

1 **BY AUTHORITY**

2 RESOLUTION NO. CR17-0953
3 SERIES OF 2017

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4 **A RESOLUTION**

5 **Laying out, opening and establishing as part of the City street system a parcel**
6 **of land as East 40th Avenue at the intersection of East 40th Avenue and North**
7 **York Street.**

8 **WHEREAS**, the Executive Director of Public Works of the City and County of Denver has
9 found and determined that the public use, convenience and necessity require the laying out, opening
10 and establishing as a public street designated as part of the system of thoroughfares of the
11 municipality that portion of real property hereinafter more particularly described, and, subject to
12 approval by resolution has laid out, opened and established the same as a public street;

13 **BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14 **Section 1.** That the action of the Executive Director of Public Works in laying out, opening
15 and establishing as part of the system of thoroughfares of the municipality the following described
16 portion of real property situate, lying and being in the City and County of Denver, State of Colorado,
17 to wit:

18 **PARCEL DESCRIPTION ROW 2017-DEDICATION-0000151-001:**

19 A part the land conveyed to the City and County of Denver by Quit Claim Deed recorded July 26,
20 2017 at Reception No. 2017097314, located in the Southeast Quarter of Section 23, Township 3
21 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado,
22 being all of Parcel No. RTD-CCD-9 described therein as follows:

23 COMMENCING at the South 1/16th Corner of said Section 23 and Section 24 of said township and
24 range, (a 3 ¼" aluminum cap stamped "PLS 24942"); WHENCE the Center-South 1/16th Corner of
25 said Section 23, (a found stone with chiseled "X"), bears N89°54'47"W a distance of 2645.42 feet
26 (Basis of Bearings-assumed);

27 THENCE S54°10'50"W a distance of 51.15 feet to the intersection of the southerly line of the East
28 40th Avenue right-of-way, (Quit Claim Deed described at Book 3050, Page 395, recorded April 28,
29 1937), with the westerly line of the York Street right-of-way, (Warranty Deed described at Book 2310,
30 Page 99, recorded October 11, 1912), and to the POINT OF BEGINNING;

31 THENCE along the arc of a curve to the right, coincident with said westerly right-of-way line, having
32 a central angle of 19°57'08", a radius of 320.00 feet, a chord bearing of S15°48'41"W a distance of
33 110.87 feet, and an arc distance of 111.43 feet;

34 THENCE the following four (4) courses coincident with the southerly line of said tract of land:

- 1 1) N27°19'38"W non-tangent with the last described curve a distance of 75.14 feet;
- 2 2) N89°51'23"W tangent with the following described curve a distance of 129.41 feet;
- 3 3) Along the arc of a curve to the right, having a central angle of 13°07'01", a radius of 790.00
4 feet, a chord bearing of N83°17'53"W a distance of 180.46 feet, and an arc distance of 180.86
5 feet;
- 6 4) Along the arc of a curve to the left, tangent with the last described curve, having a central
7 angle of 11°21'18", a radius of 740.00 feet, a chord bearing of N82°25'01"W a distance of
8 146.41 feet, and an arc distance of 146.65 feet;
- 9 THENCE S89°54'47"E coincident with said southerly right-of-way line and non-tangent with the last
10 described curve a distance of 518.48 feet to the POINT OF BEGINNING

11 be and the same is hereby approved and said real property is hereby laid out and established and
12 declared laid out, opened and established as East 40th Avenue.

13 **Section 2.** That the real property described in Section 1 hereof shall henceforth be known
14 as East 40th Avenue.

15 COMMITTEE APPROVAL DATE: August 29, 2017 by Consent

16 MAYOR-COUNCIL DATE: September 5, 2017 by Consent

17 PASSED BY THE COUNCIL: _____
18 _____ - PRESIDENT

19 ATTEST: _____ - CLERK AND RECORDER,
20 EX-OFFICIO CLERK OF THE
21 CITY AND COUNTY OF DENVER

22 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 7, 2017

23 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the Office of
24 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
25 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
26 3.2.6 of the Charter.

27
28 Kristin M. Bronson, Denver City Attorney

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30 BY: _____, Assistant City Attorney DATE: _____