


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: August 24, 2023

ROW #: 2022-DEDICATION-0000181 **SCHEDULE #:** Adjacent to 0512218016000, 0512218041000, and 0512218039000

TITLE: This request is to dedicate a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by North Milwaukee Street, East 2nd Avenue, North Saint Paul Street, and East 3rd Avenue.

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 by the City and County of Denver for Public Right-of-Way, as part of the development project, "242 Milwaukee."

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 # (2022-DEDICATION-0000181-001) HERE.

A map of the area to be dedicated is attached.

MB/BP/LRA

cc: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson, Amanda Sawyer District # 5
Councilperson Aide, Nicole Aviles
Councilperson Aide, Owen Brigner
Councilperson Aide, Logan Fry
Councilperson Aide, Juan Sipion
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 Services, Glen Blackburn
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
DOTI Survey, Brian Pfohl
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2022-DEDICATION-0000181

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 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: August 24, 2023

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 a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by North Milwaukee Street, East 2nd Avenue, North Saint Paul Street, and East 3rd Avenue.

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:** Proposing to demolish three existing commercial buildings and build a new commercial structure. The developer was asked to dedicate a parcel of land as Public Alley.

****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:** Bounded by North Milwaukee Street, East 2nd Avenue, North Saint Paul Street, and East 3rd Avenue
- d. **Affected Council District:** Amanda Sawyer, District # 5
- 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-0000181

Description of Proposed Project: Proposing to demolish three existing commercial buildings and build a new commercial structure. The developer was asked to dedicate a parcel of land 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 be dedicated as 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 Public Alley, as part of a development project called, "242 Milwaukee."



Legend

- Streets
- Alleys
- ▭ County Boundary
- ▭ Parcels
- ▭ Lots/Blocks



PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000181-001:

LAND DESCRIPTION – ALLEY PARCEL

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 17TH DAY OF JULY, 2023, AT RECEPTION NUMBER 2023066901 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF LOTS 3 AND 4, BLOCK 58, HARMAN'S SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE SOUTH 89°56'31" EAST, A DISTANCE OF 122.47 FEET TO THE **POINT OF BEGINNING**;

THENCE ALONG A LINE BEING PARALLEL WITH AND 2.50 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOTS 3 AND 4, NORTH 00°01'13" EAST, A DISTANCE OF 150.15 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID LOT 4;

THENCE SOUTH 89°57'31" EAST, A DISTANCE OF 2.50 FEET TO SAID EASTERLY LINE;

THENCE ALONG SAID EASTERLY LINE, SOUTH 00°01'13" WEST, A DISTANCE OF 150.15 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE NORTH 89°56'13" WEST, A DISTANCE OF 2.50 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 375 SQUARE FEET OR 0.009 ACRE.

THE BEARINGS FOR THIS LEGAL DESCRIPTION ARE BASED ON THE SOUTH LINE OF LOT 3, BLOCK 58, HARMAN'S SUBDIVISION, AS MONUMENTED AT BOTH ENDS BY A FOUND NAIL AND 1" BRASS TAG STAMPED "PLS 38495". SAID LINE IS ASSUMED TO BEAR SOUTH 89°56'31" EAST.

After signing, return to:
Division of Real Estate
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202
Project Description: 2022-DEDICATION-0000181
Asset Mgmt No.: 23-142

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 14th day of July, 2023, by **242 MILWAUKEE OWNER, LLC**, a Colorado limited liability company, whose address is 205 Detroit St. Ste. 400, Denver, CO 80206, 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:

242 MILWAUKEE OWNER, LLC, a Colorado limited liability company

By: _____

Name: Matt Joblon

Its: Manager

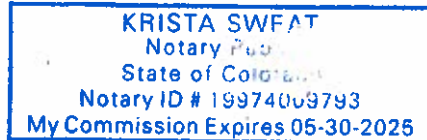
STATE OF Colorado)
) ss.
COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 14th day of July, 2023
by Matt Joblon, as Manager of **242 MILWAUKEE OWNER, LLC**, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 5-30-2025


Notary Public



**LEGAL DESCRIPTION
EXHIBIT A**

A PORTION OF LOTS 3 AND 4, BLOCK 58, HARMAN'S SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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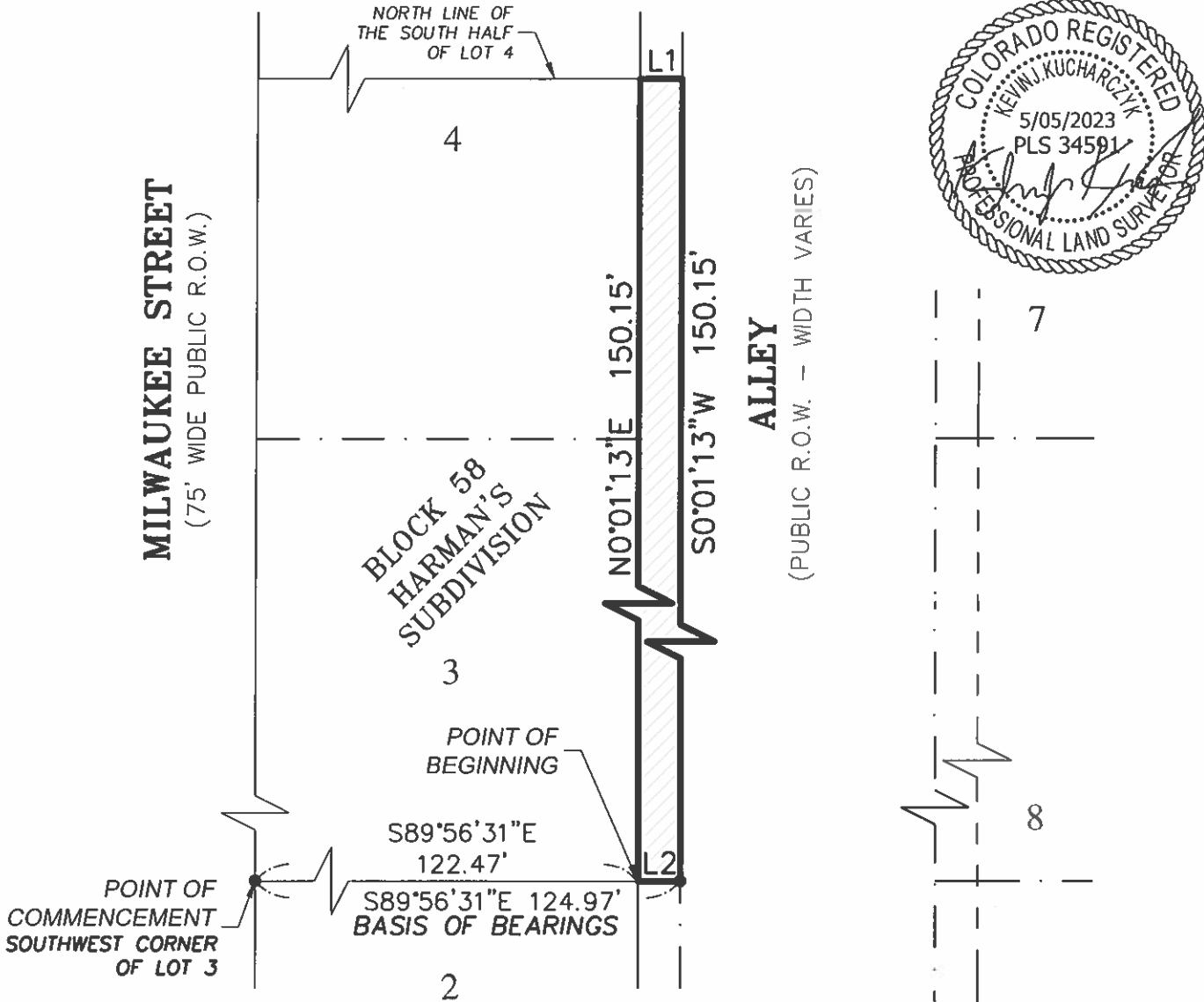
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KEVIN J KUCHARCZYK, PLS
COLORADO REG. NO. 34591
FOR, AND ON BEHALF OF:
R&R ENGINEERS-SURVEYORS, INC.
BM22082

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF LOTS 3 AND 4, BLOCK 58 OF HARMAN'S SUBDIVISION
 LOCATED IN THE NW1/4 OF SECTION 12, T.4S., R.68W., 6TH P.M.
 CITY AND COUNTY OF DENVER, STATE OF COLORADO



LINE DATA TABLE

| LINE # | DIRECTION | LENGTH |
|--------|-------------|--------|
| L1 | S89°57'31"E | 2.50' |
| L2 | N89°56'31"W | 2.50' |

● FOUND NAIL AND 1" BRASS TAG
 STAMPED "PLS 38495"

PARCEL CONTAINS 375 SQ. FT. OR 0.009 ACRE

NOTE

THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

RIGHT-OF-WAY DEDICATION

| | |
|------------------|-----------------------|
| Date: 5/05/2023 | Sheet 2 of 2 |
| Drawn: JDM/MJP | |
| Checked: KJK | |
| Job No.: BM22082 | |



R&R ENGINEERS-SURVEYORS, INC.
 1635 W. 13TH AVENUE, SUITE 310
 DENVER, COLORADO 80204
 PH: 303-753-6730
 WWW.RRENGINEERS.COM