

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
Matt R. Bryner (Dec 5, 2022 14:12 MST)

DATE: December 1, 2022

ROW #: 2022-DEDICATION-0000185 **SCHEDULE #:** 0003100065000

TITLE: This request is to dedicate a City-owned parcel of land as 1) N. Dunkirk St., located at the intersection of N. Dunkirk St. and High Point Blvd., and 2) High Point Blvd., located at the intersection of High Point Blvd. and N. Dunkirk 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 1) N. Dunkirk St., and 2) High Point Blvd.

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 existing City owned land for Public Right-of-Way purposes as Public Right-of-Way. The land is described as follows:

INSERT PARCEL DESCRIPTION ROW (2022-DEDICATION-0000185-001, 002) HERE.

A map of the area to be dedicated is attached.

MB/KS/LRA

cc: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson, Stacie Gilmore District # 11
Council Aide, Chiquita Sanders
Council Aide, Ricardo Rangel
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, Kathy Svechovsky
DOTI Ordinance
Project file folder 2022-DEDICATION-0000185

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: December 1, 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 a City-owned parcel of land as 1) N. Dunkirk St., located at the intersection of N. Dunkirk St. and High Point Blvd., and 2) High Point Blvd., located at the intersection of High Point Blvd. and N. Dunkirk St.

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:** This request is to dedicate a City-owned parcel of land as 1) N. Dunkirk St., and 2) High Point Blvd. as part of the subdivision, High Point Filing No. 2.

****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 1) N. Dunkirk St., and 2) High Point Blvd.
- d. **Affected Council District:** Stacie Gilmore District # 11
- 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: _____

EXECUTIVE SUMMARY

Project Title: 2022-DEDICATION-0000185

Description of Proposed Project: This request is to dedicate a City-owned parcel of land as 1) N. Dunkirk St., and 2) High Point Blvd. as part of the subdivision, High Point Filing No. 2.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Surveyor is requesting a remnant parcel cleanup as 1) N. Dunkirk St., and 2) High Point Blvd. as part of the subdivision, High Point Filing No. 2.

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) N. Dunkirk St., and 2) High Point Blvd.



Parcel 002/B to be dedicated

Parcel 001/A 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
- 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-0000185-001:

LAND DESCRIPTION - STREET PARCEL #1:

PARCEL A

A PORTION OF A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 22ND DAY OF NOVEMBER, 2022, AT RECEPTION NUMBER 2022143527 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

THE EASTERLY 42.00 FEET OF TRACT G, HIGH POINT SUBDIVISION FILING NO. 2, LOCATED IN THE WEST HALF OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF SIXTH PRINCIPAL MERIDIAN, RECORDED OCTOBER 7, 2019 AT RECEPTION NO. 2019138651, CITY AND COUNTY OF DENVER, STATE OF COLORADO;

CONTAINING A CALCULATED AREA OF 78,012 SQUARE FEET OR 1.7909 ACRES, MORE OR LESS.

PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000185-002:

LAND DESCRIPTION - STREET PARCEL #2:

PARCEL B

A PORTION OF A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 22ND DAY OF NOVEMBER, 2022, AT RECEPTION NUMBER 2022143527 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

TRACT G, EXCEPT THE EASTERLY 42.00 FEET THEREOF, HIGH POINT SUBDIVISION FILING NO. 2, LOCATED IN THE WEST HALF OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF SIXTH PRINCIPAL MERIDIAN, RECORDED OCTOBER 7, 2019 AT RECEPTION NO. 2019138651, CITY AND COUNTY OF DENVER, STATE OF COLORADO;

CONTAINING A CALCULATED AREA OF 137,374 SQUARE FEET OR 3.1537 ACRES, MORE OR LESS.



11/22/2022 09:35 AM
City & County of Denver

R \$0.00

WD

2022143527

Page: 1 of 11

D \$0.00

After recording, return to:
Division of Real Estate
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202
Project Description: Tract G – High Point
Asset Mgmt No.: 22-221

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 17th day of November, 2022, by **ACM HIGH POINT VI C LLC**, a Delaware limited liability company whose address is 4100 E. Mississippi Avenue, Suite 500, Glendale, Colorado 80246 (“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 A hereto and incorporated herein (“Property”);

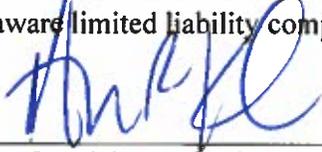
TOGETHER WITH all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all of the estate, right, title, interest, claim and demand whatsoever of Grantor, either 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, subject to Permitted Exceptions as set forth on Exhibit B.

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.

ACM HIGH POINT VI C LLC,
a Delaware limited liability company



Andrew R. Klein, Authorized Signatory

STATE OF COLORADO)
)
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me on the 17 day of November, 2022, by Andrew R. Klein as Authorized Signatory of **ACM HIGH POINT VI C LLC**, a Delaware limited liability company.

WITNESS my hand and official seal.

 exp. 8/12/24

Notary Public

BLAKE AMEN
Notary Public
State of Colorado
Notary ID # 20204027915
My Commission Expires 08-12-2024

EXHIBIT A

(Legal Description of the Property)

Tract G, High Point Subdivision Filing No. 2, City and County of Denver, State of Colorado

EXHIBIT B

(Permitted Exceptions)

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the water.

9. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED SEPTEMBER 30, 2005, UNDER RECEPTION NO. 20050930001069840 (ADAMS COUNTY RECORDS) AND RECORDED SEPTEMBER 30, 2005 UNDER RECEPTION NO. 2005165621 (DENVER COUNTY RECORDS).

10. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED DECEMBER 28, 2005, UNDER RECEPTION NO. 20051228001418040 (ADAMS COUNTY RECORDS) AND RECORDED JANUARY 17, 2006 UNDER RECEPTION NO. 2006010581 (DENVER COUNTY RECORDS); FIRST AMENDMENT RECORDED JANUARY 15, 2008 UNDER RECEPTION NO. 2008000003299 (ADAMS COUNTY RECORDS) AND RECORDED JANUARY 15, 2008 UNDER RECEPTION NO. 2008005302 (DENVER COUNTY RECORDS); SECOND AMENDMENT RECORDED FEBRUARY 26, 2010 UNDER RECEPTION NO. 2010000012779 (ADAMS COUNTY RECORDS) AND RECORDED FEBRUARY 26, 2010 UNDER RECEPTION NO. 2010022814 (DENVER COUNTY RECORDS); THIRD AMENDMENT RECORDED DECEMBER 23, 2015 UNDER RECEPTION NO. 2015000106637 (ADAMS COUNTY RECORDS), AND FOURTH AMENDMENT RECORDED DECEMBER 30, 2016 UNDER RECEPTION NO. 2016000114610 (ADAMS COUNTY RECORDS).

ASSIGNMENT OF DECLARANT'S RIGHTS RECORDED MAY 15, 2006 UNDER RECEPTION NO. 20060515000502020 (ADAMS COUNTY RECORDS) AND RECORDED MAY 12, 2006 UNDER RECEPTION NO. 2006074494 (DENVER COUNTY RECORDS).

ASSIGNMENT OF DECLARANT'S RIGHTS UNDER MASTER DECLARATION FOR HIGH POINT RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095538.

PARTIAL ASSIGNMENT AND ASSUMPTION OF DECLARANT'S RIGHTS UNDER MASTER DECLARATION FOR HIGH POINT RECORDED DECEMBER 31, 2020 UNDER RECEPTION NO. 2020221052.
SCRIVENER'S ERROR AFFIDAVIT REGARDING SAID INSTRUMENT RECORDED JANUARY 06, 2021 UNDER RECEPTION NO. 2021002201.

NOTE: SAID LAND IS ANNEXABLE, BUT HAS NOT YET BEEN ANNEXED.

11. LARGE PLANNED COMMUNITY AFFIDAVIT RECORDED MAY 5, 2006 UNDER RECEPTION NO. 20060505000467000 (ADAMS COUNTY RECORDS) AND RECORDED MAY 24, 2006 UNDER RECEPTION NO. 2006082276 (DENVER COUNTY RECORDS).
12. ALL PRESCRIPTIVE RIGHTS AND USES AS EVIDENCED BY ASSIGNMENT OF PRESCRIPTIVE RIGHTS AND USES BY AND BETWEEN UNION RURAL ELECTRIC ASSOCIATION AND PUBLIC SERVICE COMPANY OF COLORADO RECORDED FEBRUARY 6, 1992 IN BOOK 3864 AT PAGE 92 (ADAMS COUNTY RECORDS) AND RECORDED FEBRUARY 19, 1992 UNDER RECEPTION NO. R-92-0015457 (DENVER COUNTY RECORDS).
13. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN JOINT DEVELOPMENT AGREEMENT RECORDED AUGUST 15, 2005 UNDER RECEPTION NO. 20050815000866760 (ADAMS COUNTY RECORDS) AND RECORDED JULY 14, 2005 UNDER RECEPTION NO. 2005118018 (DENVER COUNTY RECORDS).

14. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN DECLARATION OF RESTRICTIVE COVENANT (DENVER) RECORDED SEPTEMBER 30, 2005, UNDER RECEPTION NO. 20050930001069850 (ADAMS COUNTY RECORDS) AND RECORDED SEPTEMBER 30, 2005 UNDER RECEPTION NO. 2005165620 (DENVER COUNTY RECORDS).
15. RIGHT-OF-WAY FOR LATERALS AND/OR CANALS AS INDICATED IN DEEDS RECORDED FEBRUARY 18, 1947 IN BOOK 331 AT PAGE 533 AND DECEMBER 18, 1948 IN BOOK 367 AT PAGE 242.
16. TERMS, CONDITIONS AND PROVISIONS OF MINERAL DEED RECORDED JANUARY 09, 2014 AT RECEPTION NO. 2014000001917 (ADAMS COUNTY RECORDS).
17. EASEMENT FOR PIPELINES AND TELEPHONE AND TELEGRAPH LINES AND INCIDENTAL PURPOSES GRANTED TO PHILLIPS PETROLEUM COMPANY BY INSTRUMENT RECORDED JUNE 25, 1971 IN BOOK 1708 AT PAGE 93, AND AMENDMENT TO RIGHT OF WAY AGREEMENT RECORDED JANUARY 26, 1999 UNDER RECEPTION NO. 9900013849, AND AMENDMENT OF RIGHT OF WAY AGREEMENT RECORDED JUNE 18, 2007 UNDER RECEPTION NO. 2007093751.
18. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT FOR TOWER ROAD SEWER LINE RECORDED MARCH 26, 1992 UNDER RECEPTION NO. R-92-0029382.
19. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT BY AND BETWEEN VAN SCHAAK HOLDINGS, LTD. AND THE DENVER WATER DEPARTMENT RECORDED NOVEMBER 25, 1997 AT RECEPTION NO. 9700159345.
20. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE GATEWAY REGIONAL METROPOLITAN DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED MAY 12, 1998 UNDER RECEPTION NO. 9800071386, AND AS AMENDED IN INSTRUMENT RECORDED AUGUST 25, 1998 UNDER RECEPTION NO. 9800141049, AND AUGUST 16, 1998 UNDER RECEPTION NO. 9800154977.

NOTE: ORDER FOR EXCLUSION RECORDED JULY 5, 2007 UNDER RECEPTION NO. 2007105230 AND CORRECTED ORDER FOR EXCLUSION RECORDED JULY 10, 2007 UNDER RECEPTION NO. 2007107753 AND SECOND CORRECTED ORDER FOR EXCLUSION RECORDED AUGUST 29, 2007 UNDER RECEPTION NO. 2007134598 PROVIDE THAT THE PROPERTY SHALL BE SUBJECT TO REPAYMENT OF ITS PROPORTIONATE SHARE OF THE INDEBTEDNESS OF THE DISTRICT.

21. TERMS, CONDITIONS AND PROVISIONS OF AIR RIGHTS COVENANT AND AVIGATION EASEMENT RECORDED FEBRUARY 03, 2000 AT RECEPTION NO. 2000016828.
22. TERMS, CONDITIONS AND PROVISIONS OF AIR RIGHTS COVENANT AND AVIGATION EASEMENT RECORDED FEBRUARY 03, 2000 AT RECEPTION NO. 2000016832.
23. TERMS, CONDITIONS AND PROVISIONS OF ZONING ORDINANCE #131, SERIES OF 2000 RECORDED FEBRUARY 25, 2000 AT RECEPTION NO. 2000026679.

24. TERMS, CONDITIONS AND PROVISIONS OF ZONING ORDINANCE #139, SERIES OF 2000 RECORDED FEBRUARY 25, 2000 AT RECEPTION NO. 2000026687.
25. TERMS, CONDITIONS AND PROVISIONS OF ZONING ORDINANCE #679, SERIES OF 2005 RECORDED SEPTEMBER 23, 2005 AT RECEPTION NO. 2005161170.

NOTE: RECORDING OF WAIVERS OF CERTAIN RIGHT AND/OR REASONABLE CONDITIONS IN ACCORDANCE WITH ARTICLE IX OF THE REVISED MUNICIPAL CODE OF THE CITY AND COUNTY OF DENVER (ZONING CHAPTER) RECORDED OCTOBER 12, 2005 UNDER RECEPTION NO. 2005173072 AND 2005173073.

26. TERMS, CONDITIONS AND PROVISIONS OF GRANT OF AVIGATION EASEMENT RECORDED SEPTEMBER 30, 2005 AT RECEPTION NO. 2005165618.
27. TERMS, CONDITIONS AND PROVISIONS OF PLAIN LANGUAGE NOTICE-PROXIMITY TO AIRPORT RECORDED SEPTEMBER 30, 2005 AT RECEPTION NO. 2005165619.
28. TERMS, CONDITIONS AND PROVISIONS OF HIGHPOINTE AT DIA GENERAL DEVELOPMENT PLAN RECORDED OCTOBER 06, 2005 AT RECEPTION NO. 2005169315, AND AMENDMENT NO. 1 RECORDED OCTOBER 25, 2010 UNDER RECEPTION NO. 2010122260.
29. ANY TAX, LIEN, FEE OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14, AS EVIDENCED BY INSTRUMENT RECORDED JUNE 26, 2006 UNDER RECEPTION NO. 2006099360, INSTRUMENT RECORDED NOVEMBER, 17 2009 UNDER RECEPTION NO. 2009150705, INSTRUMENT RECORDED APRIL 21, 2016 UNDER RECEPTION NO. 2016052381 AND INSTRUMENT RECORDED APRIL 4, 2018 UNDER RECEPTION NO. 2018039127; AND INCLUSION OF SUBJECT PROPERTY IN THE COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 AS EVIDENCED BY INSTRUMENT RECORDED JUNE 26, 2006 UNDER RECEPTION NO. 2006099361.

SPECIAL DISTRICT PUBLIC DISCLOSURE FOR COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 RECORDED DECEMBER 24, 2014 UNDER RECEPTION NO. 2014156874 AND FIRST AMENDMENT TO SPECIAL DISTRICT PUBLIC DISCLOSURE DOCUMENT FOR COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 RECORDED FEBRUARY 18, 2021 UNDER RECEPTION NO. 2021030691.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 REGARDING THE IMPOSITION OF FACILITIES FEES RECORDED DECEMBER 9, 2008 UNDER RECEPTION NO. 2008165980.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 REGARDING THE IMPOSITION OF A MAINTENANCE FEE RECORDED DECEMBER 23, 2015 UNDER RECEPTION NO. 2015117220, AND FIRST AMENDMENT THERETO RECORDED JUNE 22, 2018 UNDER RECEPTION NO. 2018077370 AND MAY 27, 2020 UNDER RECEPTION NO. 2020070668 AND OCTOBER 26, 2020 UNDER RECEPTION NO. 2020176542

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 REGARDING THE IMPOSITION OF

REGIONAL DEVELOPMENT FEE RECORDED DECEMBER 9, 2008 UNDER RECEPTION NO. 2008165982.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 REGARDING THE IMPOSITION OF REGIONAL DEVELOPMENT FEE RECORDED DECEMBER 9, 2008 UNDER RECEPTION NO. 2008165983 AND RECORDED MAY 20, 2022 UNDER RECEPTION NO. 2022068554.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 REGARDING THE IMPOSITION OF FACILITIES FEES RECORDED JANUARY 8, 2009 UNDER RECEPTION NO. 2009002228.

NOTICES CONCERNING DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT, COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 RECORDED JANUARY 30, 2007 UNDER RECEPTION NO. 2007014752, JANUARY 28, 2008 UNDER RECEPTION NO. 2008010991, JANUARY 30, 2009 UNDER RECEPTION NO. 2009010834, JANUARY 26, 2010 UNDER RECEPTION NO. 2010009208, JANUARY 25, 2011 UNDER RECEPTION NO. 2011009274, JANUARY 26, 2012 UNDER RECEPTION NO. 2012009809, AND JANUARY 29, 2013 UNDER RECEPTION NO. 2013013305 AND RECORDED JANUARY 26, 2018 UNDER RECEPTION NO. 2018010183 AND RECORDED JANUARY 17, 2020 UNDER RECEPTION NO. 2020007436 AND JANUARY 26, 2021 UNDER RECEPTION NO. 2021013961 AND RECORDED JANUARY 06, 2022 UNDER RECEPTION NO. 2022003017.

NOTE: ORDER OF EXCLUSION FROM THE COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 RECORDED NOVEMBER 17, 2009 UNDER RECEPTION NO. 2009150706.

ORDERS FOR INCLUSION RECORDED APRIL 21, 2016 UNDER RECEPTION NO. 2016052381 AND JUNE 22, 2016 UNDER RECEPTION NO. 2016081410.

AMENDED AND RESTATED JOINT RESOLUTION OF THE BOARD OF DIRECTORS OF THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 CONCERNING THE IMPOSITION OF FACILITIES FEE RECORDED APRIL 4, 2018 UNDER RECEPTION NO. 2018039537.

AMENDED AND RESTATED JOINT RESOLUTION OF THE BOARD OF DIRECTORS OF THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 CONCERNING THE IMPOSITION OF REGIONAL DEVELOPMENT FEE RECORDED APRIL 4, 2018 UNDER RECEPTION NO. 2018039550.

NOTICE CONCERNING DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 RECORDED JANUARY 23, 2019 UNDER RECEPTION NO. 2019007546.

30. ANY TAX, LIEN, FEE OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JUNE 26, 2006 UNDER RECEPTION NO. 2006099362.

NOTE: ORDER FOR EXCLUSION FROM THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT

RECORDED NOVEMBER 17, 2009 UNDER RECEPTION NO. 2009150707.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 REGARDING THE IMPOSITION OF FACILITIES FEES RECORDED DECEMBER 9, 2008 UNDER RECEPTION NO. 2008165980.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 REGARDING THE IMPOSITION OF A MAINTENANCE FEE RECORDED DECEMBER 9, 2008 UNDER RECEPTION NO. 2008165981, AND FIRST AMENDMENT THERETO RECORDED JUNE 22, 2018 UNDER RECEPTION NO. 2018077369.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 CONCERNING THE IMPOSITION OF A MAINTENANCE FEE RECORDED DECEMBER 23, 2015 UNDER RECEPTION NO. 2015177220, AND FIRST AMENDMENT THERETO RECORDED JUNE 22, 2018 UNDER RECEPTION NO. 2018077370.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 REGARDING THE IMPOSITION OF REGIONAL DEVELOPMENT FEE RECORDED DECEMBER 9, 2008 UNDER RECEPTION NO. 2008165982.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 REGARDING THE IMPOSITION OF REGIONAL DEVELOPMENT FEE RECORDED DECEMBER 9, 2008 UNDER RECEPTION NO. 2008165983.

JOINT RESOLUTION OF DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 REGARDING THE IMPOSITION OF FACILITIES FEES RECORDED JANUARY 8, 2009 UNDER RECEPTION NO. 2009002228.

NOTICES CONCERNING DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT, COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 RECORDED JANUARY 30, 2007 UNDER RECEPTION NO. 2007014752, AND RECORDED JANUARY 28, 2008 UNDER RECEPTION NO. 2008010991, AND RECORDED JANUARY 30, 2009 UNDER RECEPTION NO. 2009010834, AND RECORDED JANUARY 26, 2010 UNDER RECEPTION NO. 2010009208, AND JANUARY 25, 2011 UNDER RECEPTION NO. 2011009274, JANUARY 26, 2012 UNDER RECEPTION NO. 2012009809, AND JANUARY 29, 2013 UNDER RECEPTION NO. 2013013305 AND RECORDED JANUARY 26, 2018 UNDER RECEPTION NO. 2018010183, AND RECORDED JANUARY 23, 2019 UNDER RECEPTION 2019007546.

AMENDED AND RESTATED JOINT RESOLUTION OF THE BOARD OF DIRECTORS OF THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 CONCERNING THE IMPOSITION OF FACILITIES FEE RECORDED APRIL 4, 2018 UNDER RECEPTION NO. 2018039537.

AMENDED AND RESTATED JOINT RESOLUTION OF THE BOARD OF DIRECTORS OF THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN

DISTRICT NO. 14 CONCERNING THE IMPOSITION OF REGIONAL DEVELOPMENT FEE RECORDED APRIL 4, 2018 UNDER RECEPTION NO. 2018039550.

NOTICE CONCERNING DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 RECORDED JANUARY 23, 2019 UNDER RECEPTION NO. 2019007546. JOINT RESOLUTION OF THE BOARD OF DIRECTORS OF THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 13 CONCERNING THE IMPOSITION OF REGIONAL DEVELOPMENT FEE RECORDED APRIL 2, 2019 UNDER RECEPTION NO. 2019037822. JOINT RESOLUTION OF THE BOARD OF DIRECTORS OF THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT AND COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 14 CONCERNING THE IMPOSITION OF REGIONAL DEVELOPMENT FEE RECORDED APRIL 2, 2019 UNDER RECEPTION NO. 2019037823

NOTE: ORDER FOR EXCLUSION RECORDED APRIL 3, 2018 UNDER RECEPTION NO. 2018038659 PROVIDES THAT THE SUBJECT PROPERTY SHALL REMAIN SUBJECT TO THE LEVY OF TAXES FOR THE PAYMENT OF ITS PROPORTIONATE SHARE OF ANY INDEBTEDNESS OF THE DISTRICT.

31. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT AGREEMENT (HIGH POINT) RECORDED AUGUST 16, 2010 AT RECEPTION NO. 2010091030.
ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095537.
32. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ACCESS EASEMENT RECORDED JANUARY 14, 2011 AT RECEPTION NO. 2011005970.
33. TERMS, CONDITIONS AND PROVISIONS OF DEEDS RECORDED JANUARY 07, 2013 AT RECEPTION NO. 2013000001583, AND FEBRUARY 24, 2014 UNDER RECEPTION NO. 2014000010739.
34. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN INFRASTRUCTURE SITE PLAN HIGH POINT AT DIA COMMERCIAL SITE OFFSITE ROADWAY IMPROVEMENTS RECORDED JULY 25, 2016 UNDER RECEPTION NO. 2016000059532.
35. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN UNRECORDED RESIDENTIAL OPTION AGREEMENT DATED MARCH 24, 2014, BY AND BETWEEN LNR CPI HIGH POINT, LLC, A COLORADO LIMITED LIABILITY COMPANY, AND CENTURY LAND HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY, AS AMENDED, AS DISCLOSED IN THE AGREEMENT OF PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS.
36. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN UNRECORDED RESIDENTIAL OPTION AGREEMENT AND JOINT ESCROW INSTRUCTIONS DATED MAY 29, 2015, BY AND BETWEEN LNR CPI HIGH POINT, LLC, A COLORADO LIMITED LIABILITY COMPANY, AND MELODY HOMES, INC., A DELAWARE CORPORATION, AS AMENDED, AS DISCLOSED IN THE AGREEMENT OF PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS.
37. MATTERS SET FORTH IN ARTICLE 1 AVIGATION EASEMENT ATTACHED TO SPECIAL WARRANTY DEED FROM LNR CPI HIGH POINT, LLC, A COLORADO LIMITED LIABILITY COMPANY TO ACM HIGH POINT VI LLC, A DELAWARE LIMITED LIABILITY COMPANY RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095534.

38. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DRAINAGE AGREEMENT BY AND BETWEEN LNR CPI HIGH POINT, LLC, A COLORADO LIMITED LIABILITY COMPANY, AND CITY AND COUNTY OF DENVER, AS MEMORIALIZED BY, AND ASSIGNED TO ACM HIGH POINT VI LLC, A DELAWARE LIMITED LIABILITY COMPANY BY MEMORANDUM OF DRAINAGE AGREEMENT, ASSIGNMENT AND ASSUMPTION OF DRAINAGE AGREEMENT, AND CONSENT TO ASSIGNMENT RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095539.
39. THOSE OIL, GAS AND OTHER MINERAL RIGHTS AS CONVEYED TO COPPER TRAIL ENERGY FUND I, LP BY THE DEED RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095540.
40. OIL AND GAS LEASE BETWEEN COPPER TRAIL ENERGY FUND I LP, LESSOR, AND BISON OIL & GAS, LLC, LESSEE, RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095541 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
41. OIL AND GAS LEASE BETWEEN ACM HIGH POINT VI LLC, A DELAWARE LIMITED LIABILITY COMPANY, LESSOR, AND BISON OIL & GAS, LLC, LESSEE, RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095542 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
42. THOSE OIL, GAS AND OTHER MINERAL RIGHTS AS CONVEYED TO BULL MOOSE ROYALTIES, LLC BY THE DEED RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095543.

MINERAL DEED RECORDED NOVEMBER 16, 2017 UNDER RECEPTION NO. 2017150626.

43. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SURFACE USE AGREEMENT RECORDED JULY 21, 2017 UNDER RECEPTION NO. 2017095544.
44. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT RECORDED OCTOBER 19, 2017 UNDER RECEPTION NO. 2017137572.
45. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF HIGH POINT SUBDIVISION FILING NO. 2 RECORDED OCTOBER 07, 2019 UNDER RECEPTION NO. 2019138651

RESOLUTION NO. CR19-0961 APPROVING SAID PLAT RECORDED OCTOBER 04, 2019 UNDER RECEPTION NO. 2019138216.

46. RESERVATIONS OF OIL, GAS AND MINERAL RIGHTS AS SET FORTH IN SPECIAL WARRANTY DEED RECORDED DECEMBER 31, 2020 UNDER RECEPTION NO. 2020221051.