



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

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Robert J. Duncanson P.E., Engineering Manager II  
Right-of-Way Services

**DATE:** July 23, 2015

**ROW #:** 2015-Dedication-00000016      **SCHEDULE #:** 0525206005000

**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as Public Alley.  
Located at the alley bounded by E. Asbury, E. Jewell Ave., S. Josephine St., and S. Columbine 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 Public Alley. This parcel(s) of land is being dedicated to the City and County of Denver for Public Right-of-Way, as part of the development project (**Modera at Josephine Apartments**)

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 Public Alley. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2015-Dedication-00000016-001) HERE.**

A map of the area to be dedicated is attached.

RD/JC/BLV

cc: Asset Management, Steve Wirth  
City Councilperson & Aides, Paul Kashmann, District # 6  
City Council Staff, Shelley Smith  
Environmental Services, David Erickson  
Public Works, Manager's Office, Alba Castro  
Public Works, Manager's Office, Angela Casias  
Public Works, Right-of-Way Engineering Services, Rob Duncanson  
Department of Law, Karen Aviles  
Department of Law, Brent Eisen  
Department of Law, Carol Martin  
Department of Law, Adam Hernandez  
Department of Law, Angela Garcia  
Public Works Survey, John Clarke  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder 2015-Dedication-00000016

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Angela Casias  
at [angela.casias@DenverGov.org](mailto:angela.casias@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: July 23, 2015

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, contract amendment, municipal code change, supplemental request, etc.**)

This request is to dedicate a parcel of land as Public Right of Way as Public Alley.  
Located at the alley bounded by E. Asbury, E. Jewell Ave., S. Josephine St., and S. Columbine St.

3. Requesting Agency: Public Works – Right-of-Way Services / Survey

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

- Name: Barbara Valdez
- Phone: 720-865-3153
- Email: Barbara.Valdez@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: Angela Casias
- Phone: 720-913-8529
- Email: Angela.Casias@denvergov.org

6. General description/background of proposed ordinance including contract scope of work if applicable:

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 Public Alley. This parcel(s) of land is being dedicated to the City and County of Denver for Public Right-of-Way, as part of the development project (Modera at Josephine Apartments)

**\*\*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: SE Corner of 1940 S. Josephine
- d. Affected Council District: Paul Kashman, Dist. 6
- e. Benefits: N/A
- f. Contract Amount (indicate amended amount and new contract total): 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: \_\_\_\_\_



**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2015-Dedication-00000016, Modera at Josephine Apartments**

**Description of Proposed Project: Dedicate a parcel of public right of way as Public Alley**

**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 dedicate as Public Right of Way**

**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 to dedicate it as Public Right-of-Way, as a part of a development project called, Modera at Josephine Apartments.**



PW Legal Description No. 2015-Dedication-0000016-001

A parcel of land conveyed by Warranty Deed to the City and County of Denver, recorded on the 2nd day of July, 2015, at Reception Number 2015090202 in the City and County of Denver Clerk and Recorder's Office, State of Colorado, being more particularly described as follows:

A PART OF LOT 12, BLOCK 5, UNIVERSITY PARK AMENDED MAP, SITUATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12;

THENCE SOUTH  $89^{\circ}55'22''$  WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 11.89 FEET;

THENCE NORTH  $44^{\circ}44'16''$  EAST, A DISTANCE OF 16.89 FEET TO A POINT ON THE EAST LINE OF SAID LOT 12;

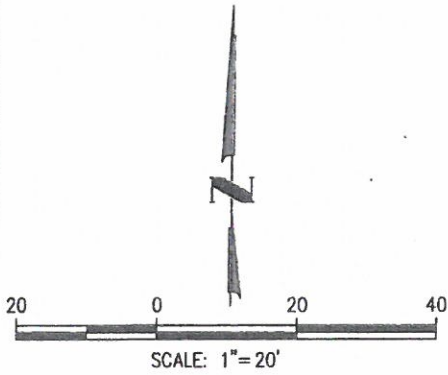
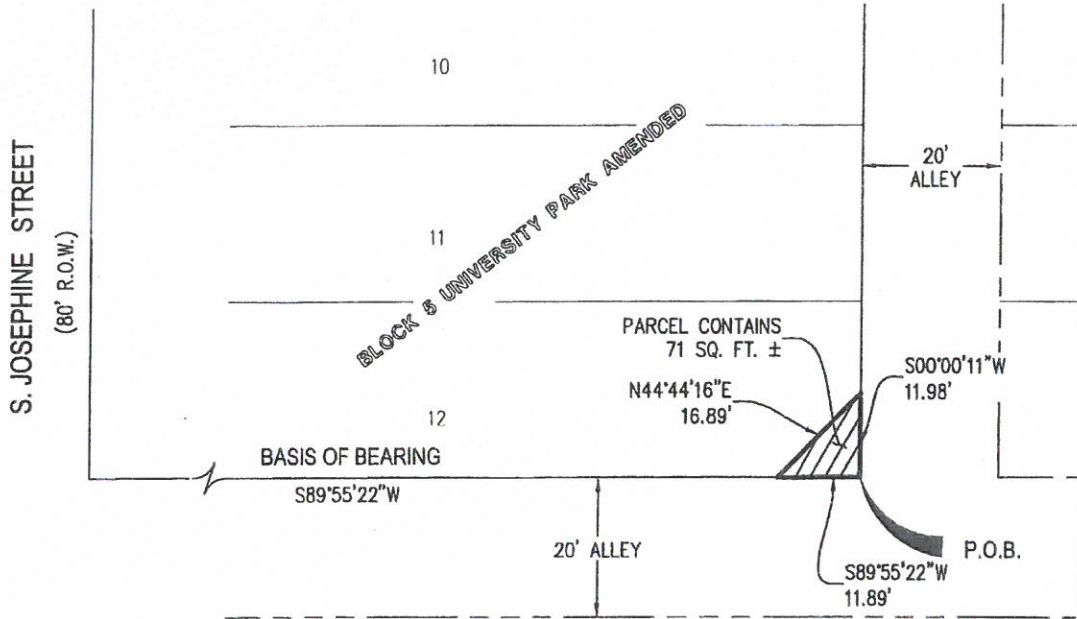
THENCE SOUTH  $00^{\circ}00'11''$  WEST ALONG SAID EAST LINE, A DISTANCE OF 11.98 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 71 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF BLOCK 5, UNIVERSITY PARK AMENDED MAP, ASSUMED TO BEAR SOUTH  $89^{\circ}55'22''$  WEST.

# EXHIBIT

SITUATED IN THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 4 SOUTH,  
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

|                                    |  |                                  |  |   |  |   |  |
|------------------------------------|--|----------------------------------|--|---|--|---|--|
| <small>DATE: 2-25-15</small>       |  | <small>PROJECT #: 140712</small> |  | <small>NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.</small>   |  | <small>CHKD BY: AMM</small><br><small>DRAWN BY: BVS</small>               |  |
| <small>ISSUE DATE: 2-25-15</small> |  | <small>PROJECT #: 140712</small> |  | <b>RIGHT-OF-WAY DEDICATION</b>  |  | <b>PART OF LOT 12</b><br><b>BLOCK 5</b><br><b>UNIVERSITY PARK AMENDED</b> |  |
| <small>DATE</small>                |  | <small>REVISION COMMENTS</small> |  |   |  | <small>SHEET NO.</small><br><b>2</b>                                      |  |
|                                    |  |                                  |  | <small>1120 Lincoln Street, Suite 1000</small><br><small>Denver, Colorado 80203</small><br><small>P: 303-425-6200 F: 303-425-4311</small><br><small>HarrisKocherSmith.com</small> |  | <small>2 OF 2</small>   |  |



07/02/2015 10:41 AM R \$0.00 WD  
City & County of Denver

2015090202  
Page: 1 of 3  
D \$0.00

WARRANTY DEED

15-097  
Asset Mgmt

THIS DEED, dated JUNE 29, 2015, is between Josephine Apartments LP, a Delaware limited partnership ("Grantor"), and the City and County of Denver, a home rule city and municipal corporation of the State of Colorado ("Grantee"), whose address is 1437 Bannock Street., Denver, CO 80202.

WITNESS, that the 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 is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors 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:

EXHIBIT "A" attached hereto and incorporated herein

Assessor's schedule or parcel number: Vacant Land  
Address: Vacant Land

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, 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, its successors and assigns forever. The Grantor covenants, grants, bargains, and agrees to and with the Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, it 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 whatsoever, except for all matters of record.

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, except for all matters of record.

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

Josephine Apartments LP

By: [Signature] Brian P. Peter  
Title: Managing Director

Project Description: 1938 S. JOSEPHINE  
Date: 4-2-15

STATE OF Colorado  
COUNTY OF Denver

The foregoing instrument was acknowledged before me this day 29<sup>th</sup> of June, 2015 by Brian Peter as Managing Director of Josephine Apartments LP

Witness my hand and official seal,  
My commission expires: 5/25/2016

[Signature]  
Notary Public

MELISSA A VALLE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20044018281  
MY COMMISSION EXPIRES 05/25/2016

Melissa Valle  
1290 Broadway Suite 600  
Denver CO 80203

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

# EXHIBIT "A"

## DESCRIPTION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 4 SOUTH,  
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PART OF LOT 12, BLOCK 5, UNIVERSITY PARK AMENDED MAP, SITUATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12;  
THENCE SOUTH 89°55'22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 11.89 FEET;  
THENCE NORTH 44°44'16" EAST, A DISTANCE OF 16.89 FEET TO A POINT ON THE EAST LINE OF SAID LOT 12;  
THENCE SOUTH 00°00'11" WEST ALONG SAID EAST LINE, A DISTANCE OF 11.98 FEET TO THE POINT OF BEGINNING,

SAID PARCEL CONTAINS 71 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF BLOCK 5, UNIVERSITY PARK AMENDED MAP, ASSUMED TO BEAR SOUTH 89°55'22" WEST.

PREPARED BY: AARON MURPHY  
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303-623-6300



PAPER: P 1/8" X 11" (11" X 17") 24-4800 (1/4" X 11" X 17")  
SCALE: AS SHOWN 2 1/2" = 1' SEE ALSO MAP

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

| ISSUE DATE: 2-25-15 |                   | PROJECT #: 140712 |
|---------------------|-------------------|-------------------|
| DATE                | REVISION COMMENTS |                   |
|                     |                   |                   |
|                     |                   |                   |
|                     |                   |                   |

RIGHT-OF-WAY  
DEDICATION

PART OF LOT 12  
BLOCK 5  
UNIVERSITY PARK AMENDED

**HKS** HARRIS KOCHER SMITH  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

CHKD BY: ANM  
DRAWN BY: BVS

SHEET NO.  
**1**  
1 OF 2