

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Glen D. Blackburn, P.E., Director, Right-of-Way Services

DATE: November 27, 2024

ROW #: 2023-DEDICATION-0000003 **SCHEDULE #:** Adjacent to 1) 0513407015000 and

0513407013000, and 2) 0513407013000

TITLE: This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) East

Ohio Avenue, located at the intersection of South University Boulevard and East Ohio Avenue, and 2) Public Alley, bounded by East Ohio Avenue, South Bonnie Brae Boulevard, and South

University Boulevard.

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) East Ohio Avenue, and 2) Public Alley. This parcel(s) of land is being dedicated by the City and County of Denver for Public Right-of-

Way, as part of the development project, "CCOD 740 University."

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 1) East Ohio Avenue, and 2) Public Alley. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2023-DEDICATION-0000003-001, 002) HERE.

A map of the area to be dedicated is attached.

GB/BP/DG

cc: Dept. of Real Estate, RealEstate@denvergov.org

City Councilperson, Paul Kashmann District # 6

Councilperson Aide, Elise Bupp

Councilperson Aide, Masha Lior

Councilperson Aide, Claire Kelly

City Council Staff, Luke Palmisano

Environmental Services, Andrew Ross

DOTI, Manager's Office, Alba Castro

DOTI, Director, Right-of-Way Services, Glen Blackburn

Department of Law, Johna Varty

Department of Law, Martin Plate

Department of Law, Kwali Farbes

Department of Law, Ivone Avila-Ponce

Department of Law, Katherine Ehlers

Department of Law, Mar'quasa Maes

DOTI Survey, Brian Pfohl

DOTI Ordinance

Owner: City and County of Denver

Project file folder 2023-DEDOCATION-0000003

City and County of Denver Department of Transportation & Infrastructure

Right-of-Way Services
201 W. Colfax Ave. | Denver, CO 80215

www.denvergov.org/doti Phone: 720-913-1311

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Please mark one: Bill Request or 🖂	Date of Request: November 27, 2024 Resolution Request
Please mark one: The request directly impacts developments, and impact within .5 miles of the South Platte River from Den	
☐ Yes	
1. Type of Request:	
☐ Contract/Grant Agreement ☐ Intergovernmental Agre	ement (IGA) Rezoning/Text Amendment
□ Appropriation/Suppleme □ Appropriation/Suppleme	ental DRMC Change
Other:	
 Title: Dedicate two City-owned parcels of land as Public Right South University Boulevard and East Ohio Avenue, and 2) Pu Boulevard, and South University Boulevard. Requesting Agency: DOTI, Right-of-Way Services Agency Section: Survey 	t-of-Way as 1) East Ohio Avenue, located at the intersection of ablic Alley, bounded by East Ohio Avenue, South Bonnie Brae
4. Contact Person:	
Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Dalila Gutierrez	Name: Alaina McWhorter
Email: <u>Dalila.Gutierrez@denvergov.org</u>	Email: Alaina.McWhorter@denvergov.org
 5. General description or background of proposed request. A Proposing scrape off two commercial structures combine part to dedicate two parcels as 1) East Ohio Avenue, and 2) Public 6. City Attorney assigned to this request (if applicable): 7. City Council District: Paul Kashmann, District # 6 	eels and build a new mixed-use structure. The developer was asked
8. **For all contracts, fill out and submit accompanying Key	Contract Terms worksheet**
To be completed by M	ayor's Legislative Team:
Resolution/Bill Number:	Date Entered:

Key Contract Terms

Type of Cont	tract: (e.g. Professional Services	> \$500K; IGA/Grant Agreement, Sal	e or Lease of Real Property):	
Vendor/Cont	tractor Name (including any dba	's):		
Contract con	ntrol number (legacy and new):			
Location:				
Is this a new	contract? Yes No Is	this an Amendment? Yes N	o If yes, how many?	
Contract Ter	rm/Duration (for amended contr	acts, include <u>existing</u> term dates and	amended dates):	
Contract Am	nount (indicate existing amount,	amended amount and new contract to	otal):	
	Current Contract Amount (A)	Additional Funds (B)	Total Contract Amount (A+B)	
	Current Contract Term	Added Time	New Ending Date	
Scope of wor	·k:			
Was this contractor selected by competitive process? If not, why not?				
Has this cont	tractor provided these services to	the City before? Yes No		
Source of fur	nds:			
Is this contra	act subject to: W/MBE	DBE SBE XO101 AC	DBE N/A	
WBE/MBE/I	DBE commitments (construction	design, Airport concession contracts	s):	
Who are the	subcontractors to this contract?			
	To b	e completed by Mayor's Legislative Te	am:	
Resolution/Bi	ution/Bill Number: Date Entered:			



EXECUTIVE SUMMARY

Project Title: 2023-DEDICATION-0000003

Description of Proposed Project: Proposing scrape off two commercial structures combine parcels and build a new mixed-use structure. The developer was asked to dedicate two parcels as 1) East Ohio Avenue, and 2) Public Allev.

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) East Ohio Avenue, and 2) Public Alley.

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

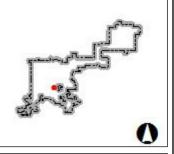
Will an easement relinquishment be submitted at a later date: N/A

Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as 1) East Ohio Avenue, and 2) Public Alley, as part of the development project called, "CCOD 740 University."



City and County of Denver





Legend

- Irrigation Ditches Reconstructe Gardeners)
- Streets
- Alleys
- Parcels
- Lots/Blocks

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.

1: 2,257

PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000003-001:

LEGAL DESCRIPTION - STREET PARCEL NO. 1

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 29TH DAY OF OCTOBER, 2024, AT RECEPTION NUMBER 2024100570 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

A PORTION OF LOTS 10 THROUGH 12 INCLUSIVE OF BONNIE BRAE ANNEX, TOGETHER WITH A PORTION OF A 16' WIDE ALLEY VACATED PER ORDINANCE No. 434 SERIES OF 1987, LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5 OF SAID BONNIE BRAE ANNEX (MARKED BY A FOUND NAIL AND 1" DIAMETER BRASS TAG, PLS 37929), FROM WHENCE THE SOUTHWEST CORNER OF SAID LOT 10 (MARKED BY A FOUND NAIL AND 1" DIAMETER BRASS TAG, PLS 37929) BEARS SOUTH 00°05'31" EAST A DISTANCE OF 209.08 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE ALONG THE WEST LINE OF SAID LOT 5 THROUGH 10 INCLUSIVE OF SAID BONNIE BRAE ANNEX, SOUTH 00°05'31" EAST, 209.08 FEET TO THE SAID SOUTHWEST CORNER OF SAID LOT 10, AND BEING THE POINT OF BEGINNING;

THENCE ALONG THE SAID WEST LINE OF SAID LOT 10, NORTH 00°05'31" WEST, 4.10 FEET TO A POINT:

THENCE LEAVING SAID WEST LINE, NORTH 89°54'29" EAST, 18.14 FEET TO A TANGENT CURVE TO THE LEFT CONCAVE NORTHWESTERLY:

THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 146.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 68°19'57" EAST AND HAS A CHORD LENGTH OF 107.38 FEET, THROUGH A CENTRAL ANGLE OF 43°09'04", FOR AN ARC LENGTH OF 109.96 FEET TO A REVERSE CURVE TO THE RIGHT CONCAVE SOUTHEASTERLY;

THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 519.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 52°33'31" EAST AND HAS A CHORD LENGTH OF 104.93 FEET, THROUGH A CENTRAL ANGLE OF 11°36'12", FOR AN ARC LENGTH OF 105.11 FEET TO A COMPOUND CURVE TO THE RIGHT CONCAVE SOUTHEASTERLY:

THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 744.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 59°35'07" EAST AND HAS A CHORD LENGTH OF 31.81 FEET, THROUGH A CENTRAL ANGLE OF 02°27'00", FOR AN ARC LENGTH OF 31.81 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 12;

THENCE ALONG SAID EASTERLY LINE, SOUTH 45°09'01" EAST, 1.22 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF E. OHIO AVENUE:

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR (4) COURSES:

- SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 916.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 59°44'22" WEST AND HAS A CHORD LENGTH OF 27.73 FEET, THROUGH A CENTRAL ANGLE OF 01°44'04", FOR AN ARC LENGTH OF 27.73 FEET TO A COMPOUND CURVE TO THE LEFT CONCAVE SOUTHEASTERLY;
- 2. SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 520.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 53°05'55" WEST AND HAS A CHORD LENGTH OF 104.69 FEET, THROUGH A CENTRAL ANGLE OF 11°33'16", FOR AN ARC LENGTH OF 104.87 FEET TO A REVERSE CURVE TO THE RIGHT CONCAVE NORTHWESTERLY;
- 3. SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 173.61 FEET, AND WHOSE LONG CHORD BEARS SOUTH 68°39'52" WEST AND HAS A CHORD LENGTH OF 126.37 FEET,

THROUGH A CENTRAL ANGLE OF 42°41'11", FOR AN ARC LENGTH OF 129.34 FEET TO A POINT OF TANGENCY:

4. NORTH 89°59'32" WEST, 4.15 FEET TO THE POINT OF BEGINNING.

Containing 363 Square Feet or 0.008 Acres of land, more or less.

PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000003-002:

LEGAL DESCRIPTION - ALLEY PARCEL NO. 2

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 29TH DAY OF OCTOBER, 2024, AT RECEPTION NUMBER 2024100570 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

A PORTION OF LOT 12 OF BONNIE BRAE ANNEX, LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5 OF SAID BONNIE BRAE ANNEX (MARKED BY A FOUND NAIL AND 1" DIAMETER BRASS TAG, PLS 37929), FROM WHENCE THE SOUTHWEST CORNER OF SAID LOT 10 (MARKED BY A FOUND NAIL AND 1" DIAMETER BRASS TAG, PLS 37929) BEARS SOUTH 00°05'31" EAST A DISTANCE OF 209.08 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE ALONG THE NORTH LINE OF SAID LOT 5, NORTH 89°54'29" EAST, 110.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5;

THENCE NORTH 84°40'54" EAST, 22.34 FEET TO THE MOST NORTHERLY LOT CORNER OF LOT 11 OF SAID BONNIE BRAE ANNEX, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF SAID LOT 12;

THENCE ALONG THE BOUNDARY OF SAID LOT 12, EASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT CONCAVE SOUTHERLY, HAVING A RADIUS OF 10.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 82°55'02" EAST AND HAS A CHORD LENGTH OF 5.20 FEET, THROUGH A CENTRAL ANGLE OF 30°07'31", FOR AN ARC LENGTH OF 5.26 FEET TO THE POINT OF BEGINNING:

THENCE ALONG SAID BOUNDARY OF SAID LOT 12 THE FOLLOWING TWO (2) COURSES:

- SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 10.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 63°35'07" EAST AND HAS A CHORD LENGTH OF 6.32 FEET, THROUGH A CENTRAL ANGLE OF 36°52'12", FOR AN ARC LENGTH OF 6.44 FEET TO A POINT OF TANGENCY;
- 2. SOUTH 45°09'01" EAST, 121.21 FEET TO A POINT OF NON-TANGENCY;

THENCE LEAVING SAID BOUNDARY, SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 744.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 60°43'49" WEST AND HAS A CHORD LENGTH OF 2.08 FEET, THROUGH A CENTRAL ANGLE OF 00°09'36", FOR AN ARC LENGTH OF 2.08 FEET TO A POINT OF NON-TANGENCY:

THENCE NORTH 45°09'01" WEST, 126.64 FEET TO THE POINT OF BEGINNING.

Containing 250 Square Feet or 0.006 Acres of land, more or less.



10/29/2024 03:11 PM City & County of Denver Electronically Recorded

R \$38.00

2024100570 Page: 1 of 6 D \$0.00

WD

After signing, return to: City and County of Denver 201 West Colfax Avenue, Dept. 1010 Division of Real Estate Denver, Colorado 80202

Project Description: 2023-DEDICATION-0000003

Asset Mgmt No.:

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this ______ day of ______, 2024, by RPAI BONNIE BRAE, LP, a Colorado limited partnership, whose address is 2731 17th St. Ste. 300, Denver, CO 80211, United States ("Grantor") to the CITY AND COUNTY OF DENVER, a Colorado municipal corporation of the State of Colorado and home rule city, whose address is 1437 Bannock Street, Denver, Colorado 80202 ("Grantee").

WITNESSETH, that 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 are hereby acknowledged and by these presents does hereby grant, bargain, sell, convey and confirm, unto Grantee, and its successors and assigns forever, the real property described below, together with all improvements thereon, owned by Grantor situate, lying and being in the City and County of Denver, State of Colorado, and being more particularly described on the attached Exhibit(s) hereto and incorporated herein ("Property");

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 of the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in, and to the above-bargained Property, together with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the Property above bargained and described with the appurtenances, unto Grantee, and its successors and assigns forever. Grantor, for itself and its successors and assigns does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained Property in the quiet and peaceable possession of Grantee, and its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through, or under Grantor.

No separate bill of sale with respect to improvements on the Property will be executed.

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

RPALBONNIE BRAE, LP, a Colorado limited partnership
By:
Name: Druip Punkerlin
Its: Arterized & work
STATE OF Colorado
STATE OF Colorado) ss. COUNTY OF Arapahal
The foregoing instrument was acknowledged before me this 214 day of Ochobo, 2024
by <u>David Pietsch</u> , III, as <u>Authorized</u> of RPAI BONNIE BRAE, LP, a Colorado limited partnership
Colorado limited partnership.
Witness my hand and official seal.
My commission expires: 05/17/34
KAYLEE ANN WICKHAM NOTARY PUBLIC - STATE OF COLORADO NOTARY 10 20194018887 MY COMMISSION EXPIRES MAY 17, 2027

EXHIBIT A Land Description sheet 1 of 4

2022-PROJMSTR-0000348-ROW

PARCEL 1 (E. OHIO AVENUE)

A PORTION OF LOTS 10 THROUGH 12 INCLUSIVE OF BONNIE BRAE ANNEX, TOGETHER WITH A PORTION OF A 16' WIDE ALLEY VACATED PER ORDINANCE No. 434 SERIES OF 1987, LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 146.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 68°19'57" EAST AND HAS A CHORD LENGTH OF 107.38 FEET, THROUGH A CENTRAL ANGLE OF 43°09'04", FOR AN ARC LENGTH OF 109.96 FEET TO A REVERSE CURVE TO THE RIGHT CONCAVE SOUTHEASTERLY:

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- 4. NORTH 89°59'32" WEST, 4.15 FEET TO THE POINT OF BEGINNING.

Containing 363 Square Feet or 0.008 Acres of land, more or less.



DRAWING BY: FMZ PROJECT NO. DATE: 11-15-2023 501-21-169

EXHIBIT A Land Description sheet 2 of 4

2022-PROJMSTR-0000348-ROW

PARCEL 2 (ALLEY)

A PORTION OF LOT 12 OF BONNIE BRAE ANNEX, LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Containing 250 Square Feet or 0.006 Acres of land, more or less.



Frank M. Zwolinski, P.L.S. Colorado License #38060 For and on behalf of Power Surveying Company, Inc. 303-702-1617



DRAWING BY: FMZ PROJECT NO.

DATE: 11-15-2023 501-21-169

