



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2012-0208-01 Dedication at W. Alameda Ave.

Description of Proposed Project: Request for a Resolution for laying out, opening and establishing certain real property as a part of the system of thoroughfares of the municipalities; i.e. W. Alameda Ave. and S. Pecos St. and W. Alameda Ave. between S. Decatur St. and S. Federal Blvd.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Dedicating City owned land to Public Right of Way, from the vacant parcel program approved through City Council.

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 of dedicating it as Public Right-of-Way.



DENVER
THE MILE HIGH CITY

Department of Public Works
Capital Projects Management
Permit Operations and Right of Way Enforcement
Infrastructure Planning & Programming
Traffic Engineering Services
201 W. Colfax Avenue
Denver, CO 80202
www.denvergov.org

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: May 10, 2012

ROW #: 2012-0208-01 **SCHEDULE #:** Parcel 1 0509408037000 Parcel 2 0508524035000
Parcel 3 0508524037000 Parcel 4 0517107019000
Parcel 5 0517107020000 Parcel 6 0508523036000
Parcel 7 0508522038000 Parcel 8 No Schedule #

TITLE: This request is to dedicate a City owned land as W. Alameda Ave.
Located near the intersection of W. Alameda Ave. and S. Pecos St.: W. Alameda Ave. between S. Decatur St. and S. Federal Blvd.

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 W. Alameda Ave.

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 existing City owned land for Public Right-of-Way purposes as W. Alameda Ave. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW (Parcel #-2012-0208-01-001) HERE.

A map of the area to be dedicated is attached.

RD/JL/LRA

- cc: Asset Management, Steve Wirth
- City Councilperson & Aides District # 7, Chris Nevitt
- City Councilperson & Aides, District # 3, Paul Lopez
- City Council Staff, Gretchen Williams
- Environmental Services, David Erickson
- Public Works, Manager's Office, Alba Castro
- Public Works, Manager's Office, Christine Downs
- 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
- Department of Law, Arlene Dykstra
- Public Works Survey, John Lautenschlager
- Public Works Survey, Paul Rogalla
- Owner: City and County of Denver
- Project file folder 2012-0208-01



for City Services
Denver gets it done!

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: May 10, 2012

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 existing City owned land as W. Alameda Ave. and S. Pecos St. and W. Alameda Ave. between S. Decatur St. and S. Federal Blvd.

3. **Requesting Agency:** Public Works Right-of-Way Services

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3153
- **Email:** lisa.ayala@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 Resolution for laying out, opening and establishing certain real property as part of the system of thoroughfares of the municipality; i.e. As W. Alameda Ave.

****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:** NO
- b. **Duration:** N/A
- c. **Location:** W. Alameda Ave. and S. Pecos St. and W. Alameda Ave. between S. Decatur St. and S. Federal Blvd.
- d. **Affected Council District:** # 3, Paul Lopez and # 7 Chris Nevitt
- e. **Benefits:** N/A
- f. **Costs:** N/A

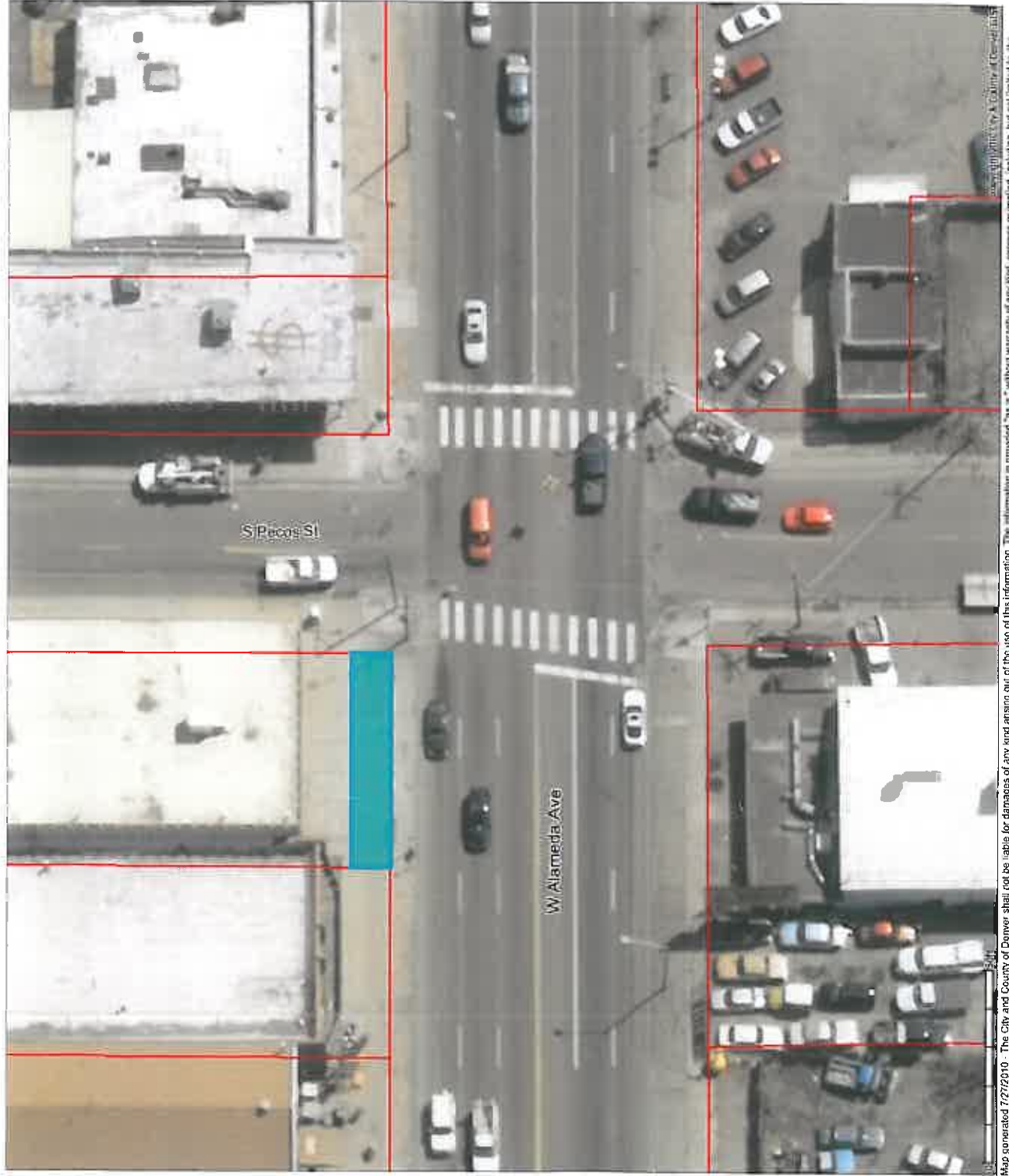
7. **Is there any controversy surrounding this ordinance?** *(Groups or individuals who may have concerns about it?)* Please explain. None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

W. Alameda Ave. Parcel 1



- Street Centerline
- Dedicating Ordinances
- Denver County (Boundary)
- Parcels
- 2008 Denver
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 7/27/2010. The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This is not a legal document.

W. Alameda Ave. Parcel 2



- Street Centerline
- Dedicating Ordinances
- Denver County (Boundary)
- Parcels
- 2008 Denver
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 7/27/2015 - The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This is not a legal document.

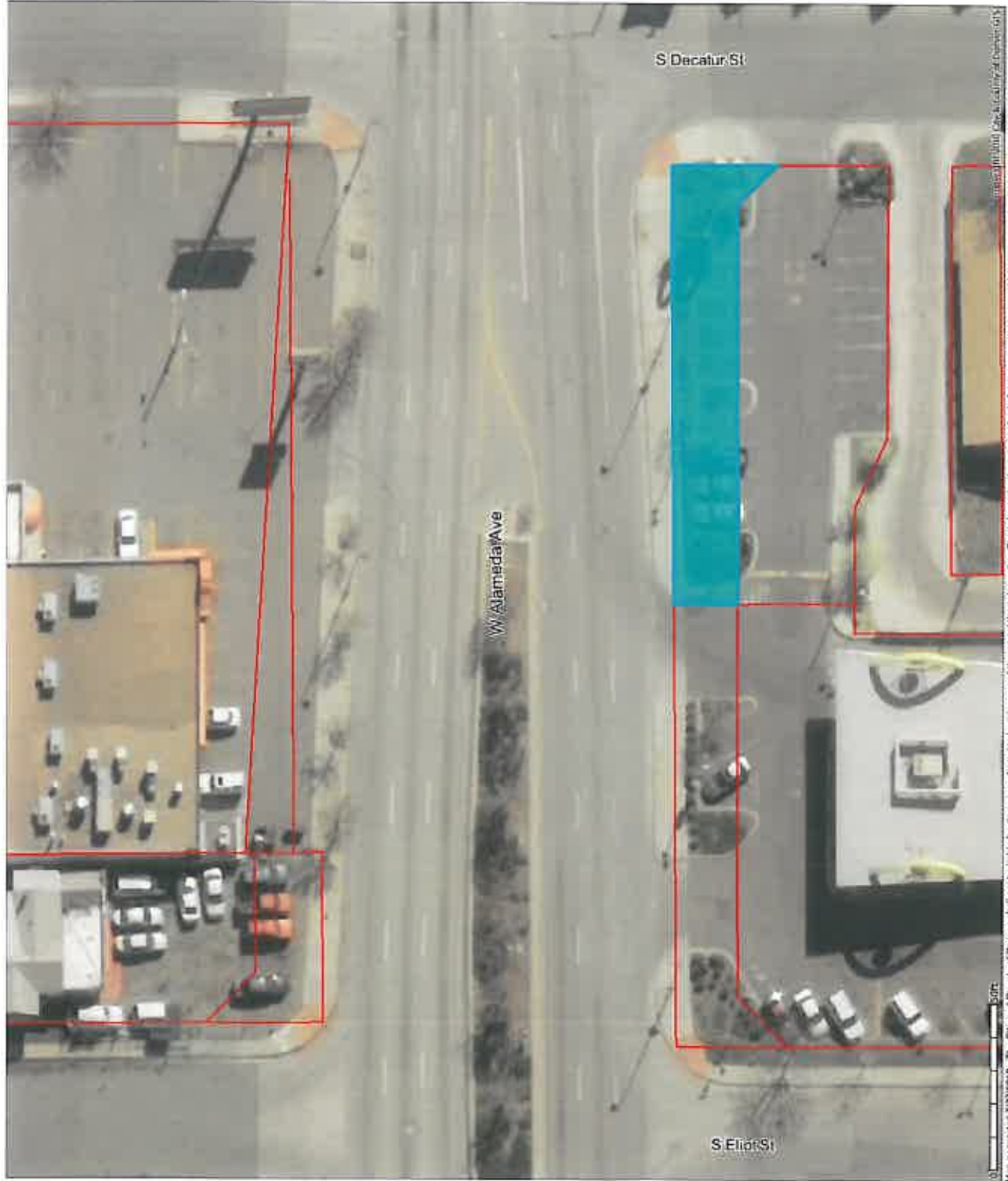
W. Alameda Ave. Parcel 3



- Street Centerline
- Denver County (Boundary)
- Parcels
- 2008 Denver
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

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W. Alameda Ave. Parcel 4



- Street Centerline
- Denver County (Boundary)
- Parcels
- 2008 Denver
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Scale: 1" = 500'
Map prepared 7/27/2010 - The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the accuracy or completeness of the information. This is not a legal document.

W. Alameda Ave. Parcel 5



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

Map generated 4/13/2012 - This City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This is not a legal document.

W. Alameda Ave. Parcel 6



- Street Centerline
- Dedicating Ordinances
- Denver County (Boundary)
- Parcels
- 2008 Denver
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

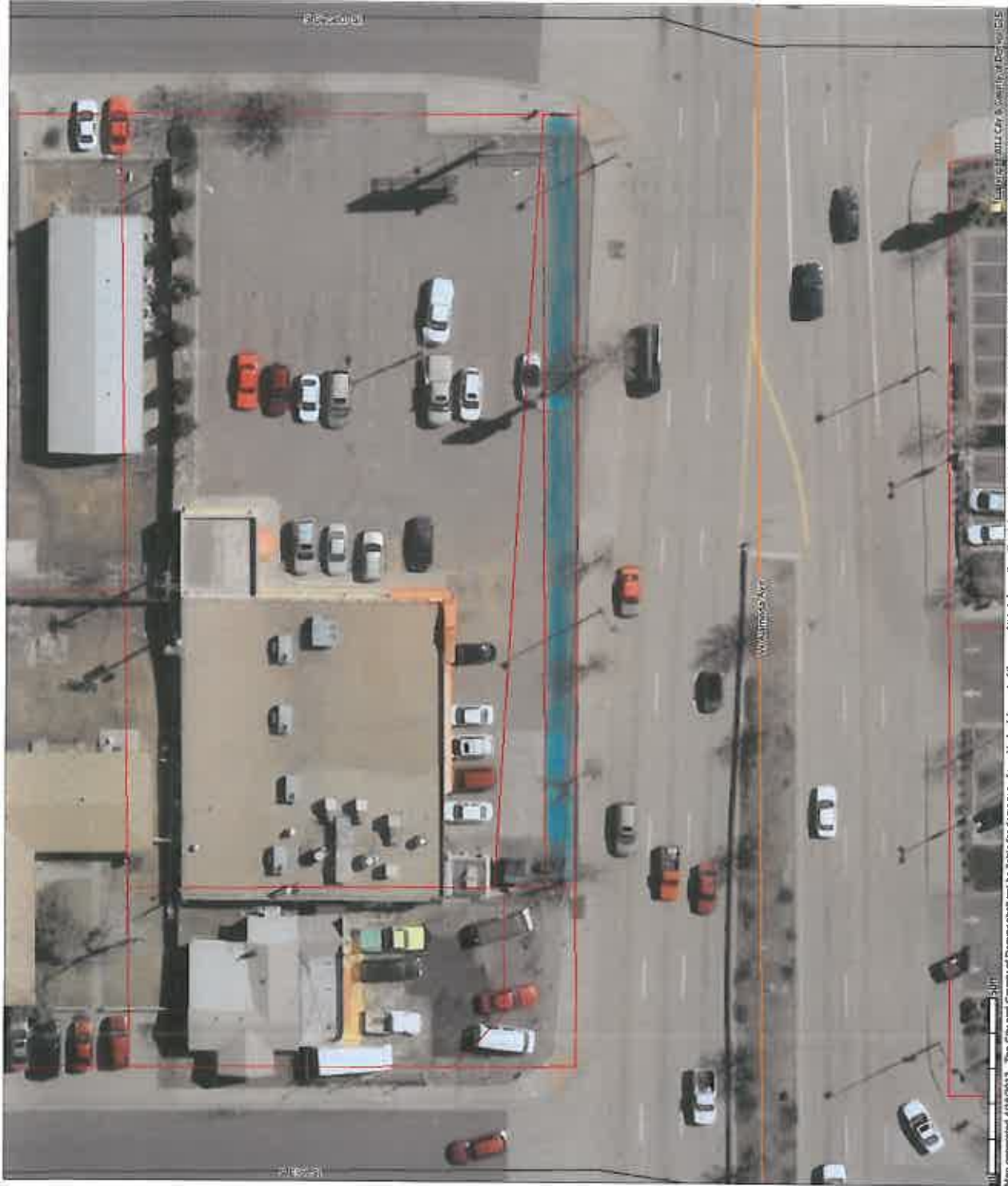
Map created 7/27/2010. The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the accuracy of the information. © 2010 City and County of Denver

W. Alameda Ave. Parcel 7



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W. Alameda Ave. Parcel 8



- Dedicating Ordinances
- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- mask
- 2010_Denver.jp2.lri
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 4/16/2012 - The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is", without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This is not a legal document.

A parcel of land located in the Southwest 1/4 of Section 9, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

PARCEL 1

Said parcel of land is a remainder of a parcel of land conveyed by Special Warranty Deed from the City & County of Denver, to Surplus Tools and Commodities Inc. recorded on the 6th of January 1975 in Book 994 Page 432 in the City and County of Denver Clerk & Records Office being more particularly described as follows:

The South 10 feet of Lots 47 and 48, Block 13, Valverde.

Two parcels of land located in the Southeast 1/4 of Section 8, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

PARCEL 2

A parcel of land conveyed by Rule & Decree to the City & County of Denver, Civil Action 96CV5768 District Court City and County of Denver, State of Colorado. recorded on the 28th September 1999 by Reception Number 9900169518 in the City and County of Denver Clerk & Records Office, State of Colorado being described as follows:

A tract or a parcel of land No. 21 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 1315 Sq. Ft., more or less, being a portion of that parcel of land described at Book 2630, Page. 377 and 399 on July 29, 1982, and lying in Lots 22 through 30, Block 15, Alameda Heights Subdivision, recorded at Book 6, Page 26 on November 28, 1888. City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

**BEGINNING at a point on the west-right-of-way of South Decatur Street (Aug., 1885), also being the east line of said Lot 30, from which the southeast corner of said Lot 30 bears South 00 Degrees 49 Minutes 34 Seconds East, a distance of 18.5 feet;
Thence along said west right-of-way line and the east line of said Lot 30 South 00 Degrees 49 Minutes 34 Seconds East a distance of 10.00 feet to a point;
Thence along the north right-of-way line of West Alameda Avenue (Aug., 1995), described at Reception No. 85-044637, City and County of Denver Clerk and Recorder's Office South 89 Degrees 06 Minutes 53 Seconds West a distance of 220.04 feet to a point on the west line of said Lot 22;
Thence along the west line of said Lot 22 North 00 Degrees 49 Minutes 12 Seconds West, a distance of 11.50 feet to a point;
Thence South 87 Degrees 53 Minutes 37 Seconds East, A distance of 210.33 feet to a point;
Thence North 45 Degrees 38 Minutes 24 Seconds East, a distance of 13.78 feet to the Point of Beginning;**

PARCEL 3

A parcel of land conveyed by Rule & Decree to the City & County of Denver, Civil Action 96CV5714 District Court City and County of Denver, State of Colorado. recorded on the 3rd of June 1997 by Reception Number 9700070898 in the City and County of Denver Clerk & Recorders Office, State of Colorado being described as follows:

A tract or a parcel of land No. 20 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 1113 Sq. Ft. more or less, being a portion of that parcel of land described at Reception No. 92-0119083, and being a portion of Lots 20 and 22, Block 15, Alameda Heights Subdivision, recorded at Book 6, Page 26 on November 28, 1888. City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West of the Sixth Principal Meridian City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

**BEGINNING at a point on the east right-of-way of South Eliot Street (Aug. 1885), from which the southwest corner of said Lot 20 bears South 00 Degrees 49 Minutes 09 Seconds East a distance of 35.00 feet;
Thence South 45 Degrees 51 Minutes 08 Seconds East a distance of 21.20 feet to a point;
Thence along a line which is parallel with and 20.00 feet north of the south line of said Block 15 North 89 Degrees 06 Minutes 53 Seconds East, a distance of 35.01 feet to a point on the east line of said Lot 21;
Thence along the east line of said Lot 21 South 00 Degrees 49 Minutes 12 Seconds East, a distance of 20.00 feet to the Southeast corner of said Lot 21, said point also being the north right-of-way line of West Alameda Avenue (Aug., 1995);
Thence along said north right-of-way line and the south line of said Block 15 South 89 Degrees 06 Minutes 53 Seconds West, a distance of 50.01 feet;
Thence along said east right-of-way line of South Eliot Street (Aug., 1995) and the west line of said Lot 20 North 00 Degrees 49 Minutes 09 Seconds West, a distance of 35.00 feet to the Point of Beginning.**

Two parcels of land located in the Northeast 1/4 of Section 17, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

PARCEL 4

A parcel of land conveyed by Rule & Decree to the City & County of Denver, Civil Action 96CV6479 District Court City and County of Denver, State of Colorado. recorded on the 28th of September 1999 by Reception Number 9900169519 in the City and County of Denver Clerk & Recorders Office, State of Colorado being described as follows:

A tract or a parcel of land No. 16 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 2361 Sq. Ft. more or less, being a portion of a parcel of land described at Reception No. 86-00064399, and being a portion of Lot 12, Block 7, Mountain View Park Subdivision according to the Official City Survey of Mountain View Park and First Addition to Mountain View Park, recorded at Book 19, Page 13 on July 10, 1946, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Northeast Quarter of Section 17, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the east line of said Lot 12, said point also being the west line of a 16 foot wide alley, from which the northeast corner of said Lot 12 bears North 00 Degrees 44 Minutes 31 Seconds West, a distance of 18.50 feet:
Thence along the west alley line and said west line of Lot 12, North 00 Degrees 44 Minutes 31 Seconds West a distance of 18.50 feet to the northwest corner of said Lot 12;
Thence along the south right-of-way line of West Alameda Avenue (Aug., 1995), also being the north line of said Lot 12 North 89 Degrees 06 Minutes 53 Seconds East, a distance of 124.90 feet to the northeast corner of said Lot 12;
Thence along the west right-of-way line of South Decatur Street (Aug., 1995), also being the east line of Lot 12 South 00 Degrees 44 Minutes 50 Seconds East, a distance of 28.50 feet to a point;
Thence North 45 Degrees 48 Minutes 59 Seconds West, a distance of 14.13 feet to a point;
Thence on a line which is parallel with and 18.50 feet south of the north line of said Lot 12 South 89 Degrees 06 Minutes 53 Seconds West, a distance of 114.90 feet to the Point of Beginning.

PARCEL 5

A parcel of land conveyed by Rule & Decree to the City & County of Denver, Civil Action 96CV6479 District Court City and County of Denver, State of Colorado. recorded on the 28th of September 1999 by Reception Number 9900169519 in the City and County of Denver Clerk & Records Office, State of Colorado being described as follows:

A tract or a parcel of land No. 15 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 2423 Sq. Ft. more or less, being a portion of that parcel of land described at Book 1301, Page 634 on August 13, 1976, and being a portion of Lot 1, Block 7, Mountain View Park Subdivision, according to the Official City Survey of Mountain View Park and First Addition to Mountain View Park, recorded at Book 19, Page 13 on July 10, 1946. City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Northeast Quarter of Section 17, Township 4 South, Range 68 West, of the Sixth Principal Meridian City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the east line of said Lot 1, also being the west line of a 16 foot wide alley, from which the northeast corner of said Lot 1 bears North 00 Degrees 44 Minutes 31 Seconds West, a distance of 18.50 feet:
Thence parallel with the north line of said Lot 1 South 89 Degrees 06 Minutes 53 Seconds West, a distance of 109.90 feet to a point;
Thence South 44 Degrees 11 Minutes 20 Seconds West, a distance of 21.24 feet to a point on the west of said Lot 1, said point also being on the east right-of-way line of South Eliot Street (Aug., 1995):
Thence along said east right-of-way line and said west line of Lot 1 North 00 Degrees 44 Minutes 13 Seconds West, a distance of 33.50 feet to the northwest corner of said Lot 1;
Thence along south right-of-way of West Alameda Avenue (Aug., 1995), also being the north line of said Lot 1 North 89 Degrees 06 Minutes 53 Seconds East, a distance of 124.90 feet to the northeast corner of said Lot 1;
Thence along said east line of said Lot 1 and the west line of said 16 foot wide alley South 00 Degrees 44 Minutes 31 Seconds East, a distance of 18.50 feet to the Point of Beginning.

Three parcels of land located in the Southeast 1/4 of Section 8, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

PARCEL 6

A parcel of land conveyed by Warranty Deed to the City & County of Denver, recorded on the 14th of January 1997 by Reception No. 9700004915 in the City and County of Denver Clerk & Recorders Office, State of Colorado being described as follows:

A tract or a parcel of land No. 19 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 2562 Sq. Ft. more or less, being a portion of that parcel of land described at Reception No. 87-00129607, and lying in Lots 25 and 26, Block 16, Alameda heights Subdivision, recorded at Book 6, Page 26 on November 28, 1888, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West of the Sixth Principal Meridian City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the west line of said Lot 25, from which the northwest corner of said Lot 25 bears North 00 Degrees 49 Minutes 21 Seconds West a distance of 6.51 feet; Thence along a line parallel with the north line of said Lot 25 North 89 Degrees 06 Minutes 57 Seconds East, a distance of 123.43 feet to a point; Thence North 44 Degrees 08 minutes 54 Seconds East, a distance of 16.28 feet to a point on the east line of said Lot 26, said point also being on the west right-of-way line of South Eliot Street (Aug.); Thence along said west right-of-way line and the east line of said Block 16 South 00 Degrees 49 Minutes 09 Seconds East, a distance of 30.00 feet to the southeast corner of said Lot 25; Thence along the north line of West Alameda Avenue (Aug., 1995), also being the south line of said Lot 25 South 89 Degrees 06 Minutes 53 Seconds West a distance of 134.93 feet to the Southwest corner of said Lot 25; Thence along the west line of said Lot 25 North 00 Degrees 49 Minutes 21 Seconds West a distance of 18.50 feet to the Point of Beginning.

PARCEL 7

A parcel of land conveyed by Rule & Decree to the City & County of Denver, Civil Action 96CV6530 District Court City and County of Denver, State of Colorado. recorded on the 3rd of June 1998 by Reception Number 9800082502 in the City and County of Denver Clerk & Recorders Office, State of Colorado being described as follows:

A tract or a parcel of land No. 18 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 3611 Sq. Ft. more or less, being a portion of that parcel of land described at Book 1697, Page 99 on June 21 1978, and lying in Lots 21 through 24, Block 16, Alameda Heights Subdivision recorded at Book 6, Page 26 on November 28, 1888. City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West, of the Sixth Principal Meridian City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the east line of said Lot 24, from which the northeast corner of said Lot 24 bears North 00 Degrees 49 Minutes 21 Seconds West, a distance of 6.51 feet: Thence along the east line of said Lot 24 South 00 Degrees 49 Minutes 21 Seconds East a distance of 18.50 feet to the Southeast corner of said Lot 24, said point also being on the

north right-of-way line of West Alameda Avenue (Aug., 1995)
Thence along said north right-of-way line and the south line of said Lot 24 South 89
Degrees 06 Minutes 53 Seconds West, a distance of 134.93 feet to the southwest corner of
said Lot 24;
Thence along the east right-of-way line of South Federal Boulevard (Aug., 1995), also
being the west line of said Block 16 North 00 Degrees 49 Minutes 33 Seconds West a
distance of 100.03 feet to the northwest corner of said Lot 21;
Thence along said north line of said Lot 21 North 89 Degrees 07 Minutes 12 Seconds East,
a distance on 12.00 feet to a point;
Thence parallel with the west line of said Block 16 South 00 Degrees 49 Minutes 33
Seconds East, a distance of 65.02 feet to a point;
Thence South 45 Degrees 51 Minutes 18 Seconds East, a distance of 23.33 feet to a point;
Thence along a line parallel with the north line of said Lot 24, North 89 Degrees 06 Minutes
57 Seconds East, a distance of 106.43 to the Point of Beginning.

Except the northerly 65.02 feet of said legal description.

PARCEL 8

A parcel of land conveyed by Quit Claim Deed to the City and County of Denver, recorded
on the 26th of July 1985 by Reception Number 85-044637 in the City and County of Denver
Clerk and Records Office, State of Colorado being described as follows:

That part of Block 15, Alameda Heights, described as follows: The southerly 8.5 feet of
Lots 22 to 30 Inclusive, Block 15 Alameda Heights,

PARCEL 1

Sale

6

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that the CITY AND COUNTY OF DENVER, a municipal corporation duly organized and existing under and by virtue of the Constitution of the State of Colorado, for the consideration of FOURTEEN THOUSAND FOUR HUNDRED (\$14,400.00) DOLLARS in hand paid, receipt of which is hereby acknowledged, does hereby sell and convey to SURPLUS TOOLS AND COMMODITIES, INC., a corporation duly organized and existing under and by virtue of the laws of the State of Colorado, the following described real property situate in the City and County of Denver, State of Colorado, to-wit:

Lots 47 and 48, Block 13, VALVERDE, except the South 10 feet thereof.

(Authorized by Ordinance No. 796, Series of 1974)

with all its appurtenances and warrants the title against all persons claiming under it.

000.00 A. P. :

SIGNED AND DELIVERED this 30th day of December A.D., 1974.

CITY AND COUNTY OF DENVER

ATTEST:

F. J. SERAFINI, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver

W. H. McNichols
Mayor

F. J. Serafini
Clerk and Recorder



STATE OF COLORADO
CITY & COUNTY
OF DENVER
FILED IN MY OFFICE ON
JUN 6 3 56 PM '75
RECORDED BY 432
F. J. SERAFINI
CLERK AND RECORDER

077198

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

The foregoing instrument was acknowledged before me this 30th day of December, 1974, by W. H. McNichols, Jr., as Mayor, and by F. J. Serafini, as Clerk and Recorder of the City and County of Denver, a municipal corporation.

Witness my hand and official seal.

My commission expires July 21, 1978

George C. Barramone
Notary Public

APPROVED FOR RECORDING:
LAND OFFICE

MAY 14 1999

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO

Civil Action No. 96CV5768

Courtroom No. 7

RULE AND DECREE

CITY AND COUNTY OF DENVER, a municipal corporation,

Petitioner,

v.

EMPRESS SEAFOOD RESTAURANTS, INC. et al

Respondents.

THIS MATTER comes before the Court upon a Joint Motion for Entry of Rule and Decree. The City and County of Denver (hereinafter referred to as "Petitioner"), and Empress Seafood Restaurants, Inc. et al (hereinafter referred to as "Respondents"), by and through their respective counsel of record, have agreed to the total amount of just compensation due for the taking of the property described in the Petition in Condemnation filed by the Petitioner in this litigation, and the Court being fully advised in the premises, hereby:

FINDS, that it has full and complete jurisdiction of the subject matter of this action and the parties, and that service has been made upon all interested parties as required by law;

FURTHER FINDS, that the Petitioner is acquiring the Property for use as a public right of way and that an accurate description of the Property being acquired by the Petitioner in fee simple is attached as Exhibit A;

FURTHER FINDS, that Petitioner has had possession of the Property since January 2, 1997.

FURTHER FINDS, that the Petitioner and Project contractors occupied the temporary construction easement on the property, Parcel No. TE-21, as described in paragraph 2 of the Complaint for a total of not more than thirty days during the six month term of the construction easement beginning March 1, 1997.

FURTHER FINDS, that the Petitioner and Project contractors maintained reasonable access directly from West Alameda to the Property at all times during construction;

FURTHER FINDS, that the purpose of temporary easement TE-21 was to construct a new sidewalk and curb cut. The location of the curb cut was not changed and the surface of the site has been returned to the landowner in satisfactory condition.

FURTHER FINDS, that Petitioner has previously deposited the sum of \$17,310.00 into the Registry of the Court. This initial deposit has been withdrawn by Respondents. Pursuant to the settlement agreement between Petitioner and Respondent, and this Rule and Decree, the Petitioner upon entry of this Rule and Decree by the Court shall deposit an additional \$27,690.00 into the Registry of the Court, which, together with the \$17,310.00 previously deposited by Petitioner, represents \$45,000.00 as the total just compensation to be paid to the Respondents in this case. This amount represents full settlement of all claims against the Petitioner for the condemnation of the Property, including just compensation, damage to the remainder, interest, court costs, attorney fees, deposition costs, appraisal fees, and any other litigation expenses to which the Respondents may be entitled; and that said just compensation shall not be subject to adjustment as provided in C.R.S. 38-1-114.

THEREFORE, it is hereby ORDERED that:

1. That the Property described in the attached Exhibit A, attached hereto and incorporated herein, has been duly and lawfully taken and condemned by Petitioner pursuant to the statutes and Constitution of the State of Colorado;
2. That the Petitioner City and County of Denver is hereby adjudged to be and hereby is the absolute holder and owner of fee simple title in the Property as set forth in Exhibit A free and clear of any and all claims rights, title, interests, easements, liens, encumbrances, reverter, reversionary interests and rights of entry. It is understood that the Respondent has the same rights to access to the general street system as any landowner.
3. That the total compensation due the Respondent-Landowners is the sum of \$45,000.00. This amount represents a full settlement of all claims against the Petitioner for the condemnation of the Property, including just compensation, damage to the remainder, interest, court costs, attorney fees, deposition costs, appraisal fees, and any other litigation expenses to which the Respondents may be entitled, which compensation shall not be subject to adjustment as provided in C.R.S. §38-1-114.
4. Petitioner has previously deposited the sum of \$17,310.00 into the Registry of the Court. \$17,310.00 of this initial deposit has been withdrawn by Respondents. Petitioner shall deposit the additional sum of \$27,690.00. The Clerk of the District Court is authorized and directed to forthwith disburse \$27,690.00, plus accrued interest, if any, to Respondents c/o JAMES BRETZ, ESQ., 159 Madison, #100, Denver, Colorado 80206, their Attorney. No other Respondents are entitled to receive any funds deposited by the Petitioner in this condemnation proceeding.

12. That a certified copy of this Rule and Decree be recorded and indexed in the Office of the Clerk and Recorder of Denver County, Colorado, in like manner and in like effect as if it were a deed of conveyance from the owners and parties interested in the Property set forth in Exhibit A, and as defined in the Petition in Condemnation filed by the Petitioner in this litigation.

DATED this 14 day of May, 1999.

BY THE COURT:
Warren
District Court Judge

District Court
Clerk of the District Court, Colo.
Certified to be a true and correct
copy of the original in custody
Clerk of the District Court
By *[Signature]* Deputy Clerk
Court Seal

DESCRIPTION

A tract or a parcel of land No. 21 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 1315 Sq. Ft., more or less, being a portion of that parcel of land described at Book 2830, Pages 377 and 389 on July 29, 1982, and lying in Lots 22 through 30, Block 15, Alameda Heights Subdivision, recorded at Book 6, Page 26 on November 28, 1888, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West, of the 6th Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the west right-of-way of South Decatur Street (Aug., 1995), also being the east line of said Lot 30, from which the southeast corner of said Lot 30 bears South 00 Degrees 49 Minutes 34 Seconds East, a distance of 18.5 feet;

Thence along said west right-of-way line and the east line of said Lot 30 South 00 Degrees 49 Minutes 34 Seconds East, a distance of 10.00 feet to a point;

Thence along the north right-of-way line of West Alameda Avenue (Aug., 1995), described at Reception No. 85-044637, City and County of Denver Clerk and Recorder's Office South 68 Degrees 08 Minutes 53 Seconds West, a distance of 220.04 feet to a point on the west line of said Lot 22;

Thence along the west line of said Lot 22 North 00 Degrees 49 Minutes 12 Seconds West, a distance of 11.50 feet to a point;

Thence South 87 Degrees 53 Minutes 37 Seconds East, a distance of 210.33 feet to a point;

Thence North 45 Degrees 38 Minutes 24 Seconds East, a distance of 13.78 feet to the POINT OF BEGINNING;

depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights and/or easements; of record or apparent. The above described parcel contains 1315 Sq. Ft. (0.030 Ac.), more or less.

BASIS OF BEARING: The line between the South Quarter Corner and the Southeast Corner of Section 8, Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 08 Minutes 53 Seconds East, an assumed bearing matching the design survey for CDOT Proj. No. STU C010-015. The South Quarter Corner of said Section 8 is a 1" wide 0.40' below the existing asphalt. The Southeast Corner of said Section 8 is a CDOT type 3A monument in a range box, stamped "PLS No. 25384".

Prepared by:
DANIEL P. WILMETH, P.L.S. #25384
J.F. Sato & Associates
5898 S. Rapp St.
Littleton, Co. 80120

rev 05-03-88

EXHIBIT

A-2 of 2



J.F. SATO AND ASSOCIATES
 Consulting Engineers
 Project Managers & Planners
 5498 So. Bay St., Littleton, CO 80120 • (303) 717-1700

JOB NO. JF93006
 DESC. PARCEL 21
 DATE: 12-18-94 BY SHH
 SCALE: 1" = 30' CHECKED DPW
 SHEET OF 1
 NOTES: REV 9-09-95

EXHIBIT A

THIS EXHIBIT DOES NOT REPRESENT A
 MONUMENTED LAND SURVEY PLAT. IT IS
 INTENDED ONLY TO DEPICT THE ATTACHED
 DESCRIPTION.

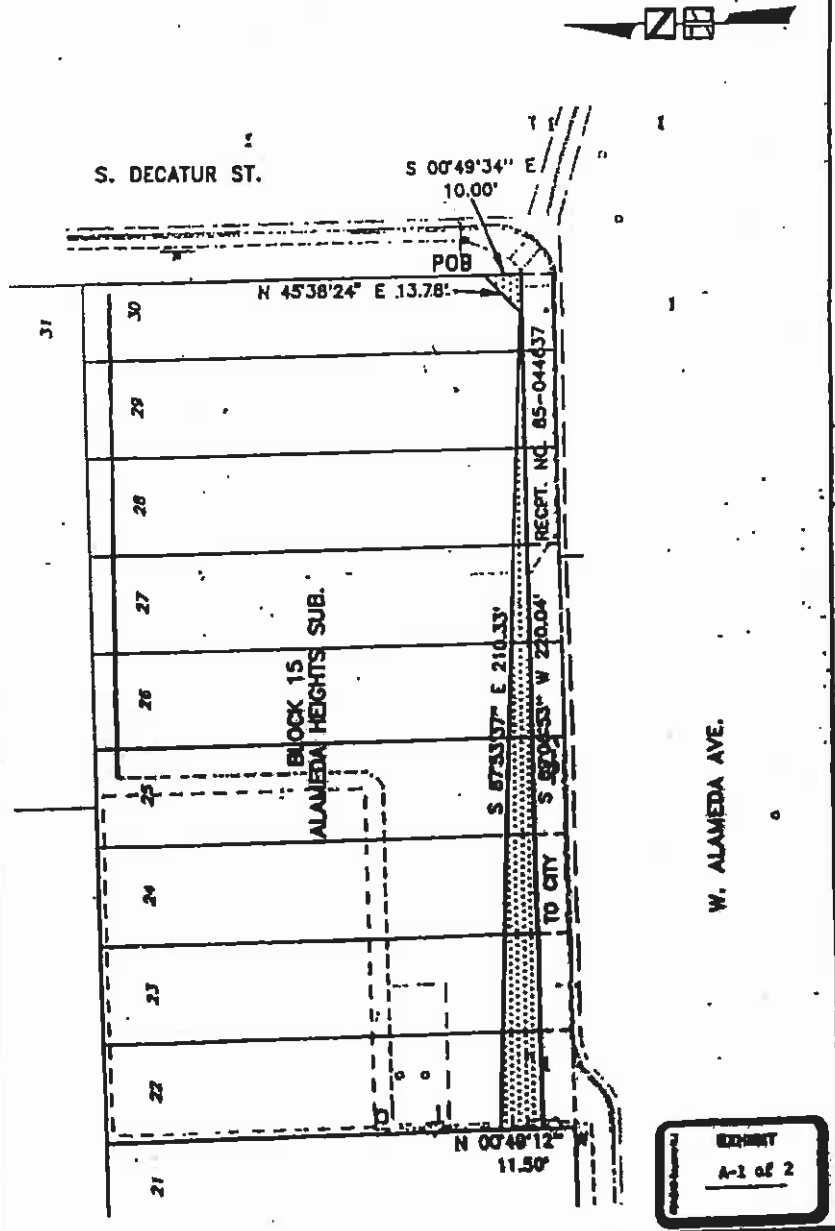


EXHIBIT
 A-1 of 2

PARCEL 5

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO

Civil Action No. 96 CV 5714

Courtroom No. 1

RULE AND DECREE IN CONDEMNATION

CITY AND COUNTY OF DENVER, a municipal corporation,

Petitioner,

v.

DALLAS W. RICE; HI COUNTRY SALVAGE, INC. d/b/a HI COUNTRY AUTO SALES; CHERYL COHEN, as the Manager of Revenue for the City and County of Denver; All Unknown Owners of the Real Properties Sought to be Condemned Herein; and All Unknown Persons Who Claim Any Interest in the Subject Matter of this Action,

Respondents.

THIS MATTER having come on to be heard on the Petition of the City and County of Denver, a municipal corporation, for the taking of fee simple title (Parcel 20) and a temporary construction easement (TE-20) with respect to certain real property hereinafter described, and for the ascertainment of the compensation to be paid therefor and by reason thereof and the time now being at hand for the entry of a Rule and Decree, the Court,

DOTH FIND:

1. That the Petitioner is authorized by eminent domain proceedings to appropriate property for its local and municipal purposes, and, in particular, is authorized to appropriate the properties hereinafter described.
2. That the Court has jurisdiction of the parties herein and of the subject matter of this action.
3. That the parties have agreed on a disposition of this matter as it relates to the real property described herein without the necessity of a trial.

4. That Respondent Dallas W. Rice has an ownership interest in the real property described herein by virtue of certain instruments recorded among the records of the Clerk and Recorder of the City and County of Denver and State of Colorado and that said Respondent has appeared herein.

5. That Respondent Hi Country Auto Sales had a leasehold interest in the real property described herein at the time of filing of the Petition but has since vacated the property and said Respondent has not appeared herein.

6. That the Respondent Manager of Revenue of the City and County of Denver has appeared herein asserting a claim for any and all outstanding tax liens including interest, as the same have accrued on the property hereinafter described prior to November 30, 1996, the date of possession by Petitioner and that said Respondent now states that the 1996 taxes have been.

7. That other than the persons aforesaid no other person, firm or corporation has appeared herein or has any claim or claims to, any interest or interests in, or any lien or liens, encumbrance or encumbrances pertaining to the property hereinafter described.

8. That an accurate description of the property, situated in the City and County of Denver, Colorado, with respect to which property the Petitioner is acquiring fee simple title is as follows:

FEE SIMPLE

A tract or a parcel of land No. 20 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 1113 Sq. Ft., more or less, being a portion of that parcel of land described at Reception No. 92-0119083, and being a portion Lots 20 and 21, Block 15, Alameda Heights Subdivision, recorded at Book 6, Page 26 on November 28, 1888, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the east right-of-way line of South Eliot Street (Aug., 1995), from which the southwest corner of said Lot 20 bears South 00 Degrees 49 Minutes 09 Seconds East, a distance of 35.00 feet,

Thence South 45 Degrees 51 Minutes 08 Seconds East, a distance of 21.20 feet to a point;

Thence along a line which is parallel with and 20.00 feet north of the south line of said Block 15 North 89 Degrees 06 Minutes 53 Seconds East, a distance of 35.01 feet to a point on the east line of said Lot 21;

Thence along the east line of said Lot 21 South 00 Degrees 49 Minutes 12 Seconds East, a distance of 20.00 feet to the Southeast corner of said Lot 21, said point also being on the north right-of-way line of West Alameda Avenue (Aug., 1995);

Thence along said north right-of-way line and the south line of said Block 15 South 89 Degrees 06 Minutes 53 Seconds West, a distance of 50.01 feet;

Thence along said east right-of-way line of South Eliot Street (Aug., 1995) and the west line of said Lot 20 North 00 Degrees 49 Minutes 09 Seconds West, a distance of 35.00 feet to the POINT OF BEGINNING;

depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights and/or easements; of record or apparent. Said parcel contains 1113 Sq. Ft. (0.026 Ac.), more or less.

BASIS OF BEARING: The line between the South Quarter Corner and the Southeast Corner of Section 8, Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 06 Minutes 53 Seconds East, an assumed bearing matching the design survey for CDOT Proj. No. STU C010-015. The South Quarter Corner of said Section 8 is a 1" axle 0.40' below the existing asphalt. The Southeast Corner of said Section 8 is a CDOT type 3A monument in a range box, stamped "PLS No. 25384".

9. That an accurate description of the Property, situated in the City and County of Denver, Colorado, which the Petitioner is acquiring a temporary construction easement until November 1, 1997, is as follows:

A temporary easement No. TE-20 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 888 Sq. Ft., more or less, being a portion of that parcel of land described at Reception No. 92-0119083, and being a portion Lots 20 and 21, Block 15, Alameda Heights Subdivision, recorded at Book 6, Page 26 on November 28, 1888, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the east right-of-way line of South Eliot Street (Aug., 1995), also being the west line of said Lot 20, from which the southwest corner of said Lot 20 Bears South 00 Degrees 49 Minutes 09 Seconds East, a distance of 35.00 feet;

Thence along said east right-of-way line and the west line of said Lot 20 North 00 Degrees 49 Minutes 09 Seconds West, a distance of 5.00 feet to a point;

Thence parallel with the south line of said Block 15 North 89 Degrees 06 Minutes 53 Seconds East, a distance of 50.01 feet to a point on the east line of said Lot 21;

Thence along the east line of said Lot 21 South 00 Degrees 49 Minutes 12 Seconds East, a distance of 20.00 feet to a point;

Thence parallel with and 20.00 feet north of the south line of said Block 15 South 89 Degrees 06 Minutes 53 Seconds West, a distance of 35.01 feet to a point;

Thence North 45 Degrees 51 Minutes 08 Seconds West, a distance of 21.20 feet to the POINT OF BEGINNING;

depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights and/or easements; of record or apparent. The above described temporary easement contains 888 Sq. Ft. (0.020 Ac.), more or less. For the purpose of construction of sidewalk, parking lot, and the relocation of water service.

BASIS OF BEARING: The line between the South Quarter Corner and the Southeast Corner of Section 8, Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 06 Minutes 53 Seconds East, an assumed bearing matching the design survey for CDOT Proj. No. STU C010-015. The South Quarter Corner of said Section 8 is a 1" axle 0.40' below the existing asphalt. The Southeast Corner of said Section 8 is a CDOT type 3A monument in a range box, stamped "PLS No. 25384".

10. That Petitioner has been in possession of the property since November 30, 1996, pursuant to an Agreement for Possession and Use of Certain Property under which the Petitioner advanced to the Owner the sum of \$20,690.00, which amount is to be applied toward the just compensation awarded herein.

11. That pursuant to this Rule and Decree, the sum of \$33,350.00 is the total compensation due the Respondents for the taking of fee simple title to and a temporary easement for the property described herein including, but not limited to, the value of said property, the damages to the residue or remainder of any property not taken and any and all attorneys' fees, interest, costs, disbursements, and expenses other than appraisal costs which have been previously paid by Petitioner; all of the foregoing being pursuant to and in accordance with the stipulation as hereinafter set forth.

12. That upon termination of the temporary easement granted herein, Petitioner shall repave the surface of the temporary easement area and install a fence along Eliot Street and West Alameda on the new property line with a vehicle gate on Eliot Street.

13. Respondent Dallas W. Rice shall be entitled to the business sign on the property but must remove such sign by May ¹⁵ 1997. *DR KH*

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder and owner of fee simple title to the real property described in Paragraph 8 herein, free and clear of all rights, title, interests, easements, liens or encumbrances of the Respondents, or any of them, and also free of all rights of reversion or reversionary interests, including but not limited to, the possibility of reverter and rights of entry for conditions broken, in and said real property sought to be acquired and heretofore described.

2. That the Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder of a temporary construction easement until November 1, 1997, for the real property described in paragraph 9 herein, free and clear of all rights, title, and interests of the Respondents or any of them.

3. That the sum of \$33,350.00 be and is hereby determined to be the total compensation due the Respondents for the taking of Parcel 20 and the temporary construction easement (TE-20) and the interests hereinabove described including, but not limited to, the value of said property, the damages to the residue or remainder of any property not taken and any and all attorneys' fees, interest, costs, disbursements, expenses other than appraisal costs which have been previously paid by Petitioner.

4. That \$20,690.00 of the total compensation has previously been paid by Petitioner to Owner pursuant to an Agreement for Possession and Use of Certain Property and that Petitioner shall deposit \$12,660.00 into the Registry of the Court for total just compensation of \$33,350.00.

5. That upon the deposit of \$12,660.00 described in paragraph 4 above, the Clerk of this Court is hereby ordered to FORTHWITH disburse all remaining amounts on deposit to Dallas W. Rice, ~~201 Federal Boulevard~~, Denver, Colorado 80219. *OK KM*
2841 WEST ALAMEDA

6. That a certified copy of this Rule and Decree in Condemnation be recorded and indexed in the Office of the Clerk and Recorder of the City and County of Denver and State of Colorado in like manner and with like effect as if it were a deed of conveyance from the owners and parties interested to the Petitioner herein.

DONE this 20th day of May, 1997.

BY THE COURT:

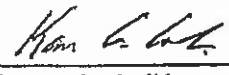
JUDGE

IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES HERETO THAT THE ABOVE RULE AND DECREE IN CONDEMNATION MAY BE ENTERED HEREIN:

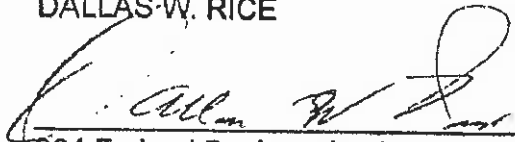

DANIEL E. MUSE - #6229
City Attorney

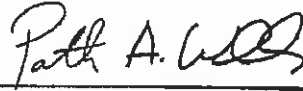
ROBERT M. KELLY - #3935
KAREN A. AVILÉS - #13989
Assistant City Attorneys

*QUESTION CONCERNING TAX
TAXES PAID PER DALLAS RIC*

By 
Karen A. Avilés
353 City and County Building
Denver, Colorado 80202
Telephone: (303) 640-2665
Attorneys for the Petitioner

DALLAS-W. RICE


201 Federal Boulevard 2841 WEST ALAMEDA
Denver, Colorado 80219 

By 

Patrick A. Wheeler - #14358
Assistant City Attorney
353 City and County Building
Denver, Colorado 80202
Telephone: (303) 640-2665

Attorney for Respondent
Manager of Revenue for the
City and County of Denver

17K CCL 3

AUDITOR'S WARRANT



CITY AND COUNTY OF DENVER, COLORADO

TO THE TREASURER OF THE CITY AND COUNTY OF DENVER



CHARGE FUND
3811

11735295

WARRANT NUMBER
11735295

PAY EXACTLY* TWELVE THOUSAND SIX HUNDRED AND SIXTY DOLLARS ONLY **

VOID AFTER SIX MONTHS

DATE	PAY THIS AMOUNT
05/30/97	\$ ****0012,660.00

TO THE ORDER OF CLERK OF THE DISTRICT COURT

AUDITED AND ALLOWED



DONALD J. MARES

AUDITOR

⑈ 117352953 ⑈ ⑆ 102000018⑆ 1014199⑈



CITY AND COUNTY OF DENVER, COLORADO

REMITTANCE
ADVICE

11735295

PURCHASE ORDER NUMBER	VOUCHER NUMBER	VENDOR INVOICE NUMBER	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET AMOUNT
	V0467711			12,660.00		12,660.00
DATE	MAY 30, 1997	11735295	HOLD TOTALS ►	12,660.00		12,660.00

District Court, Denver County
1437 Bannock Street
Denver, CO 80202
640-2491

Receipt # 0129220 6/03/97 3:32 CHCK RGS TL021669

Case # 96CV-005714 C&C Of Denver vs Rice, Dallas W et al

Other Registry 12,660.00

AMOUNT TENDERED 12,660.00 ERJ - JUST COMPENSATION
AMOUNT APPLIED 12,660.00
CHANGE .00

Receipt # 0129220

Karen Aules
City Attorney
1437 Bannock
Rm 353
Denver CO 80202

PARCEL 4 AND 5

COURTROOM 8 JUL 23 1998 1-10

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO

Case No. 96CV6479 Courtroom 8

RULE AND DECREE 9900189619 1999/09/28 10:44:53 1/ 10 DEC DENVER COUNTY CLERK AND RECORDER .00 .00-302

CITY AND COUNTY OF DENVER, a municipal corporation,

Petitioner,

v.

MCDONALD'S CORPORATION; ART SANDOVAL D/B/A MCDONALD'S ELBRA WEDGEWORTH, or her successor in office, Public Trustee for the City and County of Denver; CHERYL COHEN, as the Manager of Revenue for the City and County of Denver; All Unknown Owners of the Real Properties Sought to be Condemned Herein; and All Unknown Persons Who Claim Any Interest in the Subject Matter of this Action,

Respondents.

THIS MATTER comes before the Court upon a Joint Motion for Entry of Rule and Decree. The City and County of Denver (hereinafter referred to as "Petitioner"), and McDonald's Corporation, Unidos of Colorado, and Art Sandoval (hereinafter collectively referred to as "Respondent-Landowners"), by and through their respective counsel of record, have agreed to the total amount of just compensation due for the taking of the property described in the Petition in Condemnation filed by the Petitioner in this litigation, and the Court being fully advised in the premises, hereby:

FINDS, that it has full and complete jurisdiction of the subject matter of this action and the parties, and that service has been made upon all interested parties as required by law,

FURTHER FINDS, that the Petitioner is acquiring the Property for use as a public right of way and that an accurate description of the Property being acquired by the Petitioner in fee simple is attached as Exhibit A;

FURTHER FINDS, that Petitioner has had possession of the Property since January 15, 1997.

FURTHER FINDS, that the parties have heretofore agreed that the term of the temporary construction easements described in the Petition in Condemnation were extended until October 31, 1997 and all such temporary easements have now expired;

mcdonal.de1

CERTIFICATION

The Clerk and Recorder for the CITY AND COUNTY OF DENVER State of Colorado does hereby certify this document to be a full, true and correct copy of the original document recorded in my office



Clerk and Recorder by Deputy County Clerk Date DEC 14 2011



FURTHER FINDS, that the parties have agreed that an additional party respondent Unidos of Colorado, a Colorado partnership, should be joined in this litigation in order to include all necessary parties to this litigation and enable Petitioner to obtain title from all parties who may claim an interest in the Property and just compensation in this case;

FURTHER FINDS, that the Petitioner shall not be required to resurface the temporary easement area after the completion of the construction. Petitioner has graded and cleaned the temporary easement and installed the curb cuts in accordance with the parties agreement.

FURTHER FINDS, that the Respondent McDonald's intends to redevelop the residue of the property by demolishing the existing improvements and constructing improvements for a new fast food restaurant facility as reflected in the attached site plan as Exhibit "C" which is incorporated herein by this reference. Petitioner has agreed that it shall not require dedication of any land by Respondent McDonald's as part of the redevelopment of the residue, nor shall the Petitioner require the closure of the access openings and driveways reflected in CDOT State Highway Access Permit No. 696146 dated October 11, 1996 as part of the redevelopment of the residue, as described in Exhibit "C" except that since the alley has been vacated, the curb cut located 153 feet East of Mile Post 12.765 will be reduced to a width of 25 feet. It is understood that Alameda Avenue is a State Highway and that the Colorado Department of Highways (CDOT) has the final authority regarding access and dedication of property when property abutting a state highway is redeveloped. The Petitioner will support the Respondent McDonald's applications to CDOT which conform to this Rule and Decree.

FURTHER FINDS, that no objection has been made by any Respondent to the Joint Motion for Entry of Rule and Decree submitted to the Court by the Petitioner and the Respondent-Landowners. On March 18, 1997, the Public Trustee for the City and County of Denver stipulated that the Public Trustee has no interest in the property. Respondent Cheryl Cohen, as the Manager of Revenue for the City and County of Denver does not oppose this Joint Motion for Entry of Rule and Decree as long as taxes are paid as provided herein.

FURTHER FINDS, that pursuant to the Protective Order dated June 13, the Petitioner, its counsel, expert witnesses, consultants, agents and employees, are required to return to the Respondent-Landowners' counsel within 14 days of the date of entry of this Rule and Decree, certain confidential documents and tangible things, produced by Respondent-Landowners to Petitioner in this litigation. The Court shall retain jurisdiction for the purpose of enforcing the confidentiality and document delivery obligations of the Parties their counsel, expert witnesses, consultants, agents and employees, pursuant to the Protective Order, and any violation of the Protective Order may subject the violator to Court sanctions; and

FURTHER FINDS, that Petitioner has previously deposited the sum of \$100,900.00 into the Registry of the Court. This initial deposit has been withdrawn by Respondent-Landowners, with the exception of \$200.00 for payment of the Respondent-Landowners' 1997 property taxes for the property taken. Pursuant to the settlement agreement between Petitioner and Respondent-Landowners, and this Rule and Decree, the Petitioner upon entry of this Rule and Decree by the Court shall deposit an additional \$231,600.00 into the Registry of the Court, which, together with

the \$100,900.00 previously deposited by Petitioner, represents \$332,500.00 as the total just compensation to be paid to the Respondent-Landowners in this case. This amount represents full settlement of all claims against the Petitioner for the condemnation of the Property, including just compensation, damage to the remainder, interest, court costs, attorney fees, deposition costs, appraisal fees, and any other litigation expenses to which the Respondent-Landowners may be entitled; and that said just compensation shall not be subject to adjustment as provided in C.R.S. 38-1-114.

THEREFORE, it is hereby ORDERED that:

1. That the Property described in the attached Exhibit A, attached hereto and incorporated herein, has been duly and lawfully taken and condemned by Petitioner pursuant to the statutes and Constitution of the State of Colorado;

2. That the Petitioner City and County of Denver is hereby adjudged to be and hereby is the absolute holder and owner of fee simple title in the Property as set forth in Exhibit A free and clear of any and all claims rights, title, interests, easements, liens, encumbrances, reverter, reversionary interests and rights of entry. It is understood that the Respondent has the same rights to access to the general street system as any landowner.

3. That the total compensation due the Respondent-Landowners is the sum of \$332,500.00. This amount represents a full settlements of all claims against the Petitioner for the condemnation of the Property, including just compensation, damage to the remainder, interest, court costs, attorney fees, deposition costs, appraisal fees, and any other litigation expenses to which the Respondent-Landowners may be entitled, which compensation shall not be subject to adjustment as provided in C.R.S. §38-1-114.

4. Petitioner has previously deposited the sum of \$100,900.00 into the Registry of the Court. The sum of \$100,700.00 of this initial deposit has been withdrawn by Respondent-Landowner. Petitioner shall deposit the additional sum of \$231,600.00. The Clerk of the District Court is authorized and directed to forthwith disburse \$231,750.00, plus accrued interest, if any, to Respondent-Landowners c/o DUNCAN, OSTRANDER & DINGESS, P.C. 7800 East Union Avenue, Suite 200, Denver, Colorado 80237 their Attorneys. The Clerk of the District Court is also authorized and directed to forthwith disburse \$50.00 to the Manager of Revenue for the City and County of Denver in full satisfaction of the 1997 taxes due on the property taken. No other Respondents; including Unidos of Colorado are entitled to receive any portion of the just compensation paid by the Petitioner in this condemnation proceeding.

5. That the term of the temporary construction easements described in the Petition in Condemnation was extended from 6 months to 8 months to reflect that the Petitioner retained possession of the temporary construction easement areas until October 31, 1997.

6. That an additional party respondent, Unidos of Colorado, a Colorado partnership, shall be joined in this litigation in order to include all necessary parties to this litigation and

enable Petitioner to obtain title from all parties who may claim an interest in the Property and just compensation in this case.

7. The Petitioner shall not be required to resurface the temporary easement area. Petitioner regraded and cleaned up the surface of the temporary easement area and has constructed the driveway curb cuts in accordance with the site plan as set forth in the letter from Respondent, dated October 7, 1997, which is incorporated into this Rule and Decree by this reference as Exhibit B.

8. The Petitioner has acknowledged that the Respondent McDonald's intends to redevelop the residue by demolishing the existing improvements and constructing improvements for a new fast food restaurant facility as reflected in the site plan attached as Exhibit "C". Petitioner not require dedication of any land by Respondent McDonald's as part of the redevelopment of the residue as shown on Exhibit "C", nor shall the Petitioners require the closure of the access openings and driveways reflected in CDOT State Highway Access Permit No. 696146 dated October 11, 1996 as part of the redevelopment of the residue as shown on Exhibit "C", except that if the alley is vacated, the curb cut located 153 feet East of Mile Post 12.765 will be reduced to a width of 25 feet. It is understood that Alameda Avenue is a State Highways and that the Colorado Department of Highways (CDOT) has the final authority regarding access and dedication of property abutting state highways when it is redeveloped. The Petitioner will support the Respondent McDonald's applications to CDOT which conform to this Rule and Decree.

9. Pursuant to the Protective Order dated June 13, 1997, the Petitioner, its counsel, expert witnesses, consultants, agents and employees, are required to return to the Respondent-Landowners' counsel within 14 days of the date of entry of this Rule and Decree, certain confidential documents and tangible things, produced by Respondent-Landowners to Petitioner in this litigation. The Court shall retain jurisdiction for the purpose of enforcing the confidentiality and document delivery obligations of the Parties their counsel, expert witnesses, consultants, agents and employees, pursuant to the Protective Order, and any violation of the Protective Order may subject the violator to Court sanctions.

10. That a certified copy of this Rule and Decree be recorded and indexed in the Office of the Clerk and Recorder of Denver County, Colorado, in like manner and in like effect as if it were a deed of conveyance from the owners and parties interested in the Property set forth in Exhibit A, and as defined in the Petition in Condemnation filed by the Petitioner in this litigation.

DATED this 24th day of July, 1998.

City & County of Denver, Colo.
Certified to be a full, true and correct copy of the original in my custody

BY THE COURT:

SEP 2 6 1999

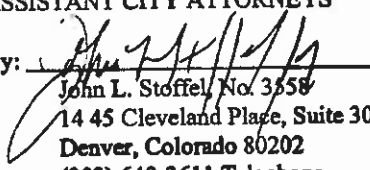
Clerk of the District Court
By *[Signature]*
Deputy Clerk
mcdonald.dcl

[Signature]
4

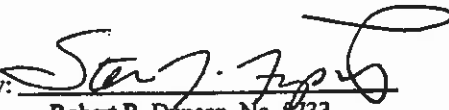
District Court Judge

IT IS HEREBY STIPULATED BY
AND AMONG THE PARTIES
HERETO THAT THE ABOVE
RULE AND DECREE MAY
ENTERED HEREIN:

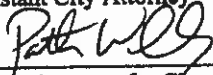
CITY AND COUNTY OF DENVER
Daniel E. Muse, No. 6229
CITY ATTORNEY
John L. Stoffel, Jr. No. 3558
Robert M. Kelly, No. 3935
Karen A. Aviles, No. 13989
ASSISTANT CITY ATTORNEYS

By: 
John L. Stoffel, Jr. No. 3558
14 45 Cleveland Place, Suite 300
Denver, Colorado 80202
(303) 640-3611 Telephone
ATTORNEYS FOR PETITIONER

DUNCAN, OSTRANDER & DINGESS, P.C.

By: 
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Steven J. Niparko, 16989
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Denver, Colorado 80237
(303) 779-0200 Telephone
(303) 779-3662 Telefax
ATTORNEYS FOR RESPONDENT-
LANDOWNERS

Daniel E. Muse, No. 6229
CITY ATTORNEY
Patrick Wheeler- #14358
Assistant City Attorney

By: 
Attorney for Cheryl Cohen
Patrick Wheeler
353 City and County Building
Denver, Colorado 80202-5375

PARCEL 4

PARCEL 4

PARCEL NO. 16
STA. 107+58 TO STA. 108+83

A tract or a parcel of land No. 16 of the Department of Transportation, State of Colorado Project No. C010-015 containing 2361 Sq. Ft., more or less, being a portion of a parcel of land described at Record No. 86-00664399, and being a portion of Lot 12, Block 7, Mountain View Park Subdivision, according to Official City Survey of Mountain View Park and First Addition to Mountain View Park, recorded at Book Page 13 on July 10, 1946, City and County of Denver Clerk and Recorder's Office, said subdivision lying the Northeast Quarter of Section 17, Township 4 South, Range 68 West, of the Sixth Principal Meridian, and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the east line of said Lot 12, said point also being on the west line of a 16 foot alley, from which the northwest corner of said Lot 12 bears North 00 Degrees 44 Minutes 31 Seconds West distance of 18.50 feet;

Thence along said west alley line and said west line of Lot 12 North 00 Degrees 44 Minutes 31 Seconds West, a distance of 18.50 feet to the northwest corner of said Lot 12;

Thence along the south right-of-way line of West Alameda Avenue (Aug., 1995), also being the north line of said Lot 12 North 89 Degrees 06 Minutes 53 Seconds East, a distance of 124.90 feet to the northeast corner of said Lot 12;

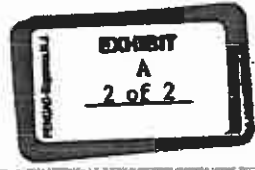
Thence along the west right-of-way line of South Decatur Street (Aug., 1995), also being the east line of Lot 12 South 00 Degrees 44 Minutes 50 Seconds East, a distance of 29.50 feet to a point;

Thence North 45 Degrees 48 Minutes 59 Seconds West, a distance of 14.13 feet to a point;

Thence on a line which is parallel with and 18.50 feet south of the north line of said Lot 12 South 89 Degrees 06 Minutes 53 Seconds West, a distance of 114.90 feet to the **POINT OF BEGINNING**;

depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights easements; of record or apparent. The above described parcel contains 2361 Sq. Ft. (0.054 AC.), more or less.

BASIS OF BEARING: The line between the North Quarter Corner and the Northeast Corner of Section 17, Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 06 Minutes 53 Seconds East, an assumed bearing matching the design survey for COOT Proj. No. STU C010-015. The North Quarter Corner of said Section 17 is a 1" x 0.40" below the existing asphalt. The Northeast Corner of said Section 17 is a COOT type 3A monument in a range box, stamped "PLS No. 25384".



PARCEL 5

PARCEL 5

PARCEL NO. 15
STA. 106+17 TO STA. 107+42

A tract or a parcel of land No. 15 of the Department of Transportation, State of Colorado Project No. S^c C010-015 containing 2423 Sq. Ft., more or less, being a of that parcel of land described at Book 1301, Pa 634 on August 13, 1976, and being a portion of Lot 1, Block 7, Mountain View Park Subdivision, according the Official City Survey of Mountain View Park and First Addition to Mountain View Park, recorded at Sc 19, Page 13 on July 10, 1946. City and County of Denver Clerk and Recorder's Office, said subdivision lyi in the Northeast Quarter of Section 17, Township 4 South, Range 68 West, of the Sixth Principal Meridie City and County of Denver, State of Colorado, said tract or parcel being more particularly described follows:

BEGINNING at a point on the east line of said Lot 1, also being on the west line of a 16 foot wide alley, fr which the northeast corner of said Lot 1 bears North 00 Degrees 44 Minutes 31 Seconds West, a distance 18.50 feet;

Thence parallel with the north line of said Lot 1 South 89 Degrees 06 Minutes 53 Seconds West, a distar of 109.90 feet to a point;

Thence South 44 Degrees 11 Minutes 20 Seconds West, a distance of 21.24 feet to a point on the west of said Lot 1, said point also being on the east right-of-way line of South Elliot Street (Aug., 1995);

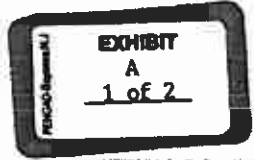
Thence along said east right-of-way line and said west line of Lot 1 North 00 Degrees 44 Minutes 13 Secor West, a distance of 33.50 feet to the northwest corner of said Lot 1;

Thence along the south right-of-way line of West Alameda Avenue (Aug., 1995), also being the north line said Lot 1 North 89 Degrees 06 Minutes 53 Seconds East, a distance of 124.90 feet to the northeast cor: of said Lot 1;

Thence along the east line of said Lot 1 and the west line of said 16 foot wide alley South 00 Degrees Minutes 31 Seconds East, a distance of 18.50 feet to the POINT OF BEGINNING;

depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights and easements; of record or apparent. The above described parcel contains 2423 Sq. Ft. (0.055 Ac.), more less.

BASIS OF BEARING: The line between the North Quarter Corner, and the Northeast Corner of Section Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 06 Minutes Seconds East, an assumed bearing matching the design survey for COOT Proj. No. STU C010-015. North Quarter Corner of said Section 17 is a 1" axle 0.40' below the existing asphalt. The Northeast Cor: of said Section 17 is a COOT type 3A monument in a range box, stamped "PLS No. 25384".



McDonald's

McDonald's Corporation
5231 DTC Parkway
Suite 300
Englewood, Colorado 80111
(303) 779-0444

PARCELS 4 AND 5

October 7, 1997

Mr. Peter Baertlein
Office of City Engineer
City and County of Denver
303 W. Colfax, Suite 700
Denver, Colorado 80204

RE: Access placement, McDonald's Site at 2850 W. Alameda Avenue

Mr. Baertlein,

Attached is a sketch locating the access points to be installed by the City in the new curb and gutter which is in place along our Alameda frontage. Per Mr. Steve Sampson's direction, it is our understanding that we are due (3) access points as part of our pending settlement agreement with the City. However, we have determined that our new site design will function well with the (2) shown on the attached sketch. We have also reduced the width of both access drives to 25'.

Please do not hesitate to call me at ext. 256 if you have any questions or require further information. I have also enclosed (2) copies of our preliminary site plan for your information.

Sincerely,

Jim Marlow
Architectural Coordinator

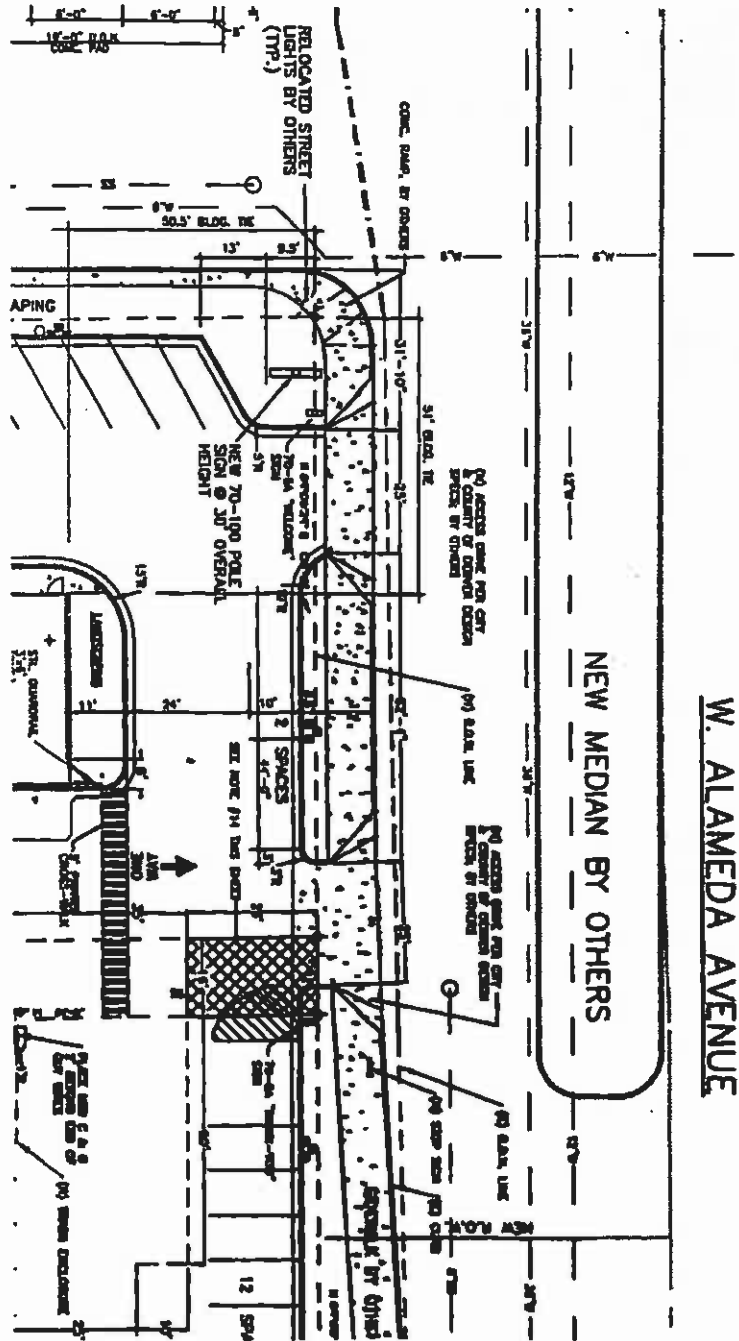
Attachments/Enclosures

cc: Steve Sampson, Duncan, Ostrander & Dingess, P.C.
Barry Cordell, McDonald's Real Estate Manager
Karen Conner Southard, McDonald's Project Manager
File

McDonald's
A Place You Can Count On

EXHIBIT
B

PARCEL 4 AND 5



PARTIAL SKETCH OF McDONALD'S SITE
 PLAN, SHEET SP-1 DATED 10-7-97
 SCALE: 1"=30'-0"

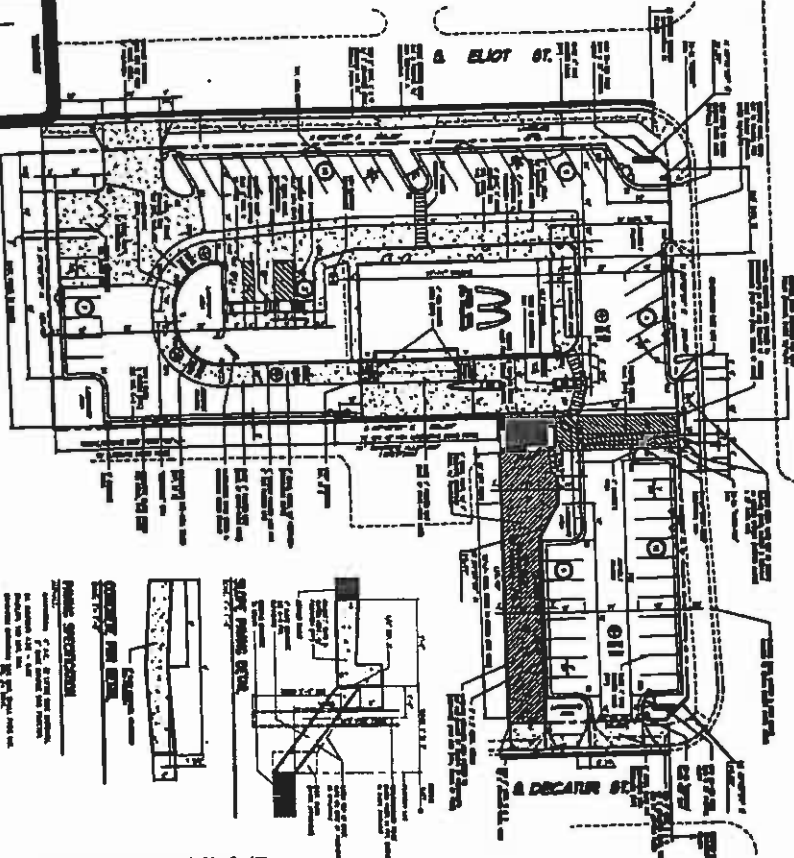
10/07/97 17:21 303 773 6906 MCD DRIVE RGN

1003

PARCEL 4 AND 5

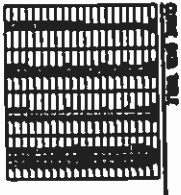
SITE PLAN

E ALPENA AVENUE



GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. REFER TO ARCHITECTURAL DRAWINGS FOR FINISHES AND MATERIALS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
4. THE SITE SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
5. ALL UTILITIES SHALL BE DEPTH MARKED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TRAFFIC CONTROL DURING CONSTRUCTION.
8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES UNLESS OTHERWISE NOTED.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES UNLESS OTHERWISE NOTED.



LEGAL DESCRIPTION

TRACT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

McDonald's

McDonald's is a registered trademark of McDonald's Corporation. All rights reserved.

PSF-154

C-1

EXHIBIT

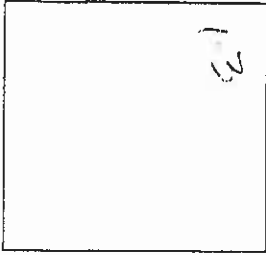
987

PARCEL 6

816

WARRANTY DEED

THIS DEED, Made this 13th day of January, 1997,
between Craig M. Shannon and Janice L. Shannon



of the City and County of Denver and State of Colorado
grantor, and City and County of Denver

whose legal address is 1437 Bannock, Room #353, Denver, CO 80202

of the City and County of Denver and State of Colorado, grantee:
WITNESSETH, That the grantor, for and in consideration of the sum of TWO HUNDRED TEN THOUSAND AND *
NO/100-----

1-3
NO D.F.
REQUIRED

-----DOLLARS, (\$210,000.00)

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents
does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with
improvements, if any, situate, lying and being in the City and County of Denver, and State of Colorado,
described as follows:
See Description attached hereto and made a part hereof.

* PROPERTY IS BEING PURCHASED UNDER THREAT OF CONDEMNATION AND THAT OTHER
FACTORS WERE INCLUDED IN DETERMINATION OF THE PRICE IN ADDITION TO FAIR MARKET
VALUE.

also known by street and number as 2905 West Alameda Avenue, Denver, Colorado

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 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, his
heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and
agree to and with the grantee, his heirs and assigns, that at the time of the sealing and delivery of these presents, he is well
seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in
fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form
as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments,
encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due
or payable, easements, restrictions, reservations, covenants and rights-of-way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceful possession
of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.
IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Craig M. Shannon

Janice L. Shannon

STATE OF COLORADO

COUNTY OF DENVER

The foregoing instrument was presented to me this 13th day of January, 1997, by
Craig M. Shannon, Shannon

My Commission expires



Witness my hand and official seal.

Notary Public

KC 242031295

RIGHT OF WAY
TO BE ACQUIRED
FROM

PARCEL 6

PARCEL NO. 19
STA. 104+27 TO STA. 105+62

OWNER:
CRAIG M. SHANNON AND
JANICE L. SHANNON
IN JOINT TENANCY

FOR

PROJECT NO. STU C010-015
INTERSECTION OF
W. ALAMEDA AVE. AND
S. FEDERAL BLVD.

STATE HIGHWAY 26 AND
STATE HIGHWAY 88

DESCRIPTION

A tract or a parcel of land No. 19 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 2562 Sq. Ft., more or less, being a portion of that parcel of land described at Reception No. 87-00129607, and lying in Lots 25 and 26, Block 16, Alameda Heights Subdivision, recorded at Book 6, Page 26 on November 28, 1988, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the west line of said Lot 25, from which the northwest corner of said Lot 25 bears North 00 Degrees 49 Minutes 21 Seconds West a distance of 6.51 feet;

Thence along a line parallel with the north line of said Lot 25 North 89 Degrees 06 Minutes 57 Seconds East, a distance of 123.43 feet to a point;

Thence North 44 Degrees 08 Minutes 54 Seconds East, a distance of 16.28 feet to a point on the east line of said Lot 26, said point also being on the west right-of-way line of South Eliot Street (Aug., 1995);

Thence along said west right-of-way line and the east line of said Block 16 South 00 Degrees 49 Minutes 09 Seconds East, a distance of 30.00 feet to the southeast corner of said Lot 25;

Thence along the north line of West Alameda Avenue (Aug., 1995), also being the south line of said Lot 25 South 89 Degrees 06 Minutes 53 Seconds West, a distance of 134.93 feet to the Southwest corner of said Lot 25;

Thence along the west line of said Lot 25 North 00 Degrees 49 Minutes 21 Seconds West, a distance of 18.50 feet to the POINT OF BEGINNING;

as depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights and/or easements, of record or apparent. The above described parcel contains 2562 Sq. Ft. (0.059 Ac.), more or less.

BASIS OF BEARING: The line between the South Quarter Corner and the Southeast Corner of Section 8, Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 06 Minutes 53 Seconds East, an assumed bearing matching the design survey for CDOT Proj. No. STU C010-015. The South Quarter Corner of said Section 8 is a 1" x 1/2" x 0.40' below the existing asphalt. The Southeast Corner of said Section 8 is a CDOT type 3A monument in a range box, stamped "PLS No. 25384".

Prepared by:
DANIEL P. WILMETH, P.L.S. #25384
J.E. Sato & Associates
5898 S. Rapp St.
Littleton, Co. 80120

rev 04-23-96



J.F. SATO AND ASSOCIATES

Consulting Engineers
Project Managers & Planners
5836 So. Rapp St. • Littleton, CO 80120 • (303) 797-1200

JOB NO. 3006
DESC. PARCEL 19
DATE: 12-18-94 BY SHH
SCALE: 1" = 30' CHECKED DPW
SHEET 1 OF 1
NOTES: REV 4-23-98

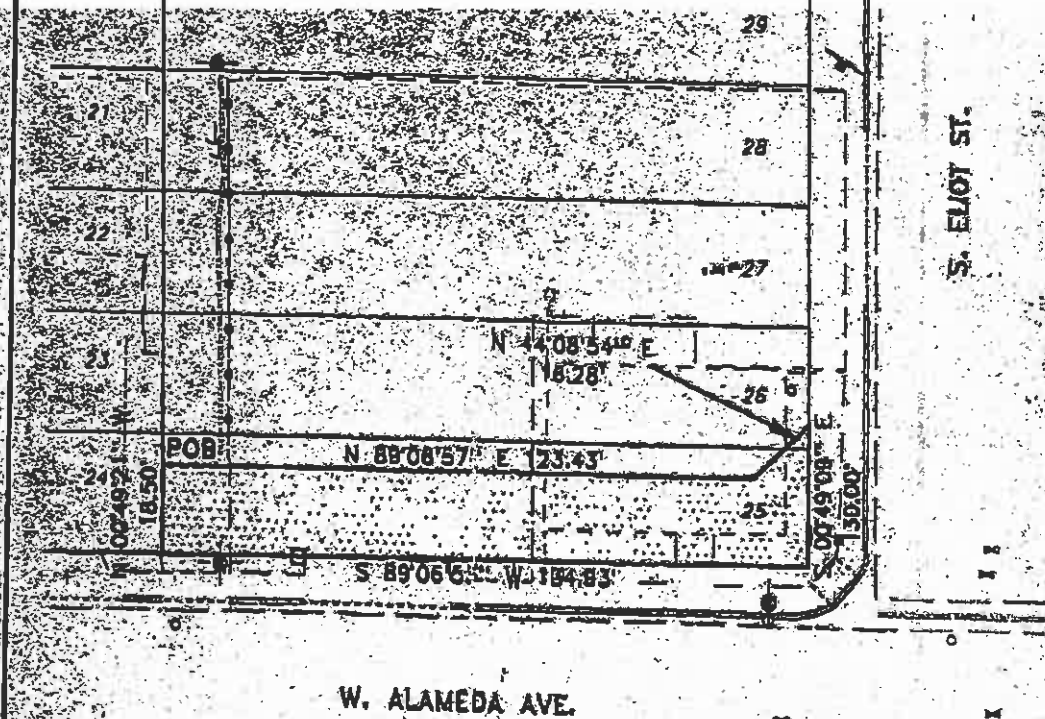
PARCEL 6

EXHIBIT A

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.



17		32
18		31
19	BLOCK 16 ALAMEDA HEIGHTS	30
20		29



PARCEL 7

DENVER COUNTY
CLERK AND RECORDER

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO

Civil Action No. 96 CV 6530

Courtroom No. 3

NOV 23 2 37 PM '98

RULE AND DECREE IN CONDEMNATION

CITY AND COUNTY OF DENVER, a municipal corporation,

Petitioner,

v.

ALAN F. FOX; ROCKY MOUNTAIN AUTO SALES AND SERVICE, INC.; OUTDOOR SYSTEMS, INC.; CHERYL COHEN, as the Manager of Revenue for the City and County of Denver; All Unknown Owners of the Real Properties Sought to be Condemned Herein; and All Unknown Persons Who Claim Any Interest in the Subject Matter of this Action,

Respondents.

THIS MATTER having come on to be heard on the Petition of the City and County of Denver, a municipal corporation, for the taking of fee simple title (Parcel 18), a permanent easement (PE-18), and a temporary construction easement (TE-18) with respect to certain real property hereinafter described, and for the ascertainment of the compensation to be paid therefor and by reason thereof and the time now being at hand for the entry of a Rule and Decree, the Court,

DOTH FIND:

1. That the Petitioner is authorized by eminent domain proceedings to appropriate property for its local and municipal purposes, and, in particular, is authorized to appropriate the properties hereinafter described.
2. That the Court has jurisdiction of the parties herein and of the subject matter of this action.
3. That the parties have agreed on a disposition of this matter as it relates to the real property described herein without the necessity of a trial.
4. That Respondent Alan F. Fox has an ownership interest in the real property described herein by virtue of certain instruments recorded among the records of the Clerk and Recorder of the City and County of Denver and State of Colorado and that said Respondents have appeared herein.

CERTIFICATION
The Clerk and Recorder for the City and County of Denver, State of Colorado, does hereby certify this document to be a full, true and correct copy of the original document recorded in my office.



Clerk and Recorder
by [Signature]
Deputy County Clerk
Date DEC 14 2011



6. That Respondent Outdoor Systems, Inc. has an interest in an outdoor advertising device previously located on the property; however, the billboard matter has been bifurcated from the valuation of the underlying land and Respondent Outdoor Systems, Inc. has no interest in the underlying land and no interest in the compensation awarded herein.

7. That the Respondent Manager of Revenue of the City and County of Denver has appeared herein asserting a claim for any and all outstanding tax liens including interest, as the same have accrued on the property hereinafter described prior to January 21, 1997, the date of possession by Petitioner and that said Respondent now states that all such tax liens have been fully paid and claims of said Respondent have been satisfied.

8. That other than the persons aforesaid no other person, firm or corporation has appeared herein or has any claim or claims to, any interest or interests in, or any lien or liens, encumbrance or encumbrances pertaining to the property hereinafter described.

9. That an accurate description of the property, situated in the City and County of Denver, Colorado, with respect to which property the Petitioner is acquiring fee simple title is as follows:

FEE SIMPLE

PARCEL NO. 18

A tract or a parcel of land No. 18 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 3611 Sq. Ft., more or less; being a portion of that parcel of land described at Book 1697, Page 99 and dated June 21, 1978, and lying in Lots 21 through 24, Block 16, Alameda Helghts Subdivision, recorded at Book 6, Page 26 on November 28, 1888, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the east line of said Lot 24, from which the northeast corner of said Lot 24 bears North 00 Degrees 49 Minutes 21 Seconds West a distance of 6.51 feet;

Thence along the east line of said Lot 24 South 00 Degrees 49 Minutes 21 Seconds East, a distance of 18.50 feet to the Southeast corner of said Lot 24, said point also being on the north right-of-way line of West Alameda Avenue (Aug., 1995);

Thence along said north right-of-way line and the south line of said Lot 24 South 89 Degrees 06 Minutes 53 Seconds West, a distance of 134.93 feet to the southwest corner of said Lot 24;

Thence along the east right-of-way line of South Federal Boulevard (Aug., 1995), also being the west line of said Block 16 North 00 Degrees 49 Minutes 33 Seconds West, a distance of 100.03 feet to the northwest corner of said Lot 21;

Thence along the north line of said Lot 21 North 89 Degrees 07 Minutes 12 Seconds East, a distance of 12.00 feet to a point;

Thence parallel with the west line of said Block 16 South 00 Degrees 49 Minutes 33 Seconds East, a distance of 65.02 feet to a point;

Thence South 45 Degrees 51 Minutes 18 Seconds East, a distance of 23.33 feet to a point;

Thence along a line parallel with the north line of said Lot 24 North 89 Degrees 06 Minutes 57 Seconds East, a distance of 106.43 feet to the POINT OF BEGINNING;

depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights and/or easements; of record or apparent. The above described parcel contains 3611 Sq. Ft. (0.083 Ac.), more or less.

BASIS OF BEARING: The line between the South Quarter Corner and the Southeast Corner of Section 8, Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 06 Minutes 53 Seconds East, an assumed bearing matching the design survey for CDOT Proj. No. STU C010-015. The South Quarter Corner of said Section 8 is a 1" axle 0.40' below the existing asphalt. The Southeast Corner of said Section 8 is a CDOT type 3A monument in a range box, stamped "PLS No. 25384".

10. That an accurate description of the Property, situated in the City and County of Denver, Colorado, which the Petitioner acquired a temporary construction easement, which temporary construction easement has expired, is as follows:

PARCEL NO. TE-18

TEMPORARY EASEMENT

A temporary easement No. TE-18 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 5138 Sq. Ft., more or less, being a portion of that parcel of land described at Book 1697, Page 99 and dated June 21, 1978, and lying in Lots 21 through 24, Block 16, Alameda Heights Subdivision, recorded at Book 6, Page 26 on November 28, 1888, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the east line of said Lot 24, from which the southeast corner of said Lot 23 bears North 00 Degrees 49 Minutes 21 Seconds West a distance of 6.51 feet;

Thence along a line parallel with the south line of said Lot 23 South 89 Degrees 06 Minutes 57 Seconds West, a distance of 106.43 feet to a point;

Thence North 45 Degrees 51 Minutes 18 Seconds West, a distance of 23.33 feet to a point;

Thence along a line which is parallel with and 12.00 feet east of the west line of said Block 16 North 00 Degrees 49 Minutes 33 Seconds West, a distance of 25.02 feet to a point;

Thence parallel with the north line of said Lot 21 North 89 Degrees 07 Minutes 12 Seconds East, a distance of 15.00 feet to a point;

Thence parallel with the west line of said Block 16 North 00 Degrees 49 Minutes 33 Seconds West, a distance of 40.00 feet to a point on the north line of said Lot 21;

Thence along the north line of said Lot 21 North 89 Degrees 07 Minutes 12 Seconds East, a distance of 25.00 feet to a point;

Thence parallel with the west line of said Block 16 South 00 Degrees 49 Minutes 33 Seconds East, a distance of 50.01 feet to a point on the north line of said Lot 23;

Thence along the north line of said Lot 23 North 89 Degrees 07 Minutes 02 Seconds East, a distance of 82.93 feet to the northeast corner of said Lot 23;

Thence along the east line of said Lot 23 and Lot 24, South 00 Degrees 49 Minutes 21 Seconds East, a distance of 31.50 feet to the POINT OF BEGINNING;

depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights and/or easements; of record or apparent. The above described temporary easement contains 5138 Sq. Ft. (0.112 Ac.), more or less. For the purpose of construction of sidewalk, driveway, parking lot, and partial removal of a canopy structure.

BASIS OF BEARING: The line between the South Quarter Corner and the Southeast Corner of Section 8, Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 06 Minutes 53 Seconds East, an assumed bearing matching the design survey for CDOT Proj. No. STU C010-015. The South Quarter Corner of said Section 8 is a 1" x 1" x 0.40' below the existing asphalt. The Southeast Corner of said Section 8 is a CDOT type 3A monument in a range box, stamped "PLS No. 25384".

PARCEL 7

11. That an accurate description of the Property, situated in the City and County of Denver, Colorado, which the Petitioner is acquiring a permanent easement is as follows:

PARCEL NO. PE-18

A permanent easement No. PE-18 of the Department of Transportation, State of Colorado Project No. STU C010-015 containing 600 Sq. Ft., more or less, being a portion of that parcel of land described at Book 1697, Page 99 and dated June 21, 1978, and lying in Lots 21 and 22, Block 16, Alameda Heights Subdivision, recorded at Book 6, Page 26 on November 28, 1888, City and County of Denver Clerk and Recorder's Office, said subdivision lying in the Southeast Quarter of Section 8, Township 4 South, Range 68 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point on the north line of said Lot 21, from which the northwest corner of said Lot 21 bears South 89 Degrees 07 Minutes 12 Seconds West, a distance of 12.00 feet;

Thence along the north line of said Lot 21 North 89 Degrees 07 Minutes 12 Seconds East, a distance of 15.00 feet to a point;

Thence parallel with the west line of said Block 16 South 00 Degrees 49 Minutes 33 Seconds East, a distance of 40.00 feet to a point;

Thence parallel with the north line of said Lot 21 South 89 Degrees 07 Minutes 12 Seconds West, a distance of 15.00 feet to a point;

Thence parallel with the west line of said Block 16 North 00 Degrees 49 Minutes 33 Seconds West, a distance of 40.00 feet to the POINT OF BEGINNING;

depicted on Exhibit A, attached. Said parcel is subject to all rights-of-way, interests, claims, rights and/or easements; of record or apparent. The above described permanent easement contains 600 Sq. Ft. (0.014 Ac.), more or less. For the purpose of construction and maintenance of a bus shelter.

BASIS OF BEARING: The line between the South Quarter Corner and the Southeast Corner of Section 8, Township 4 South, Range 68 West, of the 6th Principal Meridian bears North 89 Degrees 06 Minutes 53 Seconds East, an assumed bearing matching the design survey for CDOT Proj. No. STU C010-015. The North Quarter Corner of said Section 8 is a 1" axle 0.40' below the existing asphalt. The Northeast Corner of said Section 8 is a CDOT type 3A monument in a range box, stamped "PLS No. 25384".

However, that portion of PE-18 not physically occupied by the bus shelter (approximately 300 square feet) may be used by Respondent and its successors and assigns for any lawful purpose that does not damage the bus shelter, permanently prevent access to all of PE-18, or is not otherwise inconsistent with the bus shelter and its appurtenances.

12. That Petitioner has been in possession of the property since January 21, 1997, pursuant to a Stipulated Order for Possession under which the Petitioner paid into the Registry of the Court \$139,400.00, which amount is to be applied toward the just compensation awarded herein.

13. That pursuant to this Rule and Decree, the sum of \$345,000.00 is the total compensation due the Respondent for the taking of fee simple title to Parcel 18, a permanent easement (PE-18), and a temporary easement (TE-18) as described herein including, but not limited to, the value of said property, the damages to the residue or remainder of any property not taken and any and all attorneys' fees, interest, costs, disbursements, and expenses other than appraisal costs which have been previously paid by Petitioner; said sum shall not be subject to adjustment as provided in Section 38-1-114, C.R.S.; all of the foregoing being pursuant to and in accordance with the stipulation as hereinafter set forth.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder and owner of fee simple title to the real property described in Paragraph 9 herein, free and clear of all rights, title, interests, easements, liens or encumbrances of the Respondents, or any of them, and also free of all rights of reversion or reversionary interests, including but not limited to, the possibility of reverter and rights of entry for conditions broken, in and said real property sought to be acquired and heretofore described.

2. That the Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder of a temporary construction easement for the real property described in paragraph 10 herein, free and clear of all rights, title, and interests of the Respondents or any of them. Such temporary construction easement has expired and is of no further force and effect.

3. That the Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder and owner of a permanent easement in the real property described in Paragraph 11 herein, free and clear of all rights, title, interests, easements, liens or encumbrances of the Respondents, or any of them, and also free of all rights of reversion or reversionary interests, including but not limited to, the possibility of reverter and rights of entry for conditions broken, in and said permanent easement sought to be acquired and heretofore described; provided however, that the portion of PE-18 not physically occupied by the bus shelter (approximately 300 square feet) may be used by Respondent and its successors and assigns for any lawful purpose that does not damage the bus shelter, permanently prevent access to all of PE-18, or is not otherwise inconsistent with the bus shelter and its appurtenances.

4. That the sum of \$345,000.00 be and is hereby determined to be the total compensation due the Respondent for the taking of Parcel 18, a permanent easement (PE-18) and the temporary construction easement (TE-18) and the interests hereinabove described including, but not limited to, the value of said property, the damages to the residue or remainder of any property not taken and any and all attorneys' fees, interest, costs, disbursements, expenses other than appraisal costs which have been previously paid by Petitioner, which compensation shall not be subject to adjustment as provided in Section 38-1-114, C.R.S.

5. That \$139,400.00 of the total compensation has previously been paid by Petitioner into the Registry of the Court pursuant to a Stipulated Order for Possession for Respondent Alan F. Fox and that Petitioner shall deposit an additional \$205,600.00 into the Registry of the Court for total just compensation of \$345,000.00 to Alan F. Fox.

6. That upon the additional deposit of the amount described in paragraph 5 above, the Clerk of this Court is hereby ordered to FORTHWITH disburse all amounts on deposit, including any funds remaining on deposit from the previous deposit described in paragraph 5 above, any funds deposited by Petitioner pursuant to this Rule and Decree, and any interest earned, to Alan F. Fox c/o John R. Sperber, Faegre & Benson, L.L.P., 370 17th Street, #2500, Denver, Colorado 80202-4004.

7. That a certified copy of this Rule and Decree in Condemnation be recorded and indexed in the Office of the Clerk and Recorder of the City and County of Denver and State of Colorado in like manner and with like effect as if it were a deed of conveyance from the owners and parties interested to the Petitioner herein.

DONE this 26 day of May, 1998.

BY THE COURT:


H. Jeffrey Bayless
JUDGE

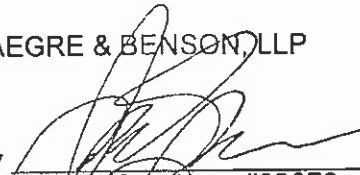
PARCEL 7

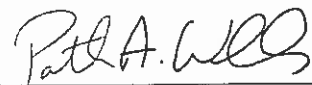
IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES HERETO THAT THE ABOVE RULE AND DECREE IN CONDEMNATION MAY BE ENTERED HEREIN:

DANIEL E. MUSE - #6229
City Attorney

ROBERT M. KELLY - #3935
KAREN A. AVILÉS - #13989
Assistant City Attorneys

By 
Karen A. Avilés
353 City and County Building
Denver, Colorado 80202
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Attorneys for the Petitioner

FAEGRE & BENSON, LLP
By 
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Attorneys for Alan F. Fox

By 
Patrick A. Wheeler - #14358
Assistant City Attorney
353 City and County Building
Denver, Colorado 80202
Telephone: (303) 640-2665
Attorney for Respondent
Manager of Revenue
for the City and County of Denver

PARCEL 7

6/03/1998 10:59 AM

Page: 4

District Court, Denver County
Denver City and County Building
1437 Bannock St Rm 256
Denver, CO 80202
303-640-2491

Transaction: 6/03/1998 10:58 AM RG TL021668 Payor:

Case #: 1996CV-006530 C&C OF DENVER VS FOX, ALAN F et al
RCP #: 1996CV-006530-0006

Description	Amount	Description	Amount
Other Registry	205,600.00		
Receipt Total.....	\$205,600.00	Payment Type.....	CHCK
Amount Tendered.....	\$205,600.00	Account Receivable Due.....	\$.00
Change Due.....	\$.00		

rule & decree forc&c/enj



CITY AND COUNTY OF DENVER, COLORADO

AUDITORS OFFICE
110 16TH STREET, SUITE 1100, DENVER, CO. 80202 (303) 640-2941



AUDITOR'S WARRANT

11856167

CHARGE FUND

WARRANT NUMBER

3811

11856167

TO THE TREASURER OF THE CITY AND COUNTY OF DENVER

PAY EXACTLY** TWO HUNDRED AND FIVE THOUSAND SIX HUNDRED DOLLARS ONLY **

VOID AFTER SIX MONTHS

DATE	PAY THIS AMOUNT
05/29/98	\$ 0000205,600.00

TO THE CLERK OF THE DENVER DISTRICT COURT
ORDER OF

AUDITED AND ALLOWED



DONALD J. MARES
AUDITOR

11856167 102006407 4159 668086

PARCEL 8

10843

R. Row
N. Side W. Alameda
Ret. Dec 1910
5077 2422

Recorded at _____ /dash M.
Reception No. _____ Recorder _____

THIS DEED, Made this 25th day of July
19 85, between JERRY A. ENGER

Recorder's Stamp

of the county of Jefferson and State of Colorado, of the first part, and THE CITY AND COUNTY OF DENVER, 1437 Bannock Street, Denver, Colorado 80202, a municipal corporation organized and existing under and by virtue of the laws of the State of Colorado of the second part

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, he s remised, released, sold, conveyed and QUIT CLAIMED, and by these presents does remise, release, sell, convey and QUIT CLAIM unto the said party of the second part, its successors and assigns forever, all right, title, interest, claim and demand which the said party of the first part has in and to the following described real property situate, being and being in the City and County of Denver and State of Colorado, to wit:

Parcel No. 1
Right-of-Way for West Alameda Avenue MISC 1 .00

That part of Block 15, Alameda Heights, described as follows:
The southerly 8.5 feet of Lots 22 to 30' Inclusive, Block 15, Alameda Heights.

SEE ATTACHED MAP EXHIBIT "A" HERETO WHICH BY REFERENCE HERETO BECOMES A PART OF THIS DEED.

APPROVED FOR RECORDING
LAND OFFICE

157

TO HAVE AND TO HOLD the same together with all and singular the appertinances and privileges thereto belonging or in anywise thereto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, The said party of the first part hereunto set his hand and seal the day and year first above written.

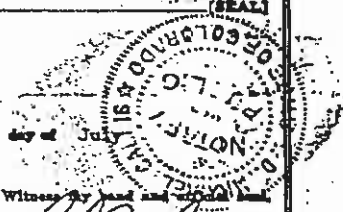
Signed, Sealed and Delivered in the Presence of
JERRY A. ENGER (REAL)
(REAL)
(REAL)
(REAL)

STATE OF COLORADO,
County of Denver

The foregoing instrument was acknowledged before me this 25th day of July 19 85, by JERRY A. ENGER.

My commission expires _____, 19 ____ Witness my hand and seal
D. Michael Callis
Notary Public

MY COMMISSION EXPIRES 10/21/87
D. MICHAEL CALLIS
10386 W. BELLEWOOD PL.
LITTLETON, COLO. 80123



AS TO FORM

*If by natural person or persons here insert names of names; if by person acting in representative or official capacity or an attorney-in-fact, then insert name of person so acting, attorney-in-fact or other capacity or description; if by officer of any corporation, then insert name of such officer or officers, as the president or other officers of such corporation, bearing the Statutory Acknowledgment, Section 1877.
No. 522. QUIT CLAIM DEED TO CORPORATION.—Standard Publishing Co., 1224-G East Street, Denver, Colorado—8-81

INDEXED 1A-3-85-26
PLATTED SW 25

044897
DENVER COUNTY
COUNTY CLERK
FELICIA MONTIC
07 26 05 PM 4:03

