



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-0000019

DATE: June 12, 2020

SUBJECT: Request for an Ordinance to relinquish 3 separate easements in their entirety as follows: 12' sewer easement reserved in Book 3831, Page 24; 10' sewer easement reserved in Book 8795, Page 552; and 10' sewer easement reserved in Book 8838, Page 151. All easements are located between East 9th Avenue and East 11th Avenue and Colorado Boulevard and Ash 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 Continuum Capital Company 2016, LLC. c/o Greg Hawrylyshyn, dated August 14, 2019 on behalf of 9th Avenue (Denver) Land, LLC. and 9th Avenue (Denver) Residential II, LLC. for the relinquishment of said easements.

This matter has been coordinated with Asset Management; Comcast; City Councilperson Sawyer; Community Planning & Development – Building Inspections, Planning and Zoning; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; DOTI – Engineering & Regulatory Transportation and Wastewater, DES Transportation and Wastewater, Construction Engineering, Policy and Planning, Survey; Metro Wastewater Reclamation District; CenturyLink; Regional Transportation District; and Xcel Energy; Office of Emergency Management; Colorado Department of Transportation, all of whom have indicated no objection.

As a result of the investigations, it has been determined that there is no objection to relinquishing the subject easements.

Therefore, you are requested to initiate Council action to relinquish the easements in the following described area(s):

**INSERT PARCEL DESCRIPTION 2019-RELINQ-0000019-001 HERE
INSERT PARCEL DESCRIPTION 2019-RELINQ-0000019-002 HERE
INSERT PARCEL DESCRIPTION 2019-RELINQ-0000019-003 HERE**

A map of the area and a copy of the documents creating the easements are attached.

MB:dp

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



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

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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: June 12, 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.)

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3. Requesting Agency: Department of Transportation and Infrastructure, 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: Devin Price	Name: Jason Gallardo
Email: devin.price@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 3 separate easements in their entirety as follows: 12' sewer easement reserved in Book 3831, Page 24; 10' sewer easement reserved in Book 8795, Page 552; and 10' sewer easement reserved in Book 8838, Page 151. All easements are located between East 9th Avenue and East 11th Avenue and Colorado Boulevard and Ash Street.

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

7. City Council District: Councilwoman Sawyer, District 5

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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EASEMENT RELINQUISHMENT EXECUTIVE SUMMARY

Project Title: 2019-RELINQ-0000019 - E. 9th St. and Colorado Blvd. Relinquishment

Owner name: 9th Avenue (Denver) Land, LLC. and 9th Avenue (Denver) Residential II, LLC.

Description of Proposed Project: Applicant requests for an Ordinance to relinquish 3 separate easements in their entirety as follows: 12' sewer easement reserved in Book 3831, Page 24; 10' sewer easement reserved in Book 8795, Page 552; and 10' sewer easement reserved in Book 8838, Page 151 All easements are located between East 9th Avenue and East 11th Avenue and Colorado Boulevard and Ash Street.

Explanation of why the easement relinquishment is needed to accomplish the proposed project: The applicant requests the proposed easement relinquishment to accommodate construction of their mixed-use development at the former University of Colorado Health Sciences Center.

Background: Easements are no longer being used or needed due to the former University of Colorado Health Sciences Center buildings have been demolished and the utilities have been removed.

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/dot
Phone: 720-865-3003

EXHIBIT ALAND DESCRIPTION
PARCEL 1

A PARCEL OF LAND BEING ALL OF THAT 10.00 FEET WIDE SANITARY SEWER EASEMENT DESCRIBED IN BOOK 8838 AT PAGE 151, AND LOCATED WITHIN BLOCK 8, 9TH & COLORADO FILING NO. 1, RECORDED UNDER RECEPTION NO. 2018116411, BOTH BEING RECORDED IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SITUATED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 6 BEARS SOUTH 00°15'29" EAST, A DISTANCE OF 2,649.00 FEET, BEING MONUMENTED AT THE NORTH END (W 1/4 COR.) BY A NO. 6 REBAR WITH 3-1/4" ALUMINUM CAP STAMPED "LS 13212 1991" IN RANGE BOX, AND AT THE SOUTH END (SW COR.) BY A 3-1/4" ALUMINUM CAP STAMPED "LS 13212 1991" IN RANGE BOX, WITH ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 42°23'24" EAST, A DISTANCE OF 787.88 FEET TO THE SOUTHERLY BOUNDARY OF A 10.00 FEET WIDE SEWER EASEMENT DESCRIBED IN BOOK 8795 AT PAGE 552, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTHERLY BOUNDARY, NORTH 89°34'42" EAST, A DISTANCE OF 10.00 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, SOUTH 00°15'29" EAST, A DISTANCE OF 45.33 FEET TO THE SOUTHERLY BOUNDARY OF SAID BLOCK 8;

THENCE ALONG SAID SOUTHERLY BOUNDARY, SOUTH 89°44'31" WEST, A DISTANCE OF 10.00 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, NORTH 00°15'29" WEST, A DISTANCE OF 45.30 FEET TO THE **POINT OF BEGINNING**.

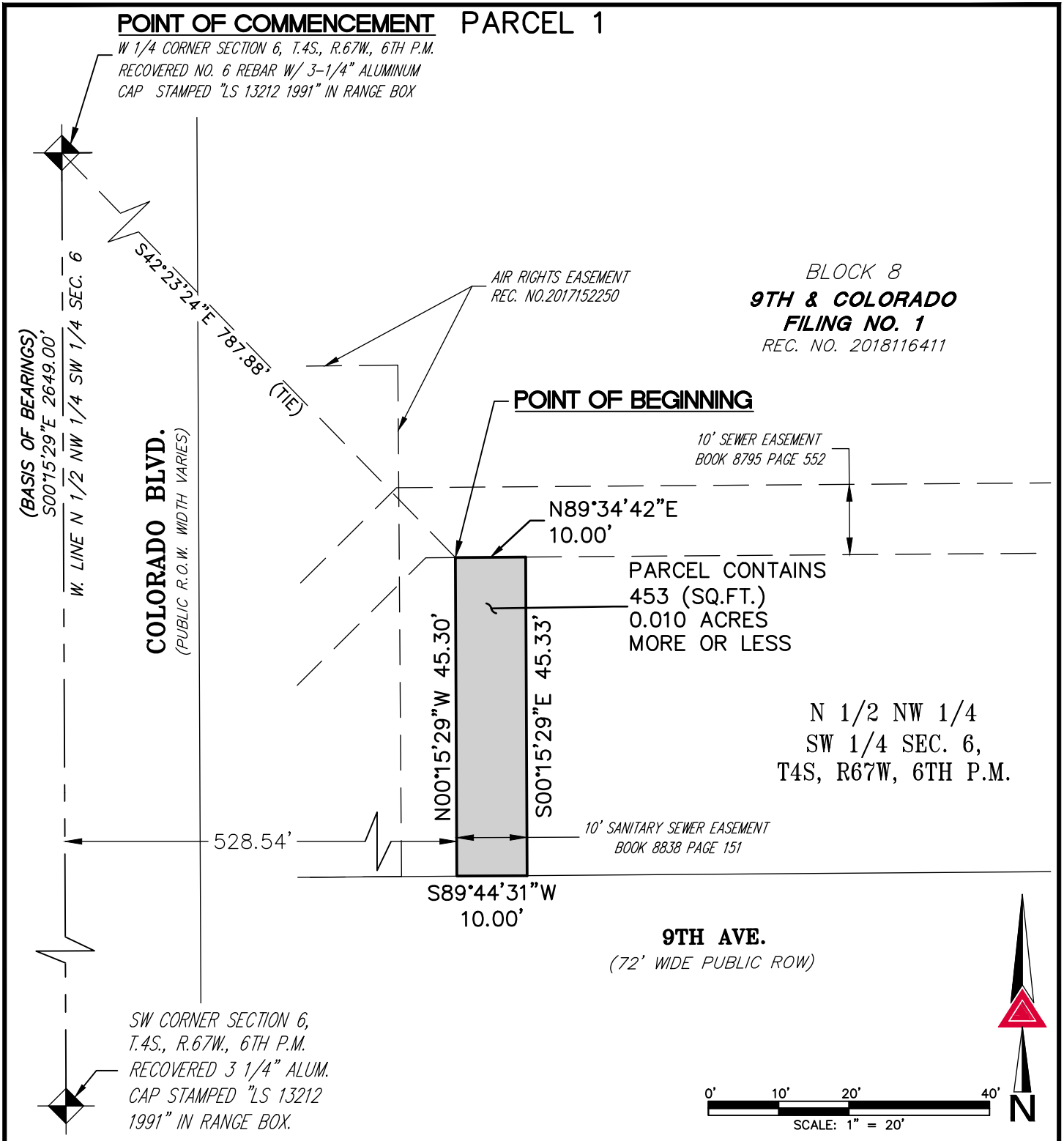
CONTAINING AN AREA OF 0.010 ACRES, (453 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



ANTHONY K. PEALL
 COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38636
 FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
 300 E. MINERAL AVENUE, SUITE 1, LITTLETON, CO 80122
 303-718-1898

ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH:
 DWG NAME: 10' SANITARY SEWER EASEMENT.DWG
 DWG: YM CHK: AKP
 DATE: 8/8/2019
 SCALE: 1" = 20'

AZTEC
 CONSULTANTS, INC.

300 East Mineral Ave,
 Suite 1
 Littleton, Colorado 80122
 Phone: (303)713-1898
 Fax: (303)713-1897
www.aztecconsultants.com

Q:\87619-04 -9th & Colorado Block 7 ALTA\Dwg\EXHIBITS

10' SANITARY SEWER EASEMENT
 N 1/2 NW 1/4 SW 1/4 SEC. 6, T4S, R67W, 6TH P.M.
 DENVER COUNTY, COLORADO
 JOB NUMBER 87619-04 2 OF 2 SHEETS

EXHIBIT A**LAND DESCRIPTION
PARCEL 2**

A PARCEL OF LAND BEING ALL OF THAT 10.00 FEET WIDE SEWER EASEMENT DESCRIBED IN BOOK 8795 AT PAGE 552, AND LOCATED WITHIN LOT 2, BLOCK 7, BLOCK 8, TRACTS D AND E, 9TH & COLORADO FILING NO. 1, RECORDED UNDER RECEPTION NO. 2018116411, ALL BEING RECORDED IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SITUATED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 6 BEARS SOUTH 00°15'29" EAST, A DISTANCE OF 2,649.00 FEET, BEING MONUMENTED AT THE NORTH END (W 1/4 COR.) BY A NO. 6 REBAR WITH 3-1/4" ALUMINUM CAP STAMPED "LS 13212 1991" IN RANGE BOX, AND AT THE SOUTH END (SW COR.) BY A 3-1/4" ALUMINUM CAP STAMPED "LS 13212 1991" IN RANGE BOX, WITH ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 86°08'10" EAST, A DISTANCE OF 492.27 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 2, BLOCK 7, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY BOUNDARY, NORTH 88°48'45" EAST, A DISTANCE OF 3.22 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY, SOUTH 52°21'38" EAST, A DISTANCE OF 134.19 FEET;

THENCE SOUTH 00°15'29" EAST, A DISTANCE OF 162.52 FEET;

THENCE SOUTH 42°24'49" EAST, A DISTANCE OF 147.85 FEET;

THENCE SOUTH 00°35'08" EAST, A DISTANCE OF 193.93 FEET;

THENCE SOUTH 89°34'42" WEST, A DISTANCE OF 176.13 FEET;

THENCE SOUTH 45°13'33" WEST, A DISTANCE OF 46.73 FEET TO THE EASTERLY BOUNDARY OF A 12.00 FEET SANITARY SEWER EASEMENT DESCRIBED IN BOOK 3831 AT PAGE 24;

THENCE ALONG SAID EASTERLY BOUNDARY, NORTH 00°15'29" WEST, A DISTANCE OF 14.02 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY, NORTH 45°13'33" EAST, A DISTANCE OF 40.98 FEET;

THENCE NORTH 89°34'42" EAST, A DISTANCE OF 170.17 FEET;

THENCE NORTH 00°35'08" WEST, A DISTANCE OF 180.07 FEET;

THENCE NORTH 42°24'49" WEST, A DISTANCE OF 147.88 FEET;

THENCE NORTH 00°15'29" WEST, A DISTANCE OF 161.48 FEET;

THENCE NORTH 52°21'38" WEST, A DISTANCE OF 125.60 FEET TO THE EASTERLY BOUNDARY OF SAID 12.00 FEET SANITARY SEWER EASEMENT DESCRIBED IN BOOK 3831 AT PAGE 24;

THENCE ALONG SAID EASTERLY BOUNDARY, NORTH 00°15'29" WEST, A DISTANCE OF 10.11 FEET TO THE **POINT OF BEGINNING**.

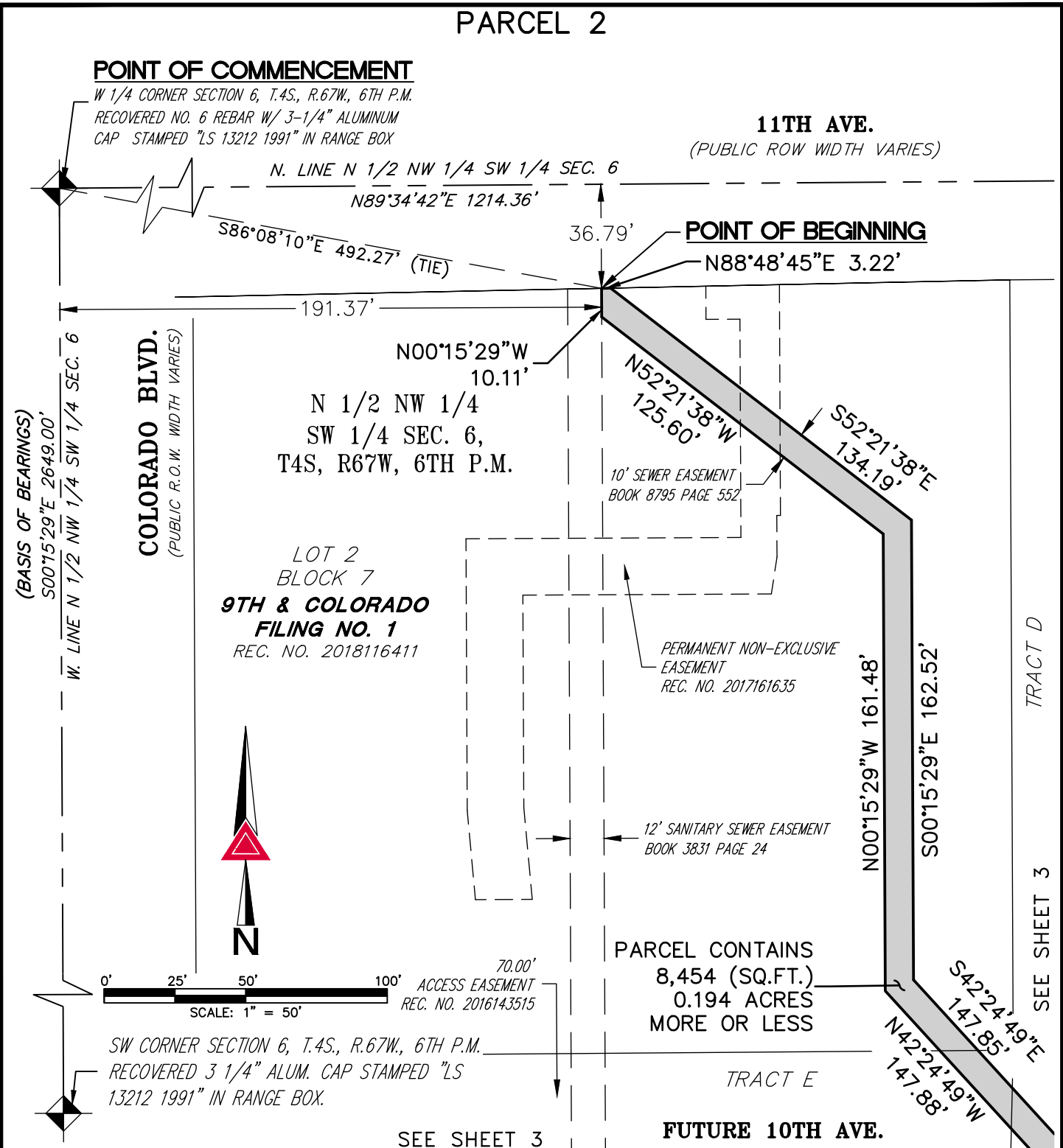
CONTAINING AN AREA OF 0.194 ACRES, (8,454 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

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303-718-1898



ILLUSTRATION TO EXHIBIT A PARCEL 2



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH:
 DWG NAME: 10' SEWER EASEMENT.DWG
 DWG: YM CHK: AKP
 DATE: 8/8/2019
 SCALE: 1" = 50'

AZTEC
CONSULTANTS, INC.

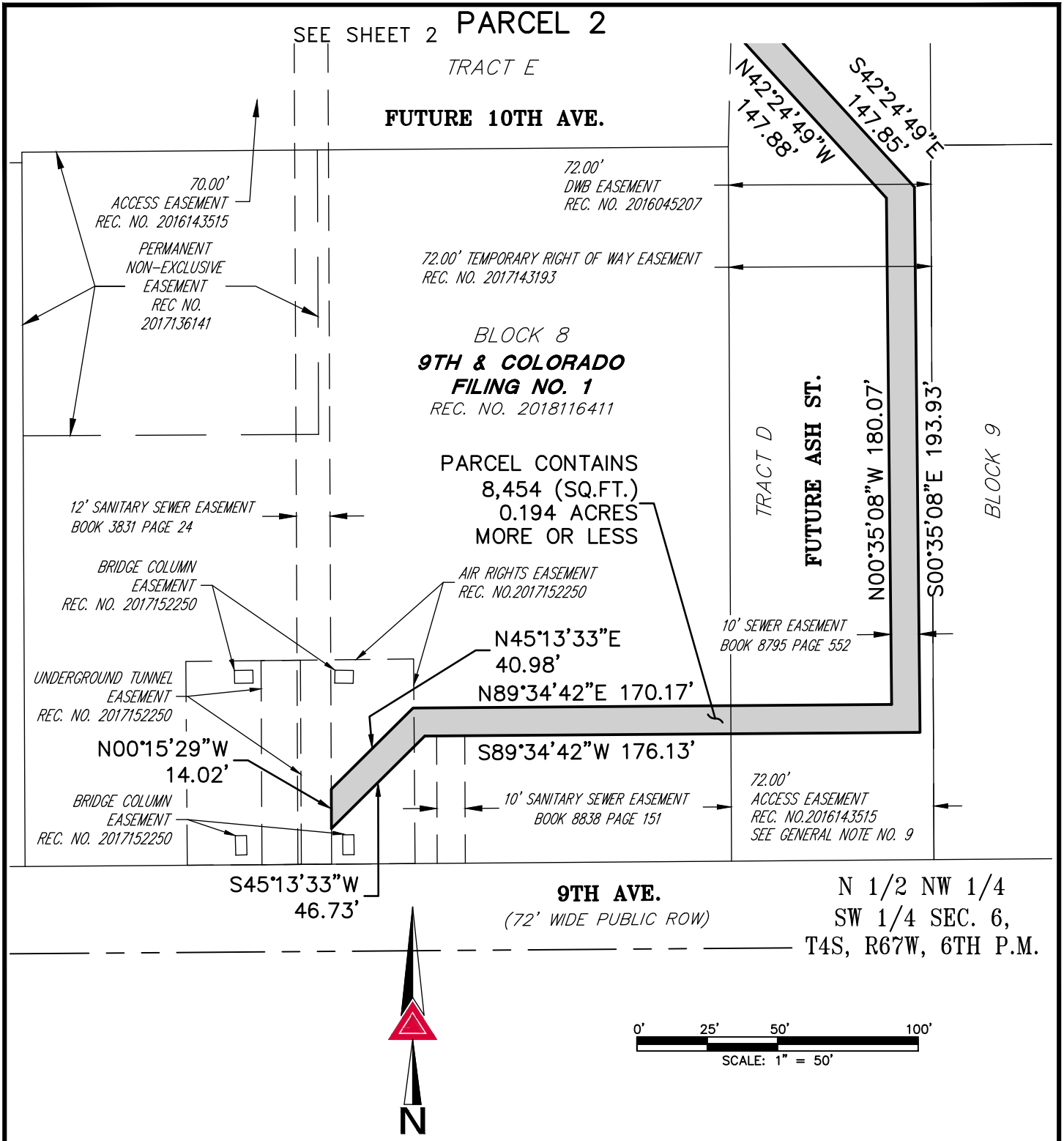
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Q:\87619-04 -9th & Colorado Block 7 ALTA\dwg\EXHIBITS

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 DENVER COUNTY, COLORADO

JOB NUMBER 87619-04
2 OF 3 SHEETS

ILLUSTRATION TO EXHIBIT A



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 DWG NAME: 10' SEWER EASEMENT.DWG
 DWG: YM CHK: AKP
 DATE: 8/8/2019
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10' SEWER EASEMENT
 N 1/2 NW 1/4 SW 1/4 SEC. 6, T4S, R67W, 6TH P.M.
 DENVER COUNTY, COLORADO
 JOB NUMBER 87619-04 3 OF 3 SHEETS

EXHIBIT ALAND DESCRIPTION
PARCEL 3

A PARCEL OF LAND BEING ALL OF THAT 12.00 FEET WIDE SANITARY SEWER EASEMENT DESCRIBED IN BOOK 3831 AT PAGE 24, AND LOCATED WITHIN LOT 2, BLOCK 7, BLOCK 8, AND TRACT E, 9TH & COLORADO FILING NO. 1, RECORDED UNDER RECEPTION NO. 2018116411, ALL BEING RECORDED IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SITUATED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 86°00'36" EAST, A DISTANCE OF 480.32 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 2, BLOCK 7, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY BOUNDARY, NORTH 88°48'45" EAST, A DISTANCE OF 12.00 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY, SOUTH 00°15'29" EAST, A DISTANCE OF 594.34 FEET TO THE SOUTHERLY BOUNDARY OF SAID BLOCK 8;

THENCE ALONG SAID SOUTHERLY BOUNDARY, SOUTH 89°33'50" WEST, A DISTANCE OF 12.00 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, NORTH 00°15'29" WEST, A DISTANCE OF 594.18 FEET TO THE **POINT OF BEGINNING**.

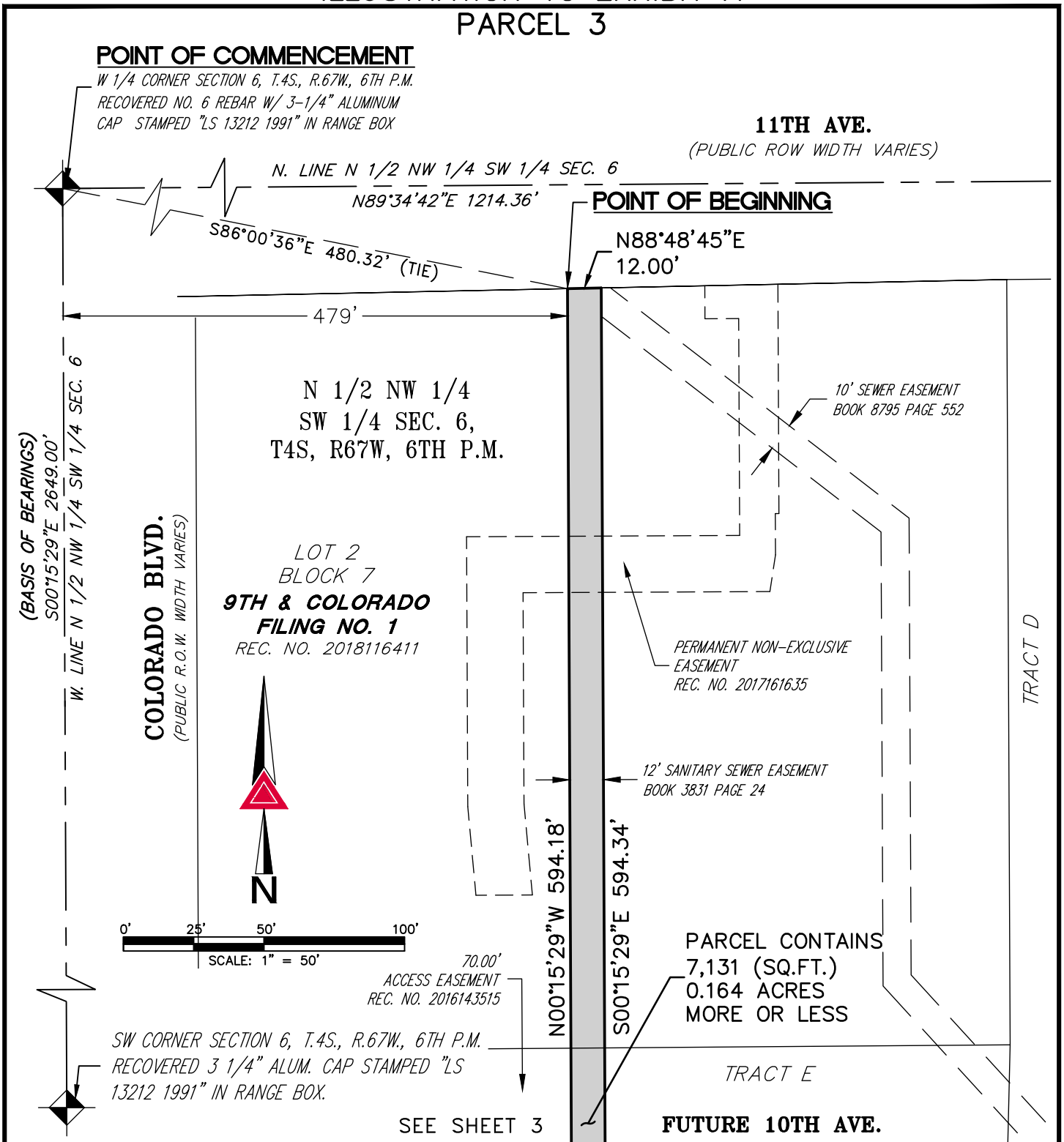
CONTAINING AN AREA OF 0.164 ACRES, (7,131 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



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ILLUSTRATION TO EXHIBIT A PARCEL 3



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SCALE: 1" = 50'

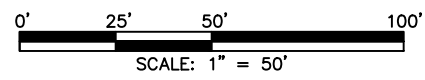
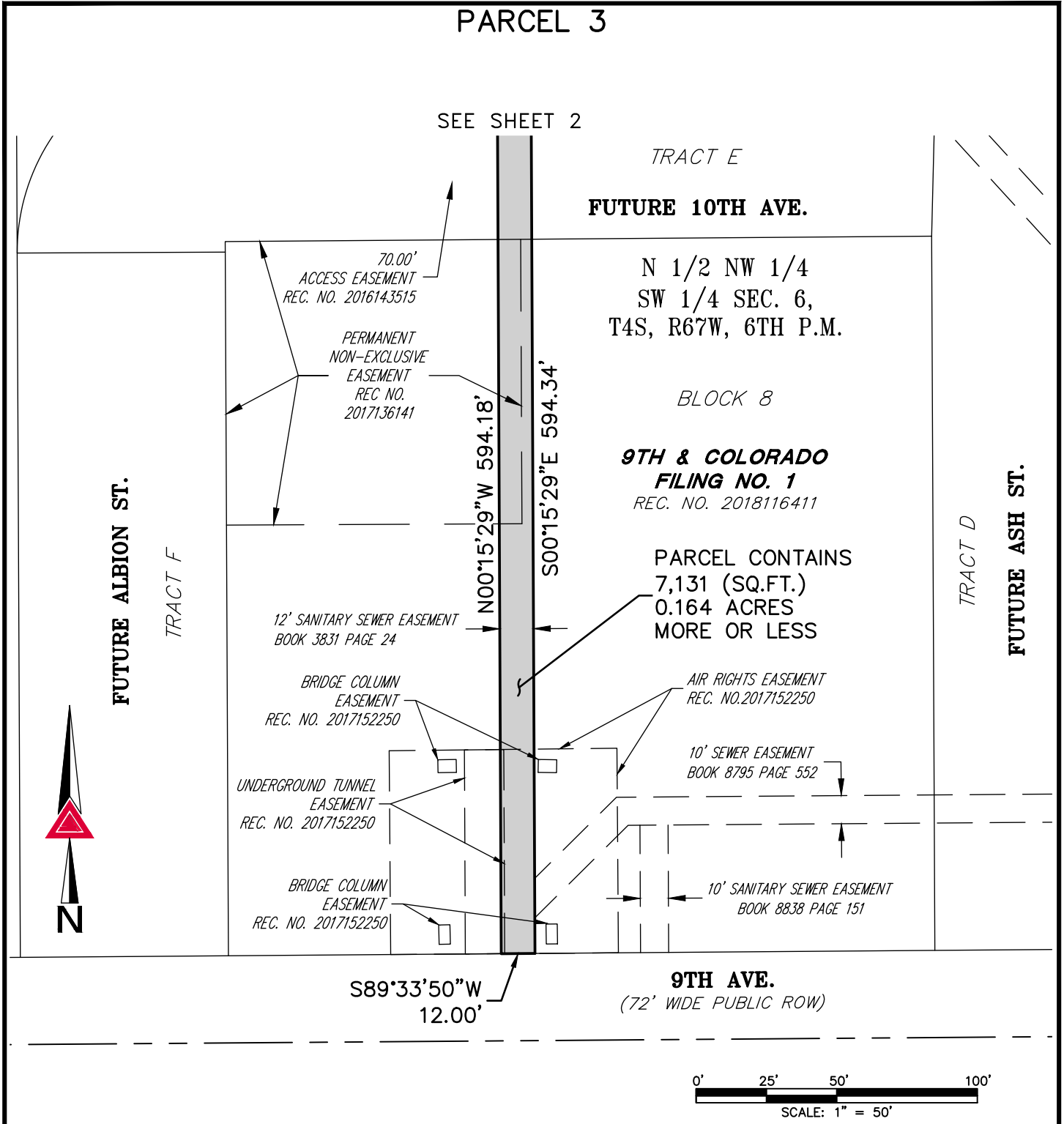
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DENVER COUNTY, COLORADO
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