



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson P.E., Engineering Manager II
Right-of-Way Services

DATE: December 27, 2013

ROW #: 2012-0044-05 **SCHEDULE #:** 0225119011000
0225119010000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Public Alley. Located at the intersection of Colorado Blvd and Harrison St., between 35th Ave and 36th Ave.

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 (**Walgreens at 35th and Colorado**).

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 # (2012-0044-05-001) HERE.

A map of the area to be dedicated is attached.

RD/jl/bja

cc: Asset Management, Steve Wirth
City Councilperson & Aides, Albus Brooks, District #8
City Council Staff, Gretchen Williams
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Nancy Kuhn
Public Works, Right-of-Way Engineering Services, Rob Duncanson
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Public Works Survey, John Lautenschlager
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2012-0044-05

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: December 27, 2013

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.)*

This request is to dedicate a parcel of land as Public Right of Way as Public Alley. Located at the intersection of Colorado Blvd and Harrison St., between 35th Ave and 36th Ave.

3. **Requesting Agency:** PW Right of Way Engineering Services

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

- **Name:** Beverly J. Aragon
- **Phone:** 720-865-3125
- **Email:** Beverly.Aragon@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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** Nancy.Kuhn@denvergov.org

6. **General description of proposed ordinance 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 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 (Walgreens at 35th and Colorado).

****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:** Colorado Blvd and Harrison St between 35th and 36th Ave
- d. **Affected Council District:** Albus Brooks, District #8
- 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2012-0044-05 Dedication Walgreens at 35th and Colorado

Description of Proposed Project: This request is to dedicate a parcel of land as 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: No

What is the known duration of an MEP: Permanent

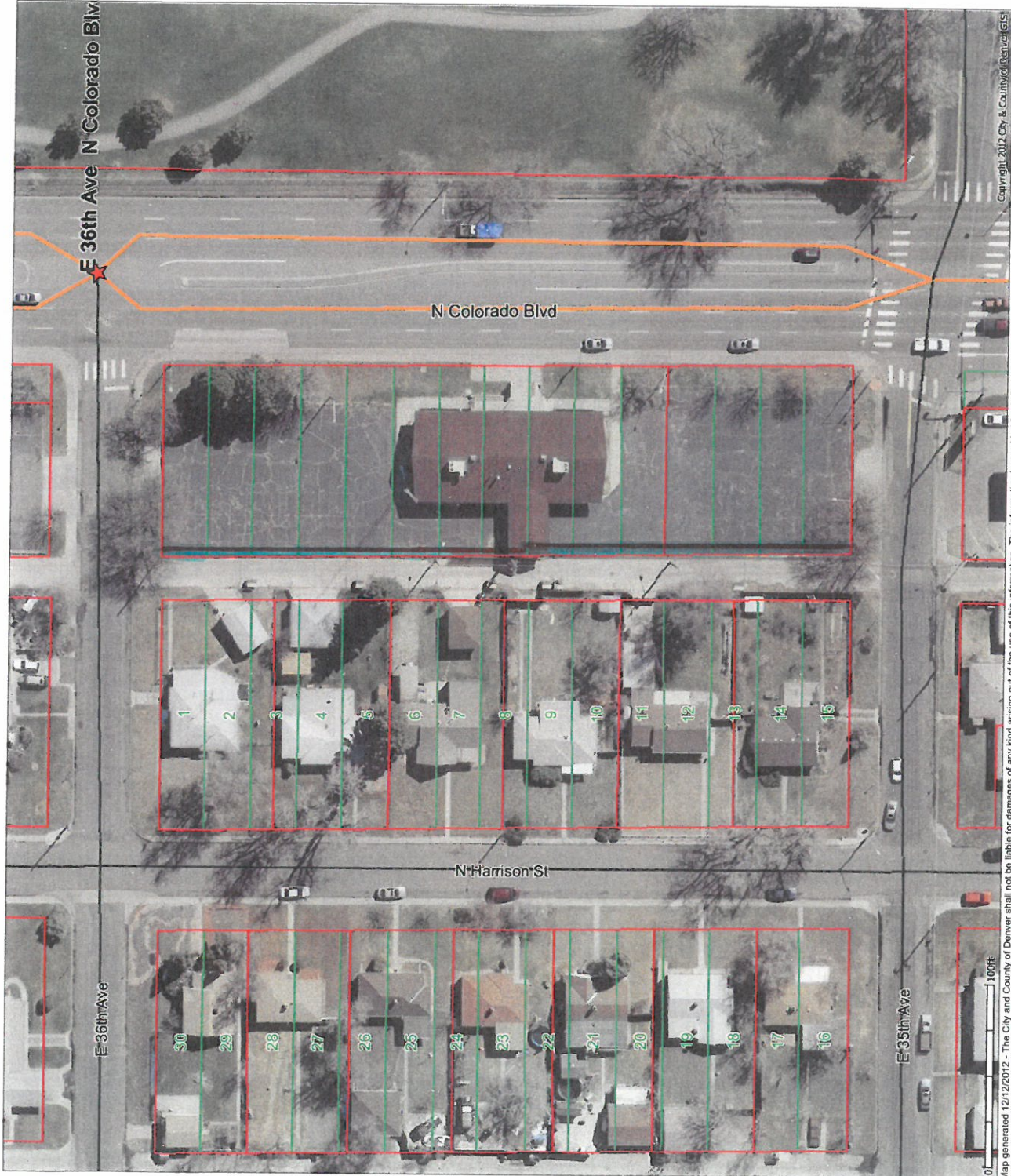
Will land be dedicated to the City if the vacation goes through: N/A

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, (Walgreens at 35th and Colorado).

Public Alley Colorado Blvd-Harrison St-35th Ave-36th Ave



- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- Lots/Blocks (Base Map)
- mask
- 2010_Denver.jp2.1r1
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

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PW Legal Description No. 2012-0044-05-001

A parcel of land conveyed by Special Warranty Deed to the City & County of Denver, recorded on the 11th of December 2012, by Reception Number 2012171365, in the City and County of Denver, Clerk & Recorder's Office, State of Colorado, being more particularly described as follows:

A part of Lots 16 – 30, inclusive, Block 15, O.J. Frost's Addition, as recorded in the Denver County Colorado, Clerk and Recorder's Office and situated in the NE ¼ of Section 25, T.3S., R.68W., of the 6th P.M., City and County of Denver, State of Colorado, and being more particularly described as follows: Beginning at the Northwest Corner of Lot 30, Block 15, O.J. Frost's Addition; thence N89°56'03"E along the North Line of said Lot 30 and along South R.O.W. Line of 36th Avenue, a distance of 2.00 feet; thence S00°00'19"W a distance of 201.48 feet; thence S89°59'41"E a distance of 2.00 feet; thence S00°00'19"W a distance of 173.51 feet to a point on the South Line of Lot 16, said point being on the North R.O.W. Line of 35th Avenue; thence S89°57'27"W along the South Line of Lot 16 and along the North R.O.W. Line of 35th Avenue, a distance of 4.00 feet to the Southwest Corner of Lot 16; thence N00°00'19"E along the West Line of Lots 16 – 30, inclusive, a distance of 375.00 feet to the Point of Beginning. Parcel Contains (1,097 Square Feet) 0.0252 Acres.



2012171365

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12/11/2012 03:46P

City & County of Denver MD RR1 00 00 00

SPECIAL WARRANTY DEED

THIS DEED, is dated December //, 20 12, and is made between 35th & Colorado LLC, a Colorado limited liability company

, 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 EXHIBITS "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:

See Exhibit "B" for Permitted Exceptions

517 278 A
②

IN WITNESS WHEREOF, the Grantor has caused its entity name to be hereunto subscribed by its manager on the date set forth above.

GRANTOR:

35TH & COLORADO LLC,
a Colorado limited liability company

By: Edgemark Development LLC, a
Colorado limited liability company, Manager

By: [Signature]
Brad A. McNealy, Manager

STATE OF COLORADO)
) ss
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 11 day of December 2012, by Brad A. McNealy as Manager of Edgemark Development LLC, a Colorado limited liability company, as Manager of 35th & Colorado LLC, a Colorado limited liability company, as the Owner.

Witness my hand and official seal.

My commission expires: 06/13/15

[Signature]
Notary Public

Address _____

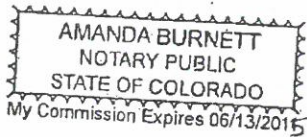


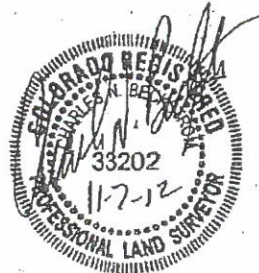
EXHIBIT A
(RIGHT OF WAY DEDICATION)

A part of LOTS 16 – 30, inclusive, BLOCK 15, O.J. FROST'S ADDITION, as recorded in the Denver County, Colorado Clerk and Recorder's Office and situated in the NE1/4 of Section 25, T.3S., R.68W., of the 6th P.M., City and County of Denver, State of Colorado, and being more particularly described as follows:

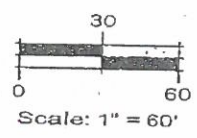
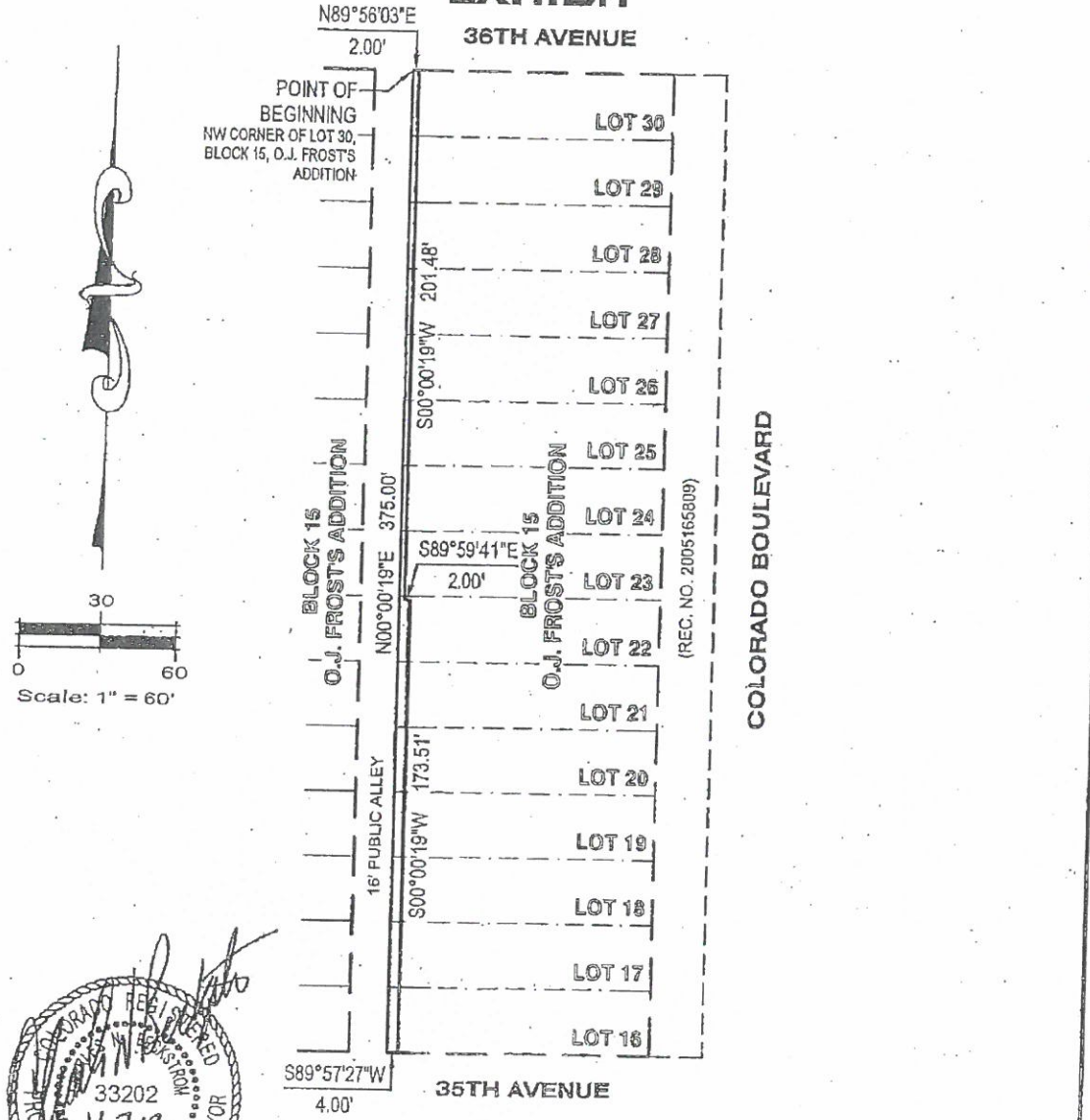
Beginning at the Northwest Corner of LOT 30, BLOCK 15, O.J. FROST'S ADDITION;
Thence N89°56'03"E along the North Line of said LOT 30 and along the South R.O.W. Line of 36th Avenue, a distance of 2.00 feet;
Thence S00°00'19"W a distance of 201.48 feet;
Thence S89°59'41"E a distance of 2.00 feet;
Thence S00°00'19"W a distance of 173.51 feet to a point on the South Line of LOT 16, said point being on the North R.O.W. Line of 35th Avenue;
Thence S89°57'27"W along the South Line of LOT 16 and along the North R.O.W. Line of 35th Avenue, a distance of 4.00 feet to the Southwest Corner of LOT 16;
Thence N00°00'19"E along the West Line of LOTS 16 – 30, inclusive, a distance of 375.00 feet to the Point of Beginning.

Parcel Contains (1,097 Square Feet) 0.0252 Acres

Date prepared: October 2, 2012
Date of last revision: October 23, 2012
Prepared by: Charles N. Beckstrom, PLS No. 33202
for and on behalf of
Engineering Service Company
1300 South Potomac Street, Suite 126
Aurora, Colorado 80012
Phone: 303-337-1393
cbeckstrom@engineeringserviceco.com



EXHIBIT



PARCEL CONTAINS
 1,097 SQUARE FEET
 0.0252 ACRES

PREPARED BY:
ENGINEERING SERVICE COMPANY
 1300 SOUTH POTOMAC STREET, SUITE 126
 AURORA, COLORADO 80012

CITY OF DENVER		
NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.		
DRAWN BY: JDP	SCALE: 1"=60'	R.O.W. FILE#
CHECKED BY: CNB	DATE: 10/02/12 rev 10/23/12	<small>Professional Land Surveyor Seal</small>

RIGHT-OF-WAY DEDICATION
 A PART OF LOTS 16-30, INCLUSIVE, BLOCK 15, O.J. FROST'S ADDITION
 SITUATED IN THE NE 1/4 OF SECTION 25, T.3S., R.68W., OF THE 6TH P.M.
 CITY & COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Taxes and Assessments for calendar year 2013 and subsequent years, a lien, not yet due and payable.
2. The effect of Notice recorded July 7, 1988 at Reception No. R-88-0285636.
3. The effect of Decree dated October 2, 1911 and recorded September 30, 2005 at Reception No. 2005165809.