

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, P.E., Director, Right-of-Way Services

DATE: August 31, 2020

ROW #: 2020-DEDICATION-0000020 **SCHEDULE #:** 0630205027000

TITLE: This request is to dedicate two parcels of land as Public Right-of-Way as 1) E. Warren Ave., and 2) S. Clermont St., located at the intersection of E. Warren Ave. and S. Clermont St.

SUMMARY: Request for a Resolution for laying out, opening and establishing certain real property as part of the system of thoroughfares of the municipality; i.e. as 1) E. Warren Ave., and 2) S. Clermont St. These parcels of land are being dedicated by the City and County of Denver for Public Right-of-Way, as part of the development project, 'The Cameron Phase I.'

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

Therefore, you are requested to initiate Council action to dedicate a parcel of land for Public Right-of-Way purposes as 1) E. Warren Ave., and 2) S. Clermont St. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2020-DEDICATION-0000020-001, 002) HERE.

A map of the area to be dedicated is attached.

MB/TB/RL

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson, Kendra Black District # 4
Councilperson Aide, Taylor Cohn
Councilperson Aide, Genevieve Kline
Councilperson Aide, Kathy Gile
City Council Staff, Zach Rothmier
Environmental Services, David Erickson
DOTI, Manager's Office, Alba Castro
DOTI, Manager's Office, Jason Gallardo
DOTI, Director, Right-of-Way Services, Matt Bryner
Department of Law, Maureen McGuire
Department of Law, Martin Plate
Department of Law, Deanne Durfee
Department of Law, Caroline Martin
Department of Law, Rachonda Dixon
DOTI Survey, Thomas Breitnauer
DOTI Survey, Paul Rogalla
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2020-DEDICATION-0000020

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo
at Jason.Gallardo@DenverGov.org by **12:00 pm on Monday.**

****All fields must be completed.****

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: August 31, 2020

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** This request is to dedicate two parcels of land as Public Right-of-Way as 1) E. Warren Ave., and 2) S. Clermont St., located at the intersection of E. Warren Ave. and S. Clermont St.

3. **Requesting Agency:** DOTI, Right-of-Way Services
Agency Section: Survey

4. **Contact Person:** (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Rebecca Long
- **Phone:** 720-913-4518
- **Email:** Rebecca.Long@denvergov.org

5. **Contact Person:** (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

- **Name:** Jason Gallardo
- **Phone:** 720-865-8723
- **Email:** Jason.gallardo@denvergov.org

6. **General description/background of proposed resolution including contract scope of work if applicable:** Request for a Resolution for laying out, opening and establishing certain real property as part of the system of thoroughfares of the municipality; i.e. as 1) E. Warren Ave., and 2) S. Clermont St. These parcels of land are being dedicated by the City and County of Denver for Public Right-of-Way, as part of the development project, 'The Cameron Phase I.'

****Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** Intersection of E. Warren Ave. & S. Clermont St.
- d. **Affected Council District:** Kendra Black District # 4
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

7. **Is there any controversy surrounding this resolution?** (Groups or individuals who may have concerns about it?) **Please explain.**

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

EXECUTIVE SUMMARY

Project Title: 2020-DEDICATION-0000020

Description of Proposed Project: Dedication of a parcel of land as Public Right-of-Way as 1) E. Warren Ave., and 2) S. Clermont St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The City and County of Denver was deeded this land to be dedicated as 1) E. Warren Ave., and 2) S. Clermont St.

Has a Temp MEP been issued, and if so, what work is underway: N/A

What is the known duration of a MEP: N/A

Will land be dedicated to the City if the vacation goes through: N/A

Will an easement be placed over a vacated area, and if so explain: N/A

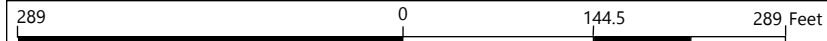
Will an easement relinquishment be submitted at a later date: N/A

Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as 1) E. Warren Ave., and 2) S. Clermont St, as part of a development project called 'The Cameron Phase I.'



Legend

- ▲ Well Restrictions
- Barrier Restrictions
- Area Restrictions
 - Liner
 - Sheet Pile Wall Area
- Streams
- Irrigation Ditches Reconstruct (Gardeners)
- Irrigation Ditches
- Streets
- Alleys
- Railroads
 - + Main
 - + Yard
 - + Spur
 - + Siding
 - + Interchange track
 - + Other
- Bridges
- Rail Transit Stations
 - Existing
 - Planned
- ▲ Park-N-Ride Locations
- Lakes
- County Boundary
- Parcels
- Lots/Blocks
- Parks
 - All Other Parks; Linear
 - Mountain Parks



PARCEL DESCRIPTION ROW NO. 2020-DEDICATION-0000020-001:

LAND DESCRIPTION - STREET PARCEL #1:

THAT PARCEL OF LAND AS DESCRIBED IN EXHIBIT "A" IN SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 20TH DAY OF MAY, 2020, AT RECEPTION NUMBER 2020067967 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF BLOCKS 6 AND 7, WARREN'S UNIVERSITY HEIGHTS, AND A PORTION OF VACATED SOUTH CHERRY STREET RIGHT-OF-WAY, AS RECORDED AT ORDINANCE NO. 20191064, LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST-WEST CENTERLINE OF SAID SECTION 30 TO BEAR NORTH 89°32'22" EAST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 3 1/4" ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER OF SAID SECTION 30 AND A FOUND 2 1/2" ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID WEST QUARTER CORNER; THENCE NORTH 65°42'53" EAST, A DISTANCE OF 1710.11 FEET TO THE SOUTHWESTERLY CORNER OF BLOCK 6, WARREN'S UNIVERSITY HEIGHTS; THENCE ALONG THE SOUTHERLY LINE OF LOT 24, BLOCK 6, NORTH 89°30'55" EAST, A DISTANCE OF 2.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG A LINE PARALLEL WITH AND 2.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID BLOCK 6, NORTH 00°18'07" WEST, A DISTANCE OF 2.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 2.0 FEET NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF EAST WARREN AVENUE, NORTH 89°30'55" EAST, A DISTANCE OF 604.03 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF INTERSTATE 25 RIGHT-OF-WAY; THENCE ALONG SAID SOUTHWESTERLY LINE, SOUTH 33°26'59" EAST, A DISTANCE OF 2.38 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST WARREN AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 89°30'55" WEST, A DISTANCE OF 605.33 FEET TO THE POINT OF BEGINNING;

CONTAINING 1,209 SQ. FT. OR 0.03 ACRES, MORE OR LESS.

PARCEL DESCRIPTION ROW NO. 2020-DEDICATION-0000020-002:

THAT PARCEL OF LAND AS DESCRIBED IN EXHIBIT "B" IN SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 20TH DAY OF MAY, 2020, AT RECEPTION NUMBER 2020067967 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

LAND DESCRIPTION - STREET PARCEL #2:

THE WESTERLY 2.00 FEET OF LOTS 13 TO 24 AND THE WESTERLY 2.00 FEET OF THE SOUTHERLY 15.95 FEET OF LOT 12, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO;

CONTAINING 634 SQ. FT. OR 0.01 ACRES, MORE OR LESS.



05/20/2020 08:55 AM
City & County of Denver

R \$0.00

WD

2020067967

Page: 1 of 6

D \$0.00

After recording, return to:
Division of Real Estate
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202
Project Description: 2020-Dedication-0000020
Asset Mgmt No.: 20-070

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this 19th day of May, 2020, by **CREA-FLYWHEEL EVANS LANDCO, LLC**, a Delaware limited liability company, whose address is 1601 S. Mopac, Suite, 175, Austin, TX 78746, United States ("Grantor") to the **CITY AND COUNTY OF DENVER**, a Colorado municipal corporation of the State of Colorado and home rule city, whose address is 1437 Bannock Street, Denver, Colorado 80202 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and by these presents does hereby grant, bargain, sell, convey and confirm, unto Grantee, and its successors and assigns forever, the real property described below, together with all improvements thereon, owned by Grantor situate, lying and being in the City and County of Denver, State of Colorado, and being more particularly described on the attached Exhibit(s) hereto and incorporated herein ("Property");

TOGETHER WITH all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all of the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in, and to the above-bargained Property, together with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the Property above bargained and described with the appurtenances, unto Grantee, and its successors and assigns forever. Grantor, for itself and its successors and assigns does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained Property in the quiet and peaceable possession of Grantee, and its successors and assigns; against all and every person or persons claiming the whole or any part thereof, by, through, or under Grantor.

No separate bill of sale with respect to improvements on the Property will be executed.

IN WITNESS WHEREOF, Grantor has executed this Deed on the date set forth above.

ATTEST:

CREA-FLYWHEEL EVANS LANDCO, LLC

By: Audley Simon

Name: Audley Simon

Its: Co-President

STATE OF TEXAS)

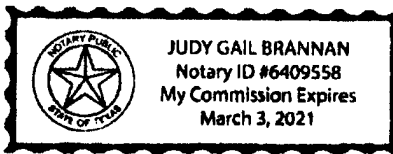
COUNTY OF TRAVIS) ss.

The foregoing instrument was acknowledged before me this 19th day of June, 2020 by Audley Simon, as Co-President of **CREA-FLYWHEEL EVANS LANDCO, LLC**, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: 3/3/2021

Judy Gail Brannan
Notary Public



2019-PROJMSIR-0000059-ROW-001

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH,
RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2

LAND DESCRIPTION

PARCEL 1:

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CONTAINING 1,209 SQ. FT. OR 0.03 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, 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: 18-71.996
DRAWN BY: J. STEPHENSON
DATE: APRIL 8, 2020



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

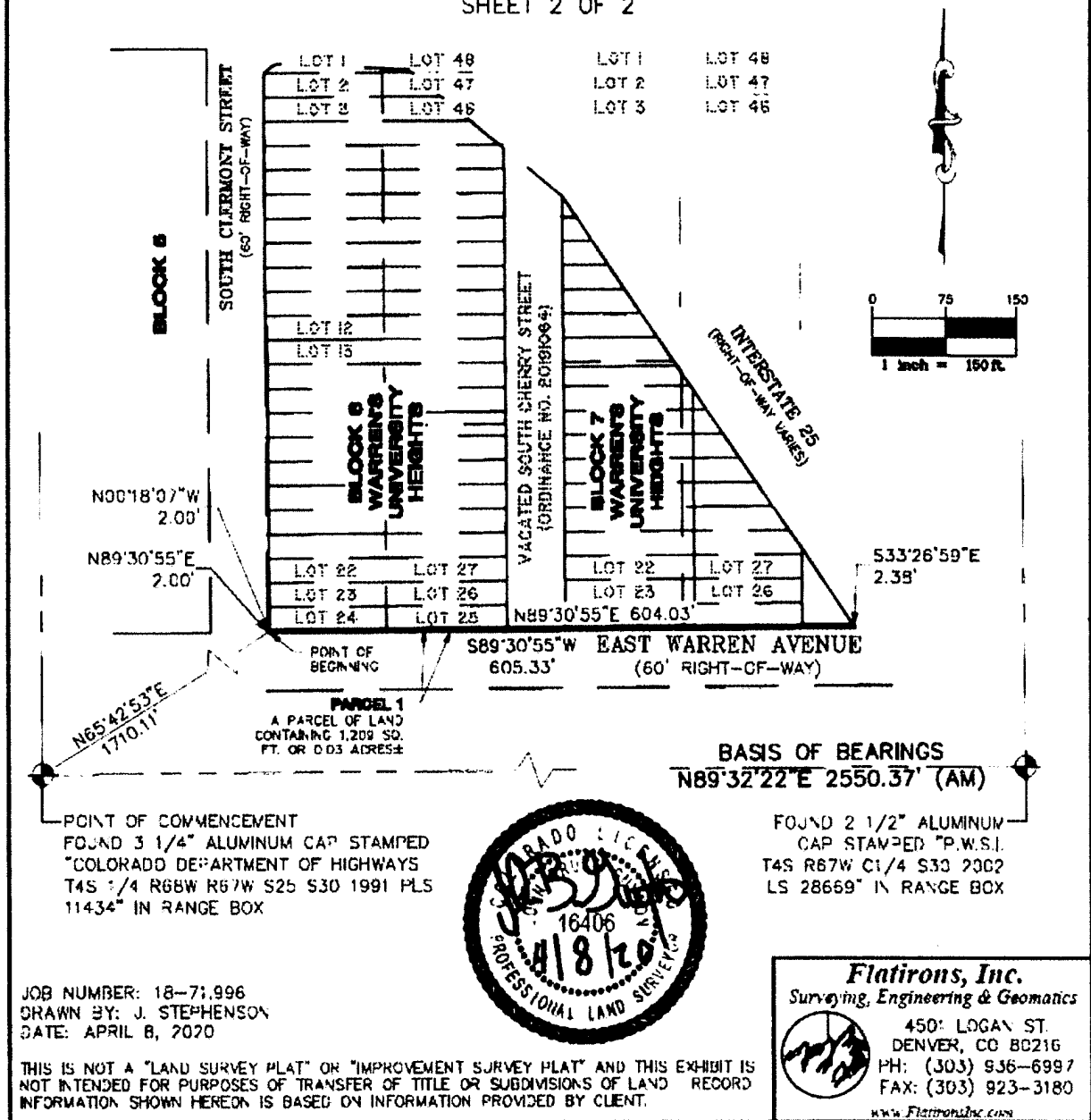


2019-PROJMSR-0000059-ROW-001

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SHEET 2 OF 2



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2019-PROJMS1R-0000059-ROW-002

EXHIBIT "B"

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RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
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SHEET 1 OF 2

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Land Surveying Services



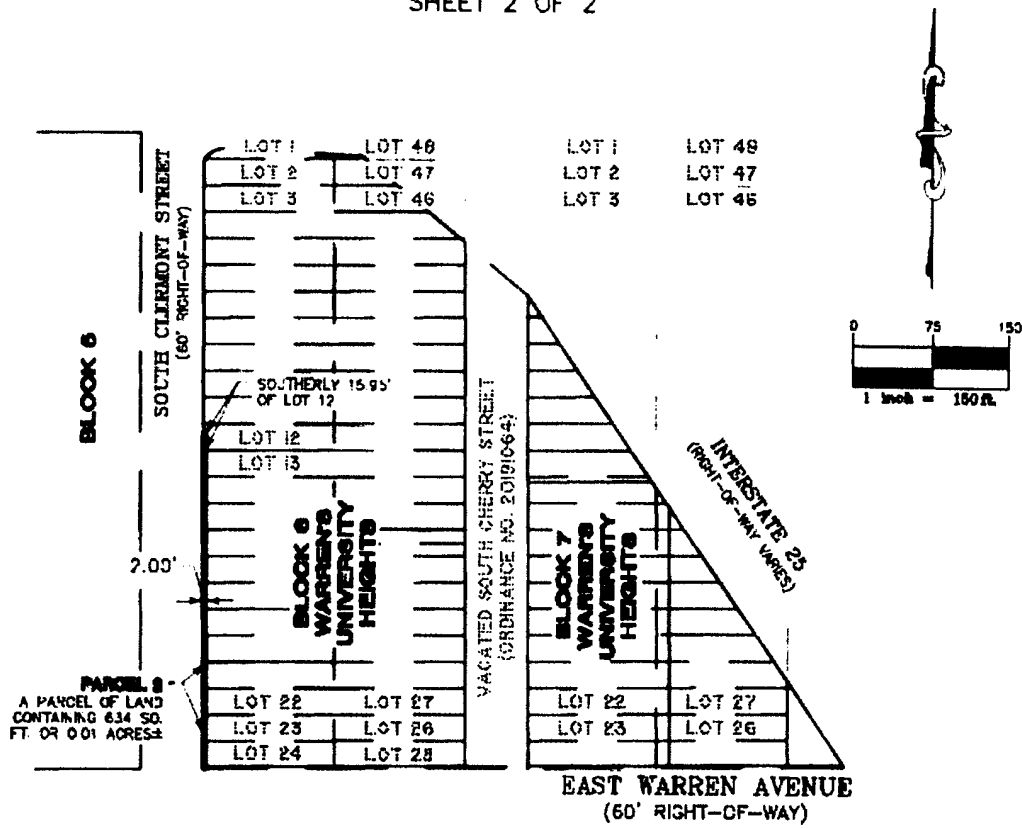
4501 LOGAN ST.
DENVER, CO 80216
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www.Flatironsinc.com

2019-PROJ-MASTER 0000059 ROW 002

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