



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner, P.E. Senior Engineering Manager
Right-of-Way Services

DATE: July 25, 2017

ROW #: 2017-Dedication-0000134 **SCHEDULE #:** 0215400064000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as E. 51st. Ave. and N. Washington St. Located at the intersection of E. 51st and Washington 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 E. 51st Ave. and N. Washington 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 (**Crossroads Commerce Park**)

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 E. 51st Ave. and N. Washington St. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2017-Dedication-0000134-001) HERE.

A map of the area to be dedicated is attached.

MB/PR/BV

cc: Asset Management, Robert Koehler
City Councilperson & Aides, Albus Brooks District # 9
Council Aide Chy Montoya
Council Aide Brande Micheau
City Council Staff, Zach Rothmier
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, Matt Bryner
Department of Law, Brent Eisen
Department of Law, Shaun Sullivan
Department of Law, Caroline Martin
Department of Law, Stan Lechman
Department of Law, Cynthia Devereaux
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2017-Dedication-0000134

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at 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 25, 2017

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 E. 51st. Ave. and N. Washington St.
Located at the intersection of E. 51st and Washington St.

3. Requesting Agency: Public Works-Right-of-Way Services
Agency Division: 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 E. 51st Ave. and N. Washington 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 (**Crossroads Commerce Park**)

****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:** E. 51st and Washington St.
- d. **Affected Council District:** Albus Brooks Dist #9
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

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: 2017-Dedication-0000134, Crossroads Commerce Park

Description of Proposed Project: Dedicate a parcel of public right of way as E. 51st Ave and N. Washington 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, Crossroads Commerce Park



- ### Legend
- Streams
 - Irrigation Ditches Reconstruct (Gardeners)
 - Irrigation Ditches
 - Buildings 2014
 - 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



EXHIBIT "A"

LEGAL DESCRIPTION

TWO PARCELS OF LAND BEING PORTIONS OF THAT PARCEL OF LAND RECORDED UNDER RECEPTION NUMBER 2014130608 IN THE RECORDS OF THE CLERK AND RECORDER IN THE CITY AND COUNTY OF DENVER; SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, BEING MONUMENTED AS SHOWN HEREON AND HAVING AN ASSUMED BEARING OF NORTH 89°31'52" EAST.

PARCEL 1

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL OF LAND RECORDED UNDER RECEPTION NUMBER 2014130608;

THENCE SOUTH 00°09'03" EAST, ALONG THE EAST BOUNDARY OF SAID PARCEL, ALSO BEING THE WEST RIGHT-OF-WAY OF WASHINGTON STREET, A DISTANCE OF 465.89 FEET TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND RECORDED UNDER RECEPTION NUMBER 910000127566 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;

THENCE SOUTH 89°38'20" WEST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 21.00 FEET;

THENCE NORTH 00°09'03" WEST, A DISTANCE OF 465.85 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15;

THENCE NORTH 89°31'52" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 21.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 0.225 ACRES, (9,783 SQUARE FEET), MORE OR LESS.

PARCEL 2

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND RECORDED UNDER RECEPTION NUMBER 2014130608;

THENCE NORTH 04°01'27" EAST, ALONG THE WEST BOUNDARY OF SAID PARCEL, A DISTANCE OF 6.02 FEET;

THENCE NORTH 89°38'12" EAST, A DISTANCE OF 949.66 FEET TO A POINT ON THE WEST LINE OF THAT PARCEL OF LAND RECORDED UNDER RECEPTION NUMBER 2007154932 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;

THENCE SOUTH 00°09'03" EAST, ALONG SAID WEST LINE, A DISTANCE OF 6.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, ALSO BEING A POINT ON THE NORTH RIGHT-WAY OF EAST 51ST AVENUE;

THENCE SOUTH 89°38'12" WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 950.09 FEET TO THE POINT OF BEGINNING.



After Recording Return to:

Globeville I, LLC
4601 DTC Blvd Suite 130
Denver, CO 80237

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made this 5th day of July, 2017 by GLOBEVILLE I, LLC, a Colorado limited liability company, whose address is 4601 DTC Blvd., Suite 130, Denver, CO 80237 ("Grantor"), to the City and County of Denver, a Colorado municipal corporation, whose address is 1401 Bannock Street, Denver, Colorado 80202- ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS and other good and 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, and convey, 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, State of Colorado, as more particularly described on Schedule I attached hereto and incorporated herein ("Property").

TOGETHER with all and singular the rights, tenements, hereditaments, easements, appendages, ways, privileges and appurtenances, if any, thereto belonging, or in any wise 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 Grantor, either in law or in equity, of, in and to the Property; provided, however, that the foregoing specifically excludes any water or water rights heretofore conveyed by Grantor and any resultant water credits received by Grantor in connection therewith.

THIS Deed is executed by the Grantor and accepted by the Grantee subject to the easements, encumbrances and other matters presently of record and described on Schedule 2, attached hereto and incorporated herein (the "Permitted Exceptions").

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

Grantee and its successors and assigns and any party that acquires any interest in the Property, by acquiring such interest in the Property, hereby fully and irrevocably releases the ASARCO Multi-State Environmental Custodial Trust (the "Trust"), Le Petomane XXV, Inc.,

17-340
Asset Management

Project Description
SWD
Globeville I, LLC

Approved
Asset Management
Date: 07/12/17

not individually but solely in its representative capacity as Trustee of the Trust, Le Petomane, Inc. and each entity's affiliates, officers, members, managers, partners, shareholders, directors, employees, agents, representatives, consultants, designees, contractors, tenants and licensees (collectively, including the Trust, the "Trust Parties") from any and all claims that it or its successors in interest in the Property, hereafter acquire or assert against any or all of the Trust Parties for any cost, loss, liability, damage, expense, action or cause of action, whether foreseen or unforeseen, arising from or related to any condition of the Property, the presence of environmentally hazardous, toxic or dangerous substances, or any other conditions (whether patent, latent or otherwise) affecting the Property.

[Remainder of page intentionally left blank]

SCHEDULE 1

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "A"

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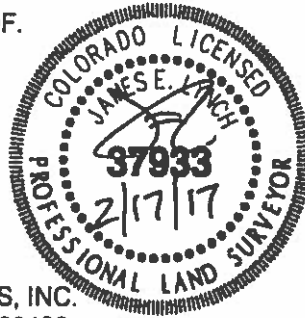
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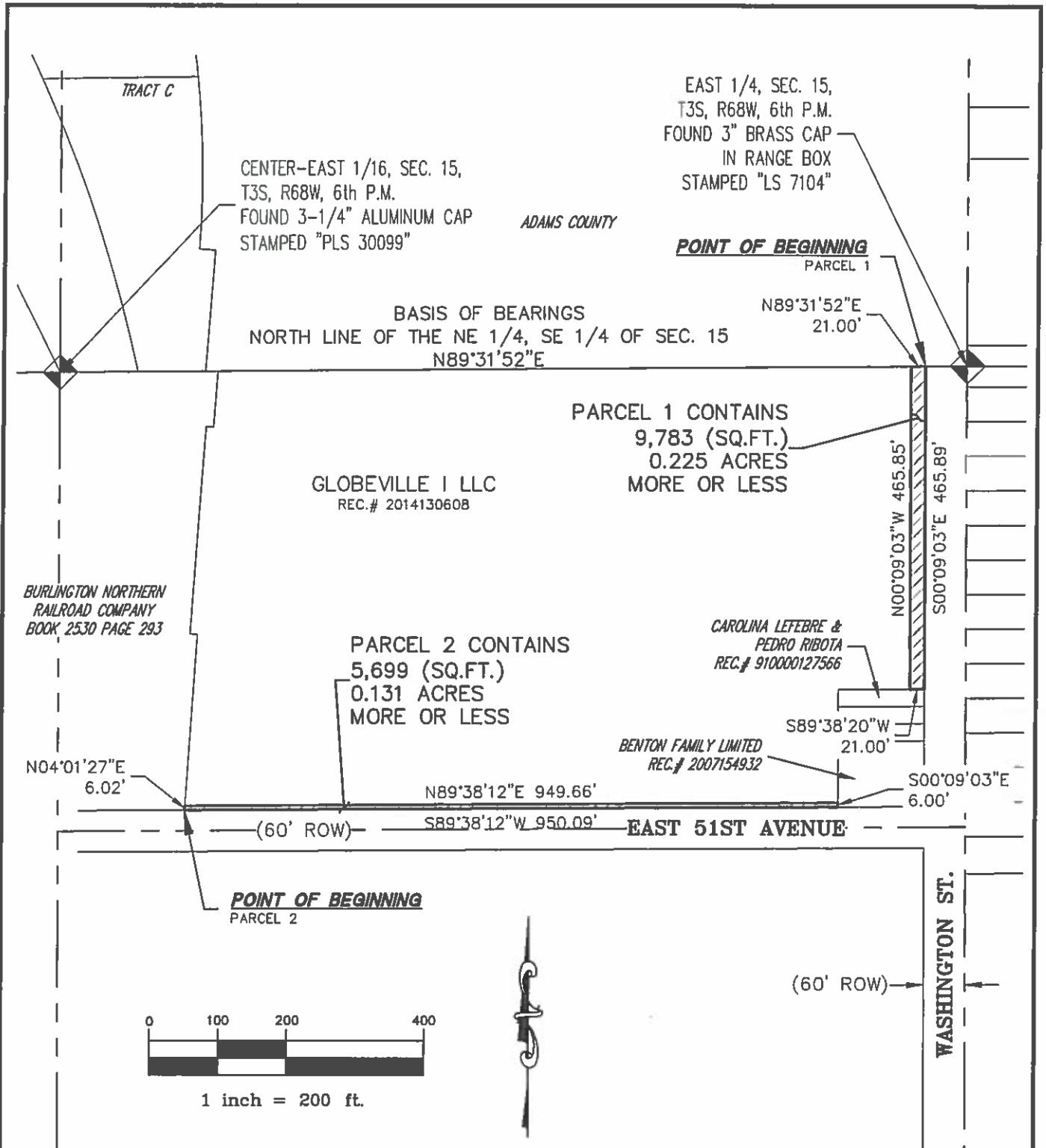
CONTAINING AN AREA OF 0.131 ACRES, (5,699 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JAMES E. LYNCH, PLS NO. 37933
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898

ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: W:\114-23 - Globeville Denver Parcel Layout\Draw
 DWG NAME: ROW Dedication.dwg
 DWG: JEL CHK: JRW
 DATE: 12/11/14
 SCALE: 1" = 200'



300 East Mineral Ave.
 Suite 1
 Littleton, Colorado 80122
 Phone: (303) 913-1898
 Fax: (303) 713-1897
 www.aztecconsultants.com

PARCEL EXHIBIT
 NE 1/4, SE 1/4, SEC. 15, T3S, R68W, 6TH P.M.
 CITY AND COUNTY OF DENVER, COLORADO
 JOB NUMBER 51314-23 3 OF 3 SHEETS

SCHEDULE 2

PERMITTED EXCEPTIONS

[to be inserted prior to recording]

SCHEDULE 2

PERMITTED EXCEPTIONS

1. A RIGHT OF WAY AS CONVEYED TO THE COLORADO CENTRAL RAILROAD COMPANY BY THE DEED RECORDED JULY 25, 1870 IN BOOK 28 AT PAGE 207.
2. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT BY AND BETWEEN AMERICAN SMELTING AND REFINING COMPANY AND PUBLIC SERVICE COMPANY OF COLORADO RECORDED JUNE 28, 1948 IN BOOK 359 AT PAGE 370.
3. EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR ELECTRIC TRANSMISSION LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED JANUARY 06, 1958, IN BOOK 8132 AT PAGE 330 AND EASEMENT CORRECTION RECORDED APRIL 11, 1958 IN BOOK 8171 AT PAGE 51.
4. RESERVATION OF GROUND WATER AND RESERVATION OF CONSENT TO USE GROUNDWATER RECORDED AUGUST 27, 1985 UNDER RECEPTION NO. 857675.
5. FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT, AND DECREE OF THE WATER COURT RECORDED MAY 18, 1987 UNDER RECEPTION NO. 133190.
6. FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT RECORDED JULY 14, 1989 UNDER RECEPTION NO. R-89-0063137.
7. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN JOINT NOTICE OF LODGING OF FINAL CONSENT DECREE, ORDER, JUDGMENT AND REFERENCE TO SPECIAL MASTER, UNITED STATES DISTRICT COURT CIVIL ACTION NO. 83-C-2383 RECORDED NOVEMBER 15, 1993 UNDER RECEPTION NO. 9300157849, AND AS SET FORTH IN AGREEMENT FOR RIGHTS OF ACCESS AND RESTRICTIONS ON USE RECORDED JANUARY 20, 1994 UNDER RECEPTION NO. 9400010974, DENVER COUNTY RECORDS AND AS SET FORTH IN ENVIRONMENTAL COVENANT RECORDED NOVEMBER 08, 2004 UNDER RECEPTION NO. 2004231362, AND AS SET FORTH IN UNRECORDED ENFORCEABLE AGREEMENT BETWEEN COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND GLOBEVILLE I, LLC. (SAID INSTRUMENT IS REFERENCED AS ESI 20913397)
8. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AND IMPOSED BY RESOLUTION, CASE NO. PLN2011-00003, OF THE BOARD OF COUNTY COMMISSIONERS FOR ADAMS COUNTY RECORDED

JUNE 28, 2011 UNDER RECEPTION NO. 2011000041085.

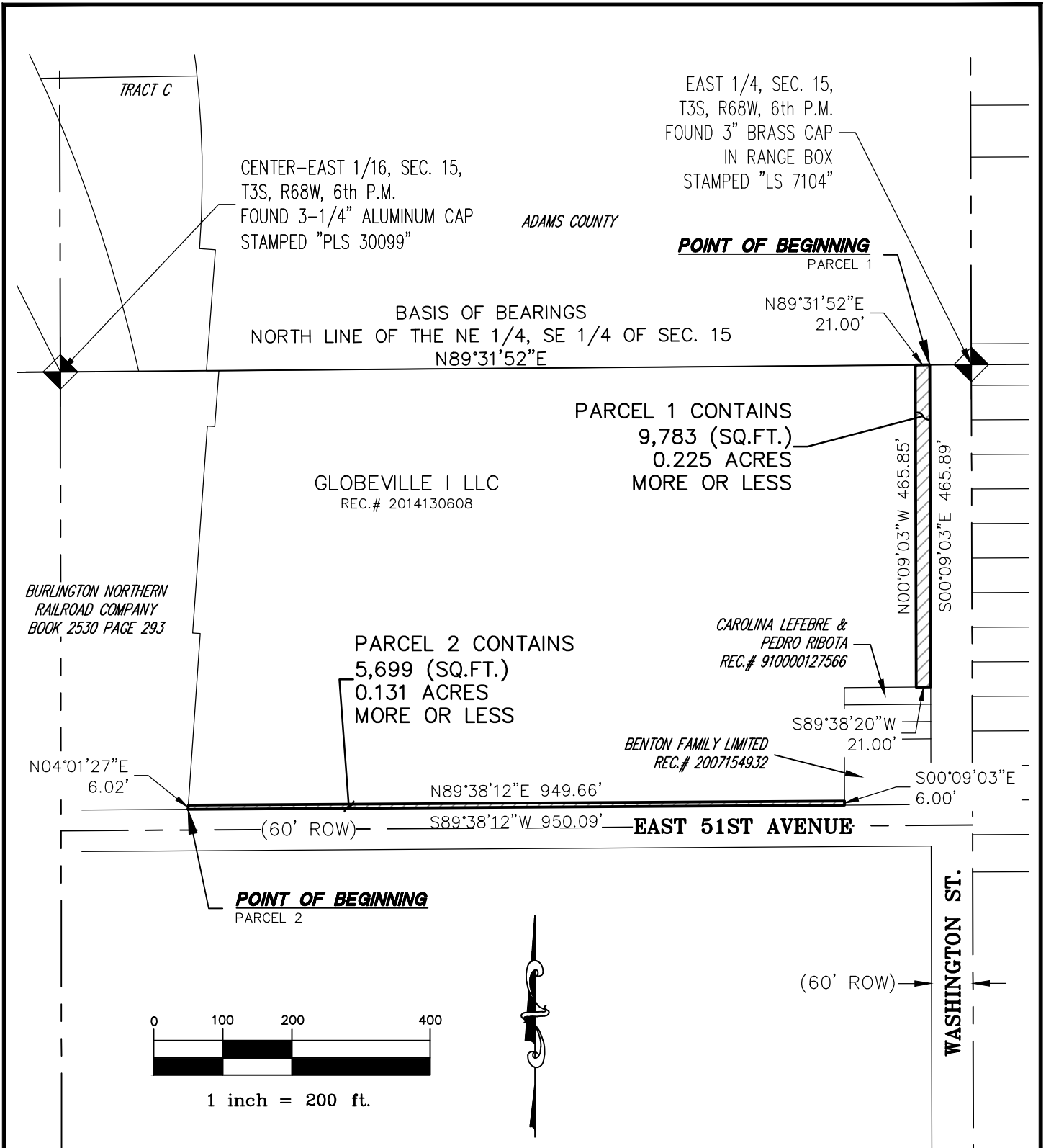
9. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN PERMANENT NON-EXCLUSIVE EASEMENT RECORDED JANUARY 22, 2015 UNDER RECEPTION NO. 2015007572.
10. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED ENVIRONMENTAL COVENANT AND ACCESS AGREEMENT RECORDED JULY 15, 2015 UNDER RECEPTION NO. 2015097788.
11. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE GCC METROPOLITAN DISTRICT NO. 3, AS EVIDENCED BY INSTRUMENT RECORDED MAY 08, 2017, UNDER RECEPTION NO. 2017061108.
12. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CCP METROPOLITAN DISTRICT NO. 1, FORMERLY KNOWN AS THE GCC METROPOLITAN DISTRICT NO. 1, AS EVIDENCED BY INSTRUMENT RECORDED MAY 23, 2017, UNDER RECEPTION NO. 2017067374.
13. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CCP METROPOLITAN DISTRICT NO. 2, FORMERLY KNOWN AS THE GCC METROPOLITAN DISTRICT NO. 2,, AS EVIDENCED BY INSTRUMENT RECORDED MAY 23, 2017, UNDER RECEPTION NO. 2017067375.

CONTAINING AN AREA OF 0.131 ACRES, (5,699 SQUARE FEET), MORE OR LESS.
EXHIBIT ATTACHED AND MADE A PART HEREOF.



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PARCEL EXHIBIT

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CITY AND COUNTY OF DENVER, COLORADO

JOB NUMBER 51314-23

3 OF 3 SHEETS