



**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  
Director, Public Works Right of Way Services

**PROJECT NO:** 2019-RELINQ-0000003

**DATE:** April 3, 2019

**SUBJECT:** Request for an Ordinance to relinquish a portion of the utility easement within Lots 3 and 4, Block 2 as recorded in the Southmoor Park Filing No. Two in Book 25, Pages 45 - 46. Located at S Oneida Way and E Hampden Ave.

**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 Dan Bearse, dated February 8, 2019 on behalf of Portercare Adventist Health System c/o Debra Carpenter 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 2019-RELINQ-0000003-001 HERE**

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

MB:bp

cc:  
City Councilperson & Aides  
City Council Staff - Zach Rothmier  
Department of Law - Bradley Beck  
Department of Law - Deanne Durfee  
Department of Law - Maureen McGuire  
Department of Law - Martin Plate  
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](mailto:Jason.Gallardo@denvergov.org) by **12:00pm on Monday**. Contact him with questions.

Date of Request: April 3, 2019

Please mark one:  Bill Request or  Resolution Request

**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 Dan Bearse, on behalf of Portercare Adventist Health System c/o Debra Carpenter, requests for an Ordinance to relinquish a portion of the utility easement within Lots 3 and 4, Block 2 as recorded in the Southmoor Park Filing No. Two in Book 25, Pages 45 - 46. Located at S Oneida Way and E Hampden Ave.

**3. Requesting Agency:** Public Works; Engineering and Regulatory Dept.

**4. Contact Person:**

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

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

Martin/Martin, Inc. c/o Dan Bearse, on behalf of Portercare Adventist Health System c/o Debra Carpenter, requests for an Ordinance to relinquish a portion of the utility easement within Lots 3 and 4, Block 2 as recorded in the Southmoor Park Filing No. Two in Book 25, Pages 45 - 46. Located at S Oneida Way and E Hampden Ave.

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

**7. City Council District:** District 4; Councilwoman Kendra Black

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

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## Key Contract Terms

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

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

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

**Project Title:** 2019-RELINQ-0000003, Southmoor Park Filing Two, S Oneida Way and E Hampden Ave

**Owner name:** Portercare Adventist Health System c/o Debra Carpenter

**Description of Proposed Project:** Martin/Martin, Inc. c/o Dan Bearse, on behalf of Portercare Adventist Health System c/o Debra Carpenter, requests for an Ordinance to relinquish a portion of the utility easement within Lots 3 and 4, Block 2 as recorded in the Southmoor Park Filing No. Two in Book 25, Pages 45 - 46. Located at S Oneida Way and E Hampden Ave.

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

**Background:** N/A

**Location Map:**

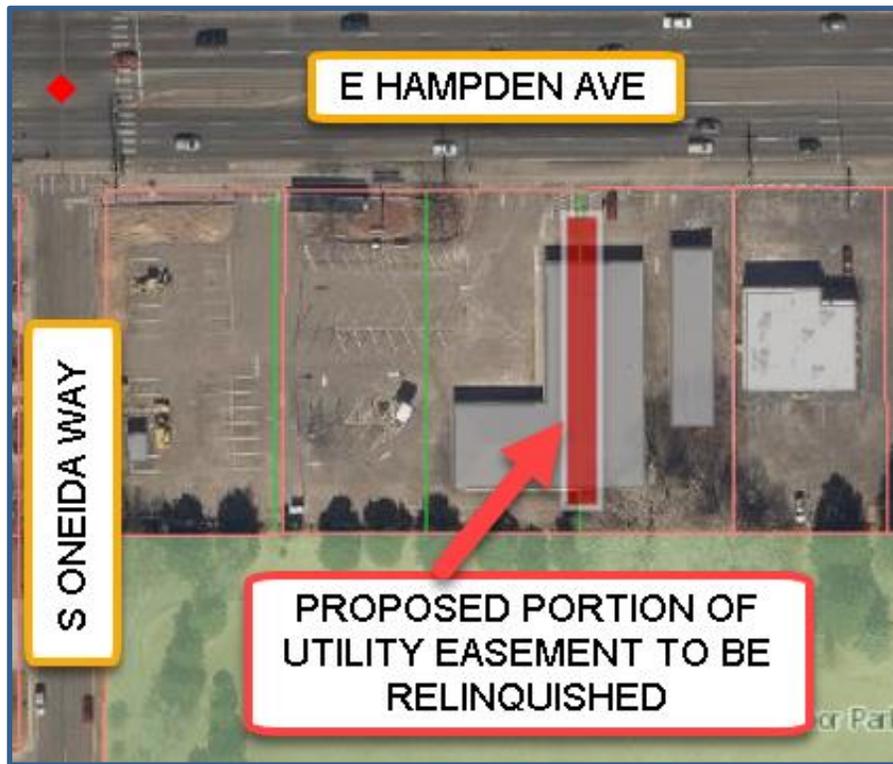


EXHIBIT A  
LEGAL DESCRIPTION  
SHEET 1 OF 2

A PORTION OF THE UTILITY EASEMENT WITHIN LOTS 3 AND 4, BLOCK 2 SOUTHMOOR PARK FILING NO. TWO RECORDED AT THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE AT BOOK 25, PAGES 45, LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 8 FEET OF SAID LOT 3 AND THE WESTERLY 8 FEET OF SAID LOT 4 EXCEPT THE NORTHERLY 16 FEET AND THE SOUTHERLY 8 FEET OF SAID LOTS 3 AND 4.

PARCEL CONTAINS 0.0646 ACRES (2,816 SQUARE FEET), MORE OR LESS.

PREPARED BY JARED LUND  
REVIEWED BY RICHARD A. NOBBE, PLS  
FOR AND ON BEHALF OF MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVENUE  
LAKEWOOD, COLORADO 80125  
MARCH 27, 2019



EXHIBIT A  
SHEET 2 OF 2

N1/4 COR, SEC. 5,  
T5S, R67W, 6TH P.M.  
FOUND 3-1/4" ALUM.  
CAP IN RANGE BOX  
PLS #29420

NE COR, SEC. 5,  
T5S, R67W, 6TH P.M.  
FOUND 3-1/4" ALUM.  
CAP IN RANGE BOX  
PLS #14157

**EAST HAMPDEN AVENUE**  
(120' PUBLIC R.O.W.)

NORTHERLY LINE NORTHEAST QUARTER, SECTION 5, T5S, R67W, 6TH P.M.  
(BASIS OF BEARINGS N89°24'23"W)

N89°23'38"E 16.00'

16' UTIL. ESMT.  
PER PLAT REC. #87555  
BK. 25, PG. 45

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

5.75'

BLOCK 2,  
SOUTHMOOR PARK  
FILING NO. 2

N00°36'22"W 176.00'

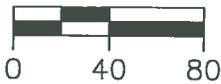
S00°36'22"E 176.00'

ZONE LOT 2

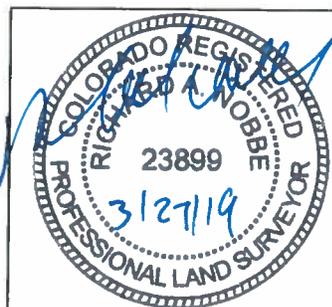
8' UTIL. ESMT.  
PER PLAT REC. #87555  
BK. 25, PG. 45

N89°23'38"E 16.00'

**SOUTH ONEIDA WAY**  
(50' PUBLIC R.O.W.)



SCALE: 1"=80'  
ALL DIMENSIONS ARE  
U.S. SURVEY FEET



MARCH 27, 2019

**MARTIN/MARTIN**  
CONSULTING ENGINEERS

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

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

# SOUTHMOOR PARK, FILING NO. TWO

A PART OF THE NORTH ONE-HALF OF SECTION 5, T5S, R67W OF THE 6<sup>th</sup> P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

## DEDICATION

KNOW ALL Men By These Presents, that the Hillcrest Investment Co., a Colorado Corporation, and Lee Farnum Johnson and Willard J. Johnson as individuals, being the owners of that part of the North one-half of Section 5, Township 5 South, Range 67 West of the 6<sup>th</sup> Principal Meridian lying East of U.S. Highway No. 47, State Highway No. 45, and more particularly described as follows:

Beginning at the Northeast corner of said Section 5; thence South along the East line of said Section 5 a distance of 75.00 feet; thence Westerly at an angle to the right of 88°36'43" a distance of 338.00 feet along the South right-of-way line of Hampden Ave. to the true point of beginning; thence Southerly at an angle to the left of 30°15'00" a distance of 100.00 feet; thence at an angle to the left of 3°21'50" a distance of 42.15 feet; thence Westerly at an angle to the right of 88°36'43" a distance of 42.15 feet; thence Southwesterly at an angle to the left of 88°32'00" a distance of 254.41 feet; thence Southeasterly along a curve to the right whose tangent is at an angle of 30° with the last mentioned course, with a radius of 1012.00 feet and a central angle of 45°33'50" an arc distance of 302.82 feet to a point of tangency; thence Southerly along the tangent of the aforesaid curve a distance of 75.35 feet to the South line of the Northeast one-quarter of said Section 5; thence Westerly at an angle to the right of 90° along said South line a distance of 100.00 feet to the Southwest corner of said Northeast one-quarter of Section 5; thence Westerly along the South line of the Northwest one-quarter of said Section 5 a distance of 125.00 feet to the Northeast right-of-way line of U.S. Highway No. 47, State Highway No. 45; thence Northwesterly along said right-of-way line a distance of 155.25 feet; thence Easterly at an angle to the right of 101°02'30" a distance of 321.14 feet; thence Northerly at an angle to the left of 30° and parallel to and 300.00 feet from the North-South centerline of Section 5 a distance of 100.00 feet to the Southerly right-of-way line of Hampden Ave.; thence Easterly along said right-of-way line the following four (4) courses: (1) at an angle to the right of 87°01'50" a distance of 4.57 feet; (2) thence at an angle to the right of 21°41'05" a distance of 1900.00 feet; (3) thence at an angle to the right of 8°32'00" a distance of 101.10 feet; (4) thence at an angle to the left of 8°32'00" a distance of 332.00 feet to the point of beginning.

Have laid out, subdivided and platted the same into lots and blocks, and streets as shown hereon under the name and style of "Southmoor Park, Filing No. Two" and by these presents do dedicate to the public, the streets, avenues, and other public places hereon shown and not already otherwise dedicated for public use, also utility easements as shown.

Witness our hands this 30<sup>th</sup> day of February, A.D. 1965

As individuals:

Lee Farnum Johnson  
LEE FARNUM JOHNSON

Willard J. Johnson  
WILLARD J. JOHNSON

HILLCREST INVESTMENT CO.  
a Colorado Corporation

F. W. Herres  
F. W. HERRES, PRESIDENT

O. G. Cozart  
O. G. COZART, SECRETARY

STATE OF COLORADO )  
CITY AND COUNTY OF DENVER ) SS

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of February, A.D. 1965, by F. W. Herres as President and O. G. Cozart as Secretary of Hillcrest Investment Co., a Colorado Corporation, and by Lee Farnum Johnson and Willard J. Johnson as individuals.

Witness my hand and official seal. My commission expires March 23, 1966.  
Joseph G. Durbin  
NOTARY PUBLIC

**SURVEYOR'S CERTIFICATION:**

I hereby certify that the survey for this plat has been made in agreement with 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.

John A. Williams  
JOHN A. WILLIAMS, P.E. C.E.S. NO. 1016

**APPROVALS**

I hereby certify that I have examined the evidence 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 owners this 17<sup>th</sup> day of February, A.D. 1965, at 12:05 o'clock P.M., free and clear of encumbrances.

John A. Hall  
JOHN A. HALL, CITY ATTORNEY  
ATTORNEY FOR THE CITY AND COUNTY OF DENVER

I hereby certify that this map and the survey represented thereby, are accurate and in conformity with the requirements of Article 342 of the Revised Municipal Code of the City and County of Denver and that the required improvements have been provided for.

John A. Hall  
JOHN A. HALL, CITY ATTORNEY  
ATTORNEY FOR THE CITY AND COUNTY OF DENVER

Approved by the Council of the City and County of Denver, by Ordinance No. 1111 of the Series of 1965. Witness my hand and corporate seal of the City and County of Denver this 17<sup>th</sup> day of February, A.D. 1965.

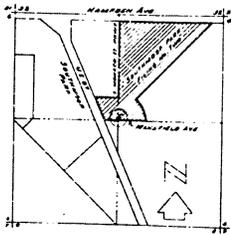
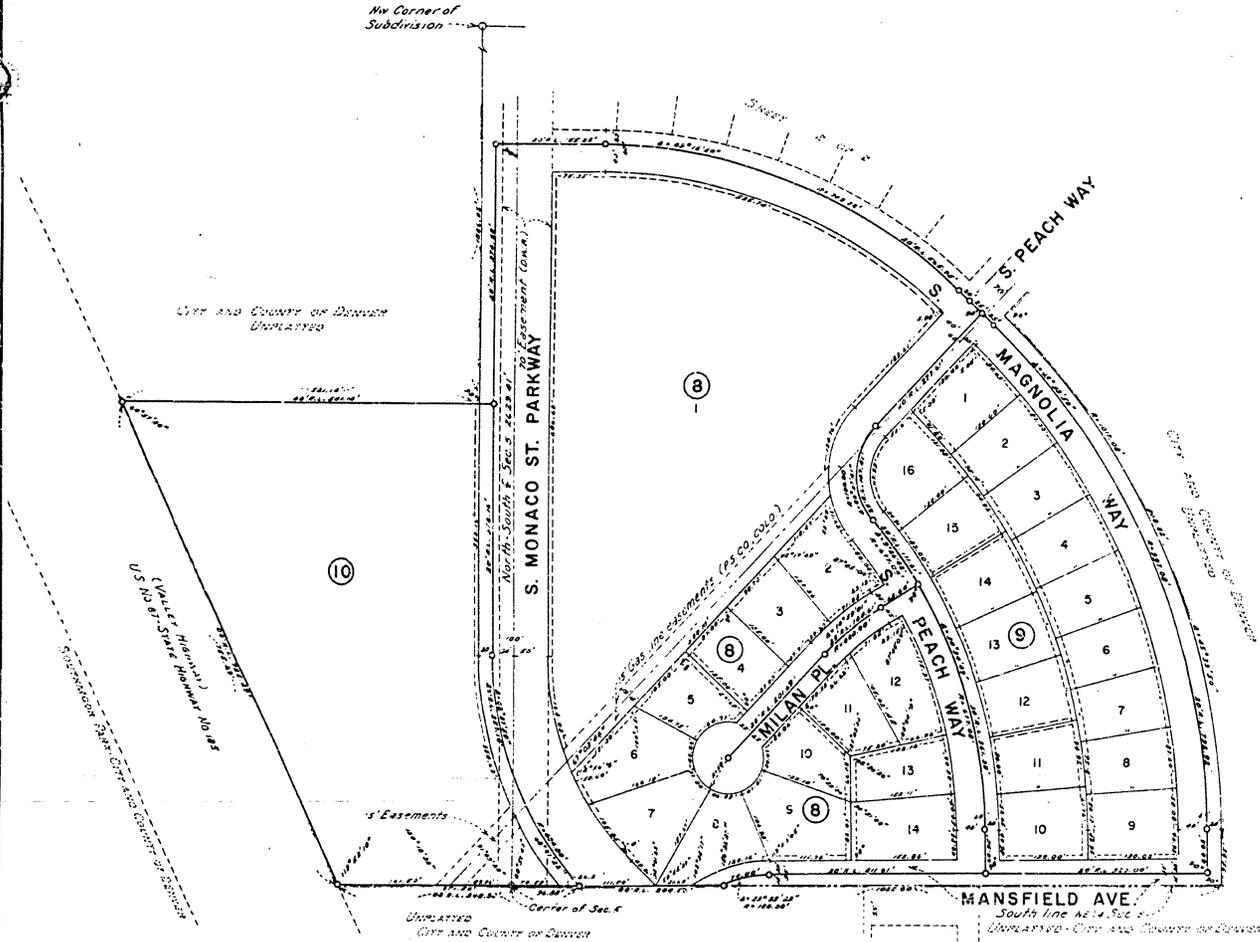
097555  
STATE OF COLORADO )  
City and County of Denver ) SS

I hereby certify that this instrument was filed for record in my office at 8:17 a.m. on 2/17/65, 1965 and duly recorded in Book 25, Page 555.

Walter Bennett  
WALTER BENNETT  
CLERK AND RECORDER

John A. Hall  
JOHN A. HALL, CITY ATTORNEY  
ATTORNEY FOR THE CITY AND COUNTY OF DENVER

John A. Hall  
JOHN A. HALL, CITY ATTORNEY  
ATTORNEY FOR THE CITY AND COUNTY OF DENVER



All rear utility easements a foot on each side of lot lines, unless otherwise shown.  
Six foot wide easements are hereby granted for the exclusive use of gas mains on both sides of all streets within the subdivision. These easements are located on private property immediately adjacent to all platted roadways. Other utilities shall have the right to cross at approximately right angles but in no event shall any water mains, valves, street lights or power poles, mail boxes, other structures, trees and shrubs be allowed in the above described areas. Concrete drives and sidewalks are permissible as long as they cross at substantially right angles and do not exceed 25 feet in width.

Approved by the Manager of Public Works: Walter Bennett  
MANAGER OF PUBLIC WORKS

Approved by the Director of Traffic Engineering: John A. Williams  
DIRECTOR OF TRAFFIC ENGINEERING

Approved by the Manager of Parks and Recreation: John A. Williams  
MANAGER OF PARKS AND RECREATION

Approved by the Denver Planning Office: John A. Williams  
DIRECTOR OF PLANNING

**A PART OF THE NORTH ONE-HALF OF SECTION 5, T5S, R67W OF THE 6<sup>TH</sup> P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO**

Unplatted - City and County of Denver

True point of beginning

NE Cor. Sec. 5  
T.5S, R.67W

North line - Sec. 5 - 2624.31'

NW Cor. Sec. 5, T.5S, R.67W

HAMPDEN AVE.

S. ONEIDA WAY

ITHACA PL.

S. NARCISSUS WAY

S. ONEIDA WAY

S. NEWPORT WAY

S. NIAGARA WAY

S. PEACH WAY

S. MAGNOLIA WAY

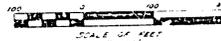
PARKWAY

MONACO ST.

S.

CITY AND COUNTY OF DENVER

CITY AND COUNTY OF DENVER



SCALE IN FEET  
1" = 100'