

#### **Department of Public Works**

Engineering Regulatory & Analytics 201 W. Colfax Avenue, Dept. 507 Denver, CO 80202 720-865-3001 www.denvergov.org/survey

### REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

**TO:** Caroline Martin, City Attorney's Office

FROM: Matt Bryner

Acting Director, Public Works Right of Way Services

**PROJECT NO:** 2018-RELINQ-0000010

**DATE:** July 26, 2018

**SUBJECT:** Request for an Ordinance to relinquish a portion of two (2) easements as established in

Vacating Ordinance No. 23, Series of 1985 and Vacating Ordinance 273, Series of 1988; and also to relinquish three (3) easements in their entirety as established in Vacating Ordinance No. 218, Series of 1926; Vacating Ordinance No. 62, Series of 1945; and Vacating Ordinance No. 522, Series of 1982, respectively. Located at S Broadway between E Mississippi Ave. and E Kentucky Ave. except for Vacating Ordinance No. 522, Series of 1982 which is located at W

Ohio Ave. and S Cherokee St.

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

This office has investigated the request of William Silberstein, dated June 14, 2018, on behalf of BSP East, LLC and BSP West, 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 Jolon Clark of District 7; 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 2018-RELINQ-0000010-001 HERE INSERT PARCEL DESCRIPTION 2018-RELINQ-0000010-002 HERE INSERT PARCEL DESCRIPTION 2018-RELINQ-0000010-003 HERE INSERT PARCEL DESCRIPTION 2018-RELINQ-0000010-004 HERE INSERT PARCEL DESCRIPTION 2018-RELINQ-0000010-005 HERE

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

MB:bp

City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Brent Eisen
Department of Law – Deanne Durfee
Public Works, Manager's Office – Alba Castro
Public Works, Legislative Services – Sarah Stanek
Public Works, Survey – Paul Rogalla

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Sarah Stanek

at <u>Sarah.Stanek@DenverGov.org</u> by **12:00pm on <u>Monday</u>**. Contact her with questions.

		Date of Request:	July 26, 2018
Please mark one:   Bill Request or	☐ Resolution Reques	t	
1. Type of Request:			
☐ Contract/Grant Agreement ☐ Intergovernmental A	Agreement (IGA) 🔲 R	ezoning/Text Amendmen	ıt
☐ Dedication/Vacation ☐ Appropriation/Suppl	emental D	RMC Change	
<b>◯</b> Other: Easement Relinquishment			
2. Title: (Start with <i>approves</i> , <i>amends</i> , <i>dedicates</i> , etc., includ acceptance, contract execution, contract amendment, mur			ype of request: grant
William Silberstein, on behalf of BSP East, LLC and BSF easements as established in Vacating Ordinance No. 23, S relinquish three (3) easements in their entirety as establish No. 62, Series of 1945; and Vacating Ordinance No. 522, Mississippi Ave. and E Kentucky Ave. except for Vacatin and S Cherokee St.	Series of 1985 and Vacat hed in Vacating Ordinand Series of 1982, respective	ng Ordinance 273, Series of the No. 218, Series of 1926; rely. Located at S Broadway	of 1988; and also to Vacating Ordinance by between E
<ul><li>3. Requesting Agency: Public Works; Engineering, Analyst</li><li>4. Contact Person:</li></ul>	tics, and Regulatory Dep	:.	
Contact Person:  Contact person with knowledge of proposed	Contact person to p	oresent item at Mayor-Cou	ncil and
ordinance/resolution	Council	1.	
Name: Brittany Pirtle  Email: Brittany.Pirtle@denvergov.org	Name: Sarah St Email: Sarah.St	anek@denvergov.org	
5. General description or background of proposed request Request for an Ordinance to relinquish a portion of two (2) ea Vacating Ordinance 273, Series of 1988; and also to relinquish Ordinance No. 218, Series of 1926; Vacating Ordinance No. 6 respectively. Located at S Broadway between E Mississippi A	sements as established in th three (3) easements in the 52, Series of 1945; and V	Vacating Ordinance No. 2 heir entirety as established acating Ordinance No. 522	23, Series of 1985 and I in Vacating 2, Series of 1982,
of 1982 which is located at W Ohio Ave. and S Cherokee St.  6. City Attorney assigned to this request (if applicable):	Brent Eisen		
7. City Council District: District 7; Councilman Jolon Clar	k		
8. **For all contracts, fill out and submit accompanying	Key Contract Terms w	orksheet**	
To be completed b	by Mayor's Legislative To	eam:	
Resolution/Bill Number:	Date	Entered:	

# **Key Contract Terms**

Type of Cont	tract: (e.g. Professional Services	> \$500K; IGA/Grant Agreement, Sal	e or Lease of Real Property):		
Vendor/Cont	tractor Name:				
Contract con	ntrol number:				
<b>Location:</b>					
Is this a new	contract?  Yes No Is t	this an Amendment?  Yes N	o If yes, how many?		
Contract Ter	rm/Duration (for amended contra	acts, include <u>existing</u> term dates and <u>e</u>	amended dates):		
Contract Am	nount (indicate existing amount, a	mended amount and new contract to	otal):		
	Current Contract Amount	Additional Funds	Total Contract Amount		
	(A)	(B)	(A+B)		
		, ,			
	Current Contract Term	Added Time	New Ending Date		
Scope of wor	k;				
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/I	DBE commitments (construction,	design, Airport concession contracts	):		
Who are the	subcontractors to this contract?				
	To b	e completed by Mayor's Legislative Teo	7m·		
Dagalestias /D'					
resolution/Bi	esolution/Bill Number: Date Entered:				

Right-of-Way Engineering Services

Engineering, Regulatory & Analytics Office



201 W Colfax Ave, Dept. 507 Denver, CO 80202 720-865-3003 www.denvergov.org

# **EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY**

Project Title: 2018-RELINQ-0000010, Broadway Station Relinquishment

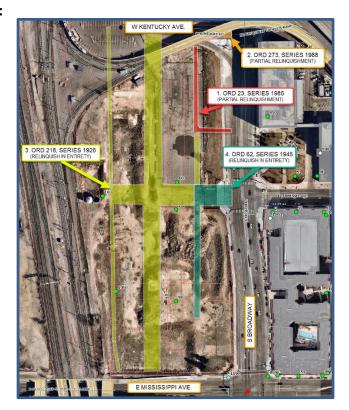
Owner name: Broadway Station Partners, LLC

**Description of Proposed Project:** Request for an Ordinance to relinquish a portion of two (2) easements as established in Vacating Ordinance No. 23, Series of 1985 and Vacating Ordinance 273, Series of 1988; and also to relinquish three (3) easements in their entirety as established in Vacating Ordinance No. 218, Series of 1926; Vacating Ordinance No. 62, Series of 1945; and Vacating Ordinance No. 522, Series of 1982, respectively. Located at S Broadway between E Mississippi Ave. and E Kentucky Ave. except for Vacating Ordinance No. 522, Series of 1982 which is located at W Ohio Ave. and S Cherokee St.

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

Background: A separate easement relinquishment was submitted to City Council under 2017-RELINQ-0000012 on 6/22/18. The owner is wanting to redevelop the area and the easements are no longer in use.

#### Location Map No. 1 of 2:





## Location Map No. 2 of 2:



#### 2018-RELINQ-0000010-001



1601 Blake Street, Suite 200 Denver, Colorado 80202 Phone: 303-572-0200 Fax: 303-572-0202 www.matrixdesigngroup.com

# EXHIBIT A (ORD 23 SERIES 1985-RELINQUISHMENT)

A PARCEL OF LAND BEING A PORTION OF LOTS 1 AND 2, BLOCK 2, AND TRACT G OF <u>BROADWAY STATION</u> <u>FILING NO. 1</u> RECORDED ON MAY 25, 2017 IN THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER UNDER RECEPTION NUMBER 2017068642; LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE EAST LINE OF SAID <u>BROADWAY STATION FILING NO. 1</u>; MONUMENTED ON THE NORTH END BY A FOUND 1-1/2" ALUMINUM TAG STAMPED "MATRIX, PLS 38421", AND ON THE SOUTH END BY A FOUND 1-1/2" ALUMINUM CAP STAMPED "GRIENER ENG. LS 19611" AND IS SAID TO BEAR SOUTH 00°44'36" EAST, 1275.42 FEET.

**COMMENCE** AT THE NORTH END OF SAID EAST LINE; THENCE SOUTH 00°44'36" EAST, ALONG SAID EAST LINE, A DISTANCE OF 357.69 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE SOUTH 00°44'36" EAST, ALONG SAID EAST LINE, A DISTANCE OF 18.00 FEET;

THENCE SOUTH 89°59'39" WEST, A DISTANCE OF 139.89 FEET;

THENCE NORTH 00°45'34" WEST, A DISTANCE OF 317.99 FEET;

THENCE SOUTH 89°58'12" EAST, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 00°45'34" EAST, A DISTANCE OF 289.98 FEET;

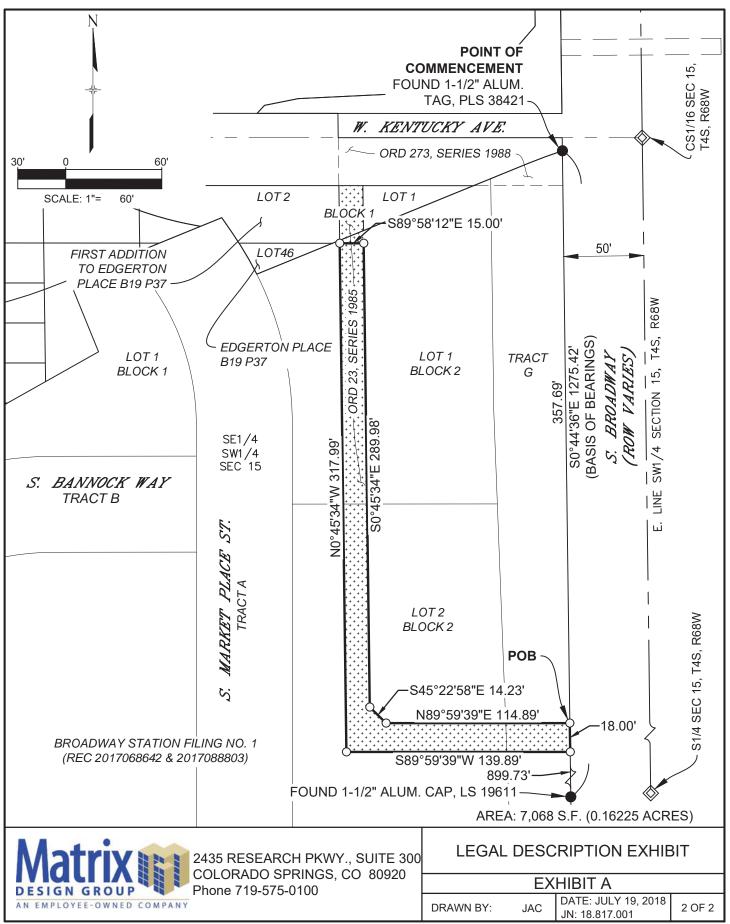
THENCE SOUTH 45°22'58" EAST, A DISTANCE OF 14.23 FEET;

THENCE NORTH 89°59'39" EAST, A DISTANCE OF 114.89 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 7,068 SQUARE FEET OR (0.16225 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



JUSTIN A. CONNER, PLS 38421
PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP, INC.
2435 RESEARCH PKWY, SUITE 300
COLORADO SPRINGS, CO 80920
PH. (719)575-0100



#### 2018-RELINQ-0000010-002



1601 Blake Street, Suite 200 Denver, Colorado 80202 Phone: 303-572-0200 Fax: 303-572-0202 www.matrixdesigngroup.com

# EXHIBIT A (ORD 273 SERIES 1988-RELINQUISHMENT)

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 2, AND TRACT G OF *BROADWAY STATION FILING NO. 1* RECORDED ON MAY 25, 2017 IN THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER UNDER RECEPTION NUMBER 2017068642 LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE EAST LINE OF SAID *BROADWAY STATION FILING NO. 1*; MONUMENTED ON THE NORTH END BY A FOUND 1-1/2" ALUMINUM TAG STAMPED "MATRIX, PLS 38421", AND ON THE SOUTH END BY A FOUND 1-1/2" ALUMINUM CAP STAMPED "GRIENER ENG. LS 19611" AND IS SAID TO BEAR SOUTH 00°44'36" EAST, 1275.42 FEET.

**BEGINNING** AT THE NORTH END OF SAID EAST LINE; THENCE SOUTH 00°44'36" EAST, ALONG SAID EAST LINE, A DISTANCE OF 21.79 FEET TO THE SOUTH LINE OF AN ORDINANCE 273 SERIES OF 1988 RECORDED ON MAY 16, 1988 IN SAID RECORDS UNDER RECEPTION NUMBER R-88-0266740;

THENCE NORTH 89°58'12" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 55.74 FEET TO THE NORTH LINE OF THE PREVIOUSLY MENTIONED BROADWAY STATION FILING NO. 1;

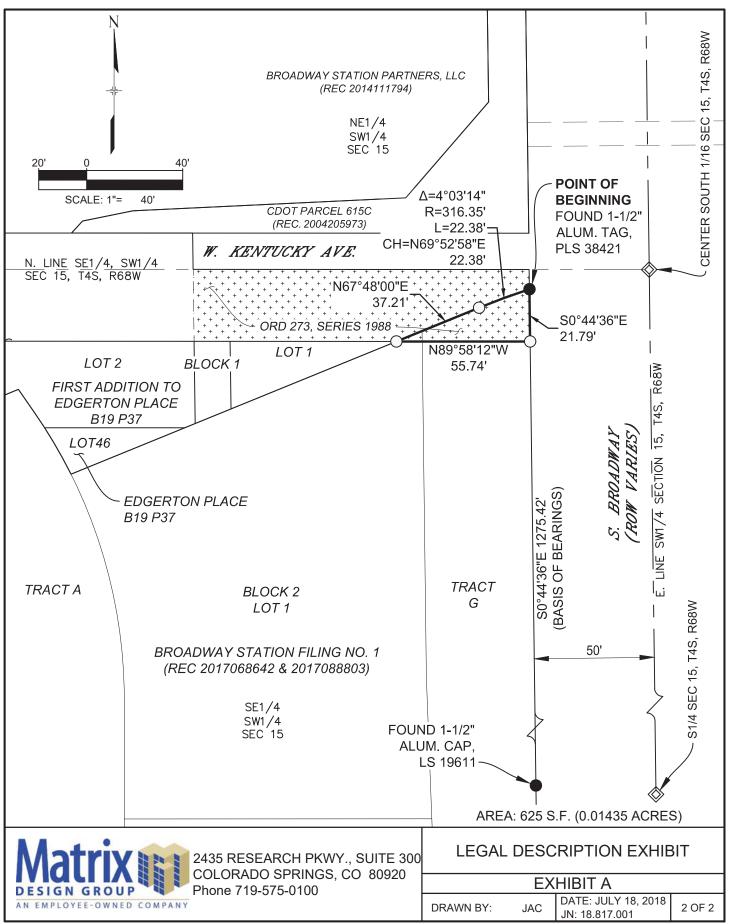
THENCE ALONG THE NORTH LINE OF SAID <u>BROADWAY STATION FILING NO. 1</u> THE FOLLOWING 2 COURSES:

- 1. THENCE NORTH 67°48'00" EAST, A DISTANCE OF 37.21 FEET TO A 316.35 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 22°08'39" EAST;
- 2. THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°03'14", AN ARC DISTANCE OF 22.38 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 625 SQUARE FEET OR (0.01435 ACRES), MORE OR LESS. AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



JUSTIN A. CONNER, PLS 38421 PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP, INC. 2435 RESEARCH PKWY, SUITE 300 COLORADO SPRINGS, CO 80920 PH. (719)575-0100



## EASEMENT RELINQUISHMENT EXHIBIT "A" JANUARY 21, 2015

BEING ALL OF BOOK 3943 AT PAGE 271, RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 15, AS MONUMENTED BY A 3.25-INCH BRASS CAP STAMPED "GRIENER ENG, 1/4, 15/22, LS 19611, 1986" IN A MONUMENT BOX AND STONE WITH NOTCH SET 1 FOOT DEEP IN A RANGE BOX AND IS ASSUMED TO BEAR NORTH 00°44'35" WEST;

THAT PORTION OF SOUTH ACOMA STREET LYING BETWEEN BLOCKS 1 AND 2, FIRST ADDITION TO EDGERTON PLACE, BLOCKS 1 AND 2, EDGERTON PLACE, AND BLOCKS 1 AND 2, LAWRENCE'S BROADWAY ADDITION AND EXTENDING FROM THE PRODUCED SOUTH LINE OF BLOCK 1, LAWRENCE'S BROADWAY ADDITION EXTENDING WESTERLY TO THE PRODUCED NORTH LINE OF BLOCK 1, FIRST ADDITION TO EDGERTON PLACE, EXTENDED WESTERLY;

THAT PORTION OF WEST KENTUCKY AVENUE LYING BETWEEN THE PRODUCED EAST AND WEST LINES OF THE ALLEY IN BLOCK 2, FIRST ADDITION TO EDGERTON PLACE, EXTENDED NORTH;

THAT PORTION OF WEST TENNESSEE AVENUE EXTENDING FROM THE PRODUCED WEST LINE OF THE ALLEY IN BLOCK 1, EDGERTON PLACE EXTENDED TO THE PRODUCED WEST LINE OF THE ALLEY IN BLOCK 2, EDGERTON PLACE EXTENDED SOUTH;

THAT PORTION OF THE PUBLIC ALLEY IN BLOCK 1, EDGERTON PLACE, DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 23 IN SAID BLOCK 1; THENCE NORTH ALONG THE EAST LINE OF THE ALLEY IN SAID BLOCK, 247.85 FEET, MORE OR LESS, TO A POINT 18 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 13 IN SAID BLOCK;

THENCE WEST 15 FEET TO A POINT ON THE WEST LINE OF SAID ALLEY 18 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 34, IN SAID BLOCK;

THENCE SOUTH 247.84 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 24 IN SAID BLOCK AND

THENCE EAST 15 FEET TO THE PLACE OF BEGINNING;

ALL OF THE PUBLIC ALLEY IN BLOCK 2, FIRST ADDITION OF EDGERTON PLACE, ALSO ALL OF THE NORTH AND SOUTH PUBLIC ALLEY IN BLOCK 2, EDGERTON PLACE AND

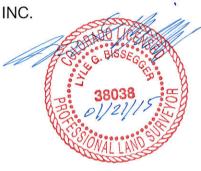
ALL OF THE PUBLIC ALLEY IN BLOCK 2, LAWRENCE'S BROADWAY ADDITION

THE ABOVE DESCRIBED PARCEL CONTAINS 108,282 SQUARE FEET OR 2.486 ACRE, MORE OR LESS.

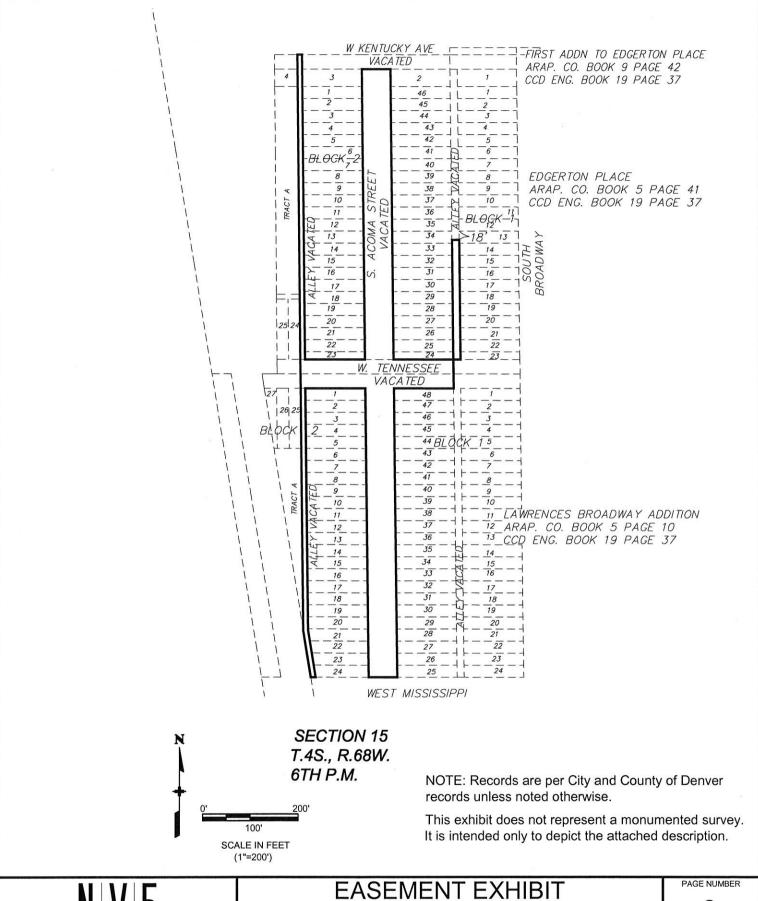
EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

I, LYLE G. BISSEGGER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF ARE CORRECT.

FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.



Lyle G. Bissegger, PLS 38038 8000 South Chester Street, Suite 200 Centennial, CO 80112



8000 S. Chester Street, Suite 200 303.220.6400 TEL 303.220.9001 FAX

Centennial, CO 80112 WWW.NV5.COM

2 PAGES

Prepared for: FRONTIER RENEWAL

Date submitted: 01/21/2015

JOB NUMBER DVB0351

## EASEMENT RELINQUISHMENT EXHIBIT "A" JANUARY 21, 2015

BEING ALL OF BOOK 5965 AT PAGE 215, RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 15, AS MONUMENTED BY A 3.25-INCH BRASS CAP STAMPED "GRIENER ENG, 1/4, 15/22, LS 19611, 1986" IN A MONUMENT BOX AND STONE WITH NOTCH SET 1 FOOT DEEP IN A RANGE BOX AND IS ASSUMED TO BEAR NORTH 00°44'35" WEST:

THAT PORTION OF WEST TENNESSEE AVENUE, LYING BETWEEN EDGERTON PLACE AND LAWRENCE'S BROADWAY ADDITION AND THE WEST LINE OF SOUTH BROADWAY AND THE WEST LINE OF THE ALLEY, EXTENDED NORTH IN BLOCK 1, LAWRENCE'S BROADWAY ADDITION;

AND THE PORTION OF THE ALLEY IN BLOCK 1, LAWRENCE'S BROADWAY ADDITION, LYING NORTH OF THE SOUTH LINE OF LOT 16 EXTENDED WEST IN SAID BLOCK 1

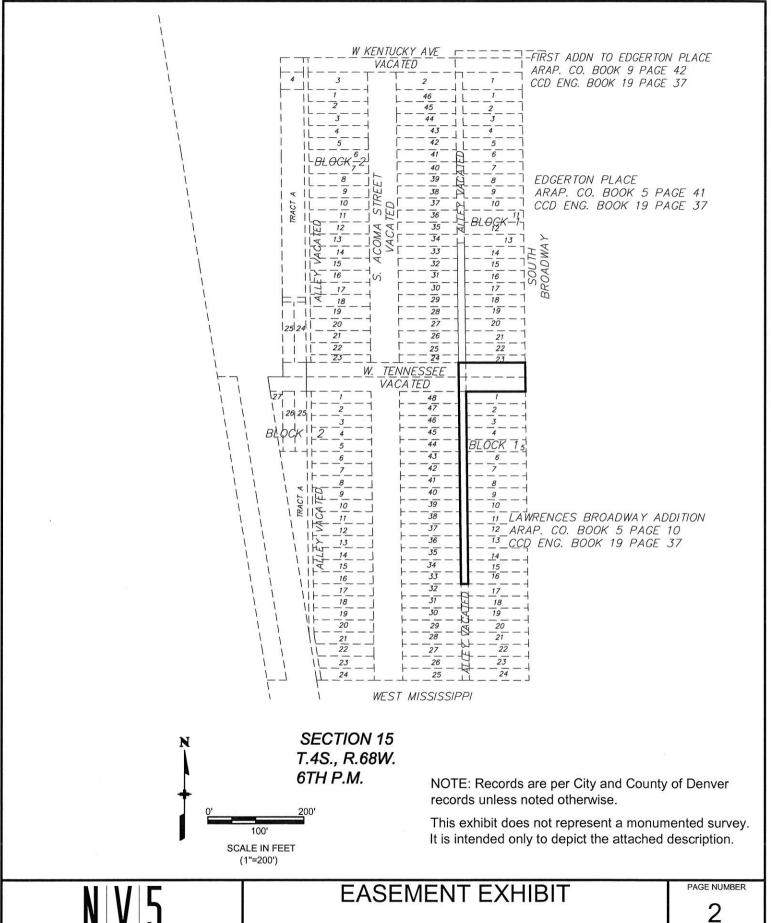
THE ABOVE DESCRIBED PARCEL CONTAINS 14,401 SQUARE FEET OR 0.331 ACRE, MORE OR LESS.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

I, LYLE G. BISSEGGER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF ARE CORRECT.

FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.

Lyle G. Bissegger, PLS 38038 8000 South Chester Street, Suite 200 Centennial, CO 80112



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Prepared for: FRONTIER RENEWAL

Date submitted: 01/21/2015

JOB NUMBER DVB0351

PAGES

2

## EASEMENT RELINQUISHMENT EXHIBIT "A" JANUARY 21, 2015

BEING ALL OF BOOK 2661 AT PAGE 377, RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 15, AS MONUMENTED BY A 3.25-INCH BRASS CAP STAMPED "GRIENER ENG, 1/4, 15/22, LS 19611, 1986" IN A MONUMENT BOX AND STONE WITH NOTCH SET 1 FOOT DEEP IN A RANGE BOX AND IS ASSUMED TO BEAR NORTH 00°44'35" WEST;

THAT PART OF THE ALLEY IN BLOCK 1, SYLVESTER'S ADDITION TO VANDERBILT PARK, LYING BETWEEN THE NORTH LINE OF LOT 8, SAID BLOCK 1, EXTENDED EASTERLY, SAID NORTH LONE ALSO BEING THE SOUTHERLY RIGHT OF WAY OF VALLEY HIGHWAY AND THE SOUTH LINE OF BLOCK 1..

THE ABOVE DESCRIBED PARCEL CONTAINS 4,816 SQUARE FEET OR 0.111 ACRE, MORE OR LESS.

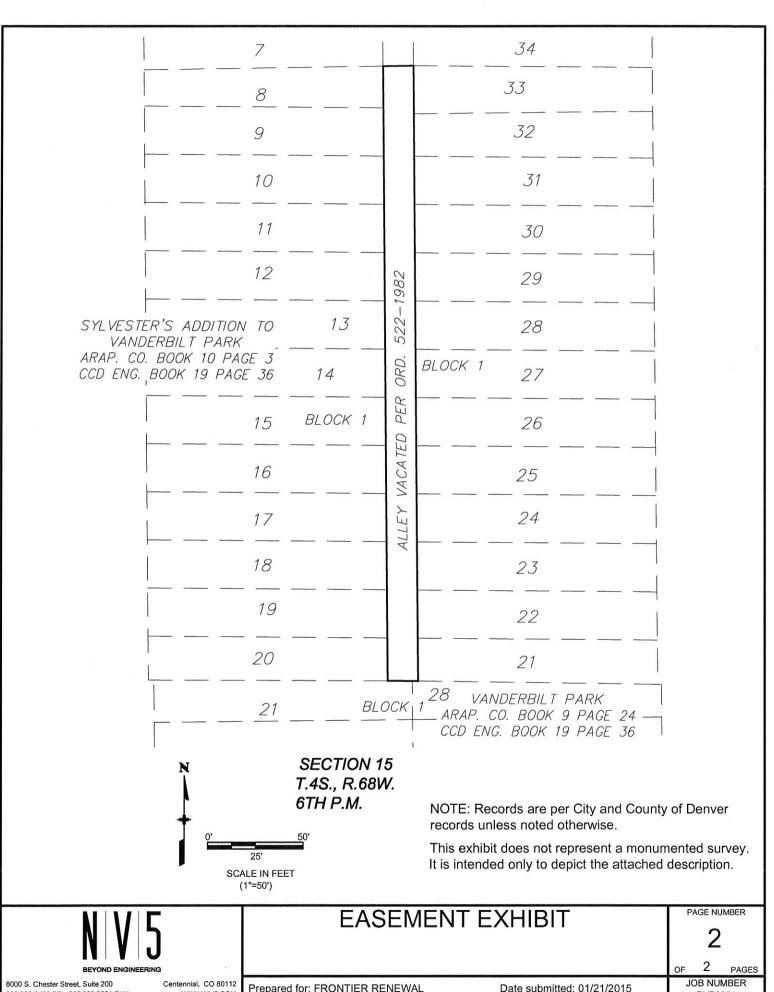
EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

I, LYLE G. BISSEGGER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF ARE CORRECT.

FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.



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