



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: November 7, 2014

ROW #: 2013-0255-05 **SCHEDULE #:** Portion of 0227123013000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Delgany St. Located at the intersection of 35th and Delgany.

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 Delgany 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 (**Great Divide Brewing Company**)

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 Delgany St. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2013-0255-05-001) HERE.

A map of the area to be dedicated is attached.

RD/PR/BLV

cc: Asset Management, Steve Wirth
City Councilperson & Aides, Judy Montero District # 9
City Council Staff, Gretchen Williams
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
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
Public Works Survey, Paul Rogalla
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2013-0255-05

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: November 7, 2014

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 Delgany St.
Located at the intersection of 35th and Delgany St.

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

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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **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 Delgany 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 (Great Divide Brewing Company)

****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:** 35th and Delgany St.
- d. **Affected Council District:** Montero Dist. 9
- 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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2013-0255-05 Dedication, Great Divide Brewing Company

Description of Proposed Project: Dedicate a parcel of public right of way as Delgany 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 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, Great Divide Brewing Company

ROW Parcel 2013-0255-04-002 (Deigany St.)



- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- mask
- 2012_Denver.jp2.Iri
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 11/6/2014. 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.

PW Legal Description No. 2013-0255-05-001

A parcel of land conveyed by Warranty Deed to the City and County of Denver, recorded on the 5th day of November, 2014, at Reception No. 2014135101 in the City and County of Denver Clerk & Recorder's office, State of Colorado, being more particularly described as follows:

Commencing from the northwest corner of Lot 1 Block 13, First Addition to Ironton, City and County of Denver;
Thence N45°10'21"W, 22.97', along the southwest Right-of-Way of 35th Street, to a point along the southwest Right-of-Way of 35th Street being the Point of Beginning;

Thence departing said Right-of-Way S44°44'04"W, 822.93', along Vacated Delgany Street Ordinance #151-1953, to a point along the North Line of the Northeast 1/4 of Section 27;
Thence along the North Line of the Northeast 1/4 of Section 27 S89°59'56"W, 5.63', to a point along the North Line of the Northeast 1/4 of Section 27 monumented by a No. 5 Rebar with an Orange Plastic Cap "L.S. 37969";
Thence departing said point N44°44'04"E, 826.90', to a point along the southwest Right-of-Way of 35th Street ;
Thence along the southwest Right-of-Way of 35th Street S45°10'21"E, 4.00', to the point of beginning;

Containing 3,300 SF (0.076 AC) more or less.

Basis of bearing is between the #4 rebar with an orange plastic cap (L.S. 30831) found at the Western Right-Of-Way intersection of Brighton Boulevard and 35th street, said rebar also being the Northeasterly corner of Lot 32 of Block 13 of First Addition to Ironton Subdivision, and the found #5 rebar with a green plastic cap (L.S. 38284) along the Northwest Right-Of-Way of Brighton Boulevard, said rebar also being the Northeasterly property corner of a parcel of land recorded at Reception No. 2013169446 on 11/22/2013 in the Clerk and Recorder's office of the City and County of Denver, with an assumed bearing of S44°50'37"W.

Right-of-Way Dedication

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22 AND THE
NORTHEASTQUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE
6TH P. M.

CITY AND COUNTY OF DENVER, STATE OF COLORADO

LAND DESCRIPTION

EXHIBIT A1

A portion of First Addition to Ironton more particularly described as follows:

Commencing from the northwest corner of Lot 1 Block 13, First Addition to Ironton, City and County of Denver; Thence N45°10'21"W, 22.97', along the southwest Right-of-Way of 35th Street, to a point along the southwest Right-of-Way of 35th Street being the Point of Beginning;

Thence departing said Right-of-Way S44°44'04"W, 822.93', along Vacated Delgany Street Ordinance #151-1953, to a point along the North Line of the Northeast 1/4 of Section 27;

Thence along the North Line of the Northeast 1/4 of Section 27 S89°59'56"W, 5.63', to a point along the North Line of the Northeast 1/4 of Section 27 monumented by a No. 5 Rebar with an Orange Plastic Cap "L.S. 37969"; Thence departing said point N44°44'04"E, 826.90', to a point along the southwest Right-of-Way of 35th Street ; Thence along the southwest Right-of-Way of 35th Street S45°10'21"E, 4.00', to the point of beginning;

Containing 3,300 SF (0.076 AC) more or less.

Basis of bearing is between the #4 rebar with an orange plastic cap (L.S. 30831) found at the Western Right-Of-Way intersection of Brighton Boulevard and 35th street, said rebar also being the Northeasterly corner of Lot 32 of Block 13 of First Addition to Ironton Subdivision, and the found #5 rebar with a green plastic cap (L.S. 38284) along the Northwest Right-Of-Way of Brighton Boulevard, said rebar also being the Northeasterly property corner of a parcel of land recorded at Reception No. 2013169446 on 11/22/2013 in the Clerk and Recorder's office of the City and County of Denver, with an assumed bearing of S44°50'37"W.



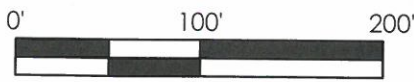
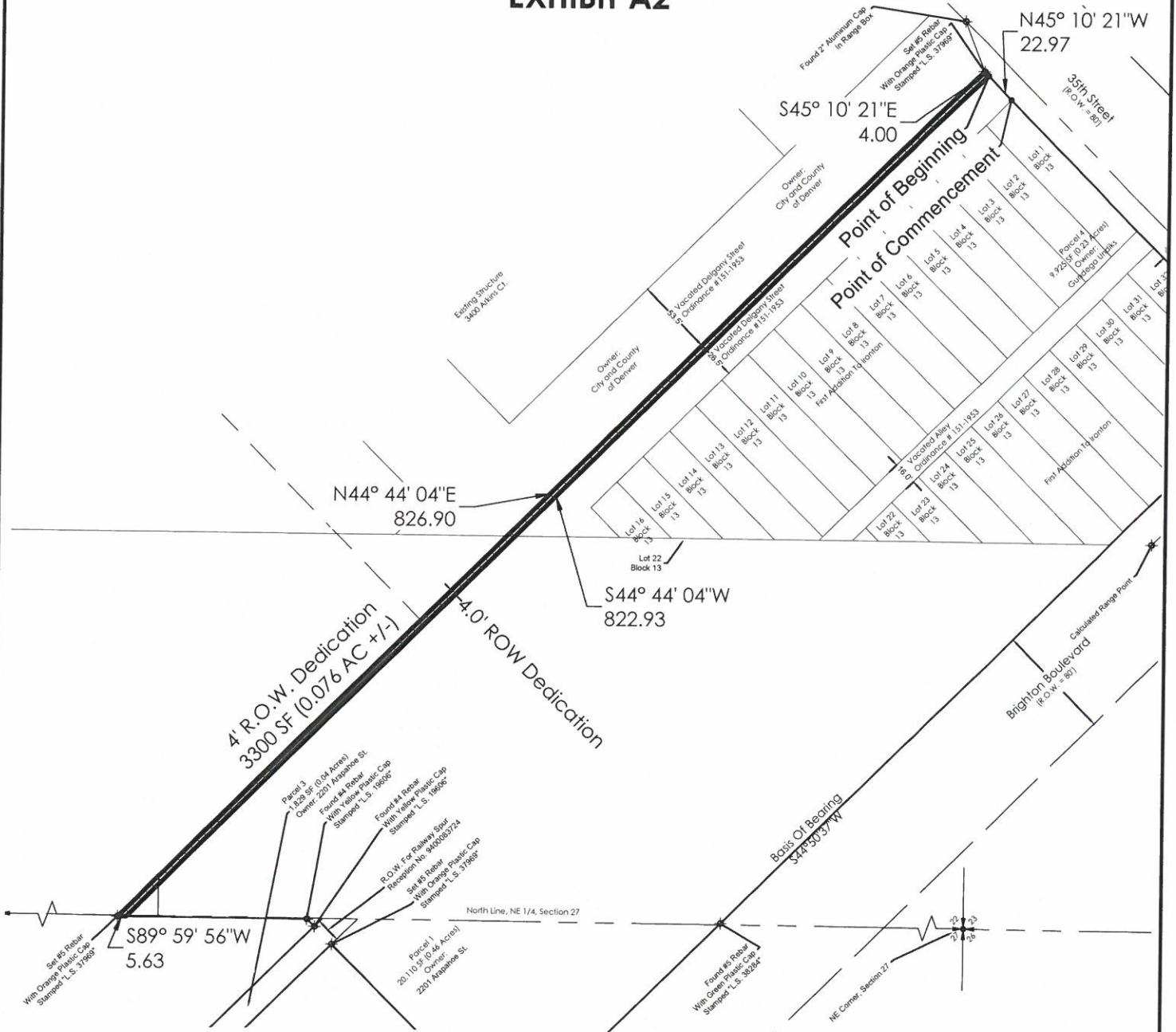
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Right-of-Way Dedication

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH P. M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT A2



Legend:

 Dedication of Right of Way

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Asset Mgmt. #: 14-159



2014135101
Page: 1 of 5
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WARRANTY DEED

THIS DEED, dated October 14, 2014, is between 3403 Brighton LLC, a Colorado limited liability company ("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:

EXHIBITS "A" and "B" 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.

3403 Brighton LLC

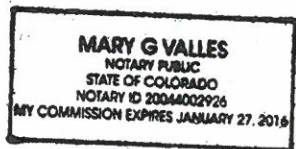
By: [Signature]
Title: Manager

STATE OF Colorado
COUNTY OF Denver

The foregoing instrument was acknowledged before me this day 31st of October, 2014 by Brian Dunn as Manager of 3403 Brighton LLC.

Witness my hand and official seal.
My commission expires: 1/27/16

[Signature: Mary G. Valles]
Notary Public



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

Right-of-Way Dedication

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22 AND THE
NORTHEASTQUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE
6TH P. M.

CITY AND COUNTY OF DENVER, STATE OF COLORADO

LAND DESCRIPTION

EXHIBIT A

A portion of First Addition to Ironton more particularly described as follows:

Beginning at the southeast corner of Lot 32 Block 13, First Addition to Ironton, City and County of Denver, monumented by a No. 4 Rebar with an Orange Plastic Cap "L.S. 30831";

Thence S44°50'37"W, 534.90, along the southeast lot lines of Lots 26-32, Block 13, First Addition to Ironton, City and County of Denver, also being the westerly Right-of-Way of Brighton Boulevard, to a No. 5 Rebar with a Green Plastic Cap "L.S. 38284";

Thence continuing said Right-of-Way S44°49'14"W, 200.08', to a No. 5 Rebar with a Green Plastic Cap "L.S. 38284";

Thence departing said Right-of-Way N45°11'29"W, 15.00';

Thence N44°49'14"E, 200.08';

Thence N44°50'37"E, 534.89', to a point on the southerly Right-of-Way of 35th Street ;

Thence S45°10'21"E, 15.00', along the southerly Right-of-Way of 35th Street to the Point of Beginning;

Containing 11,033 SF (0.253 AC) more or less.

Basis of bearing is between the #4 rebar with an orange plastic cap (L.S. 30831) found at the Western Right-Of-Way intersection of Brighton Boulevard and 35th street, said rebar also being the Northeasterly corner of Lot 32 of Block 13 of First Addition to Ironton Subdivision, and the found #5 rebar with a green plastic cap (L.S. 38284) along the Northwest Right-Of-Way of Brighton Boulevard, said rebar also being the Northeasterly property corner of a parcel of land recorded at Reception No. 2013169446 on 11/22/2013 in the Clerk and Recorder's office of the City and County of Denver, with an assumed bearing of S44°50'37"W.



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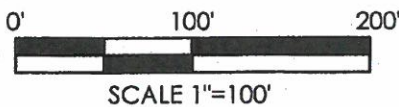
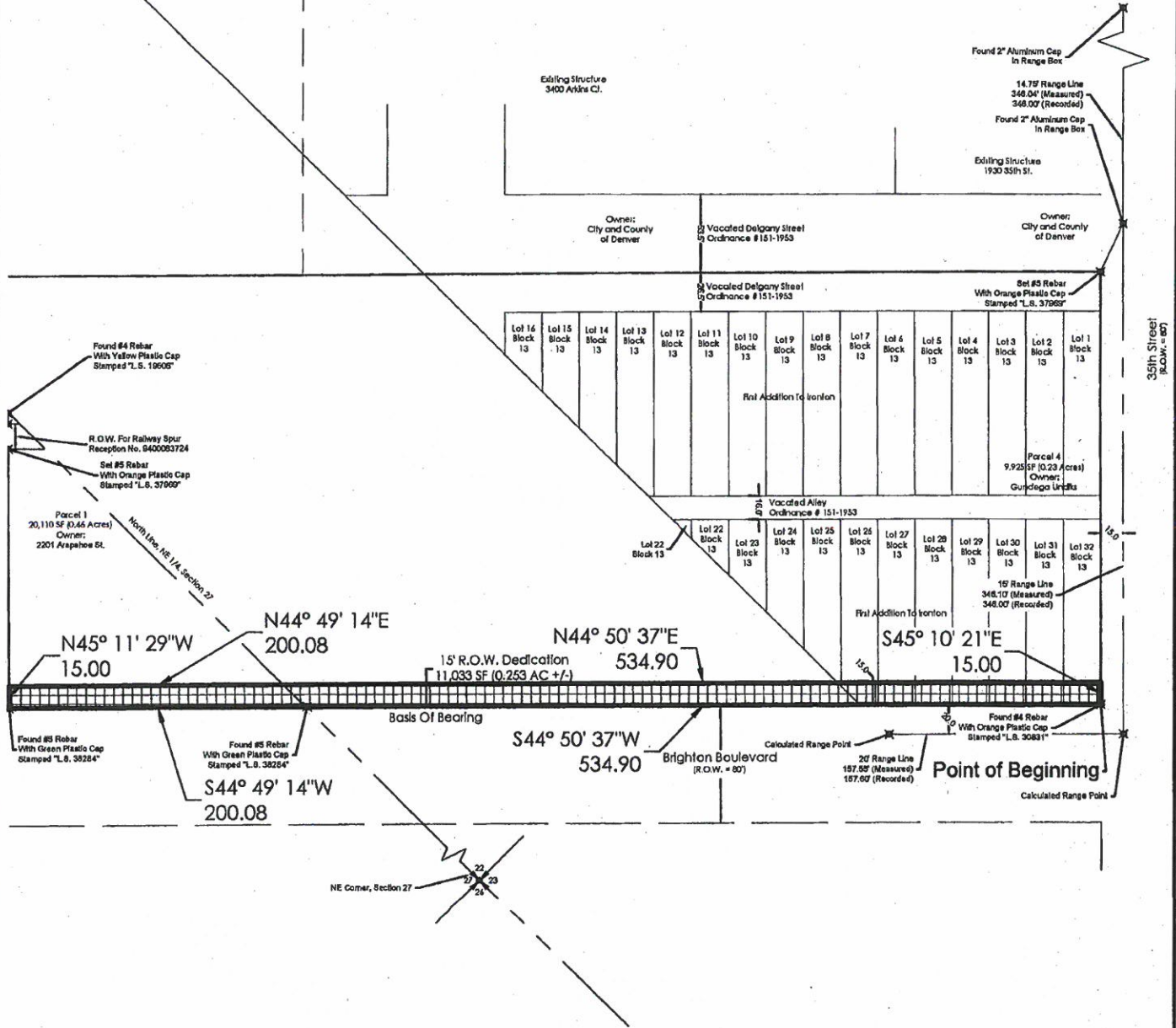
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Right-of-Way Dedication

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22,
RANGE 68 WEST OF THE 6TH P. M.

CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT A2



Legend:

Dedication of Right of Way

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Right-of-Way Dedication

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22 AND THE
NORTHEASTQUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE
6TH P. M.

CITY AND COUNTY OF DENVER, STATE OF COLORADO

LAND DESCRIPTION

EXHIBIT B

A portion of First Addition to Ironton more particularly described as follows:

Commencing from the northwest corner of Lot 1 Block 13, First Addition to Ironton, City and County of Denver;
Thence N45°10'21"W, 22.97', along the southwest Right-of-Way of 35th Street, to a point along the southwest
Right-of-Way of 35th Street being the Point of Beginning;

Thence departing said Right-of-Way S44°44'04"W, 822.93', along Vacated Delgany Street Ordinance #151-1953,
to a point along the North Line of the Northeast 1/4 of Section 27;

Thence along the North Line of the Northeast 1/4 of Section 27 S89°59'56"W, 5.63', to a point along the North
Line of the Northeast 1/4 of Section 27 monumented by a No. 5 Rebar with an Orange Plastic Cap "L.S. 37969";
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Thence along the southwest Right-of-Way of 35th Street S45°10'21"E, 4.00', to the point of beginning;

Containing 3,300 SF (0.076 AC) more or less.

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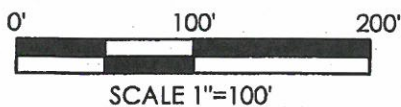
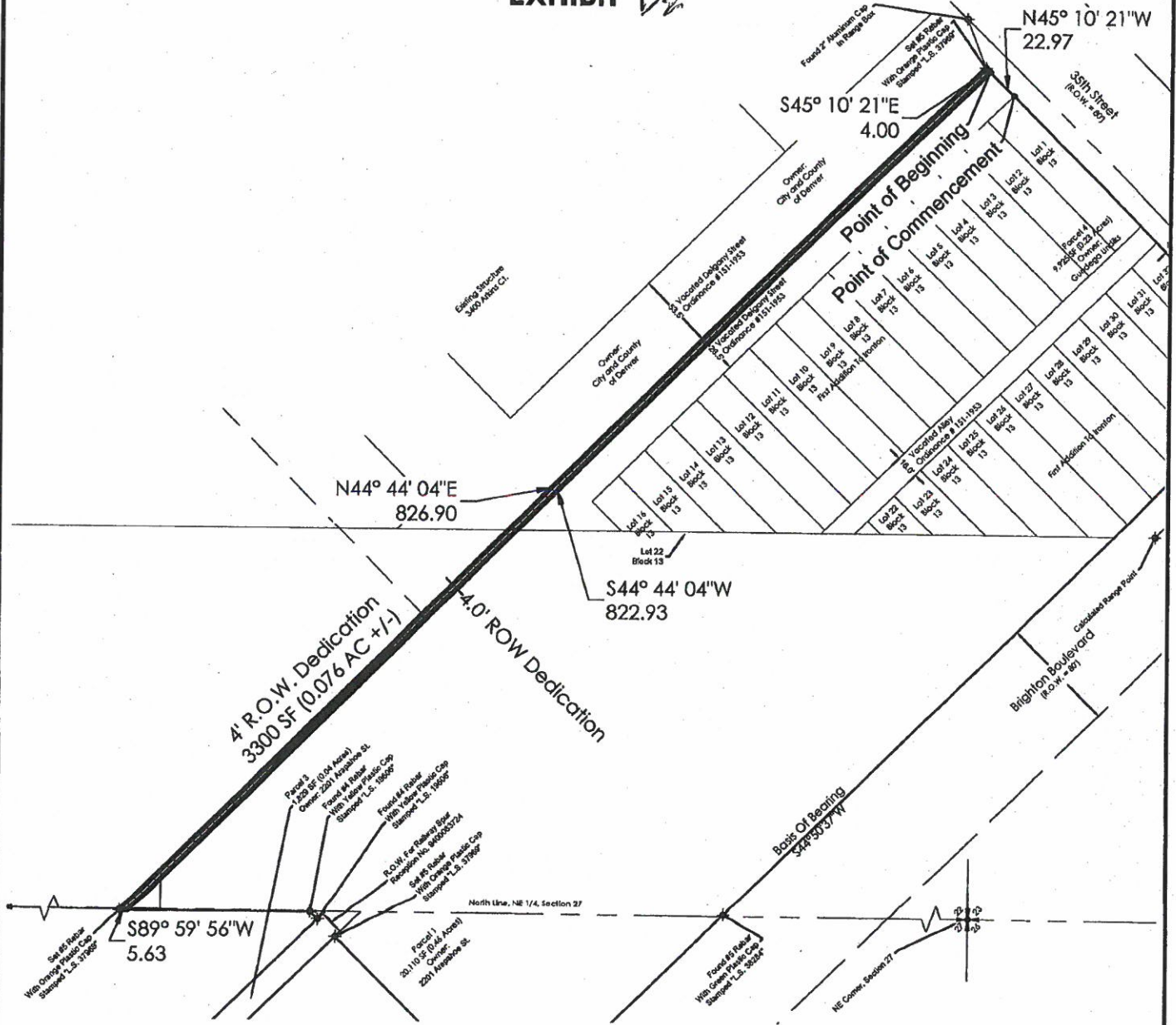
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Right-of-Way Dedication

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RANGE 68 WEST OF THE 6TH P. M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT B₂



Legend:

 Dedication of Right of Way

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