



DENVER
THE MILE HIGH CITY

Department of Public Works
Capital Projects Management
Permit Operations and Right of Way Enforcement
Infrastructure Planning & Programming
Traffic Engineering Services
201 W. Colfax Avenue
Denver, CO 80202
www.denvergov.org

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson P.E., Engineering Manager II
Right-of-Way Services

DATE: May 10, 2012

ROW #: 2010-0169-08 **SCHEDULE #:** Parcel #1-0223132025000
Parcel #2-0223132053000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Vine St.
Located at the intersection of Vine St. and 44th 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 Vine St. 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 Nestle Purina.

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 Vine St. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2010-0169-08-001) HERE.

A map of the area to be dedicated is attached.

RD/JL/RH

- cc: Asset Management, Steve Wirth
- City Councilperson, Judy H. Montero, District #9
- City Council Staff, Gretchen Williams
- Environmental Services, David Erickson
- Public Works, Manager's Office, Alba Castro
- Public Works, Manager's Office, Christine Downs
- Public Works, Manager's Office, Nancy Kuhn
- Public Works, Right-of-Way Engineering Services, Rob Duncanson
- Department of Law, Karen Aviles
- Department of Law, Brent Eisen
- Department of Law, Karen Walton
- Department of Law, Arlene Dykstra
- Public Works Survey, John Lautenschlager
- Public Works Survey, Paul Rogalla
- Owner: City and County of Denver
- Project file folder 2010-0169-08



ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at
Nancy.Kuhn@denvergov.org by **NOON 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: May 10, 2012

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

This request is to dedicate a parcel of land as Public Right of Way as Vine St.
Located at the intersection of Vine St. and 44th Ave.

3. **Requesting Agency:** PW Right of Way Engineering Services

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

- **Name:** Rachel Hensler
- **Phone:** 720-865-3108
- **Email:** Rachel.Hensler@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:** Nancy Kuhn
- **Phone:** 720-865-3911
- **Email:** Nancy.Kuhn@denvergov.org

6. **General description 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 Vine St. 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 Nestle Purina.

****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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** Vine St. and 44th Ave.
- d. **Affected Council District:** Dist 9 Montero
- e. **Benefits:** N/A
- f. **Costs:** 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: _____



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EXECUTIVE SUMMARY

Project Title: 2010-0169-08 Dedication Nestle Purina, Vine St. and 44th Ave.

Description of Proposed Project:This request is to dedicate a parcel of land as Public Right of Way as Vine St. Located at the intersection of Vine St. and 44th Ave.

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, Nestle Purina.

Vine St.



- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- 2010 Color
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 1/25/2013 - The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This is not a legal document.

A parcel of land deeded to the City & County of Denver by Special Warranty Deed dated 01/23/2012 by Reception Number 2012007778, in the Clerk & Recorders Office, City & County of Denver, State of Colorado.

A tract of land situated in the City and County of Denver, State of Colorado, lying in part of the Southeast quarter of the Northeast quarter of Section 23, Township 3 South, Range 68 West of the 6th Prime Meridian, and being part of Lots 30, 31, and 32, Block 6 of South Elyria, a subdivision according to the plat thereof recorded in Book 02, Page 99 of the land records of said Arapahoe County, Colorado, and being more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast quarter of the Northeast quarter of Section 23; thence along the South line of said Southeast quarter of the Northeast quarter, South 89 degrees 42 minutes 45 seconds West a distance of 877.17 feet to the Southeast corner of said Block 6 of South Elyria Subdivision; thence along the East line of said Block 6, North 00 degrees 09 minutes 56 seconds West a distance of 324.94 feet to the Southeast corner of said Lot 30, Block 6 of South Elyria Subdivision; thence continuing along said East line of Block 6, North 00 degrees 09 minutes 56 seconds West a distance of 0.85 feet to the TRUE POINT OF BEGINNING of the Tract herein described; thence leaving said East line of Block 6, North 14 degrees 34 minutes 01 seconds West a distance of 61.63 feet; thence North 33 degrees 13 minutes 10 seconds West a distance of 17.16 feet to the North line of said Block 6, also being the North line of said Lot 32, Block 6; thence along said north line of Block 6, North 89 degrees 42 minutes 30 seconds East a distance of 24.69 feet to the Northeast corner of said Block 6, also being the Northeast corner of said Lot 32, Block 6; thence along said East line of Block 6, South 00 degrees 09 minutes 56 seconds East a distance of 74.13 feet to the point of beginning; as shown on Exhibit B as attached and made apart of hereto.

Containing 0.017 Acres (745 Square Feet).

*When recorded return to:
Karen Aviles, Esq
Assistant City Attorney
1437 Bannock Street, Room 353
Denver, Colorado 80202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this 19th day of January, 2012, between NESTLE PURINA PETCARE COMPANY, a Missouri corporation ("Grantor"), whose address is One Checkerboard Square, St. Louis, MO 63164 and CITY AND COUNTY OF DENVER, a Colorado municipal corporation and home rule city ("Grantee"), whose address is 1437 Bannock Street, Denver, Colorado 80202.

WITNESSETH, THAT, Grantor, for and in consideration of TEN and 00/100ths Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver, State of Colorado, legally described as follows (the "Property"):

See Exhibit A, attached hereto and incorporated herein by this reference.

TOGETHER with all and singular the hereditaments and appurtenances thereto 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 Grantor, either in law or equity, of, in and to the Property, and the hereditaments and appurtenances;

TO HAVE AND TO HOLD the Property with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself, its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming by through or under Grantor, subject to those matters set forth in Exhibit B, attached hereto and incorporated herein by this reference.

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


GRANTOR:
NESTLE PURINA PETCARE COMPANY,
a Missouri corporation

Attest:

Swanee Denison
Secretary

By: Mark B. Burns
Name: MARK B. BURNS
Title: VICE PRESIDENT + DIRECTOR
OF MANUFACTURING

State Documentary Fee
Date 1-19-12
\$ No Consideration

 70313357

STATE OF MISSOURI)
City)
COUNTY OF ST. LOUIS)

On January 17, 2012, before me, Maureen Elbert, Notary Public in and for said ~~County~~ and State, personally appeared Mark B. Burns City and Susan M. Denigan, who are the Vice President + Dir. of Mfg. and the Secretary of Nestle Purina Petcare Company, a Missouri corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Maureen Elbert
Notary Public

(Seal)



MAUREEN ELBERT
My Commission Expires
May 28, 2014
St. Louis City
Commission #10434424

**EXHIBIT A
LEGAL DESCRIPTION**

--- Surveyed Boundary Description ---

A tract of land situated in the City and County of Denver, State of Colorado, lying in part of the Southeast quarter of the Northeast quarter of Section 23, Township 3 South, Range 68 West of the 6th Prime Meridian, and being part of Lots 30, 31, and 32, Block 6 of South Elyria, a subdivision according to the plat thereof recorded in Book 02, Page 99 of the land records of said Arapahoe County, Colorado, and being more particularly described as follows:

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Containing 0.017 Acres (745 Square Feet).

THIS IS TO CERTIFY TO THE BEST OF MY BELIEF, KNOWLEDGE, AND ABILITY THAT GRIMES CONSULTING, INC., AT THE REQUEST OF THE RALSTON PURINA COMPANY, INC., DURING THE MONTH OF JUNE, 2011, PREPARED A RIGHT-OF-WAY DEDICATION EXHIBIT, BASED ON FIELD INFORMATION OBTAINED FROM FIELD PERSONNEL UNDER MY DIRECTION OF A TRACT OF LAND BEING PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, AND HAVE SURVEYED SAID TRACT IN THE MANNER SHOWN HEREON.

I ALSO DECLARE THAT UNDER MY SUPERVISION AND TO THE BEST OF MY ABILITY AND PROFESSIONAL JUDGMENT THAT THE RESULTS SHOWN HEREON ARE MADE TO NORMAL STANDARDS OF CARE OF A PROFESSIONAL LAND SURVEYOR PRACTICING IN THE STATE OF COLORADO.

IN WITNESS WHEREOF, WE HEREUNTO SET OUR FIRM NAME AT OUR OFFICE IN ST. LOUIS COUNTY, MISSOURI THIS 10th DAY OF October 2011.

GRIMES CONSULTING, INC.

By 
EARL E. GRAHAM, PLS-38017
COLORADO PROFESSIONAL LAND SURVEYOR

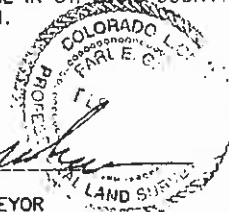


EXHIBIT 'A'

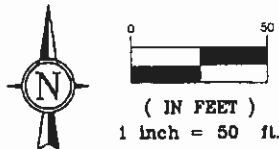
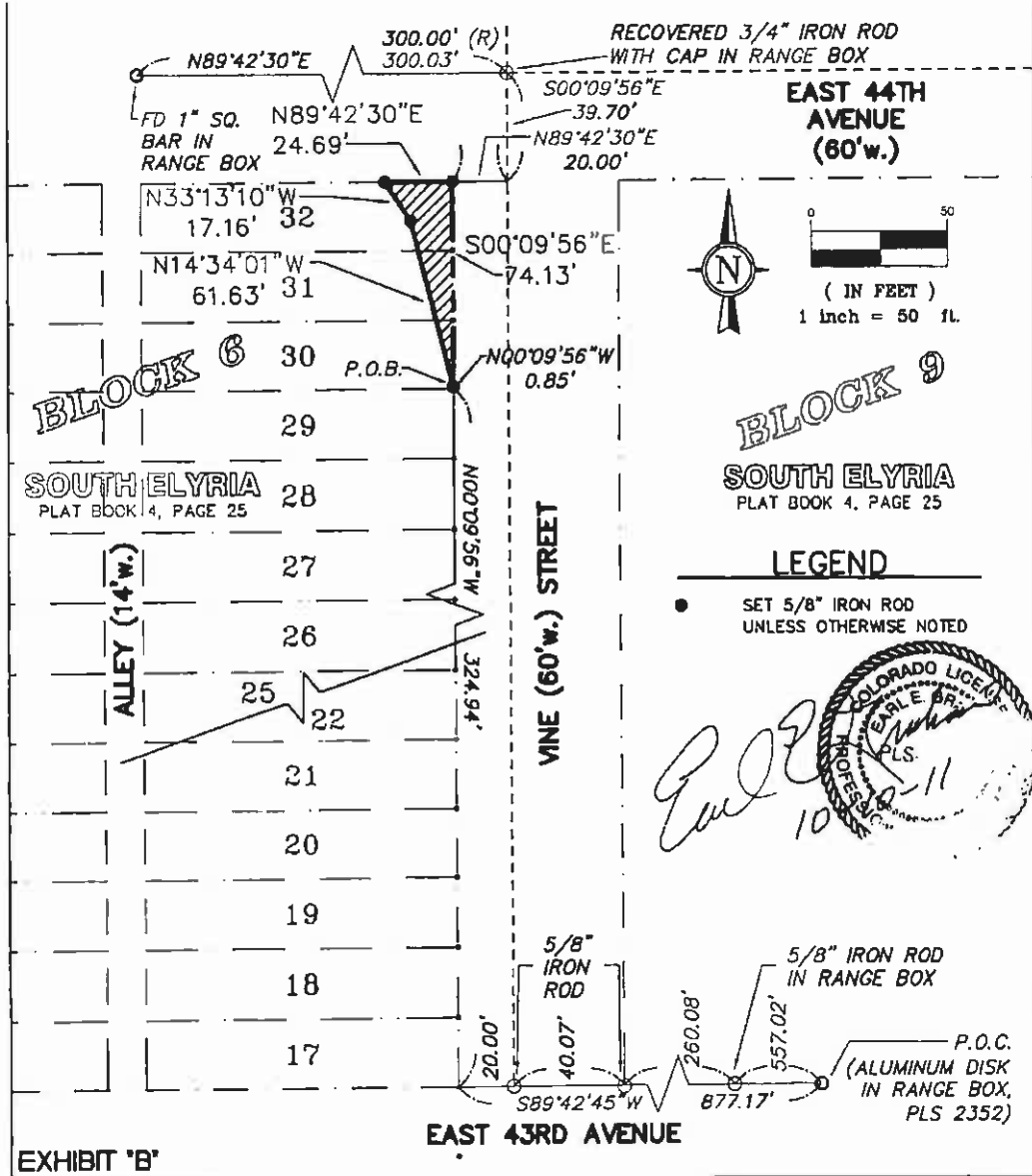
ROW DEDICATION

A tract of land situated in the City and County of Denver, State of Colorado, lying in part of the Southeast quarter of the Northeast quarter of Section 23, Township 3 South, Range 68 West of the 6th Prime Meridian, and being part of South Elyria, a subdivision according to the plat thereof recorded in Plat Book 04 Page 25 of the land records of said

06/21/11

City and County of Denver, Colorado

RCS



LEGEND
 ● SET 5/8" IRON ROD UNLESS OTHERWISE NOTED

Emil
 10
 COLORADO LICENSE
 BARLE BR.
 PLS.
 10-11

EXHIBIT 'B'

ROW DEDICATION

A tract of land situated in the City and County of Denver, State of Colorado, lying in part of the Southeast quarter of the Northeast quarter of Section 23, Township 3 South, Range 68 West of the 6th Prime Meridian, and being part of South Elyria, a subdivision according to the plat thereof recorded in Plat Book 04 Page 25 of the land records of said City and County of Denver, Colorado

06/21/11

RCS

**EXHIBIT B
EXCEPTIONS TO TITLE**

1. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND
2. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.
4. ALL TAXES AND ASSESSMENTS FOR THE YEAR 2012 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.
5. EXISTING LEASES AND TENANCIES, IF ANY.