

REQUEST FOR ORDINANCE TO RELINQUISH EASEMENT

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner
Director, Public Works Right of Way Services

PROJECT NO: 2018-RELINQ-0000016

DATE: November 28, 2018

SUBJECT: Request for an Ordinance to relinquish the permanent non-exclusive easement in its entirety as established in Vacating Ordinance No. 76, Series of 2009, Recordation No. 2009014434 at 2020 S High 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 Martin/Martin, Inc. c/o Rob Frankenberger, dated September 12, 2018 on behalf of Colorado Seminary c/o James Rosner for the relinquishment of said easements.

This matter has been checked by this office and has been coordinated with Asset Management; Comcast; the City Councilman Kashmann of District 6; 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-0000016-001 HERE

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

MB:kr

cc:

- City Councilman Kashmann & Aides
- City Council Staff – Zach Rothmier
- Department of Law – Bradley Beck
- Department of Law – Deanne Durfee
- Public Works, Manager's Office – Alba Castro
- Public Works, Legislative Services – Jason Gallardo
- Public Works, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Please mark one: ☒ Bill Request or ☐ Resolution Request

Date of Request: **November 28, 2018**

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.)

Martin/Martin, Inc. c/o Rob Frankenberger on behalf of Colorado Seminary c/o James Rosner requests for an Ordinance to relinquish the permanent non-exclusive easement in its entirety as established in Vacating Ordinance No. 76, Series of 2009, Recordation No. 2009014434 at 2020 S High St.

3. Requesting Agency: Public Works, Engineering and Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Katie Ragland	Name: Jason Gallardo
Email: Katie.Ragland@denvergov.org	Email: Jason.Gallardo@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for an Ordinance to relinquish the permanent non-exclusive easement in its entirety as established in Vacating Ordinance No. 76, Series of 2009, Recordation No. 2009014434 at 2020 S High St.

6. City Attorney assigned to this request (if applicable): Bradley Beck

7. City Council District: City Councilman Kashmann of District 6

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

N/A

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Vendor/Contractor Name:

Contract control number:

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 (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>
<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

Project Title: 2018-RELINQ-0000016 DU Residence Hall at 2020 S High St

Owner name: Colorado Seminary

Description of Proposed Project: Request for an Ordinance to relinquish the permanent non-exclusive easement in its entirety as established in Vacating Ordinance No. 76, Series of 2009, Recordation No. 2009014434 at 2020 S High St.

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

Background: N/A

Location Map:



EXHIBIT A
LAND DESCRIPTION

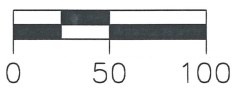
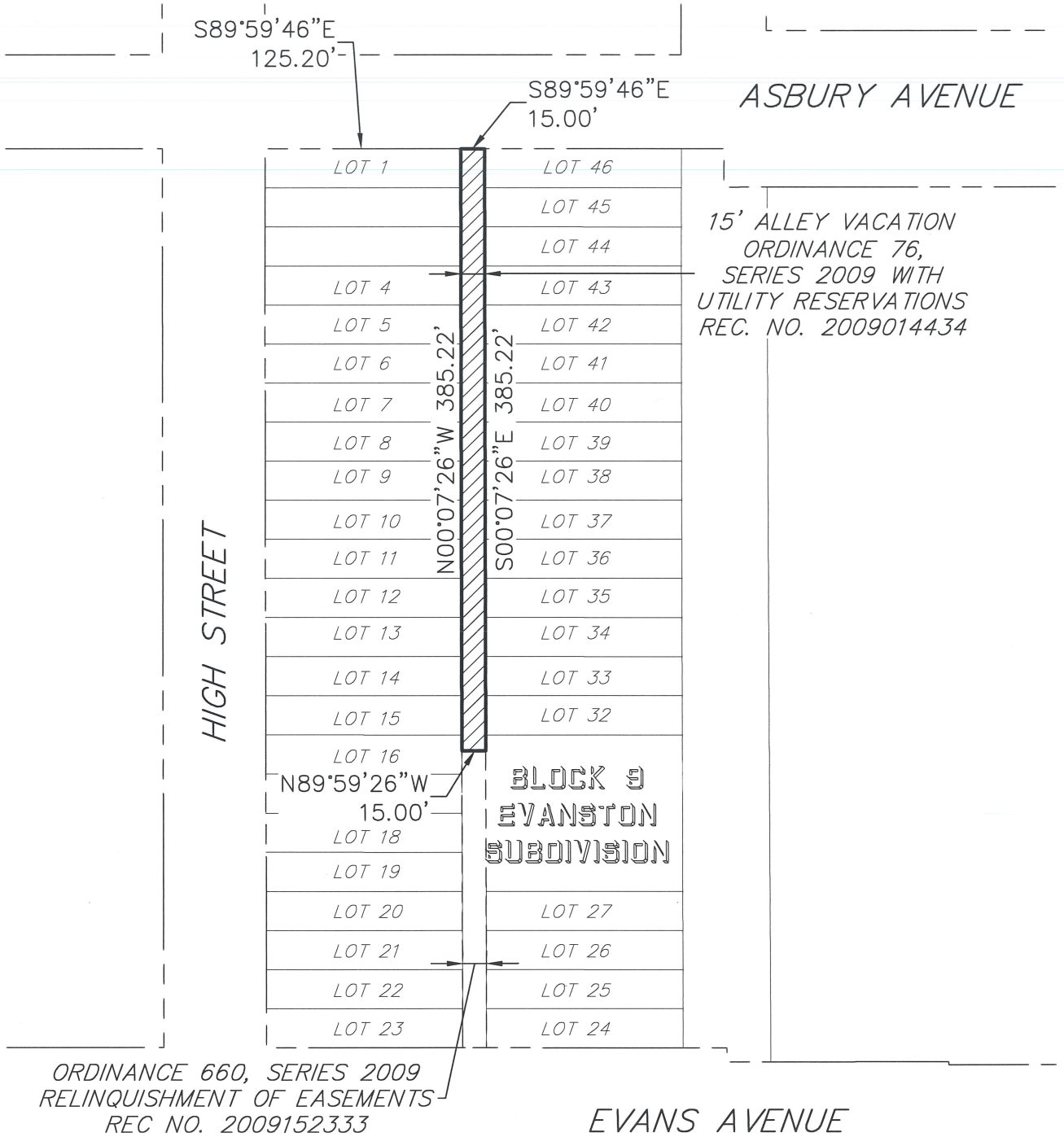
THE PARCEL OF LAND AS DESCRIBED IN THE 15' ALLEY VACATION ORDINANCE 76, SERIES 2009, EXCEPT THAT PARCEL AS DESCRIBED IN THE 15' ALLEY RELINQUISHMENT ORDINANCE 660, SERIES 2009, WITHIN BLOCK 9 EVANSTON, FILED FOR RECORD ON NOVEMBER 3, 1887 AND RECORDED IN BOOK 4 OF PLATS, PAGE 47, OF THE RECORDS OF ARAPAHOE COUNTY, COLORADO, BEING LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PREPARED BY DENNIS PETER
REVIEWED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
OCTOBER 24, 2018



EXHIBIT A
SHEET 2 OF 2

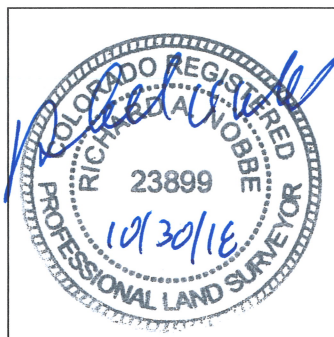
2018-RELINQ-0000016-001



SCALE: 1"=100'
ALL DIMENSIONS ARE
U.S. SURVEY FEET



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



OCTOBER 24, 2018

MARTIN/MARTIN
CONSULTING ENGINEERS

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

BY AUTHORITY

ORDINANCE NO. **76**
SERIES OF 2009

COUNCIL BILL NO.: **49**
COMMITTEE OF REFERENCE:
Public Works

A BILL

For an ordinance vacating an alley generally bounded by Evans Avenue, East Asbury Avenue, High Street and Race Street, subject to certain reservations.

WHEREAS, the Manager 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;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the action of the Manager of Public Works in vacating the following described area in the City and County of Denver and State of Colorado, to wit:

A parcel of land 15 feet in width shown in Block 9 on the plat of Evanston, filed for record on November 3, 1887 and recorded in Book 4 of Plats, page 47, of the records of Arapahoe County, Colorado, said parcel being located in the northeast quarter (NE¼) of Section 26, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado more particularly described as follows:

The POINT OF BEGINNING is the southwest corner of Lot 24, Block 9, Evanston, said point also being on the north right-of-way line of Evans Avenue;
thence N 89°36'53"W a distance of 15.00 feet to the southeast corner of Lot 23, Block 9, Evanston, said point also being on the north right-of-way line of Evans Avenue;
thence N0°15'07"E a distance of 574.89 feet along the west right-of-way line of the alley in Block 9, Evanston to the northeast corner of Lot 1, Block 9, Evanston;
thence S89°36'53"E a distance of 15.00 feet to the northwest corner of Lot 46, Block 9, Evanston;
thence S0°15'07"W a distance of 574.89 feet along the east right-of-way line of the alley in Block 9, Evanston to the POINT OF BEGINNING.

Basis of Bearing is the Range Line in Evans Avenue between the Range Boxes at South Race Street and South Vine Street (Bearing S89°42'22"E) as shown on Exhibit "A", a copy of which is attached hereto and made apart hereof.

This parcel contains 8,623 square feet, (0.1980 acre) more or less.

be and the same is hereby approved and the described area is hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its

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

15 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: January 20, 2009

16 PASSED BY THE COUNCIL February 2 2009

17 [Signature] - PRESIDENT
18 APPROVED: [Signature] - MAYOR February 3, 2009

19 ATTEST: [Signature] - CLERK AND RECORDER,
20 EX-OFFICIO CLERK OF THE
21 CITY AND COUNTY OF DENVER

22
23 NOTICE PUBLISHED IN THE DAILY JOURNAL Jan. 30, 2009; Feb. 6, 2009

24 PREPARED BY: ^{KSA} KAREN A. AVILES, ASSISTANT CITY ATTORNEY, January 22, 2009

25
26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
27 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
28 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
29 3.2.6 of the Charter.
30

31 David R. Fine, City Attorney:

32 BY: [Signature], Assistant City Attorney DATE: January 22, 2009

