



## 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 11, 2018

**ROW #:** 2017-Dedication-0000164      **SCHEDULE #:** 0231316006000

**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as N. Xavier St. Located at the intersection of W. Colfax Ave. and N. Xavier 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 N. Xavier 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 (**Brandon Courtyard Apartments**)

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 N. Xavier St. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2017-Dedication-0000164-001) HERE.**

A map of the area to be dedicated is attached.

MB/JS/BV

cc: Asset Management, Curtis Anthony  
City Councilperson & Aides, Rafael Espinoza District # 1  
Council Aide Amanda Sandoval  
Council Aide Gina Volpe  
Council Aide Jamila Sleman  
City Council Staff, Zach Rothmier  
Environmental Services, David Erickson  
Public Works, Manager's Office, Alba Castro  
Public Works, Manager's Office, Sarah Stanek  
Public Works, Right-of-Way Engineering Services, Matt Bryner  
Department of Law, Brent Eisen  
Department of Law, Deanne Durfee  
Department of Law, Caroline Martin  
Department of Law, Stan Lechman  
Public Works Survey, Jon Spirk  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder 2017-Dedication-0000164

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Sarah Stanek  
at [sarah.stanek@DenverGov.org](mailto:sarah.stanek@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 11, 2018

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 N. Xavier St.  
Located at the intersection of W. Colfax Ave. and N. Xavier 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:** Sarah Stanek
- **Phone:** 720-865-8713
- **Email:** Sarah.stanek@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 N. Xavier 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 (**Brandon Courtyard Apartments**)

**\*\*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:** N. Xavier St. and W. Colfax Ave.
- d. **Affected Council District:** Rafael Espinoza Dist. #1
- 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.

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To be completed by Mayor's Legislative Team:

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2017-Dedication-0000164, Brandon Courtyard Apartments**

**Description of Proposed Project: Dedicate a parcel of land as public right of way as N. Xavier 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, Brandon Courtyard Apartments.**



### Legend

-  Streams
-  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



PW Legal Description No. 2017-Dedication-0000164-001

A parcel of land conveyed by Special Warranty Deed to the City and County of Denver, recorded on the 23rd day of May 2018, at Reception No. 2018060910 in the City and County of Denver Clerk and Recorder's Office, State of Colorado, being more particularly described as follows:

THE EAST 5 FEET OF THE NORTH 17 FEET OF LOT 27, THE EAST 5 FEET OF LOTS 28 THROUGH 38 INCLUSIVE, AND THE EAST 5 FEET OF THE SOUTH 5 FEET OF LOT 39, OF SAID BLOCK 10, TABOR AND KINDEL'S SUBDIVISION AT BLOCKS 10 AND 11, SLOANS LAKE SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL CONTAINS AN AREA OF 1,486 SQUARE FEET, OR 0.034 ACRES, MORE OR LESS.



05/23/2018 09:58 AM  
City & County of Denver

R \$28.00

WD

2018060910

Page: 1 of 4

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

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** (“Deed”), made as of this 18 day of May, 2018, by **Volunteers of America of Colorado**, a Colorado non-profit corporation, whose address is 2660 Larimer St., Denver, CO 80205, 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:

**Volunteers of America of Colorado**, a Colorado non-profit corporation.

By: Dianna L. Kunz

Name: Dianna L. Kunz

Its: President & CEO

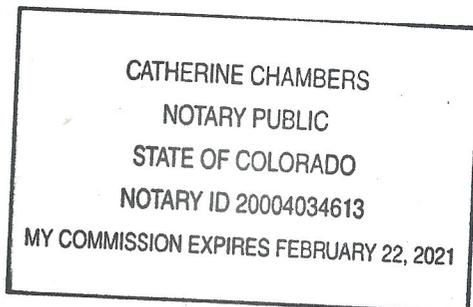
STATE OF Colo )  
 ) ss.  
COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 18 day of May, 2018 by Dianna L. Kunz, as President of **Volunteers of America of Colorado**, a Colorado non-profit corporation.

Witness my hand and official seal.

My commission expires: 2.22.2021

Catherine Chambers  
Notary Public



# EXHIBIT A LEGAL DESCRIPTION

THE EAST 5 FEET OF THE NORTH 17 FEET OF LOT 27, THE EAST 5 FEET OF LOTS 28 THROUGH 38 INCLUSIVE, AND THE EAST 5 FEET OF THE SOUTH 5 FEET OF LOT 39, OF SAID BLOCK 10, TABOR AND KINDEL'S SUBDIVISION AT BLOCKS 10 AND 11, SLOANS LAKE SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL CONTAINS AN AREA OF 1,486 SQUARE FEET, OR 0.034 ACRES, MORE OR LESS.

THE LINEAL DISTANCE UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE UNITED STATES SURVEY FOOT. THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY DEFINES THE UNITED STATES SURVEY FOOT AS 1200/3937 METERS.

I, THOMAS D. STAAB, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

THOMAS D. STAAB, P.L.S. 25965  
FOR AND ON BEHALF OF  
WARE MALCOMB  
990 SOUTH BROADWAY  
SUITE 230  
DENVER, COLORADO 80209  
P 303.561.3333



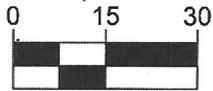
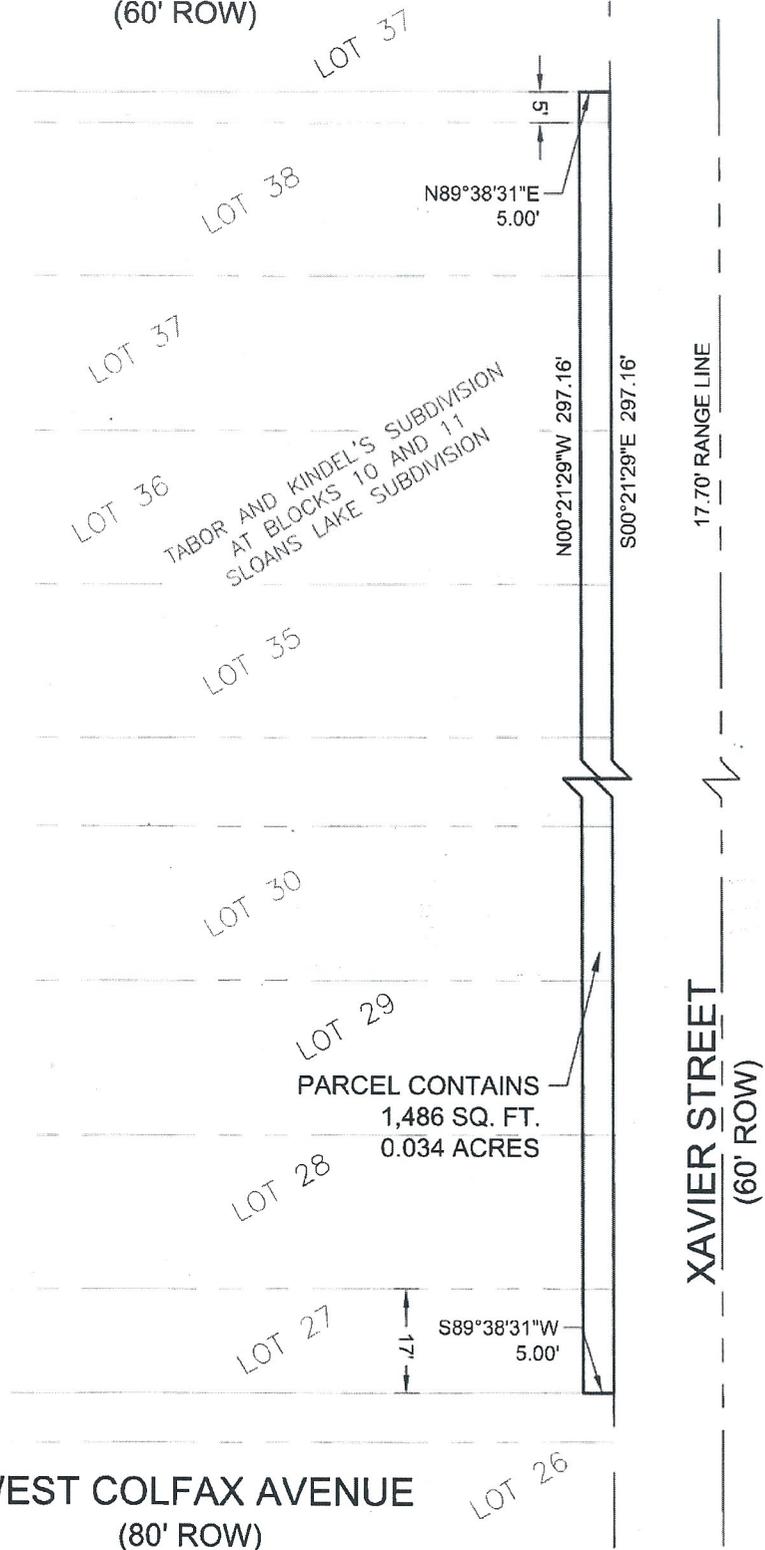
**WARE MALCOMB**  
Leading Design for Commercial Real Estate

architecture	990 s. broadway
planning	suite 230
interiors	denver, co 80209
graphics	p 303.561.3333
civil engineering	www.waremalcomb.com

PROJECT NAME: 1555 XAVIER STREET			SHEET <b>1 OF 2</b>
JOB NO.: 15119	DATE : 01/19/2018		
DRAFTED BY: KEB	CHECKED BY: TS	SCALE: NA	

# EXHIBIT A

W. 16TH AVENUE  
(60' ROW)



SCALE: 1" = 30'  
ORIGINAL GRAPHIC SCALE

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

WEST COLFAX AVENUE  
(80' ROW)

**WARE MALCOMB**  
Leading Design for Commercial Real Estate

architecture 990 s. Broadway  
planning suite 230  
interiors denver, co 80209  
graphics p 303.561.3333  
civil engineering www.waremalcomb.com

PROJECT NAME: 1555 XAVIER STREET			SHEET <b>2 OF 2</b>
JOB NO.: 15119	DATE : 01/19/2018		
DRAFTED BY: KEB	CHECKED BY: TS	SCALE: 30	