



201 W Colfax Ave, Dept. 507
Denver, CO 80202
720.865.3001
Denver.ROW@denvergov.org
www.denvergov.org/survey

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO:

Charlene Thompson, City Attorney's Office

FROM:

Robert J. Duncarison, P.E.

Manager 2, Development Engineering Services

PROJECT NO: 2016-RELINQ-0000001

DATE:

February 19, 2016

SUBJECT:

Request to relinquish two utility easements dedicated by Deed of

Easement, recorded 05/17/1996, at Reception No. 1996067098

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

This office has investigated the request of Charles A. Garcia with Freeland and Kauffman, Inc. on behalf of the owner, SRE Colorado -- 5 CC, LLC. Utilities have been rerouted and the existing sewer is no longer receiving flows, resulting in no purpose for the 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 areas:

INSERT PARCEL DESCRIPTION 2016-RELINQ-0000001-001 HERE

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

RJD: cmc

cc: City Councilperson & Aides (#6 – Paul Kashmann)
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



2016-RELINQ-000001



(2) EASEMENTS TO BE RELINQUISHED:

BEING EACH AND ALL OF THOSE TWO (2) CERTAIN UTILITY EASEMENTS AS GRANTED IN THAT CERTAIN "DEED OF EASEMENT" RECORDED MAY 17, 1996 AT RECEPTION NO. 9600067098, LYING WITHIN THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT RELINQUISHMENT NO. 1

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW ¼) OF SAID SOUTHWEST QUARTER (SW ¼), FROM WHENCE THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW ¼) OF SAID SOUTHWEST QUARTER (SW ¼) BEARS NORTH 00°04′24″ EAST A DISTANCE OF 1319.55 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE NORTH 43°47'15" EAST, 459.40 FEET TO POINT OF BEGINNING #1;

THENCE ALONG THE EXTERIOR BOUNDARY OF SAID EASEMENT GRANTED IN SAID "DEED OF EASEMENT" THE FOLLOWING FOUR (4) COURSES:

- 1. NORTH 02°57'40" WEST, 164.95 FEET TO A POINT;
- 2. NORTH 89°49'20" EAST, 24.03 FEET TO A POINT;
- 3. SOUTH 02°57'40" EAST, 164.93 FEET TO A POINT;
- 4. SOUTH 89°47'27" WEST, 24.03 FEET TO POINT OF BEGINNING #1.

CONTAINING 3,959 SQUARE FEET OR 0.091 ACRES OF LAND, MORE OR LESS.

EASEMENT RELINQUISHMENT NO. 2

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW 14/) OF SAID SOUTHWEST QUARTER (SW ½), FROM WHENCE THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW ½) OF SAID SOUTHWEST QUARTER (SW ½) BEARS NORTH 00°04'24" EAST A DISTANCE OF 1319.55 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW ¼), NORTH 00°04'24" EAST, 401.43 FEET TO A POINT;

THENCE LEAVING SAID WEST LINE, SOUTH 89°55'36" EAST, 44.78 FEET TO POINT OF BEGINNING #2;

THENCE ALONG THE EXTERIOR BOUNDARY OF SAID EASEMENT GRANTED IN SAID "DEED OF EASEMENT" THE FOLLOWING SEVEN (7) COURSES:

- 1. NORTH 04°12'45" WEST, 22.03 FEET TO A POINT;
- 2. NORTH 02°24'55" WEST, 21.07 FEET TO A POINT;
- 3. SOUTH 47°28'18" EAST, 43.92 FEET TO A POINT;
- NORTH 89°46'32" EAST, 250.41 FEET TO A POINT;
- 5. SOUTH 02°57'40" EAST, 30.03 FEET TO A POINT;
- SOUTH 89°46'32" WEST, 263.59 FEET TO A POINT;
- 7. NORTH 47°28'18" WEST, 24.74 FEET TO POINT OF BEGINNING #2.

CONTAINING 8,747 SQUARE FEET OR 0.201 ACRES OF LAND, MORE OR LESS.

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:	February 19, 2016
Please mark one:		or	Resolution Request	
1. Has your agency	submitted this reques	t in the last 1	2 months?	
☐ Yes	⊠ No			
If yes, please	e explain:			
<u>control number</u> -		e type of requ	lease include <u>name of company or cor</u> est: grant acceptance, contract execu quest, etc .)	
Relinquishment o Mississippi Ave.	f two utility easements	bounded by So	o. Colorado Blvd, E. Kentucky Ave.,	So. Birch St., and E.
3. Requesting Age	ncy: Public Works – Ri	ght of Way Se	ervices – Survey	
Name: CinePhone: 720			ordinance/resolution.)	
Council and who Name: Ang Phone: 720	<u>will be available for fir</u> gela Casias	st and second	ordinance/resolution <u>who will present</u> reading, if necessary.)	t the item at Mayor-
6. General descrip	ion/background of pro	posed ordina	ance including contract scope of wo	rk if applicable:
	as been re-routed to acc and North of Mississip		velopment of the proposed Denver Bl	MW building, east of
**Please complete th applicable, please ent	e following fields: (Inco er N/A for that field – p	omplete fields i lease do not le	may result in a delay in processing. I gave blank.)	f a field is not
		N/A		
b. Contrac		0. E Miii-	Na Alberta	
c. Location d. Affected		& E Mississip #6 – Paul Kash	•	
e. Benefits		ro – i aui Kasi	miam	
		nended amou	nt and new contract total): N/A	
7. Is there any con-	roversy surrounding (his ordinance	e? (Groups or individuals who may ho	ive concerns about it?)

Please explain. N/A.

No.

(2) EASEMENTS TO BE RELINQUISHED:

BEING EACH AND ALL OF THOSE TWO (2) CERTAIN UTILITY EASEMENTS AS GRANTED IN THAT CERTAIN "DEED OF EASEMENT" RECORDED MAY 17, 1996 AT RECEPTION No. 9600067098, LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT RELINQUISHMENT No. 1

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4) OF SAID SOUTHWEST QUARTER (SW 1/4), FROM WHENCE THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4) OF SAID SOUTHWEST QUARTER (SW 1/4) BEARS NORTH $00^{\circ}04'24''$ EAST A DISTANCE OF 1319.55 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE NORTH 43°47'15" EAST, 459.40 FEET TO POINT OF BEGINNING #1;

THENCE ALONG THE EXTERIOR BOUNDARY OF SAID EASEMENT GRANTED IN SAID "DEED OF EASEMENT" THE FOLLOWING FOUR (4) COURSES:

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- 3. SOUTH 02°57'40" EAST, 164.93 FEET TO A POINT;
- 4. SOUTH 89°47'27" WEST, 24.03 FEET TO POINT OF BEGINNING #1.

CONTAINING 3,959 SOUARE FEET OR 0.091 ACRES OF LAND, MORE OR LESS.

EASEMENT RELINQUISHMENT No. 2

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4) OF SAID SOUTHWEST QUARTER (SW 1/4), FROM WHENCE THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4) OF SAID SOUTHWEST QUARTER (SW 1/4) BEARS NORTH 00°04'24" EAST A DISTANCE OF 1319.55 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW 1/4), NORTH 00°04'24" EAST, 401.43 FEET TO A POINT:

THENCE LEAVING SAID WEST LINE, SOUTH 89°55'36" EAST, 44.78 FEET TO POINT OF BEGINNING #2;

THENCE ALONG THE EXTERIOR BOUNDARY OF SAID EASEMENT GRANTED IN SAID "DEED OF EASEMENT" THE FOLLOWING SEVEN (7) COURSES:

- 1. NORTH 04°12'45" WEST, 22.03 FEET TO A POINT;
- 2. NORTH 02°24'55" WEST, 21.07 FEET TO A POINT;
- 3. SOUTH 47°28'18" EAST, 43.92 FEET TO A POINT;
- 4. NORTH 89°46'32" EAST, 250.41 FEET TO A POINT;
- 5. SOUTH 02°57'40" EAST, 30.03 FEET TO A POINT;
- 6. SOUTH 89°46'32" WEST, 263.59 FEET TO A POINT:
- 7. NORTH 47°28'18" WEST, 24.74 FEET TO POINT OF BEGINNING #2.

CONTAINING 8,747 SQUARE FEET OR 0.201 ACRES OF LAND, MORE OR LESS.

38060 DE STIME STI

Frank M. Zwolinski, P.L.S. Colorado License #38060

For and on behalf of Power Surveying Company, Inc. 303-702-1617

DRAWING BY: FMZ PROJECT NO.

150 W, 84TH AVENUE THORNTON, COLORADO 80260

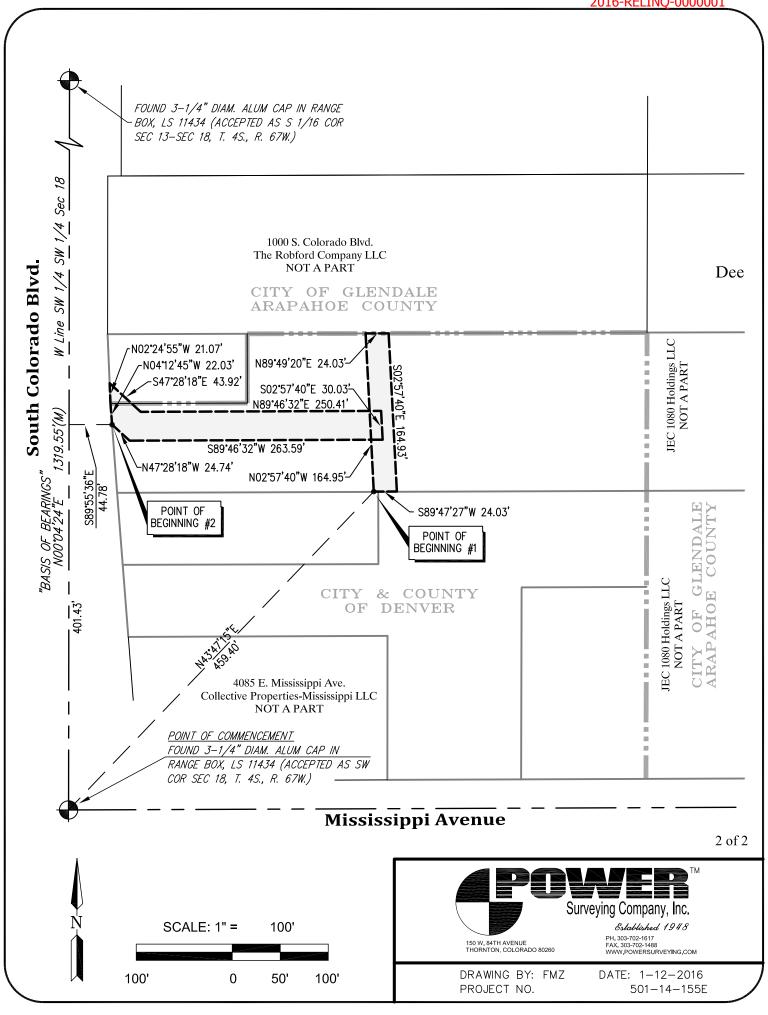
> DATE: 1-12-2016 501-14-155E

Established 1948 PH. 303-702-1617

FAX, 303-702-1488 WWW.POWERSURVEYING.COM

Surveying Company, Inc.

1 of 2





EXECUTIVE SUMMARY

Project Title:

2016-RELINQ-000001

Relinquishment of Two Utility Easements At S. Colorado Blvd. & E. Mississippi Ave. (Development of Proposed BMW Building)

Description of Proposed Project:

Relinquishments of two utility easements bounded by So. Colorado Blvd, E. Kentucky Ave., So. Birch St., and E. Mississippi Ave., dedicated by Deed of Easement, recorded 05/17/1996, at Reception No. 1996067098.

Background:

The utilities have been re-routed to accommodate the proposed Denver BMW building located near South Colorado Boulevard and E. Mississippi Avenue. The existing sewer is no longer receiving flows. There is no longer a need for the easements previously reserved to remain. Relinquishment of the easements is needed to continue with development of the proposed BMW building.

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

The easements are no longer applicable and need to be removed for title purposes.

Will an easement relinquishment be submitted at a later date: No.

Additional information: None.

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If ingress to and egress from the parcel of land for which an easement is hereby granted from and to a public road or highway is not available, the Grantor grants to Grantee the right of ingress to and egress from said parcel over and across the land owned by Grantor by means of roads and lanes thereon, if such exist, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor; provided that such right of ingress and egress shall not extend to any portion of said land which is isolated from the strip by any public road or highway now crossing or hereafter crossing said land; and provided further, that if any portion of said land is or shall be subdivided and dedicated roads or highways on such portion shall extend to the strip, the right of ingress and egress on that portion shall be confined to such dedicated roads and highways.

Grantor further grants to Grantee the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on the strip and to trim and to cut down and clear away any trees on either side of the strip which now or hereafter in the obinion of Grantee may be a hazard to the said facilities, or appurtenances thereto, or may interfere with the exercise of Grantee's rights hereunder; provided, however, that all trees which Grantee is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of Grantor, but all tops, lops, brush and refuse wood shall be burned or removed by Grantee.

Grantor releases the City and County of Denver from any and all claims for damages arising in any way or incident to the construction and/or maintenance by Grantor, or his agents, of the said facilities across the described and.

RESERVING, however, to the undersigned and their successors in interest and assigns—the right to use and enjoy the above—described premises, PROVIDING such use and enjoyment shall not interfere with the installation, construction, maintenance, repair, inspection, and operation of said facilities installed or permitted to be installed by the City and County of Denver, and PROVIDING FURTHER that the Grantor shall not erect or place any building, tree or other obstruction on the above-described easement and right=of-way and the City shall not be liable for their removal if they are so placed.

Signed and delivered this 3th day of A.D., 19 96.

Grantor Deane Automotive Center, Inc.

STATE OF COLORADO

CITY OF A.D., 19 96 period instrument was acknowledged before me this 13th day of A.D., 19 96 by Richard L. Deane, as President and by of Deane Automotive Center, Inc.

No. 19 96 period A.D., 19 96 period A.D

2 of 2

LEGAL DESCRIPTION

A STRIP OF LAND BEING TWENTY-FOUR FEET (24') IN WIDTH LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, LYING TWELVE FEET (12') ON EACH SIDE OF A CENTER LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 18 A DISTANCE OF 347 FEET;

THENCE ON A DEFLECTION ANGLE TO THE LEFT OF 92°44'12' A DISTANCE OF 330.77 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH LINE OF BLOCK 15, JERSEY SUBDIVISION, SAID NORTH LINE OF BLOCK 15 BEING ALSO THE SOUTH LINE OF BLOCK 13, JERSEY SUBDIVISION;

THENCE CONTINUING ALONG LAST SAID COURSE A DISTANCE OF 59.08 FEET TO A POINT KNOWN AS POINT 'I';

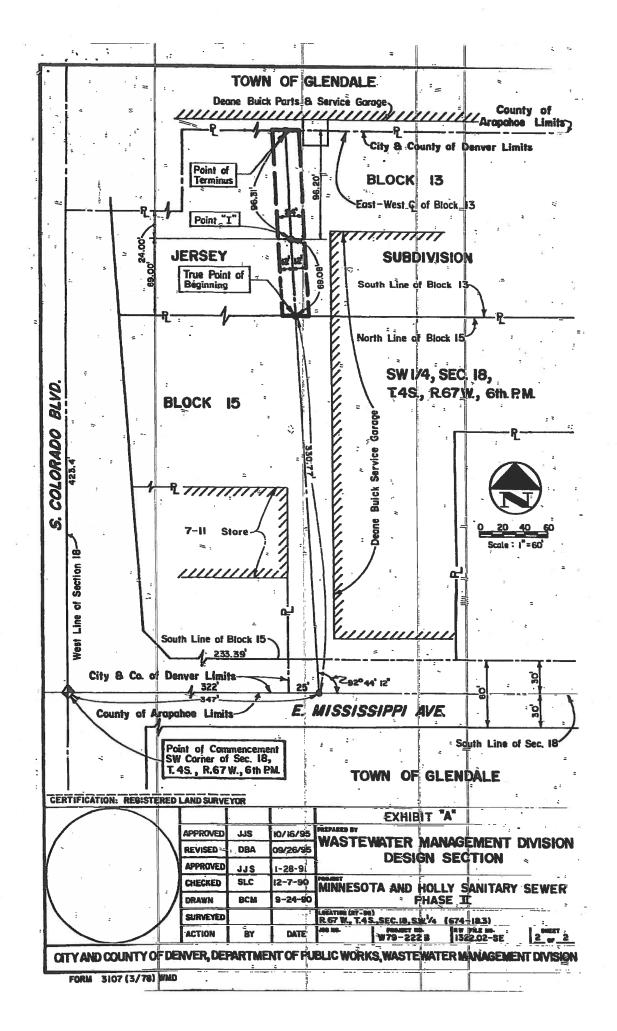
THENCE CONTINUING ALONG LAST SAID COURSE A DISTANCE OF 96.31 FEET TO THE POINT OF TERMINUS, SAID POINT BEING ON THE EAST-WEST CENTER LINE OF SAID BLOCK 13, LENGTHENING AND SHORTENING THE SIDE LINES OF SAID STRIP OF LAND TO TERMINATE WITH THE EAST-WEST CENTER LINE AND THE SOUTH LINE OF SAID BLOCK 13.

SAID STRIP OF LAND CONTAINS 3,969 SQUARE FEET (0.091 ACRES), MORE OR LESS.

CERTIFICATION: REGISTERED LAND SURVEYOR EXHIBIT "A" **APPROVED** 10-16**-**95 WASTEWATER MANAGEMENT DIVISION REVISED MDC : 9-12-95 DESIGN SECTION . APPROVED JJS 1-28-91 CHECKED **BCM** 12-6-90 MINNESOTA AND HOLLY SANITARY SEWER DRAWN BCM 12-6-90 PHASE I (NT-90) R67N, T4S, SEC. 18, SN 1/4 (674-18.3) 1322.02-SE ACTION DATE N79-222B

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION

FORM 3107 (3/78) WMD



LEGAL DESCRIPTION

A STRIP OF LAND BEING THIRTY FEET (30') IN WIDTH LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, AND THE COUNTY OF ARAPAHOE, STATE OF COLORADO, LYING FIFTEEN FEET (15) ON EACH SIDE OF A CENTER LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 18 A DISTANCE OF 347 FEET;

THENCE ON A DEFLECTION ANGLE TO THE LEFT OF 92°44'12" A DISTANCE OF 399.85 FEET TO A POINT KNOWN AS POINT "I", SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE ON A DEFLECTION ANGLE TO THE LEFT OF 87 15 48 A DISTANCE OF 257.00 FEET TO A POINT;

THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 42°45'10" A DISTANCE OF 35.35
FEET TO THE POINT OF TERMINUS, SAID POINT BEING THE POINT OF INTERSECTION OF
THE EAST RIGHT-OF-WAY LINE OF SOUTH COLORADO BOULEVARD AND THE CITY AND
COUNTY OF DENVER LIMITS (ALSO, BEING THE COUNTY OF ARAPAHOE LIMITS), SAID
POINT BEING 423.4 FEET NORTH AND 43 FEET EAST OF THE SOUTHWEST COPNER OF
SAID SECTION 18, LENGTHENING AND SHORTENING THE SIDE LINES OF SAID STRIP OF
LAND TO TERMINATE WITH SAID EAST RIGHT-OF-WAY LINE OF SOUTH COLORADO
BOULEVARD.

SAID STRIP OF LAND CONTAINS 8,771 SQUARE FEET (0.201 ACRES), MORE OR LESS.

CERTIFICATION: REGISTERED LAND SURVEYOR EXHIBIT "B" WASTEWATER MANAGEMENT DIVISION DESIGN SECTION REVISED JJS 10-16-9 MINNESOTA AND HOLLY SANITARY SEWER 9-12-95 MDC : PHASE III DRAWN MDC SW 1/4 (674-18.3) 1322.03-SE 1 SURVEYED SEC. 18. R67N. W79-2220 ACTION DATE

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION

