

**REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY**

**TO:** Ivone Avila-Ponce, City Attorney's Office

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

*Matt R. Bryner*  
Matt R. Bryner (Feb 1, 2023 08:23 MST)

**DATE:** February 1, 2023

**ROW #:** 2022-DEDICATION-0000107 **SCHEDULE #:** Adjacent to 0124200113000

**TITLE:** This request is to dedicate a City-owned parcel of land as E. Albrook Dr., located near the intersection of E. Albrook Dr. and N. Peoria St.

**SUMMARY:** Request for a Resolution for laying out, opening and establishing certain real property as part of the system of thoroughfares of the municipality; i.e. as E. Albrook Dr. This parcel(s) of land is being dedicated by the City and County of Denver for Public Right-of-Way, as part of the development project, "Montbello Freshlo."

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

Therefore, you are requested to initiate Council action to dedicate a parcel of land for Public Right-of-Way purposes as E. Albrook Dr. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2022-DEDICATION-0000107-001) HERE.**

A map of the area to be dedicated is attached.

MB/KS/DG

cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)  
City Councilperson, Christopher J. Herndon District # 8  
Councilperson Aide, Amanda Steffan  
Councilperson Aide, Bonnie Guillen  
Councilperson Aide, Leya Hartman  
City Council Staff, Luke Palmisano  
Environmental Services, Andrew Ross  
DOTI, Manager's Office, Alba Castro  
DOTI, Manager's Office, Jason Gallardo  
DOTI, Director, Right-of-Way Engineering Services, Matt Bryner  
Department of Law, Johna Varty  
Department of Law, Martin Plate  
Department of Law, Deanne Durfee  
Department of Law, Ivone Avila-Ponce  
Department of Law, Joann Tristani  
Department of Law, Stefanie Raph  
DOTI Survey, Kathy Svechovsky  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder 2022-DEDICATION-0000107

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services  
201 W. Colfax Ave. | Denver, CO 80215  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-913-1311

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo  
at [Jason.Gallardo@DenverGov.org](mailto:Jason.Gallardo@DenverGov.org) by **12:00 pm on Monday.**

***\*All fields must be completed.\****  
*Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: February 1, 2023

Please mark one:  Bill Request or  Resolution Request

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

Yes  No

If yes, please explain:

2. **Title:** This request is to dedicate a City-owned parcel of land as E. Albrook Dr., located near the intersection of E. Albrook Dr. and N. Peoria St.

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

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

- **Name:** Dalila Gutierrez
- **Phone:** 720-865-3207
- **Email:** [Dalila.gutierrez@denvergov.org](mailto:Dalila.gutierrez@denvergov.org)

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

- **Name:** Jason Gallardo
- **Phone:** 720-865-8723
- **Email:** [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org)

6. **General description/background of proposed resolution including contract scope of work if applicable:** Combine parcels of an existing parking lot and build a new mixed-use structure called, "Montbello Freshlo." The developer was asked to dedicate one parcel as E. Albrook Dr.

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

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** Near the intersection of E. Albrook Dr. and N. Peoria St.
- d. **Affected Council District:** Christopher J. Herndon District # 8
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

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

None.

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To be completed by Mayor's Legislative Team:

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## EXECUTIVE SUMMARY

**Project Title:** 2022-DEDICATION-0000107

**Description of Proposed Project:** This request is to dedicate a City-owned parcel of land as E. Albrook Dr., located near the intersection of E. Albrook Dr. and N. Peoria St.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:** Combine parcels of an existing parking lot and build a new mixed-use structure called, "Montbello Freshlo." The developer was asked to dedicate one parcel as E. Albrook Dr.

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

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

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

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

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

**Additional information:** This land was deeded to the City and County of Denver for the purpose of dedicating it as E. Albrook Dr., as part of a development project called, "Montbello Freshlo."

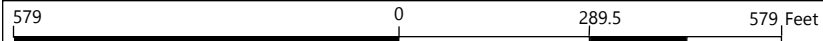




Street parcel to be dedicated

### Legend

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





**PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000107-001:**

**LAND DESCRIPTION - STREET PARCEL:**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 11TH DAY OF JANUARY, 2023, AT RECEPTION NUMBER 2023002250 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A TRACT OR PARCEL OF LAND SITUATED IN BLOCK 1, MONTBELLO NO. 8, IN THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 67 WEST, OF THE 6<sup>TH</sup> P.M., THENCE S31°35'49"E, 757.61 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID BLOCK 1, MONTBELLO NO. 8, AND THE TRUE POINT OF BEGINNING:

THENCE S67°59'34"E ALONG SAID NORTHEASTERLY LINE, 294.00 FEET TO THE NORTHEAST CORNER OF PARCEL I AS DESCRIBED IN CITY AND COUNTY OF DENVER RECEPTION NO. 2020026812;

THENCE S22°01'20"W, ALONG THE EASTERLY LINE OF SAID PARCEL I, 1.00 FOOT;

THENCE N67°59'34"W, ALONG A LINE PARALLEL WITH SAID NORTHEASTERLY LINE OF BLOCK 1, MONTBELLO NO. 8, 294.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL I;

THENCE N22°00'26"E ALONG SAID WESTERLY LINE, 1.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 294 SQUARE FEET OR 0.007 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE NORTH LINE OF BLOCK 1, MONTBELLO NO. 8 ALONG THE NORTH LINE OF THE SUBJECT PROPERTY, BEING S67°59'34"E, AS MEASURED USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AS MONUMENTED ON THE WEST BY A 3/4" YELLOW PLASTIC CAP FOUND AT THE CENTERLINE OF A 40' ACCESS EASEMENT AND THE SOUTH RIGHT-OF-WAY LINE OF E ALBROOK DR, AND AS MONUMENTED ON THE EAST BY A NAIL AND WASHER PLS 16406 FOUND AT THE NORTHEAST CORNER OF THE SUBJECT PROPERTY, BEING IN THE SOUTHERLY RIGHT-OF-WAY LINE OF E ALBROOK DR.

After recording, return to:  
Division of Real Estate  
City and County of Denver  
201 West Colfax Avenue, Dept. 1010  
Denver, Colorado 80202

**Project Description: 2022-Dedication-0000107**  
**Asset Mgmt No.: 23-004**



**2023002250**  
Page: 1 of 6  
D \$0.00

### **SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** (“Deed”), made as of this 4 day of January, 2023, by **MONTBELLO FRESHLO, LLC**, a Colorado limited liability company whose address is 12000 East 47th Ave., Ste. 110, Denver, CO 80239, United States (“Grantor”) to the **CITY AND COUNTY OF DENVER**, a Colorado municipal corporation of the State of Colorado and home rule city, whose address is 1437 Bannock Street, Denver, Colorado 80202 (“Grantee”).

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

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

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

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

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

GRANTOR:

MONTBELLO FRESHLO, LLC., a Colorado limited liability company

By: Donna M. Barnett  
Name: Donna Barnett  
Its: CEO

MARY ETTA CURTIS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20224047471  
MY COMMISSION EXPIRES DECEMBER 20, 2026

STATE OF Colorado )  
 ) ss.  
COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 4 day of January, 2023  
by Mary Etta Curtis, as Notary of Colorado,  
a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: December 20, 2026

Mary Etta Curtis  
Notary Public

**Exhibit A  
To Special Warranty Deed**

**The Property**

**[See attached]**



EXHIBIT A  
LAND DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN BLOCK 1, MONTBELLO NO. 8, IN THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 294 SQUARE FEET OR 0.007 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE NORTH LINE OF BLOCK 1, MONTBELLO NO. 8 ALONG THE NORTH LINE OF THE SUBJECT PROPERTY, BEING S67°59'34"E, AS MEASURED USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AS MONUMENTED ON THE WEST BY A 3/4" YELLOW PLASTIC CAP FOUND AT THE CENTERLINE OF A 40' ACCESS EASEMENT AND THE SOUTH RIGHT-OF-WAY LINE OF E ALBROOK DR, AND AS MONUMENTED ON THE EAST BY A NAIL AND WASHER PLS 16406 FOUND AT THE NORTHEAST CORNER OF THE SUBJECT PROPERTY, BEING IN THE SOUTHERLY RIGHT-OF-WAY LINE OF E ALBROOK DR.

LEGAL DESCRIPTION STATEMENT:

I, MICHAEL LINDQUIST, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

MICHAEL LINDQUIST, COLORADO PLS 38666  
WILSON & COMPANY  
990 S. BROADWAY, SUITE 220  
DENVER, CO 80209  
(303) 297-2976

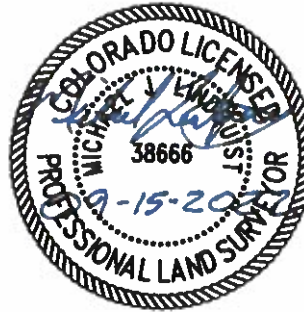
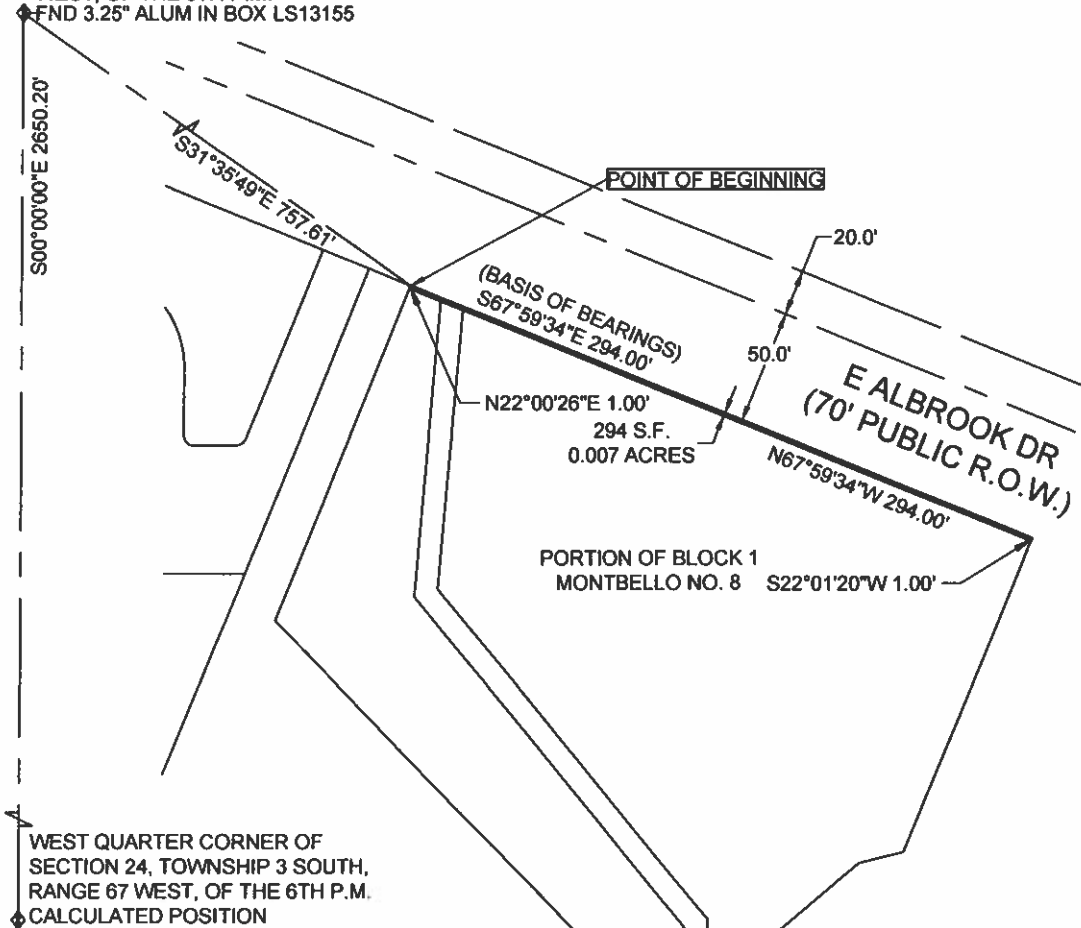


EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

POINT OF COMMENCEMENT  
NORTHWEST CORNER OF SECTION  
24, TOWNSHIP 3 SOUTH, RANGE 67  
WEST, OF THE 6TH P.M.  
FND 3.25" ALUM IN BOX LS13155



BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE NORTH LINE OF BLOCK 1, MONTBELLO NO. 8 ALONG THE NORTH LINE OF THE SUBJECT PROPERTY, BEING S67°59'34"E, AS MEASURED USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AS MONUMENTED ON THE WEST BY A 3/4" YELLOW PLASTIC CAP FOUND AT THE CENTERLINE OF A 40' ACCESS EASEMENT AND THE SOUTH RIGHT-OF-WAY LINE OF E ALBROOK DR, AND AS MONUMENTED ON THE EAST BY A NAIL AND WASHER PLS 16406 FOUND AT THE NORTHEAST CORNER OF THE SUBJECT PROPERTY, BEING IN THE SOUTHERLY RIGHT-OF-WAY LINE OF E ALBROOK DR.



						SHT. NO:	3 OF 3
						SCALE:	1" = 80'
						DWN. BY:	TJB
						DATE:	8-28-2022
						CHK. BY:	
						PROJ. MGR:	MJL
						DATE:	6-28-2022
01						CLIENT APP:	
NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D		

**WILSON & COMPANY** 1675 Broadway Suite 200  
Denver, CO 80202  
Phone: 303-297-2976  
Fax: 303-297-2693

EXHIBIT A  
12300 E ALBROOK DR  
DENVER CO 80239  
STATE OF COLORADO