


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 (Oct 16, 2022 18:42 MDT)

DATE: October 14, 2022

ROW #: 2022-DEDICATION-0000046 **SCHEDULE #:** Adjacent to 0619214006000

TITLE: This request is to dedicate two City-owned parcels of land as 1) E. Arkansas Ave., located at the intersection of E. Arkansas Ave. and S. Birch St., and 2) S. Birch St., located at the intersection of S. Birch St. and E. Arkansas 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) E. Arkansas Ave., and 2) S. Birch St. 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, “4343 E Arkansas Ave.”

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) E. Arkansas Ave., and 2) S. Birch St. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2022-DEDICATION-0000046-001, 002) HERE.

A map of the area to be dedicated is attached.

MB/BP/LRA

cc: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson, Paul Kashmann District # 6
Councilperson Aide, Brent Fahrberger
Councilperson Aide, Elise Bupp
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
Department of Law, Stefanie Raph
DOTI Survey, Brian Pfohl
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2022-DEDICATION-0000046

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: October 14, 2022

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) E. Arkansas Ave., located at the intersection of E. Arkansas Ave. and S. Birch St., and 2) S. Birch St., located at the intersection of S. Birch St. and E. Arkansas 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:** Demolition of existing commercial building and build a new apartment building at 4343 E. Arkansas Ave. The developer was asked to dedicate two parcels of land as 1) E. Arkansas Ave., and 2) S. Birch St.

****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 intersection of E. Arkansas Ave., and S. Birch St.
- d. **Affected Council District:** Paul Kashmann District # 6
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. **Is there any controversy surrounding this resolution?** (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: 2022-DEDICATION-0000046

Description of Proposed Project: Demolition of existing commercial building and build a new apartment building at 4343 E. Arkansas Ave. The developer was asked to dedicate two parcels of land as 1) E. Arkansas Ave., and 2) S. Birch 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 be dedicated as 1) E. Arkansas Ave., and 2) S. Birch 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) E. Arkansas Ave., and 2) S. Birch St., as part of a development project called, "4343 E Arkansas Ave."



Parcel 002 to be dedicated

Parcel 001 to be dedicated

- ### 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
 - Parks
 - All Other Parks; Linear
 - Mountain Parks



PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000046-001:

LAND DESCRIPTION - STREET PARCEL NO. 1

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 11TH DAY OF OCTOBER, 2022, AT RECEPTION NUMBER 2022129936 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED RECORDED JULY 11, 2019 AT RECEPTION NO. 2019089557, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 9.00 FEET, AT RIGHT ANGLES, OF SAID PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 2019089557, ALSO DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF SOUTH BIRCH STREET AND EAST ARKANSAS AVENUE MONUMENTED BY A 1" AXLE IN A RANGE BOX; THENCE NORTH 35°12'16" WEST, A DISTANCE OF 60.63 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF BLOCK 1, KIBLER ADDITION (SEPIA FILE 1 AT PAGE 129), ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 89°28'15" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID EAST ARKANSAS AVENUE, A DISTANCE OF 236.48 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF BLOCK 1 OF SAID KIBLER ADDITION;

THENCE NORTH 00°24'59" WEST ALONG THE WEST LINE OF SAID LOT 10, A DISTANCE OF 9.00 FEET TO A LINE PARALLEL WITH AND 9.00 FEET NORTHERLY, AT RIGHT ANGLES, OF SAID NORTH RIGHT-OF-WAY LINE;

THENCE NORTH 89°28'15" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 236.48 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH BIRCH STREET;

THENCE SOUTH 00°25'26" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 9.00 FEET TO THE POINT OF BEGINNING;

THE ABOVE-DESCRIBED PARCEL CONTAINS 2,128 SQUARE FEET (0.049 ACRES), MORE OR LESS.

PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000046-002:

LAND DESCRIPTION - STREET PARCEL NO. 2

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 11TH DAY OF OCTOBER, 2022, AT RECEPTION NUMBER 2022129936 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED RECORDED JULY 11, 2019 AT RECEPTION NO. 2019089557, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 10.00 FEET, BOTH AT RIGHT ANGLES, OF SAID PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 2019089557, EXCEPT THE SOUTH 9.00 FEET OF SAID PARCEL DESCRIBED IN THE DEED, ALSO DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF SOUTH BIRCH STREET AND EAST ARKANSAS AVENUE MONUMENTED BY A 1" AXLE IN A RANGE BOX; THENCE NORTH 35°12'16" WEST, A DISTANCE OF 60.63 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF BLOCK 1, KIBLER ADDITION (SEPIA FILE 1 AT PAGE 129); THENCE NORTH 00°25'26" WEST, A DISTANCE OF 9.00 FEET TO A LINE PARALLEL WITH AND 9.00 FEET NORTHERLY, AT RIGHT ANGLES, OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EAST ARKANSAS AVENUE, ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 89°28'15" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 10.00 FEET TO A LINE PARALLEL WITH AND 10.00 EASTERLY, AT RIGHT ANGLES, OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID SOUTH BIRCH STREET;

THENCE NORTH 00°25'26" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 254.44 FEET TO THE NORTH LINE OF SAID PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NO. 2019089557;

THENCE NORTH 89°28'15" EAST ALONG SAID NORTH LINE OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED AT RECEPTION NO. 2019089557, A DISTANCE OF 10.00 FEET TO SAID WEST RIGHT-OF-WAY LINE;

THENCE SOUTH 00°25'26" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 254.44 FEET TO THE POINT OF BEGINNING;

THE ABOVE-DESCRIBED PARCEL CONTAINS 2,544 SQUARE FEET (0.058 ACRES), MORE OR LESS.

THE BEARINGS FOR THESE LAND DESCRIPTIONS ARE BASED ON THE 10-FOOT RANGE LINE IN SOUTH BIRCH STREET BETWEEN EAST ARKANSAS AVENUE AND EAST LOUISIANA AVENUE, BEING ASSUMED TO BEAR NORTH 00°33'23" WEST, A DISTANCE OF 690.93 FEET, FROM THE RANGE POINT AT THE INTERSECTION OF SOUTH BIRCH STREET AND EAST ARKANSAS AVENUE MONUMENTED BY A 1" AXLE IN A RANGE BOX, TO THE RANGE POINT AT THE INTERSECTION OF SOUTH BIRCH STREET AND EAST LOUISIANA AVENUE MONUMENTED BY 1" AXLE IN A RANGE BOX, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.



2022129936
Page: 1 of 5
D \$0.00

After signing, return to:
Division of Real Estate
Attn: Jason Clements
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202
Project Description: 2022-DEDICATION-0000046
Asset Mgmt No.: 22-160

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 23rd day of SEPTEMBER, 2022, by KRISANA GP, LLC, a Colorado limited liability company, whose address is 7200 S. Alton Way, Suite A 310, Centennial, CO 80112, 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.

ATTEST:

KRISANA GP, LLC, a Colorado limited liability company

By: [Signature]

Name: J. MICHAEL LENCZEN

Its: MANAGER

STATE OF Colorado)
) ss.
COUNTY OF Arapahoe)

The foregoing instrument was acknowledged before me this 23 day of September, 2022
by J. Michael Lengen, as Manager of KRISANA GP, LLC, a Colorado
limited liability company.

Witness my hand and official seal.

My commission expires: 9.2.2024



[Signature]
Notary Public

EXHIBIT**LAND DESCRIPTION****PARCEL 1: (EAST ARKANSAS AVENUE)**

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED RECORDED JULY 11, 2019 AT RECEPTION NO. 2019089557, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 89°28'15" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID EAST ARKANSAS AVENUE, A DISTANCE OF 236.48 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF BLOCK 1 OF SAID KIBLER ADDITION;

THENCE NORTH 00°24'59" WEST ALONG THE WEST LINE OF SAID LOT 10, A DISTANCE OF 9.00 FEET TO A LINE PARALLEL WITH AND 9.00 FEET NORTHERLY, AT RIGHT ANGLES, OF SAID NORTH RIGHT-OF-WAY LINE;

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THE ABOVE-DESCRIBED PARCEL CONTAINS 2,128 SQUARE FEET (0.049 ACRES), MORE OR LESS.

PARCEL 2: (SOUTH BIRCH STREET)

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EXHIBIT

LAND DESCRIPTION (CONTINUED)

THENCE NORTH 00°25'26" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 254.44 FEET TO THE NORTH LINE OF SAID PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NO. 2019089557;

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MILES SMALL
COLORADO PLS 38534
FOR AND ON BEHALF OF
CORE CONSULTANTS, INC.

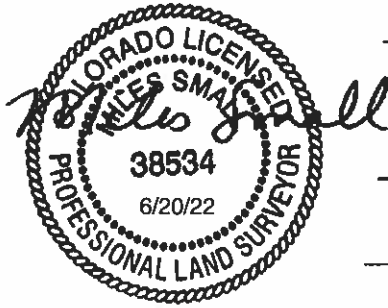
NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
PROJECT: 19-135 (K1) DRAWN BY: SLG3
DATE: 5/4/2022 REVIEWED BY: MS
SHEET 3 OF 3



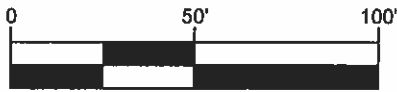
CORE CONSULTANTS, INC.
3473 SOUTH BROADWAY
ENGLEWOOD, CO 80113
303.703.4444
LIVEYOURCORE.COM

EXHIBIT

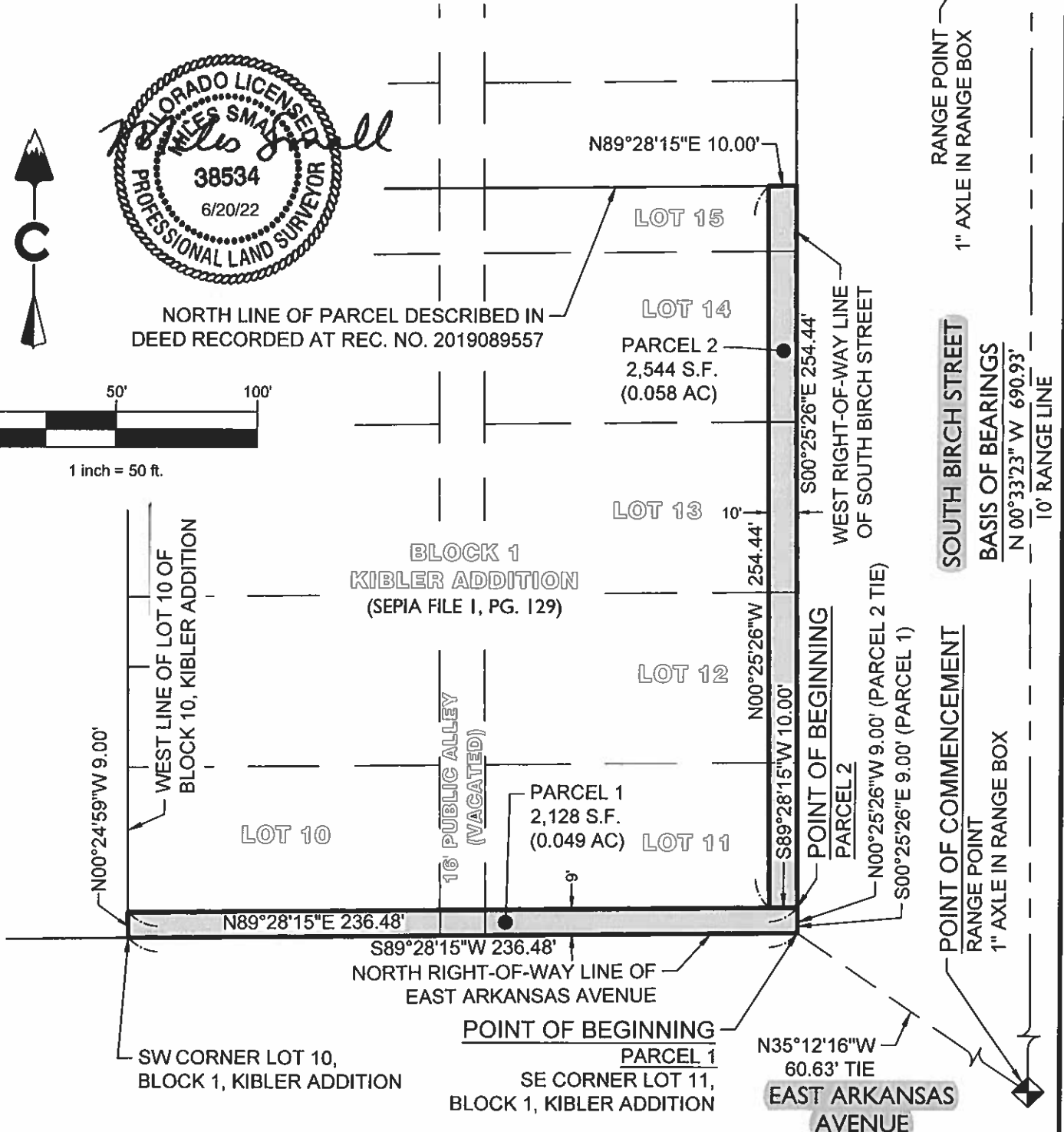
NORTH 1/2 OF THE SOUTHWEST 1/4
 OF THE NORTHWEST 1/4 OF SECTION 19,
 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
 CITY AND COUNTY OF DENVER, STATE OF COLORADO



NORTH LINE OF PARCEL DESCRIBED IN
 DEED RECORDED AT REC. NO. 2019089557



1 inch = 50 ft.



NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
 IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
 PROJECT: 19-135 (K1) DRAWN BY: SLG3
 DATE: 5/4/2022 REVIEWED BY: MS
 SHEET 3 OF 3



CORE CONSULTANTS, INC.
 3473 SOUTH BROADWAY
 ENGLEWOOD, CO 80113
 303.703.4444
 LIVEYOURCORE.COM