

ORDINANCE/RESOLUTION REQUEST

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: July 24, 2017

Please mark one: ☒ Bill Request or ☐ Resolution Request

1. Has your agency submitted this request in the last 12 months?

☐ Yes ☒ No

If yes, please explain:

2. Title: (Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates 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 easements established in the Vestals Sunset Terrace Filing No. 4 with recorded on April 2, 1956 at Book 23, Page 5 at the City and County of Denver Clerk and Records Office. Located at 5405 E Bails Drive.

3. Requesting Agency: PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

4. Contact Person: (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Chaunda Sinn
- **Phone:** 720-865-3036
- **Email:** chaunda.sinn@denvergov.org

5. Contact Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

- **Name:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** angela.casias@denvergov.org

6. General description/background of proposed ordinance including contract scope of work if applicable:

Request for an Ordinance to relinquish a portion of the easements established in the Vestals Sunset Terrace Filing No. 4 with recorded on April 2, 1956 at Book 23, Page 5 at the City and County of Denver Clerk and Records Office. Located at 5405 E Bails Drive.

****Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** 5405 E Bails Drive
- d. **Affected Council District:** Dist # 6, Kashmann
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

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-0000006

DATE: July 24, 2017

SUBJECT: Request for an Ordinance to relinquish a portion of the easements established in the Vestals Sunset Terrace Filing No. 4 with recorded on April 2, 1956 at Book 23, Page 5 at the City and County of Denver Clerk and Records Office. Located at 5405 E Bails 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 Joel Seamons, dated March 13, 2017 on behalf of Austin Sittko of E Bails Dr LLC 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-0000006-001 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 – Zach Rothmier
- 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

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2017-RELINQ-0000006 Vestals Sunset Terrace Filing No 4 at 5405 E Bails Dr

Owner name: Austin Sittko, E Bails Dr LLC

Description of Proposed Project: Request for an Ordinance to relinquish a portion of the easements established in the Vestals Sunset Terrace Filing No. 4 with recorded on April 2, 1956 at Book 23, Page 5 at the City and County of Denver Clerk and Records Office. Located at 5405 E Bails Drive.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: For new development

Background: This easement was originally platted on the subdivision map for a 10' utility easement but a new easement has been established to take its place.

Location Map:



EXHIBIT "A"

2017-RELINQ-0000006-001

A PORTION OF A 10 FOOT UTILITY EASEMENT DEDICATED BY THE PLAT OF VESTALS SUNSET TERRACE FILING NO. 4 AS RECORDED ON APRIL 2, 1956 AT BOOK 23, PAGE 5 AT THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE. SITUATED IN LOT 2 AND LOT 3, VESTALS SUNSET TERRACE FILING NO. 6 AS RECORDED ON FEBRUARY 4, 2016 AT RECEPTION NO. 2016013674 AT SAID CLERK AND RECORDER'S OFFICE, BEING A PART OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY MOST CORNER OF SAID LOT 2, WHENCE THE WEST LINE OF SAID LOTS 2 AND 3, ALSO BEING A PORTION OF THE WESTERLY LINE OF SAID VESTALS SUNSET TERRACE FILING NO. 6, BEARS NORTH 00°00'00" EAST AS SHOWN ON THE PLAT OF SAID VESTALS SUNSET TERRACE FILING NO. 6, SAID LINE BEING THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE ALONG A SOUTHERLY LINE OF SAID LOT 2, NORTH 89°59'53" EAST, A DISTANCE OF 17.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE THROUGH SAID LOTS 2 AND 3 AND PARALLEL WITH THE WESTERLY LINE OF SAID LOTS 2 AND 3, NORTH 00°00'00" EAST, A DISTANCE OF 162.66 FEET TO A NORTHERLY LINE OF SAID LOT 3;

THENCE ALONG SAID NORTHERLY LINE OF LOT 3, NORTH 89°59'53" EAST, A DISTANCE OF 10.00 FEET TO THE COMMON CORNER OF SAID LOT 3 AND LOT 3 OF VESTALS SUNSET TERRACE FILING NO. 4;

THENCE THROUGH SAID LOTS 3 AND 2 OF SAID VESTALS SUNSET TERRACE FILING NO. 6 AND PARALLEL WITH THE WESTERLY LINE OF SAID LOTS 3 AND 2, SOUTH 00°00'00" EAST, A DISTANCE 162.66 FEET TO THE COMMON CORNER OF SAID LOT 2 AND LOT 5 OF SAID VESTALS TERRACE FILING NO. 4;

THENCE ALONG A SOUTHERLY LINE OF SAID LOT 2, SOUTH 89°59'53" WEST, A DISTANCE OF 10.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1627 SQUARE FEET (0.04 ACRE), MORE OR LESS.

LAND DESCRIPTION STATEMENT:

I, RY PATRICK RUSK, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LAND DESCRIPTION AND ILLUSTRATION WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF ARE CORRECT.

RY PATRICK RUSK
PLS NO. 38226
FORESIGHT WEST SURVEYING, INC.
4955 IRIS STREET
WHEAT RIDGE, CO 80033
303.901.0479



NOTES

*THIS DESCRIPTION IS NOT THE RESULT OF A MONUMENTED LAND SURVEY.

Revision	Date
0	02.23.17
1	04.24.17
2	05.09.17
Complied By: J. Payne	
Scaled for 8 1/2" x 11"	

FWS FORESIGHT WEST
SURVEYING INC.

4955 Iris Street
Wheat Ridge, Colorado 80033
303.504.4440

Job No.: 2017031

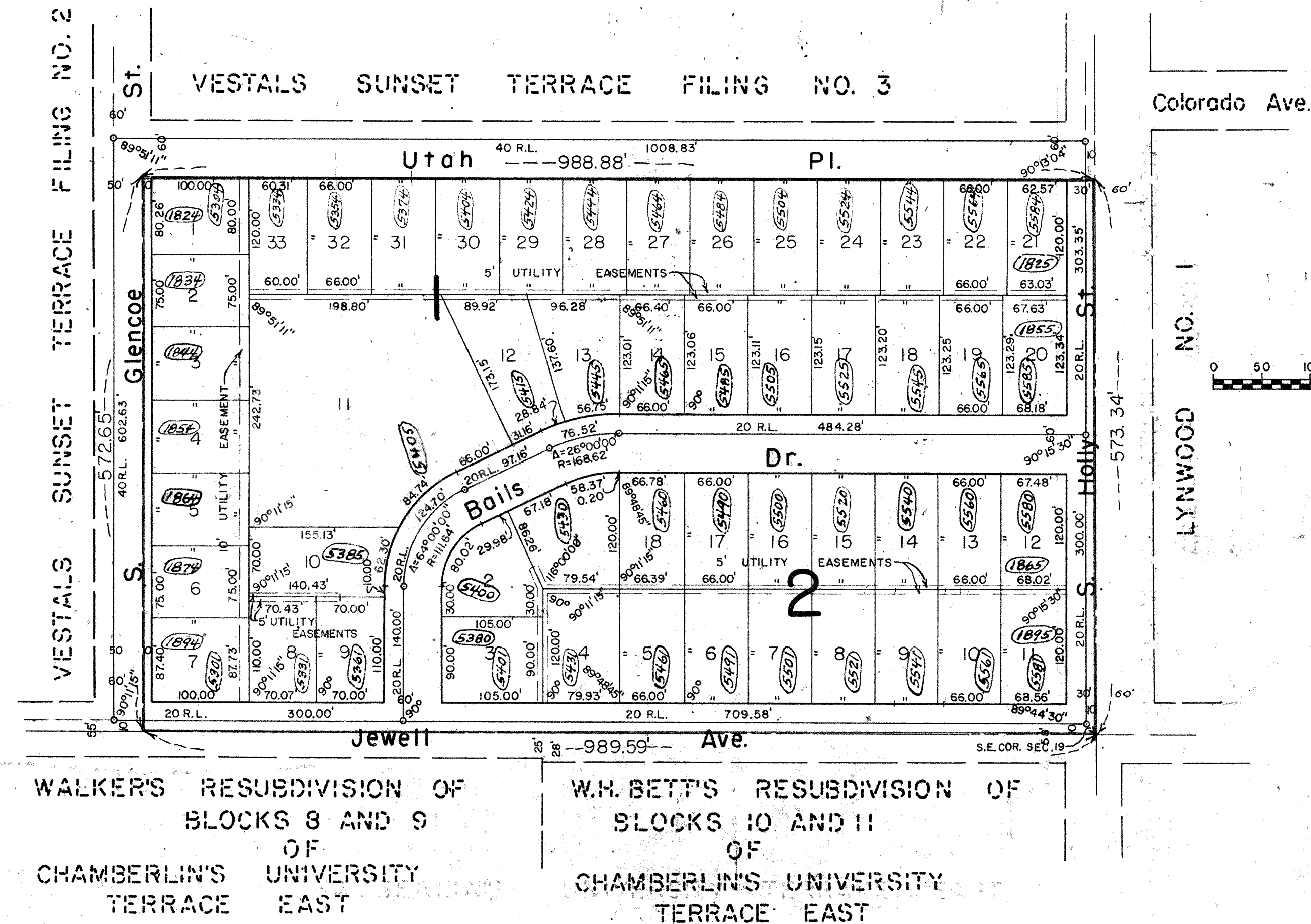
Sheet: 1 of 2

SCALE: 1" = 20 U.S. SURVEY FEET

VESTALS SUNSET TERRACE FILING NO. 4

A PART OF THE SE.1/4 OF THE S.E.1/4 OF SEC.19, T.4S., R.67W. OF THE 6TH.P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO

10



(0000) Indicates house number applicable to lot.
Not shown on official recorded plat.

KNOW ALL MEN BY THESE PRESENTS that Garfield Homes, Inc., a Colorado Corporation, Don E. Vestal as President and Fred E. Vestal as Secretary, and James G. Patton and Velma Adeline Patton, as individuals, being the owners of a part of the Southeast One-quarter (S.E.1/4) of the Southeast One-quarter (S.E.1/4) of Section Nineteen (Sec.19), Township Four South (T.4S.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th.P.M.), City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at the southeast corner of Section Nineteen (Sec.19), thence north and along the east line of said Section Nineteen (Sec.19) a distance of 573.34 feet, more or less, to the south line of Utah Place as platted in Vestals Sunset Terrace Filing No. 3; thence westerly along the south line of said Utah Place a distance of 988.88 feet, more or less, to the east line of South Glencoe Street as platted in Vestals Sunset Terrace Filing No. 2; thence south along the east line of said South Glencoe Street a distance of 572.65 feet, more or less, to a point on the south line of said Section Nineteen (Sec.19); thence east along said south line a distance of 989.59 feet, more or less, to the point of beginning; have laid out, platted, and subdivided the above described land under the name and style of VESTALS SUNSET TERRACE FILING NO. 4, and by these presents do dedicate to the public the streets, avenues, and other public places shown hereon and not otherwise already dedicated for public use, also public utility easements as shown.

Witness our hands this 10th day of FEBRUARY A.D. 1956

Garfield Homes, Inc.

Don E. Vestal
Don E. Vestal as President

Fred E. Vestal
Fred E. Vestal as Secretary

James G. Patton
James G. Patton

Velma Adeline Patton
Velma Adeline Patton

STATE OF COLORADO)
CITY AND COUNTY OF DENVER)
I, the undersigned, a Notary Public for the State of Colorado, do hereby certify that the foregoing instrument was acknowledged before me this 10th day of FEBRUARY A.D. 1956, by Garfield Homes, Inc., a Colorado Corporation, Don E. Vestal as President and Fred E. Vestal as Secretary, and James G. Patton and Velma Adeline Patton, as individuals.

Witness my hand and seal. My commission expires OCTOBER 20, 1956.

I hereby certify that I have examined the Abstract of Title to the land described hereon and find the title to the streets, avenues, and other public places to be in the above named dedicators this 7th day of MARCH A.D. 1956, at 3:00 o'clock P.M., free and clear of encumbrances, according to said abstract.

John C. Banks
Attorney for the City and County of Denver

I hereby certify that the survey represented by this map is accurate and in conformity with the requirements of Sections 342.3 to 342.3-9 inclusive, Revised Municipal Code of the City and County of Denver.

Dwight Schmitt
Engineer, City and County of Denver

Approved by the Zoning Administrator.

John M. Lucas
Zoning Administrator

Approved by the Denver Planning Office.

Geo. Douglas P. Brown
Planning Director

Approved by the Council of the City and County of Denver by Ordinance No. 99 of the series of 1956.
Witness my hand and the corporate seal of the City and County of Denver this 2nd day of April A.D. 1956.

Robert E. Lee
Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver

George M. Mendenhall
Deputy Clerk and Recorder

I hereby certify that the survey for this plat has been made in agreement with the records on file in the Office of the City Engineer of the City and County of Denver and that the plat is in conformity with such records.

Malcolm R. Meurer
Malcolm R. Meurer, Registered Land Surveyor

01852

STATE OF COLORADO)
City and County of Denver)
I hereby certify that this instrument was filed for record in my office at 1:06 o'clock P.M. April 2nd, 1956, and duly recorded in Book 23, Page 5.

Esther Bennett
Deputy Clerk and Recorder