

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-0000015

DATE: May 4, 2020

SUBJECT: Request for an Ordinance to relinquish a 981 square foot portion of the non-exclusive easement established in the Vacation Ordinance No. 20190195, Series of 2019. Easement is located at 1243-1255 Tennyson Street, bounded by North Uno Court, West 13th Avenue, North Stuart Street, and Dry Gulch Park.

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

This office has investigated the request of Highland Development Company c/o Natalie Satt, dated August 19, 2019 on behalf of 1247-1255 Tennyson, LLC for the relinquishment of said easements.

This matter has been inspected and has been coordinated with Asset Management; Comcast; the City Councilperson, Amanda Sandoval; Community Planning Development: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; Office of Emergency Management; ER Transportation and Wastewater, DS Transportation and Wastewater; Construction Engineering; Policy and Planning, survey; Regional Transportation District, Metro Wastewater Reclamation District; Colorado Department of Transportation; CenturyLink; and Xcel Energy, all of whom have indicated their agreement.

As a result of these 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-0000015-001 HERE

A map of the easement area and a copy of Ordinance No. 20190195, 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: **May 4, 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 a 981 square foot portion of the non-exclusive easement established in the Vacation Ordinance No. 20190195, Series of 2019. Easement is located at 1243-1255 Tennyson Street, bound by North Uno Court, West 13th Avenue, North Stuart Street, and Dry Gulch Park.

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 a 981 square foot portion of the non-exclusive easement established in the Vacation Ordinance No. 20190195, Series of 2019. Easement is located at 1243-1255 Tennyson Street, bound by North Uno Court, West 13th Avenue, North Stuart Street, and Dry Gulch Park.

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

Martin Plate

7. City Council District:

District 1, Amanda Sandoval

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 (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: 2019-RELINQ-0000015 1243-1255 N Tennyson Street

Owner name: 1247-1255 Tennyson St, LLC

Description of Proposed Project:

Applicant requests the relinquishment of a 981 square foot portion of the non-exclusive easement established in the Vacation Ordinance No. 20190195, Series of 2019. Easement is located at 1243-1255 Tennyson Street, bounded by North Uno Court, West 13th Avenue, North Stuart Street, and Dry Gulch Park.

Explanation of why the easement relinquishment is needed to accomplish the proposed project:

The applicant requests the proposed easement indicating the relinquishment is needed to accommodate the construction of their multi-family residential development (townhomes). The subject area is to include residential garages.

Background: This area is being developed. There will be townhomes that are being constructed in the current vacant lots. No utilities were identified as using the subject easements.

Location Map: *Continued on next page.*



DENVER
THE MILE HIGH CITY



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/dot
Phone: 720-865-3003

311 | POCKETGOV.COM | DENVERGOV.ORG | [DENVER 8 TV](http://DENVER8TV.COM)

EXHIBIT A

LAND DESCRIPTION

A PART OF ORDINANCE NUMBER 20190195, RECORDED MARCH 27, 2019 AT RECEPTION NO. 2019035253, IN THE CITY AND COUNTY OF DENVER RECORDER'S OFFICE, ABUTTING LOTS 4 THROUGH 8, INCLUSIVE, BLOCK 1, PLEASANT HILL, LYING IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4 AND CONSIDERING THE WEST LINE OF SAID BLOCK 1 TO BEAR S00°01'15"E (ASSUMED);

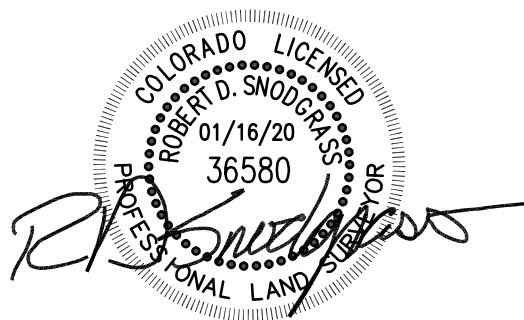
THENCE ALONG SAID WEST LINE S00°01'15"E, A DISTANCE OF 125.10 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8;

THENCE N89°14'10"W, A DISTANCE OF 7.87 FEET;

THENCE N00°00'00"W, A DISTANCE OF 125.10 FEET;

THENCE S89°14'10"E, A DISTANCE OF 7.82 FEET TO THE **POINT OF BEGINNING**,

CONTAINING 981 SQUARE FEET OR 0.023 ACRES, MORE OR LESS.



PREPARED BY:
ROBERT D. SNODGRASS, PLS 36580
FOR AND ON BEHALF OF
EMK CONSULTANTS, INC.



EMK CONSULTANTS, INC.
ENGINEERING & SURVEYING

LAND DEVELOPMENT
SERVICES AND SOLUTIONS
www.EMKC.com

7006 SOUTH ALTON WAY, BLDG. F

CENTENNIAL, COLORADO 80112-2019

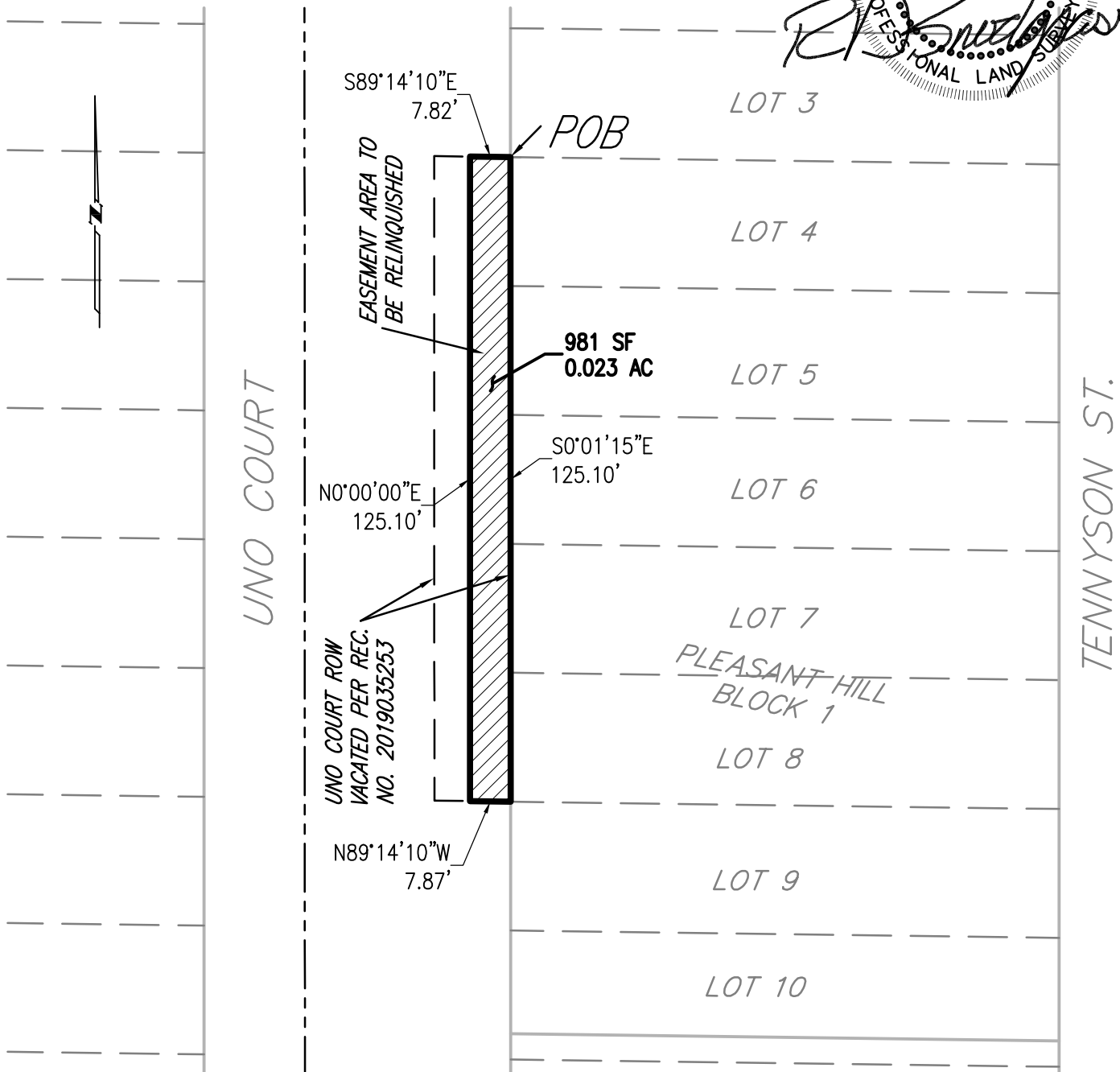
(303)694-1520

DRAWN BY: RDS APPROVED BY: SHH JOB NO: 12952.00 DATE: 06/10/2019 PAGE 1 OF 2

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN 3 YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

GRAPHIC SCALE
0 15 30 45
1 INCH = 30 FEET

EXHIBIT A



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BY AUTHORITY

ORDINANCE NO. 20190195

COUNCIL BILL NO. CB19-0195

SERIES OF 2019

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

**For an ordinance vacating a portion of the alley bounded by North Uno Court,
West 13th Avenue and North Tennyson Street, with reservations.**

WHEREAS, the Executive Director 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;

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

Section 1. That the action of the Executive Director of Public Works in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2018-VACA-0000016-001:

A PART OF UNO COURT, ABUTTING LOTS 4 THROUGH 8, INCLUSIVE, BLOCK 1, PLEASANT HILL, LYING IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4 AND CONSIDERING THE WEST LINE OF SAID BLOCK 1 TO BEAR S00°01'15"E (ASSUMED);

THENCE ALONG SAID WEST LINE S00°01'15"E, A DISTANCE OF 125.10 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8;

THENCE N89°14'10"W, A DISTANCE OF 14.80 FEET;

THENCE PARALLEL TO SAID WEST LINE N00°01'15"W, A DISTANCE OF 125.10 FEET;

THENCE S89°14'10"E, A DISTANCE OF 14.80 FEET TO THE POINT OF BEGINNING,

CONTAINING 1,851 SQUARE FEET OR 0.043 ACRES, MORE OR LESS

be and the same is hereby approved and the described right-of-way is hereby vacated and declared vacated;



1 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

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

17 COMMITTEE APPROVAL DATE: March 5, 2019 by Consent

18 MAYOR-COUNCIL DATE: March 12, 2019

19 PASSED BY THE COUNCIL: March 26, 2019

20 [Signature] - PRESIDENT

21 APPROVED: [Signature] - MAYOR Mar 27, 2019

22 ATTEST: Debra Johnson - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: February 21, 2019; March 29, 2019

26 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: March 14, 2019

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

31
32 Kristin M. Bronson, Denver City Attorney

33
34 BY: Kristin J. Crawford, Assistant City Attorney DATE: Mar 14, 2019

