

REQUEST FOR ORDINANCE TO RELINQUISH AN EASEMENT

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE
Director, Right of Way Services

PROJECT NO: 2019-RELINQ-0000011

DATE: April 9, 2020

SUBJECT: Request for an Ordinance to relinquish the 10' wide, 949 Sq. Ft. utility easement, in its entirety, as established in the Blake Resubdivision Plat, Ordinance No. 382, Series of 1964. Subject easement is located on a property at the Southeast corner of 40th Street and Walnut Street.

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

This office has investigated the request of Kimley-Horn and Associates, Inc., dated August 22, 2019 on behalf of Chermet, LLC. c/o Andrew Feinstein 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; DOTI: Construction Engineering; DOTI – 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-0000011-001 HERE

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

MB:je

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
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Jason Gallardo
DOTI, Survey – Paul Rogalla

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

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

Date of Request: **April 9, 2020**

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.)

Request for an Ordinance to relinquish the 10' wide, 949 Sq. Ft. utility easement, in its entirety, as established in the Blake Resubdivision Plat, Ordinance No. 382, Series of 1964. Subject easement is located on a property at the Southeast corner of 40th Street and Walnut Street.

3. Requesting Agency: Department of Transportation and Infrastructure, Right-of-Way Services, 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: Jessica Eusebio	Name: Jason Gallardo
Email: Jessica.Eusebio@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 10' wide, 949 Sq. Ft. utility easement, in its entirety, as established in the Blake Resubdivision Plat, Ordinance No. 382, Series of 1964. Subject easement is located on a property at the Southeast corner of 40th Street and Walnut Street.

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

Martin Plate

7. City Council District:

Council District 9, Candi CdeBaca

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> <i>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</i> <i>(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: 2019-RELINQ-0000011 Novel RiNo at 40th Street and Walnut Street

Owner name: Chermet, LLC. c/o Andrew Feinstein

Description of Proposed Project: The applicant proposes to demolish existing structures and pursue a mixed-use development project. It was determined that as the existing site use and buildings are to be removed, the utility easement that serves the site is no longer necessary.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The area of the easement to be relinquished is proposed to be used for a mixed-use development project. There are no known utilities within the area being requested for relinquishment.

Background: N/A

Location Map: Continued on next page.



City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003

EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHWESTERLY LINE OF A PROPERTY DESCRIBED IN DEED RECORDED OCTOBER 29, 2010 AT RECEPTION NO. 2010125588 TO BEAR N45°57'59"W, A DISTANCE OF 428.31 FEET BETWEEN A FOUND 1.25" YELLOW PLASTIC CAP STAMPED "BURDICK PE & PLS 9010" AT THE EASTERLY MOST CORNER OF SAID PROPERTY AND A FOUND 1.25" YELLOW PLASTIC CAP STAMPED "BURDICK PE & PLS 9010" AT THE SOUTHERLY MOST CORNER OF SAID PROPERTY, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID SOUTHERLY MOST CORNER; THENCE NORTH 15°57'56" EAST, A DISTANCE OF 283.15 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF 40TH STREET AND THE POINT OF BEGINNING;
THENCE SOUTH 44°49'49" WEST, A DISTANCE OF 94.87 FEET; THENCE NORTH 45°58'00" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 44°49'49" EAST, A DISTANCE OF 95.01 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT-OF-WAY; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY, SOUTH 45°10'11" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 949 SQ. FT. OR 0.02 ACRES, MORE OR LESS.

I, JOSHUA BREEDLOVE, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN & CEO, FLATIRONS, INC.



JOB NUMBER: 19-72,006
DRAWN BY: M. LUND
DATE: AUGUST 9, 2019

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics

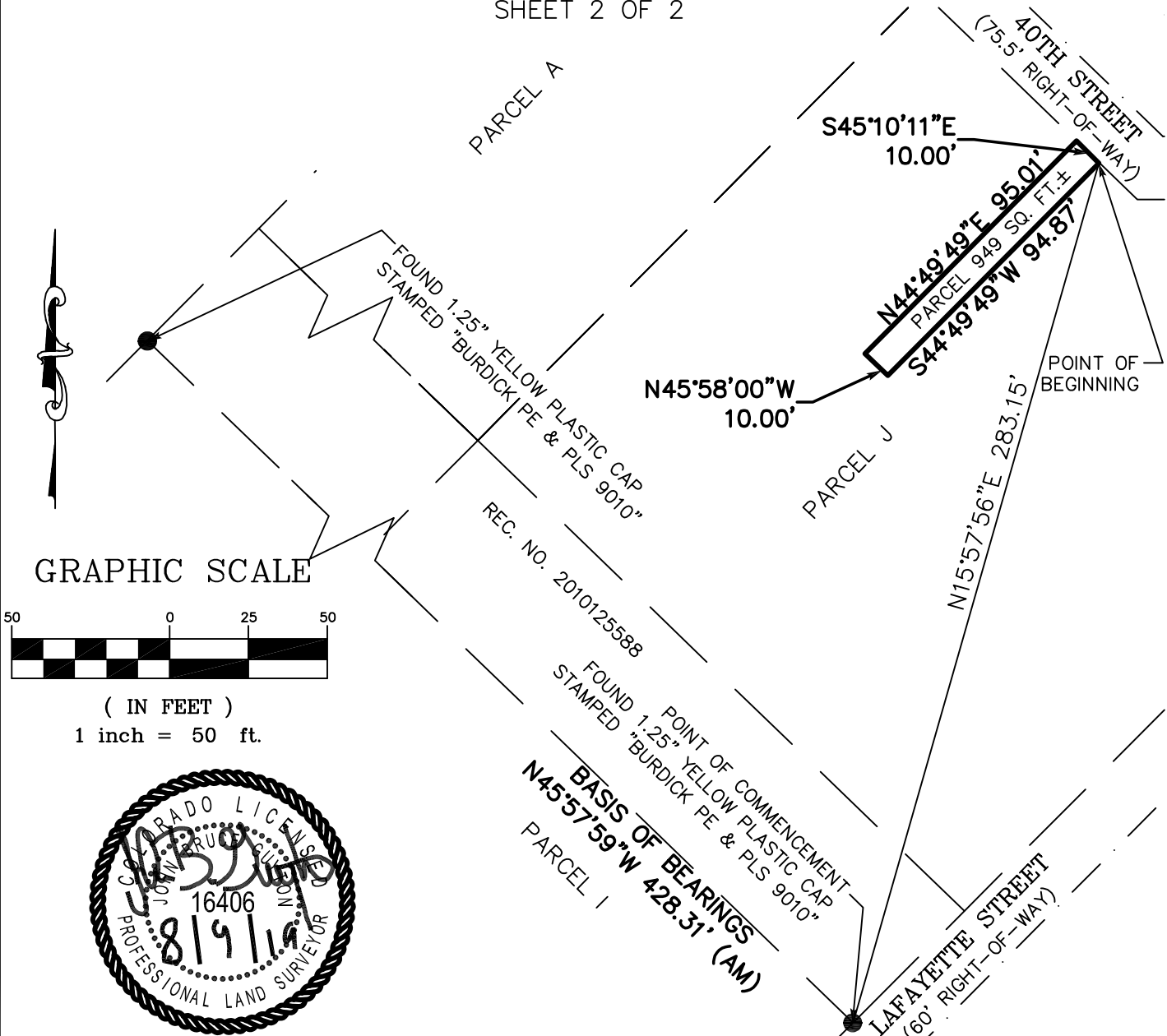


4501 LOGAN ST.
DENVER, CO 80216
PH: (303) 936-6997
FAX: (303) 923-3180
www.FlatironsInc.com

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RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
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SHEET 2 OF 2



JOB NUMBER: 19-72,006
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