 6th P.M., City and County of Denver, State of Colorado, and being more particularly described as follows:

Commencing at Southwest Corner of Section 16, T.4S., R.67W., of the 6th P.M.; Thence N40°17'59"E a distance of 696.81 feet to a point on the Northeasterly R.O.W. Line of South Parker Road - (Highway 83) to the **Point of Beginning**; Thence N16°56'02"W along the centerline of Vacated Quince Street a distance of 135.68 feet;

Thence N26°13'36"E a distance of 44.94 feet:

Thence S89°21'07"E a distance of 205.89 feet;

Thence S00°38'01"W a distance of 23.18 feet

Thence S89°21'59"E a distance of 26.15 feet to a point on the North Line of PLOT 13 and the Easterly Line of a parcel of land described in Special Warranty Deed recorded at Reception No. 2011021487 in the Denver County Clerk and Recorders Office;

Thence S06°03'04"W along said Easterly Line a distance of 234.36 feet to a point on the Northeasterly R.O.W. Line of South Parker Road - (Highway 83);

Thence N64°39'36"W along said Northeasterly R.O.W. Line a distance of 207.36 feet to the **Point of Beginning**.

Parcel Contains (46,561 Square Feet) 1.0689 Acres.

Bearings used in the above legal description are based on the West Line of the SW1/4 of the SW1/4 of Section 16, T.4S., R67W., of the 6th P.M. bearing S00°05'23"E, bounded by a 3-1/4" Brass Cap stamped LS 16398 – 1995, found in a Range Box at the S1/16 Corner of said Section 16|17 and a 3" Brass Cap stamped LS 16398 – 1988, found in a Range Box at the SW Corner of said Section 16.

Date prepared: November 2, 2016

Date of last revision:

Prepared by: Charles N. Beckstrom, PLS No. 33202

for and on behalf of Engineering Service Company 14190 E. Evans Ave. Aurora, Colorado 80014 Phone: 303-337-1393

cbeckstrom@engineeringserviceco.com

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