

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 (Apr 13, 2023 12:22 MDT)

DATE: April 13, 2023

ROW #: 2023-DEDICATION-0000075 **SCHEDULE #:** Adjacent to 1)0517400092000 and 2) 0517400109000 and 3) 0517400140000 and 0517400163000

TITLE: This request is to dedicate three City-owned parcels of land as 1) W. Tennessee Ave., at intersection of W. Tennessee Ave. and S. Dale Ct., 2) W. Tennessee Ave., at intersection of W. Tennessee Ave. and S. Decatur St., and 3) W. Tennessee Ave., at the intersection of W. Tennessee Ave., between S. Dale Ct. and S. Clay St.

SUMMARY: Request for a Resolution for laying out, opening and establishing certain real property as part of the system of thoroughfares of the municipality; i.e. as 1) W. Tennessee Ave., 2) W. Tennessee Ave., and 3) W. Tennessee 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 Public Right-of-Way. The land is described as follows:

INSERT PARCEL DESCRIPTION ROW (2023-DEDICATION-0000075-001, 002, 003) HERE.

A map of the area to be dedicated is attached.

MB/PR/DG

c: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson Jolon Clark District # 7
Council Aide Iris Tan
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, Uyen Tran
DOTI Survey, Paul Rogalla
DOTI Ordinance
Project file folder 2023-DEDICATION-0000075

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

ORDINANCE/RESOLUTION REQUEST

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

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

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

Date of Request: April 13, 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 three City-owned parcels of land as 1) W. Tennessee Ave., at intersection of W. Tennessee Ave. and S. Dale Ct., 2) W. Tennessee Ave., at intersection of W. Tennessee Ave. and S. Decatur St., and 3) W. Tennessee Ave., at the intersection of W. Tennessee Ave., between S. Dale Ct. and S. Clay 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

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

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

6. **General description/background of proposed resolution including contract scope of work if applicable:** Surveyor is requesting a remnant parcel dedication as right-of-way. It is three parcels of W. Tennessee Ave. between intersection of S. Decatur St. and S. Clay St.

****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:** At the intersection of W. Tennessee Ave. between S. Decatur Stand S. Clay St.
- d. **Affected Council District:** Jolon Clark District # 7
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

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

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

EXECUTIVE SUMMARY

Project Title: 2023-DEDICATION-0000075

Description of Proposed Project: Surveyor is requesting a remnant parcel dedication as right-of-way. It is three parcels of W. Tennessee Ave. between intersection of S. Decatur St. and S. Clay St.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The City and County of Denver was deeded this land to be dedicated as 1) W. Tennessee Ave., 2) W. Tennessee Ave., and 3) W. Tennessee Ave.

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

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

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

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

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

Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as 1) W. Tennessee Ave., 2) W. Tennessee Ave., and 3) W. Tennessee Ave.



Legend

- ▲ Well Restrictions
- Barrier Restrictions
- Area Restrictions
 - Liner
 - Sheet Pile Wall Area
- Parking Marks - Points
- Parking Meters
- Right-of-Way (General)
- Streams
- Irrigation Ditches Reconstructe Gardener(s)
- Irrigation Ditches
- Streets
- Alleys
- Railroads
 - Main
 - Yard
 - Spur
 - Siding
 - Interchange track
 - Other
- Bridges
- Rail Transit Stations
 - Existing
 - Planned
- ▲ Park-N-Ride Locations
- Lakes
- County Boundary
- Parcels
- Lots/Blocks
- Parks
 - All Other Parks - Linear

289 0 144.5 289 Feet

PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000075-001:

LAND DESCRIPTION – WEST TENNESSEE AVENUE PARCEL NO. 1:

A PARCEL OF LAND CONVEYED TO THE CITY AND COUNTY OF DENVER BY DEED RECORDED JANUARY 16, 1958 AT BOOK 8137, PAGE 313 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED THEREIN AS:

THE NORTH 30 FEET OF THAT PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF MISSISSIPPI AVENUE 825.625 FEET EAST AND 40 FEET NORTH OF THE SOUTHWEST CORNER OF THE SE ¼ OF SAID SECTION 17: THENCE NORTH 620 FEET; THENCE EAST 165.125 FEET; THENCE SOUTH 620 FEET; THENCE WEST 165.125 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THAT PARCEL DESCRIBED IN ORDINANCE 278 OF 1960.

PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000075-002:

LAND DESCRIPTION – WEST TENNESSEE AVENUE PARCEL NO. 2:

A PARCEL OF LAND CONVEYED TO THE CITY AND COUNTY OF DENVER BY DEED RECORDED NOVEMBER 13, 1950 AT BOOK 6828, PAGE 456 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED THEREIN AS:

THE NORTH 30 FEET OF THAT PART OF THE S ½ OF THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 68 WEST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 330 FEET NORTH OF THE SW CORNER OF THE SE ¼ OF THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 68 WEST, THENCE NORTH 330 FEET, THENCE EAST 165.125 FEET, THENCE SOUTH 330 FEET, THENCE WEST 165.125 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PARCEL DESCRIBED IN ORDINANCE 278 OF 1960.

PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000075-003:

LAND DESCRIPTION – WEST TENNESSEE AVENUE PARCEL NO. 3:

A PARCEL OF LAND CONVEYED TO THE CITY AND COUNTY OF DENVER BY DEED RECORDED NOVEMBER 13, 1950 AT BOOK 6828, PAGE 457 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED THEREIN AS:

THE NORTH 30 FEET OF THE E ½ OF THE SE ¼ OF THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 68 WEST.

EXCEPT THE EAST 30 FEET THEREOF.

435
837921 Reception No. 837921 MAE HYNES Recorder.

THIS DEED, Made this 25th day of October in the year of our Lord one thousand nine hundred and fifty between SVEA C. ANDERSON, and R. R. ANDERSON

of the City and County of Denver and State of Colorado, of the first part, and THE CITY AND COUNTY OF DENVER, a municipal corporation constitution of the second part:

organized and existing under and by virtue of the laws of the State of Colorado, of the second part: WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable consideration to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following described lot or parcel of land, situate, lying and being in the City and County of Denver and State of Colorado, to-wit:

The North 30 feet of that part of the S 1/2 of the SW 1/4 of the SE 1/4 of Section 17, Township 4 South, Range 68 West, described as follows:

Beginning at a point 330 feet North of the SW corner of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 17, Township 4 South, Range 68 West, thence North 330 feet, thence East 165.125 feet thence South 330 feet thence West 165.125 feet to point of beginning.

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 said parties of the first part, 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 said party of the second part, its successors and assigns forever. And the said parties of the first part, do covenant, grant, bargain and agree to and with them selves, heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the enrolling and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have 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 and incumbrances of whatever kind or nature soever.

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Svea C. Anderson (SEAL)

R. R. Anderson (SEAL)

(SEAL)

STATE OF COLORADO } ss.
City and County of Denver }
The foregoing instrument was acknowledged before me this 25th day of October 1950 by Svea C. Anderson and R. R. Anderson

My Commission expires August 2, 1952

My Commission expires November 2, 1952

James R. Westbrook
Notary Public.

AS TO FORM
APPROVED FOR RECORDING:
LAND OFFICE C. Thompson
V. Baker
City Atty's Office

436

837922

Recorded at 3.30 o'clock P.M. NOV 13 1950 BOOK 6828 PAGE 457

Reception No. 837922 MAE HYNES Recorder.

THIS DEED, Made this 24th day of October in the year of our Lord one thousand nine hundred and fifty between J. I. ELLSWORTH

of the City and County of Denver and State of Colorado, of the first part, and THE CITY AND COUNTY OF DENVER, a municipal corporation constitution organized and existing under and by virtue of the laws of the State of Colorado, of the second part:

WITNESSETH. That the said part Y of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration to the said part Y of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following described lot or parcel of land, situate, lying and being in the City and County of Denver and State of Colorado, to-wit:

The North 30 feet of the E 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 17, Township 4 South Range 68 West, also the East 30 feet of the E 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 17, Township 4 South, Range 68, except the South 26 1/2 feet thereof.

City Atty's Office

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 said part Y of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

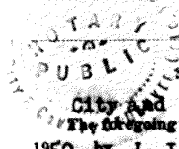
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its successors and assigns forever. And the said part Y of the first part, for himself, heirs, executors, and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, as of 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 and incumbrances of whatever kind or nature soever.

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part Y of the first part shall and will WARRANT AND FOREVER DEFEND.

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

Signed, Sealed and Delivered in the Presence of

J. I. Ellsworth (SEAL) (SEAL) (SEAL)



STATE OF COLORADO City and County of Denver The foregoing instrument was acknowledged before me this 24th day of October 1950, by J. I. Ellsworth

WITNESS my hand and official seal. My commission expires November 7, 1952

Notary Public signature

APPROVED FOR RECORDING: As to Form LAND OFFICER, [Signature]

40281

Recorded at _____ o'clock _____ M.
Reception No. JAN 16 1958

8137 313

0.00

394

THIS DEED, Made this 6th day of January
in the year of our Lord one thousand nine hundred and FIFTY-EIGHT
between FRANK A. CIZEK AND EDITH CIZEK

of the _____ and State of Colorado, of the first part, and CITY AND COUNTY OF DENVER,
A MUNICIPAL CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of COLORADO, of the second part:

RECORDED'S STAMP
1958 JAN 16 PM 3 51
RECORDED IN 8137 313
BOOK PAGE
ROBERT E LEE
CLERK AND RECORDER

4318
440

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following described lot or parcel of land, situate, lying and being in the CITY AND COUNTY OF DENVER and State of Colorado, to-wit:

THE NORTH 30 FEET OF THAT PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF MISSISSIPPI AVENUE 825.625 FEET EAST AND 40 FEET NORTH OF THE SOUTHWEST CORNER OF THE SE $\frac{1}{4}$ OF SAID SECTION 17; THENCE NORTH 620 FEET; THENCE EAST 165.125 FEET; THENCE SOUTH 620 FEET; THENCE WEST 165.125 FEET, MORE OR LESS, TO THE POINT OF BEGINNING

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 said parties of the first part, 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 said party of the second part, its successors and assigns forever. And the said parties of the first part, for THEM selves, THEIR heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the unsealing and delivery of these presents, THEY ARE well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have 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 and incumbrances of whatever kind or nature soever.

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND.

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

Signed, Sealed and Delivered in the Presence of
John E. Flynn [SEAL]
Frank A. Cizek [SEAL]
Edith Cizek [SEAL]

STATE OF COLORADO,
CITY AND County of DENVER
The foregoing instrument was acknowledged before me this 6th day of January 19 58, by FRANK A. CIZEK AND EDITH CIZEK.

WITNESS my hand and official seal.
My commission expires april 6 1959
Robert E. Lee
Notary Public

As to Form

APPROVED FOR RECORDING:
LAND OFFICE

City Atty's Office

JAN-16-58 197603 I FEE WD