



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Robert J. Duncanson, P.E., Engineering Manager II
Right-of-Way Services

DATE: June 4, 2015

ROW #: 2013-0481-03 **SCHEDULE #:** 0228104012000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Located at the intersection of W. 38th Ave. and Lipan 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 Public Alley. This parcel(s) of land is being dedicated to the City and County of Denver for Public Right-of-Way, as part of the development project (1200 & 1230 W. 38th Retail)

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 Public Alley. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2013-0481-03-001) HERE.

A map of the area to be dedicated is attached.

RD/AG/BLV

cc: Asset Management, Steve Wirth
City Councilperson & Aides, Judy Montero District # 9
City Council Staff, Shelley Smith
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Angela Casias
Public Works, Right-of-Way Engineering Services, Rob Duncanson
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Carol Martin
Department of Law, Adam Hernandez
Department of Law, Angela Garcia
Public Works Survey, Ali Gulaid
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2013-0481-03

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at Nancy.Kuhn@Denvergov.org by **NOON 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: June 4, 2015

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: (Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)

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3. Requesting Agency: PW Right of Way Engineering Services

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

- Name: Barbara Valdez
- Phone: 720-865-3153
- Email: Barbara.valdez@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: Angela Casias
- Phone: 720-913-8529
- Email: Angela.casias@denvergov.org

6. General description of proposed ordinance including contract scope of work if applicable:

***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.)*

- a. Contract Control Number: N/A
- b. Duration: Permanent
- c. Location: W. 38th Ave and Lipan St.
- d. Affected Council District: Judy Montero Dist. 9
- e. Benefits: N/A
- f. Costs: N/A

7. Is there any controversy surrounding this ordinance? (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

DENVER
THE MILE HIGH CITY

Project Title: 2013-0481-03 Dedication, 1200 & 1230 W. 38th Retail

Description of Proposed Project: Dedicate a parcel of public right of way as Public Alley.

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 dedicate as Public Right of Way

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

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

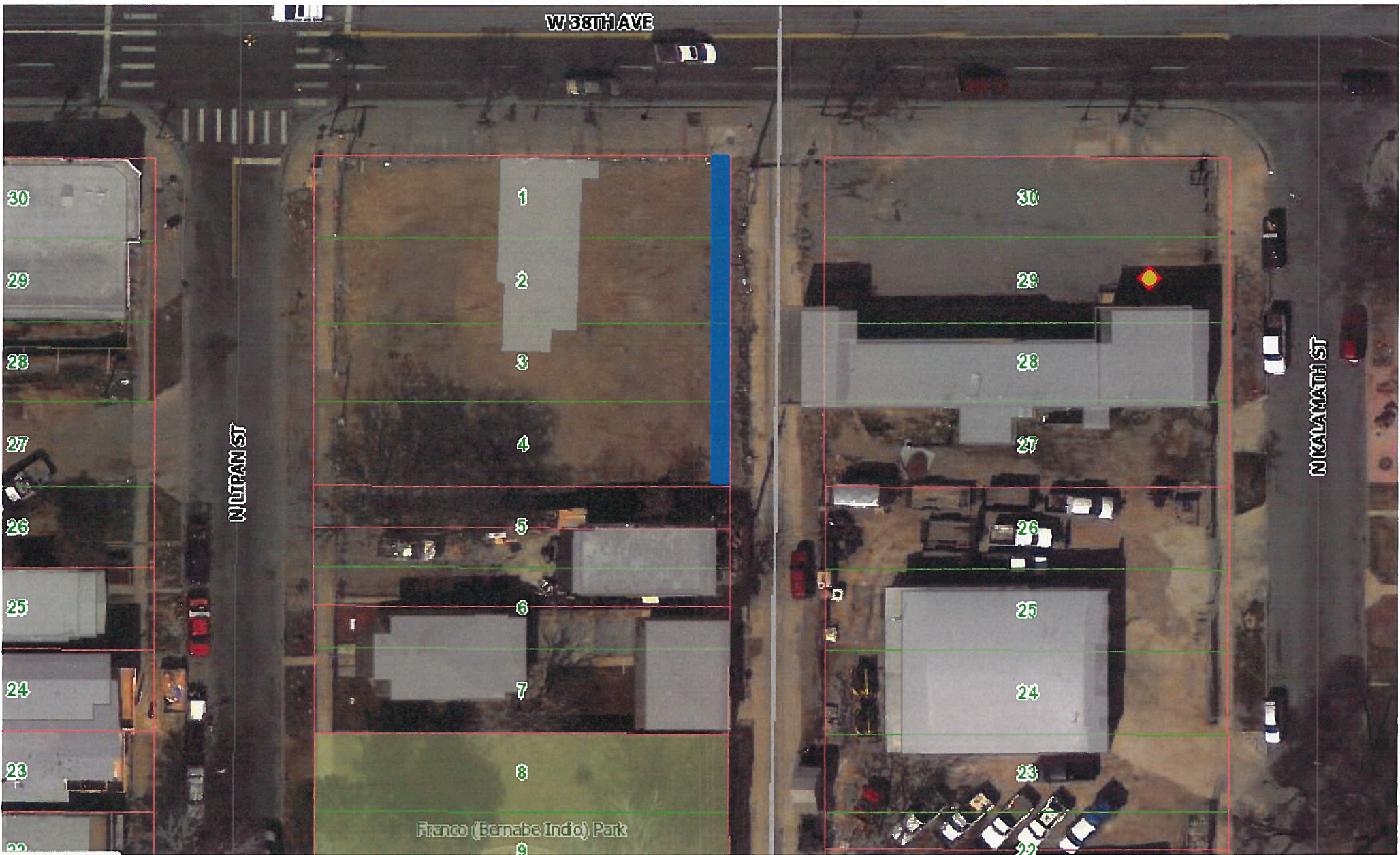
Will land be dedicated to the City if the vacation goes through: N/A

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 to dedicate it as Public Right-of-Way, as a part of a development project called, 1200 & 1230 W. 38th Retail

2013-0481-03



**RIGHT-OF-WAY DEDICATION PROPERTY
DESCRIPTION**

A PORTION OF BLOCK 51, VIADUCT ADDITION, BEING A PORTION OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 4.00 FEET OF LOTS 1 THROUGH 4, BLOCK 51, VIADUCT ADDITION.

CONTAINS 400 SQUARE FEET OR 0.010 ACRES, MORE OR LESS.



04/20/2015 01:52 PM
City & County of Denver

R \$0.00

WD

2015050144

Page: 1 of 4

D \$0.00

SPECIAL WARRANTY DEED

THIS DEED, is dated April 15, 2015, and is made between LCP 1230, LLC, a Colorado limited liability company, 5711 S. Nevada St., Littleton, Co. 80120, the "Grantor," a corporation duly organized and existing under and by virtue of the laws of the State of Delaware and CITY & COUNTY OF DENVER, a Colorado municipal corporation and home rule city

(whether one, or more than one), the "Grantee," whose legal address is 1437 Bannock St., Denver, Colorado 80202

of the * City and County of Denver and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the City and County of Denver and State of Colorado, described as follows:

FOR LEGAL DESCRIPTIONS SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS SPECIAL WARRANTY DEED.

also known by street address as: VACANT LAND
and assessor's schedule or parcel number:

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

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that the Grantor shall and will **WARRANT THE TITLE AND DEFEND** the above described premises, *but not any adjoining vacated street or alley*, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor except and subject to: none; or the following matters:

This conveyance is made subject to all instruments affecting the subject property which are recorded in the public real estate records of Denver County, Colorado.

15-067
Asset Mgmt. #:
Approved
Asset Management
Date: 4-20-15
1200-1230 W. 30th Ave

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its president, vice-president, or other head officer, and its corporate seal to be affixed, attested by its secretary or other appropriate officer, on the date set forth above.

ATTEST:

Steve Kurtz
Its: STEVE KURTZ

GRANTOR:

Steve Kurtz

By: LCP 35th, LLC
Name: Steve Kurtz, Windward Investments, LLC member
Its: Littleton Capital Partners, LLC, Manager

STATE OF COLORADO

County of Arapahoe

} ss.

The foregoing instrument was acknowledged before me this 14 day of April, 2015, by LCP 1230 LLC as the Grantor and by STEVE KURTZ as the AUTHORIZED SIGNOR of the Grantor, on behalf of the corporation.

SENDIE M. VANG
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20044022083
MY COMMISSION EXPIRES 02/08/2017

Witness my hand and official seal.
My commission expires:

Sendie M. Vang
Notary Public

*Insert "City and" if applicable.

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

EXHIBIT "A"

PROJECT # 2013-0481

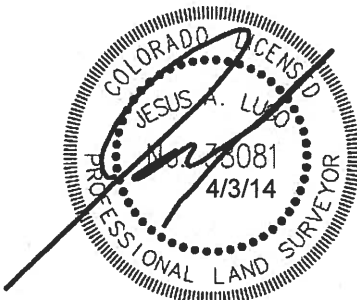
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THE EAST 4.00 FEET OF LOTS 1 THROUGH 4, BLOCK 51, VIADUCT ADDITION.

AS DEPICTED ON SHEET 2 OF 2, ATTACHED HERETO, MADE A PART HEREOF.

CONTAINS 400 SQUARE FEET OR 0.010 ACRES, MORE OR LESS.



JESUS A. LUGO, PLS 38081
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND BEHALF OF CALVADA SURVEYING, INC.
6551 S. REVERE PARKWAY, SUITE 165
CENTENNIAL, CO 80111

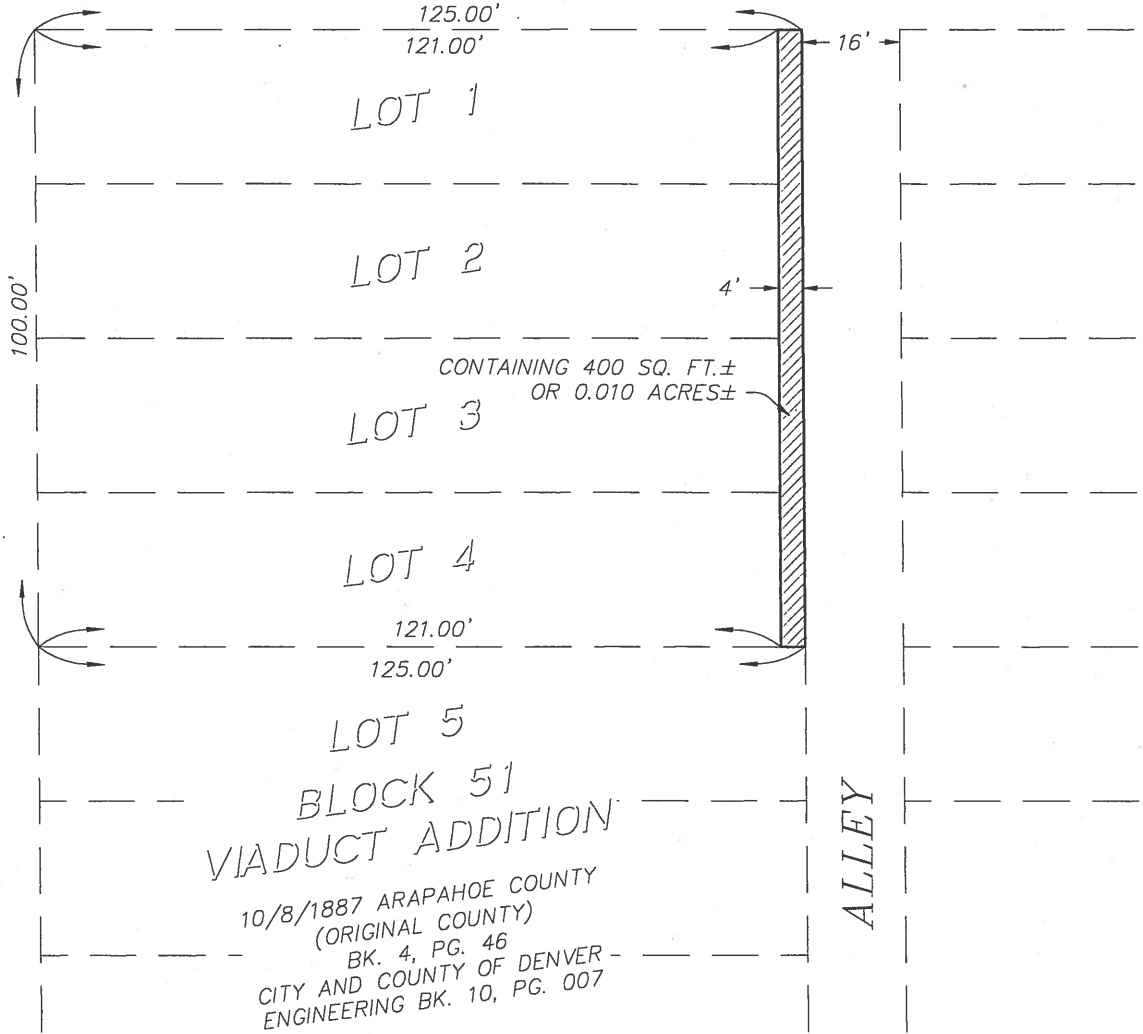
EXHIBIT A
 PORTION NE1/4, SECTION 28
 T3S, R68W, 6TH P.M.
 COUNTY OF DENVER
 STATE OF COLORADO

PROJECT # 2013-0481

W. 38TH AVE.

(80' R.O.W.)

LIPAN ST.
 (65' R.O.W.)



LOT 5
 BLOCK 51
 VIADUCT ADDITION

10/8/1887 ARAPAHOE COUNTY
 (ORIGINAL COUNTY)
 BK. 4, PG. 46
 CITY AND COUNTY OF DENVER -
 ENGINEERING BK. 10, PG. 007

GRAPHIC SCALE

30 0 15 30



FEET

1230 W. 38TH AVE.

1230 W. 38TH AVE.
 DENVER, CO.
 COUNTY OF DENVER

SHEET 2 OF 2

JOB NO. 13220

DATE: 1/16/14

SCALE: 1" = 30'