

## 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:** 2018-RELINQ-0000015

**DATE:** September 7, 2021

**SUBJECT:** Request for an Ordinance to partially relinquish the 10-foot sewer and 20-foot drainage facilities easement(s) established in the Deed of Easements Book 595, Page 674 and Book 1785, Page 45, respectively. Located southwest of East Hampden Avenue and South Tamarac Drive.

**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 c/o John Heiberger, dated August 24, 2018 on behalf of CVS 10831 CO, LLC c/o Cheryl Green for the relinquishment of the subject easement(s).

This matter has been coordinated with City Councilperson Black, District 4; Asset Management; Emergency Management; Community Planning & Development: Planning Services; Historic Preservation/Landmark; Denver Water; Denver Fire Department; City Forester; Parks and Recreation; DOTI: ER Transportation and Wastewater, DES Transportation & Wastewater, Construction Engineering, Policy and Planning, TES Signing and Striping, Survey; Regional Transportation District; Comcast; Metro Wastewater Reclamation District; CenturyLink; and Xcel Energy, all of whom have indicated no objection to the proposed easement relinquishment(s).

As a result of these investigations, it has been determined that there is no objection to relinquishing the subject easement(s).

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

**INSERT PARCEL DESCRIPTION 2018-RELINQ-0000015-001 HERE**  
**INSERT PARCEL DESCRIPTION 2018-RELINQ-0000015-002 HERE**

A vicinity map of the subject easement area(s) and a copy of the document(s) creating the easement(s) 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](http://www.denvergov.org/doti)  
Phone: 720-865-3003

**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: September 7, 2021

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 partially relinquish the 10-foot sewer and 20foot drainage facilities easement(s) established in the Deed of Easements Book 595, Page 674 and Book 1785, Page 45, respectively. Located southwest of East Hampden Avenue and South Tamarac Drive.

**3. Requesting Agency:** DOTI, 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 partially relinquish the 10-foot sewer and 20-foot drainage facilities easement(s) established in the Deed of Easements Book 595, Page 674 and Book 1785, Page 45, respectively. Located southwest East Hampden Avenue and South Tamarac Drive.

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

**7. City Council District:** Councilperson Black, District 4

**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:** 2018-RELINQ-0000015 CVS 10831 Hampden Ave and S Tamarac Dr

**Property Owner:** CVS 10831 CO, LLC c/o Cheryl Green

**Description of Proposed Project:** A new CVS Pharmacy location is being built over the easement areas that are being requested to be relinquished.

**Background:** The existing 21-inch storm sewer was removed from the subject easement area and relocated with a new 24-inch storm sewer to accommodate storm events. The existing gas main was removed from the subject easement area and a new gas main relocated on the west side of the site.

**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](http://www.denvergov.org/doti)  
Phone: 720-865-3003

## EXHIBIT A

### LAND DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LAND AS DESCRIBED IN RECEPTION NO. 2015165582 AND ALSO A PORTION OF A CERTAIN 10 FOOT STORM SEWER EASEMENT AS DESCRIBED IN BOOK 595 PAGE 674, RECORDED IN THE CLERK AND RECORDER'S OFFICE OF THE CITY AND COUNTY OF DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN; IN SAID CITY AND COUNTY, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 4, WHENCE THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, BEARS NORTH 89°48'32" EAST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 79°48'51" EAST, A DISTANCE OF 1178.03 FEET TO THE INTERSECTION OF THE NORTH LINE OF SAID STORM SEWER EASEMENT AND THE WESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2015165582 AND THE **POINT OF BEGINNING**.

THENCE ALONG SAID NORTH LINE, NORTH 89°48'32" EAST, A DISTANCE OF 164.92 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4 ALSO BEING THE WESTERLY RIGHT-OF-WAY OF SOUTH TAMARAC DRIVE;

THENCE ALONG SAID EAST LINE, SOUTH 00°35'44" WEST, A DISTANCE OF 10.00 FEET TO THE SOUTHERLY LINE OF SAID EASEMENT;

THENCE DEPARTING SAID EAST LINE, ALONG SAID SOUTHERLY LINE, SOUTH 89°48'32" WEST, A DISTANCE OF 154.93 FEET TO THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN RECEPTION NO. 2015165582;

THENCE ALONG SAID WESTERLY LINE, NORTH 44°45'16" WEST, A DISTANCE OF 14.04 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.037 ACRES, (1,599 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



SHAUN D. LEE PLS, NO.38158  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO EXHIBIT A

2018-RELINQ-0000015-001

## POINT OF COMMENCEMENT

NW CORNER SEC. 4 T.5S., R.67W., 6TH P.M.  
 3-1/4 ALUMINUM CAP STAMPED  
 "COLO DEPT OF HIGHWAYS PLS NO. 14157 1989" IN  
 MONUMENT BOX

N 1/4 CORNER SEC. 4 T.5S., R.67W., 6TH P.M.  
 RECOVERED 3-1/4" ALUMINUM CAP  
 STAMPED "COLO DEPT OF HIGHWAYS  
 PLS NO. 14157 1989" IN MONUMENT BOX

N89°48'32"E 2653.56'

NORTHERLY LINE OF THE NW 1/4 OF SEC. 4  
 (BASIS OF BEARINGS)

S79°48'51"E 1178.03' (TIE)

## HAMPDEN AVE.

140' WIDE PUBLIC RIGHT-OF-WAY

SOUTH TAMARAC DR.  
 80' WIDE PUBLIC RIGHT-OF-WAY

REC. NO. 2015165582

PARCEL CONTAINS  
 1,599 (SQ.FT.)  
 0.037 ACRES  
 MORE OR LESS

NW 1/4, NW 1/4 SEC. 4,  
 T.5S., R.67W., SIXTH P.M.

10' STORM SEWER EASEMENT  
 BOOK 595, PAGE 674

## POINT OF BEGINNING

L1

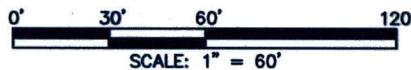
L3

L4

EAST LINE OF THE NW  
 1/4, NW 1/4 OF SEC. 4  
 T.5S. R.67W. 6TH P.M.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°48'32"E	164.92'
L2	S00°35'44"W	10.00'
L3	S89°48'32"W	154.93'
L4	N44°45'16"W	14.04'



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

PATH: \_\_\_\_\_  
 DWG NAME: \_\_\_\_\_  
 DWG: DR CHK: SDL  
 DATE: 10/15/2018  
 SCALE: 1" = 60'

C:\10831\_Vacated 10' Storm Sewer Easement.dwg.DWG

**AZTEC**  
 CONSULTANTS, INC.

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

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**EXHIBIT A**  
 Hampden & Tamarac  
 DENVER COUNTY, COLORADO  
 JOB NUMBER 48115-21 2 OF 2 SHEETS

## EXHIBIT A

### LAND DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LAND AS DESCRIBED IN RECEPTION NO. 2015165582 AND ALSO A PORTION OF A CERTAIN 20 FOOT STORM AND UTILITY EASEMENT AS DESCRIBED IN BOOK 1785 PAGE 45, RECORDED IN THE CLERK AND RECORDER'S OFFICE OF THE CITY AND COUNTY OF DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN; IN SAID CITY AND COUNTY, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 4, WHENCE THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, BEARS NORTH 89°48'32" EAST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 80°28'27" EAST, A DISTANCE OF 1,214.51 FEET TO A POINT ON THE NORTH LINE OF SAID STORM AND UTILITY EASEMENT AND THE **POINT OF BEGINNING**.

THENCE ALONG SAID NORTH LINE, NORTH 89°48'32" EAST, A DISTANCE OF 126.69 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4 ALSO BEING THE WESTERLY RIGHT-OF-WAY OF SOUTH TAMARAC DRIVE;

THENCE ALONG SAID EAST LINE, SOUTH 00°35'44" WEST, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID STORM AND UTILITY EASEMENT;

THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTH LINE, SOUTH 89°48'32" WEST, A DISTANCE OF 146.42 FEET;

THENCE NORTH 44°48'32" EAST, A DISTANCE OF 28.28 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.063 ACRES, (2,731 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



SHAUN D. LEE, PLS NO.38158  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO EXHIBIT A

2018-RELINQ-000015-002

## POINT OF COMMENCEMENT

NW CORNER SEC. 4 T.5S., R.67W., 6TH P.M.  
 3-1/4" ALUMINUM CAP STAMPED  
 "COLO DEPT OF HIGHWAYS PLS NO. 14157 1989" IN  
 MONUMENT BOX

N 1/4 CORNER SEC. 4 T.5S., R.67W., 6TH P.M.  
 RECOVERED 3-1/4" ALUMINUM CAP  
 STAMPED "COLO DEPT OF HIGHWAYS  
 PLS NO. 14157 1989" IN MONUMENT BOX

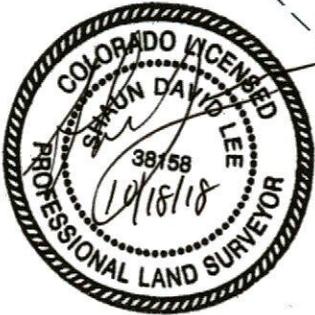
N89°48'32"E 2653.56'

NORTHERLY LINE OF THE NW 1/4 OF SEC. 4  
 (BASIS OF BEARINGS)

S80°28'27"E 1214.51' (TIE)

## HAMPDEN AVE.

140' WIDE PUBLIC RIGHT-OF-WAY



20' STORM SEWER  
 AND UTILITY EASEMENT  
 BOOK 1785, PAGE 45

NW 1/4, NW 1/4 SEC. 4,  
 T.5S., R.67W., SIXTH P.M.

PARCEL CONTAINS  
 2,731 (SQ.FT.)  
 0.063 ACRES  
 MORE OR LESS  
 REC. NO.  
 2015165582

## POINT OF BEGINNING

L1

SOUTH TAMARAC DR.  
 80' WIDE PUBLIC RIGHT-OF-WAY

L3

EAST LINE OF THE  
 NW 1/4, NW 1/4 OF  
 SEC. 4 T.5S. R.67W.  
 6TH P.M.

0' 30' 60' 120'  
 SCALE: 1" = 60'



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°48'32"E	126.69'
L2	S00°35'44"W	20.00'
L3	S89°48'32"W	146.42'
L4	N44°48'32"E	28.28'

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

PATH: \_\_\_\_\_  
 DWG NAME: \_\_\_\_\_  
 DWG: DR CHK: SDL  
 DATE: 10/18/2018  
 SCALE: 1" = 60'

CMS 10031\_Updated 20' STORM SEWER AND UTILITY Easement.dwg

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

Q:\DWG\EXHIBITS\Q:\48115-21 - Hampden & Tamarac ALTA\dwg

**EXHIBIT A**  
 Hampden & Tamarac  
 DENVER COUNTY, COLORADO  
 JOB NUMBER 48115-21 2 OF 2 SHEETS