

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 17, 2023 14:00 MDT)

DATE: April 14, 2023

ROW #: 2023-DEDICATION-0000073 **SCHEDULE #:** Adjacent to 1) 0517400163000, 0517400164000, 0517400146000, and 2) 0517400061000, 0517400072000, 0517400137000

TITLE: This request is to dedicate two City-owned parcels of land as 1) S. Clay St., located at the intersection of S. Clay St. and W. Tennessee Ave., and 2) S. Clay St., located at the intersection of S. Clay St., and W. Mississippi Ave.

SUMMARY: Request for a Resolution for laying out, opening and establishing certain real property as part of the system of thoroughfares of the municipality; i.e. as 1) S. Clay St., and 2) S. Clay St.

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-0000073-001, 002) HERE.

A map of the area to be dedicated is attached.

MB/PR/LRA

cc: 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, Joann Tristani
DOTI Survey, Paul Rogalla
DOTI Ordinance
Project file folder 2023-DEDICATION-0000073

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 14, 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 two City-owned parcels of land as 1) S. Clay St., located at the intersection of S. Clay St. and W. Tennessee Ave., and 2) S. Clay St., located at the intersection of S. Clay St., and W. Mississippi Ave.

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

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3112
- **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:** 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:** DOTI- Survey has requested two remnant parcels as a clean-up from 1950 to dedicate street as right-of-way.

****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 intersections of S. Clay St., between W. Tennessee Ave., and W. Mississippi Ave.
- 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-0000073

Description of Proposed Project: DOTI- Survey has requested two remnant parcels as a clean-up from 1950 to dedicate street as right-of-way.

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) S. Clay St., and 2) S. Clay St.

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

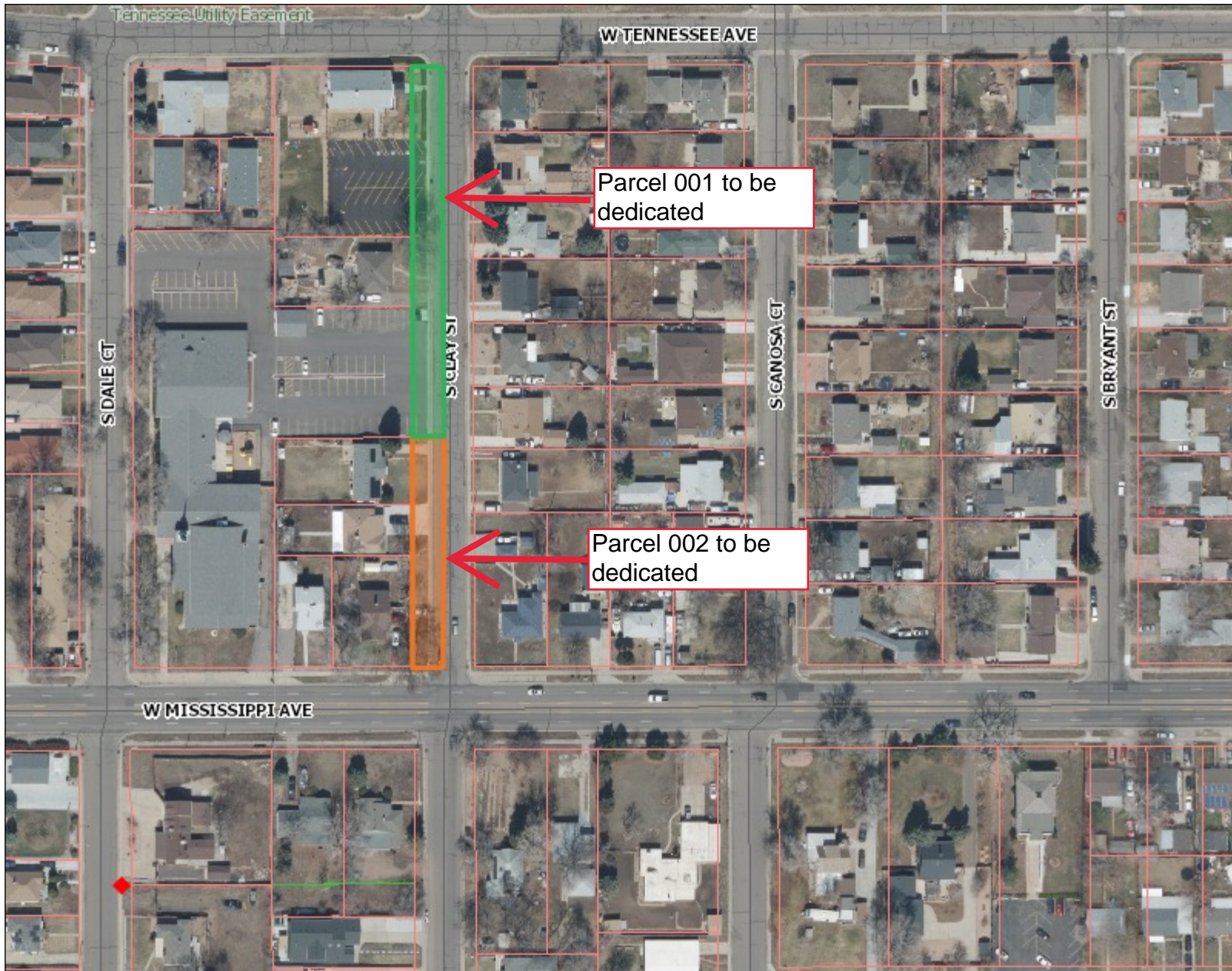
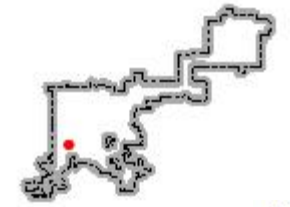
What is the known duration of a MEP: N/A

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

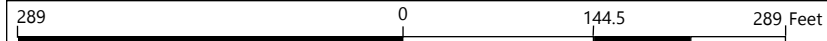
Will an easement relinquishment be submitted at a later date: N/A

Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as 1) S. Clay St., and 2) S. Clay St.



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
-  Lots/Blocks
- Parks**
-  All Other Parks; Linear
-  Mountain Parks



PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000073-001:

LAND DESCRIPTION – SOUTH CLAY STREET PARCEL NO. 1

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 EAST 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 SOUTH 264 FEET THEREOF.

PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000073-002:

LAND DESCRIPTION – SOUTH CLAY STREET 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 458 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED THEREIN AS:

THE EAST 30 FEET OF THE SOUTH 264 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 SOUTH 40 FEET OF SAID SOUTH 264 FEET.

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.

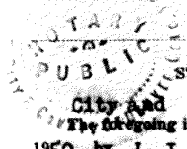
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its successors and assigns forever. And the said part Y of the first part, for himself, heirs, executors, and administrators, does covenant, grant, bargain and agree to 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.

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

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837923

Recorded at 3:30 o'clock P. M. NOV 13 1950

Reception No. 837923 MAE HYNES Recorder.

THIS DEED, Made this 24th day of October in the year of our Lord one thousand nine hundred and Fifty between MARY A. 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 party 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 party 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 East 30 feet of the South 26 1/2 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.

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 party 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 party of the first part, her self 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 ensembling and delivery of these presents, she 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 party of the first part shall and will WARRANT AND FOREVER DEFEND.

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

Signed, Sealed and Delivered in the Presence of

Mary A. Ellsworth (SEAL)



STATE OF COLORADO City and County of Denver The foregoing instrument was acknowledged before me this 24th day of October 19 50, by Mary A. Ellsworth WITNESS my hand and official seal.

My commission expires November 2, 1952

Notary Public

APPROVED FOR RECORDING. LAND OFFICE