



**DENVER**  
THE MILE HIGH CITY

**Denver Public Works**

Plan Review Services

201 W Colfax Ave, Dept. 507

Denver, CO 80202

p: 720.865.2782

e: Denver.ROW@denvergov.org

www.denvergov.org/PWPRS

## REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

**TO:** Charlene Thompson, City Attorney's Office

**FROM:** Robert J. Duncanson P.E., Engineering Manager II  
Right-of-Way Services

**DATE:** April 8, 2016

**ROW #:** 2015-Dedication-0000096      **SCHEDULE #:** 0512223040000

**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as Public Alley.  
Located at the intersection of E. 3<sup>rd</sup> Ave. and Josephine.

**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 Public Alley. 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 (**Moxy Hotel**)

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 Public Alley. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2015-Dedication-0000096-001) HERE.**

A map of the area to be dedicated is attached.

RD/JC/BLV

cc: Asset Management, Steve Wirth  
City Councilperson & Aides, Wayne New District # 10  
Council Aide Melissa Horn  
Council Aide Molly Williams  
City Council Staff, Shelley Smith  
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, Rob Duncanson  
Department of Law, Brent Eisen  
Department of Law, Charlene Thompson  
Department of Law, Adam Hernandez  
Department of Law, Angela Garcia  
Public Works Survey, John Clarke  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder 2015-Dedication-0000096

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Angela Casias  
at [angela.casias@DenverGov.org](mailto: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: April 8, 2016

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 Public Alley.  
Located at the intersection of E. 3<sup>rd</sup> Ave. and Josephine.

3. **Requesting Agency:** Public Works – Right-of-Way Services / 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 Public Alley. 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 (**Moxy Hotel**)

*\*\*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:** 3<sup>rd</sup> and Josephine
- d. **Affected Council District:** Wayne New Dist. 10
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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: 2015-Dedication-0000096, Moxy Hotel**

**Description of Proposed Project: Dedicate a parcel of public right of way as Public Alley.**

**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**

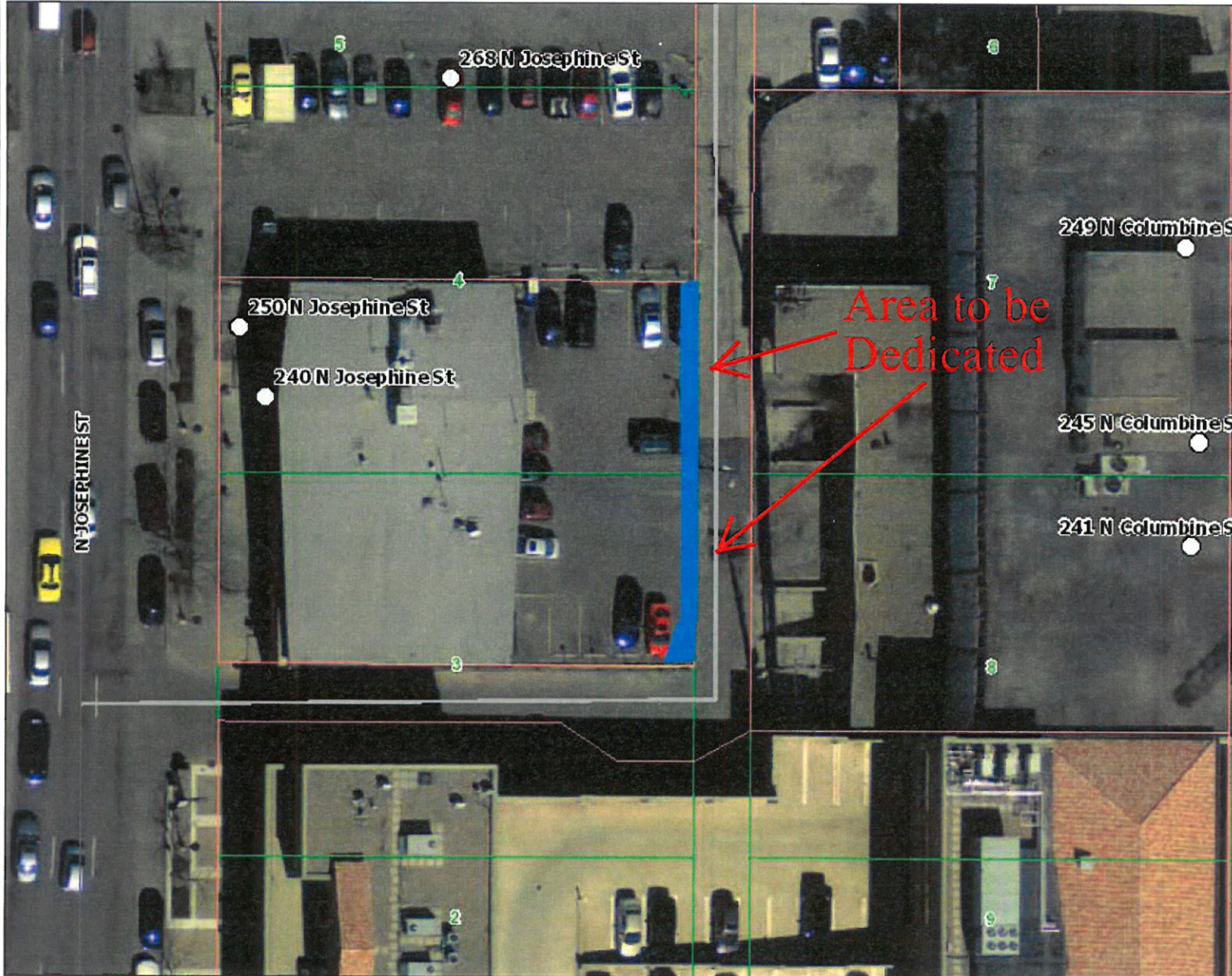
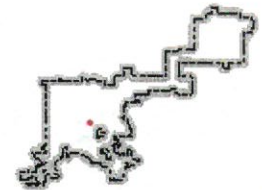
**What is the known duration of an MEP: N/A**

**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, Moxy Hotel.**



### Legend

#### Active Addresses

- Associated
- Land
- Structure
- Utility

#### Streams

- Irrigation Ditches Reconstructe (Gardeners)
- Irrigation Ditches

#### Streets

- Streets
- Alleys

#### Railroads

- + Main
- + Yard
- + Spur
- + Siding
- + Interchange track
- + Other

#### Bridges

#### Rail Transit Stations

- Existing
- Planned

#### Park-N-Ride Locations

- ▲ Park-N-Ride Locations

#### Lakes

- Lakes

#### County Boundary

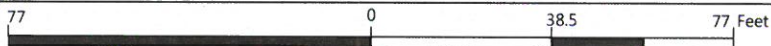
- Parcels

#### Lots/Blocks

- Lots/Blocks

#### Parks

- Mountain Parks
- All Other Parks



TWO (2) PARCELS OF LAND CONVEYED BY WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 22ND DAY OF MARCH, 2016, AT RECEPTION NUMBER 2016035802 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

A PARCEL BEING A PORTION OF LOTS 3 AND 4, BLOCK 63 HARMAN'S SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4, BLOCK 63, HARMAN'S SUBDIVISION THENCE ALONG THE EASTERLY LINE OF SAID LOT 4, BLOCK 63, HARMAN'S SUBDIVISION, S00°20'58"E A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY LINE, S00°20'58"E A DISTANCE OF 88.56 FEET:

THENCE S89°42'25"W A DISTANCE OF 2.50 FEET;

THENCE N00°20'58"W A DISTANCE OF 88.56 FEET;

THENCE N89°42'04"E A DISTANCE OF 2.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL DESCRIBED LIES BETWEEN ONE (1) FOOT BELOW THE FINISHED GRADE OF THE ALLEY, AND FOURTEEN (14) FEET ABOVE THE FINISHED GRADE OF THE ALLEY.

PARCEL 2:

A PARCEL BEING A PORTION OF LOTS 3 AND 4, BLOCK 63 HARMAN'S SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4, BLOCK 63, HARMAN'S SUBDIVISION THENCE ALONG THE EASTERLY LINE OF SAID LOT 4, BLOCK 63, HARMAN'S SUBDIVISION, S00°20'58"E A DISTANCE OF 138.56 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY LINE, S00°20'58"E A DISTANCE OF 11.45 FEET TO A POINT ON THE NORTHERLY LINE OF ALLEY DEDICATION BY ORDINANCE 212 SERIES 1958;

THENCE ALONG SAID NORTHERLY LINE, S89°42'25"W A DISTANCE OF 5.50 FEET;

THENCE N14°20'11"E A DISTANCE OF 11.83 FEET;

THENCE N89°42'25"E A DISTANCE OF 2.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL DESCRIBED LIES BETWEEN ONE (1) FOOT BELOW THE FINISHED GRADE OF THE ALLEY, AND SIXTEEN POINT FIVE (16.5) FEET ABOVE THE FINISHED GRADE OF THE ALLEY.

ALL DIMENSIONS ARE U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 20' RANGE LINE IN JOSEPHINE STREET ASSUMED TO BEAR N00°19'58"W AND BEING MONUMENTED BY A FOUND 2-1/4" ALUMINUM CAP PLS #34579 IN RANGE BOX AT THE INTERSECTION OF 2<sup>ND</sup> AVENUE AND JOSEPHINE STREET AND A FOUND 2-1/4" ALUMINUM CAP PLS #24579 IN RANGE BOX AT THE INTERSECTION OF 3RD AVENUE AND JOSEPHINE STREET.

WARRANTY DEED

16-025  
Asses. Mgmt. #

THIS DEED, dated March 21st, 2016, is between Josephine BLDG LLP, a Colorado limited liability partnership, as to an undivided 50% interest, and 240 Josephine LLP, Colorado limited liability partnership, as to an undivided 50% interest ("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:

EXHIBIT "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.

Grantor further agrees to repair or replace that portion of the alley pavement above underground parking, and/or that portion described in Exhibits "A" & "B" if deemed necessary in the City's opinion, for the purposes of public safety or alley operations.

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

Josephine BLDG LLP,  
a Colorado Limited Partnership

240 Josephine LLP,  
a Colorado Limited Partnership

By: [Signature]  
Name: HARRY LAWRENCE SEGAN  
Title: Managing Partner

By: [Signature]  
Name: MARK YARON  
Title: Managing Partner

Approved: [Signature]  
Assessor's Date: 3-22-16  
Subject Description: 240 JOSEPHINE

STATE OF Colorado

COUNTY OF Denver

The foregoing instrument was acknowledged before me this day 21 of MARCH, 2016 by Harry Segan as Partner of Josephine BLDG LLP and by Mark Yaron as Partner of 240 Josephine LLP.

Witness my hand and official seal/  
My commission expires: 1/27/2018

Notary Public



2015-PROJMSTR-0000544-DEED

EXHIBIT A  
SHEET 1 OF 2PROPERTY DESCRIPTION

A PARCEL BEING A PORTION OF LOTS 3 AND 4, BLOCK 63 HARMAN'S SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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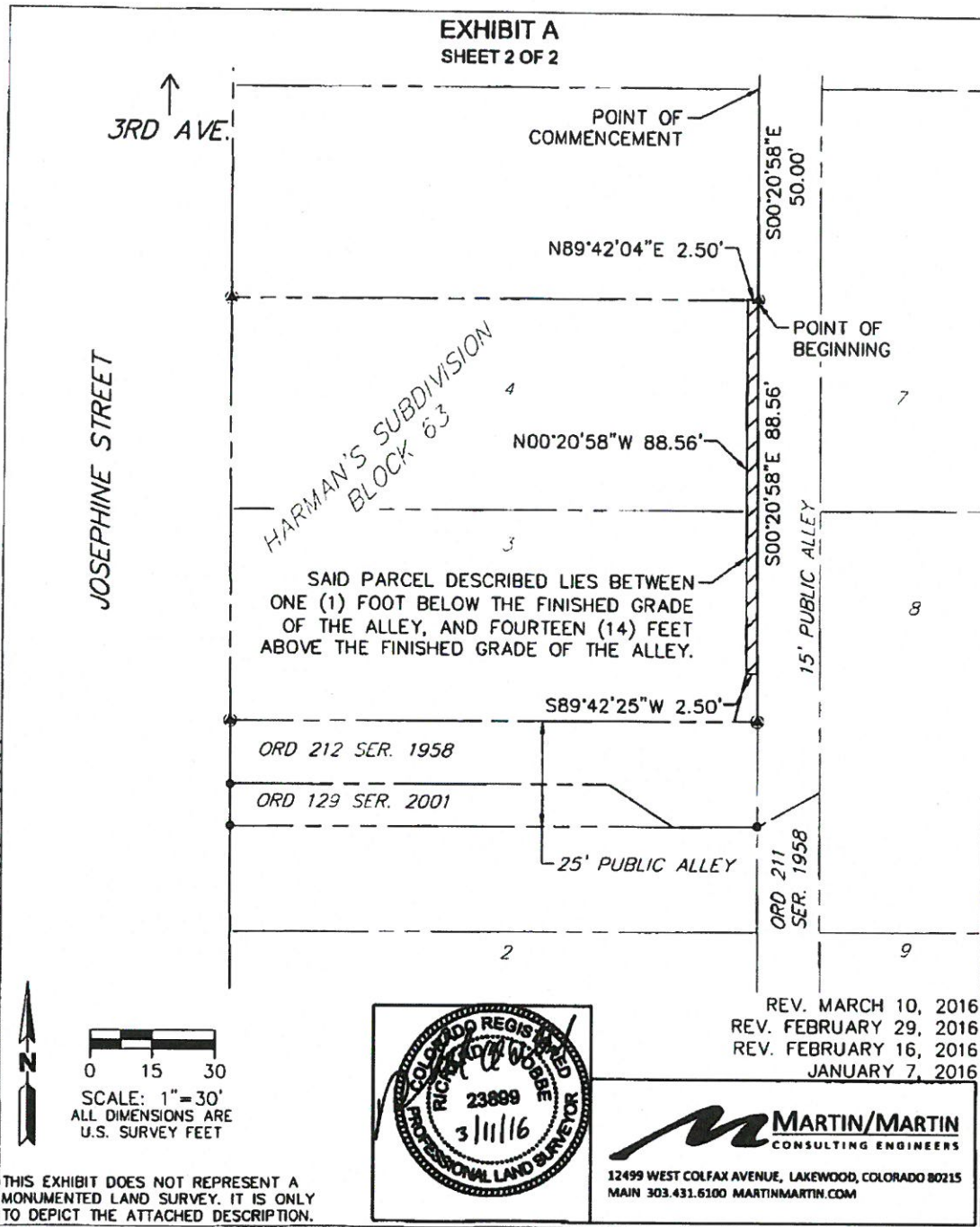
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PREPARED BY BRIAN ZOOK, EIT  
REVIEWED BY RICK NOBBE, PLS#23889  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVENUE,  
LAKEWOOD, CO, 80215  
Rev. March 10, 2016  
Rev. February 29, 2016  
Rev. February 16, 2016  
January 7, 2016



2015-PROJMSTR-0000544-DEED





2015-PROJMSTR-0000544-DEED

EXHIBIT B  
SHEET 1 OF 2PROPERTY DESCRIPTION

A PARCEL BEING A PORTION OF LOTS 3 AND 4, BLOCK 63 HARMAN'S SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PREPARED BY BRIAN ZOOK, EIT  
REVIEWED BY RICK NOBBE, PLS#23899  
FOR AND ON BEHALF OF  
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