



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson P.E., Engineering Manager II
Right-of-Way Services
[Handwritten Signature]
DATE: April 7, 2014
ROW #: 2011-0625-08 **SCHEDULE #:** 022822206800

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Bounded by Shoshone St., Tejon St., W. 34th Ave. and W. 35th Ave.

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 (**Tejon Apartments and Retail**)

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 # (2011-0625-08-001) HERE.

A map of the area to be dedicated is attached.

RD/JL/BLV

- cc: Asset Management, Steve Wirth
- City Councilperson & Aides, Judy Montero District # 9
- City Council Staff, Gretchen Williams
- Environmental Services, David Erickson
- Public Works, Manager's Office, Alba Castro
- Public Works, Manager's Office, Nancy Kuhn
- Public Works, Right-of-Way Engineering Services, Rob Duncanson
- Department of Law, Karen Aviles
- Department of Law, Brent Eisen
- Department of Law, Karen Walton
- Public Works Survey, Ali Gulaid
- Public Works Survey, Paul Rogalla
- Owner: City and County of Denver
- Project file folder 2011-0625-08

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at Nancy.Kuhn@Denvergov.org by **NOON 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 4, 2014

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, amendment, municipal code change, supplemental request, etc.)*

This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Bounded by Shoshone St., Tejon St., W. 34th Ave. and W. 35th Ave.

3. **Requesting Agency:** PW Right of Way Engineering Services

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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** Nancy.Kuhn@denvergov.org

6. **General description 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 (Tejon Apartments and Retail)

****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.)**

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** Alley bounded by Shoshone St., Tejon St., W. 34th Ave. and W. 35th Ave.
- d. **Affected Council District:** Judy Montero Dist. 9
- e. **Benefits:** N/A
- f. **Costs:** 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: _____

Revised 08/16/10



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2012-0625-08 Dedication, Tejon Apartments and Retail

Description of Proposed Project: Dedicate a parcel of public right of way as a 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, (Tejon Apartments and Retail)

311

for City Services
Denver gets it done!

Protecting the Present & Building the Future
Accountability, Innovation, Empowerment, Performance, Integrity,
Diversity, Teamwork, Respect, Excellence, Safety

3438 Tejon St



LEGAL DESCRIPTION--RIGHT OF WAY DEDICATION

A PARCEL OF LAND CONVEYED BY WARRANTY DEED TO THE CITY & COUNTY OF DENVER, RECORDED ON SEPTEMBER 19, 2012 BY RECEPTION NUMBER 2012127731 IN THE CITY AND COUNTY OF DENVER CLERK & RECORDER'S OFFICE, STATE OF COLORADO.

A RIGHT OF WAY DEDICATION SITUATED IN LOT 3, BLOCK 15 OF H. WITTERS NORTH DENVER ADDITION, A SUBDIVISION WITHIN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AS ORIGINALLY RECORDED IN ARAPAHOE COUNTY, COLORADO TERRITORY, AT OFFICIAL FILING DESIGNATION Q-55 ON MARCH 25TH, 1872 AND AS CURRENTLY FILED WITH THE CITY AND COUNTY OF DENVER AT ENGR BOOK 04, PAGE 47; SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 15, H. WITTERS NORTH DENVER ADDITION, AND PROCEEDING THENCE EASTERLY ON A BEARING OF S89°57'23"E ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WEST 35TH AVENUE, WITH ALL BEARINGS HEREIN RELATED THERETO, A DISTANCE OF 123.34 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S89°57'23"E, AND CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WEST 35TH AVENUE, A DISTANCE OF 1.75 FEET TO THE WESTERLY RIGHT OF WAY LINE OF AN EXISTING ALLEY;

THENCE S00°01'14"E ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID EXISTING ALLEY AND DEPARTING THE SOUTHERLY RIGHT OF WAY LINE OF WEST 35TH AVENUE, A DISTANCE OF 150.01 FEET;

THENCE N89°55'25"W, A DISTANCE OF 1.75 FEET;

THENCE N00°01'14" W, A DISTANCE OF 150.01 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 263 SQUARE FEET OR 0.0060 ACRES, MORE OR LESS.

EXHIBIT A

LEGAL DESCRIPTION--RIGHT OF WAY DEDICATION

A RIGHT OF WAY DEDICATION SITUATED IN LOT 3, BLOCK 15 OF H. WITTERS NORTH DENVER ADDITION, A SUBDIVISION WITHIN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AS ORIGINALLY RECORDED IN ARAPAHOE COUNTY, COLORADO TERRITORY, AT OFFICIAL FILING DESIGNATION O-55 ON MARCH 25TH, 1872 AND AS CURRENTLY FILED WITH THE CITY AND COUNTY OF DENVER AT ENGR BOOK 04, PAGE 47; SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 15, H. WITTERS NORTH DENVER ADDITION, AND PROCEEDING THENCE EASTERLY ON A BEARING OF S89°57'23"E ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WEST 35TH AVENUE, WITH ALL BEARINGS HEREIN RELATED THERETO, A DISTANCE OF 123.34 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S89°57'23"E, AND CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WEST 35TH AVENUE, A DISTANCE OF 1.75 FEET TO THE WESTERLY RIGHT OF WAY LINE OF AN EXISTING ALLEY;

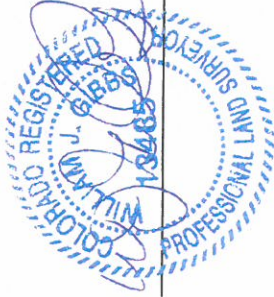
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THENCE N89°55'25"W, A DISTANCE OF 1.75 FEET;

THENCE N00°01'14" W, A DISTANCE OF 150.01 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 263 SQUARE FEET OR 0.0060 ACRES, MORE OR LESS.

I, WILLIAM J. GIBBS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, REPRESENT A TRUE AND CORRECT DESCRIPTION OF THE NOTED PROPERTY.



WILLIAM J. GIBBS
COLORADO P.L.S. 13485
6841 SOUTH YOSEMITE STREET
SUITE 100
CENTENNIAL, CO 80112

DATE: 06/20/2012

2018-0625-05-001

ILLUSTRATION FOR EXHIBIT A

ROW DEDICATION

(A PORTION OF LOT 3, BLOCK 15 OF H WITTERS
NORTH DENVER ADDITION IN THE NW 1/4, SEC 28, T3S, R68W, 6TH PM)

WEST 35TH AVENUE

S89°57'23"E 1.75'

S89°57'23"E 125.09'

S89°57'23"E 123.34'

POINT OF
COMMENCEMENT
(NW COR L.3, B.15)

TRUE POINT
OF BEGINNING

N00°05'59"W
64.93'

3454-3458 TEJON

S00°01'14"E 150.01'
N00°01'14"W 150.01'

A PORTION OF LOT 3 BLOCK 15

S89°54'05"E
125.00'

TEJON STREET

H WITTERS NORTH DENVER ADD.

N00°02'02"E
85.01'

3438 TEJON



SCALE 1" TO 20'



N89°55'25"W
125.08'

3440 TEJON

N89°55'25"W
1.75'

ALLEY

CITY & COUNTY OF DENVER
ASSET MANAGEMENT
201 W. COLFAX AVE DEPT 1010
DENVER, CO 80202

WARRANTY DEED

THIS DEED, is dated SEPTEMBER 19, 2012, and is made
between THE TEJON35, LLC

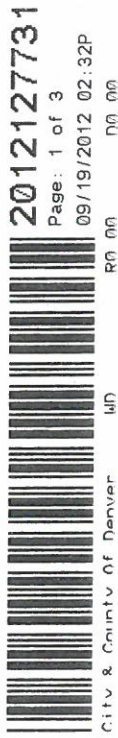
(whether one, or more than one), the "Grantor," of the # CITY &
County of DENVER and State of COLORADO
and THE CITY & COUNTY OF DENVER, A COLORADO MUNICIPAL
CORPORATION & HOME RULE CITY

(whether one, or more than one), the "Grantee," whose legal address is

1437 BANNOCK ST. DENVER, CO 80202
of the CITY & County of DENVER and State of COLORADO

WITNESS, that the Grantor, for and in consideration of the sum of
TEN DOLLARS & OTHER GOOD & VALUABLE CONSIDERATION //////////DOLLARS,
(\$ 10.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells,
conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any
improvements thereon, located in the CITY & County of DENVER and State of Colorado,
described as follows:

FOR A LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS
GENERAL WARRANTY DEED



also known by street address as: VACANT LAND
and assessor's schedule or parcel number:

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining,
the reversions, 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
and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the
Grantee, and the Grantee's heirs and assigns: that at the time of the enrolling and delivery of these presents, the Grantor is well
seized of the premises above described: has good, sure, perfect, absolute and indefeasible estate of inheritance, in law and 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 soever, except and subject to: none; or the following matters:

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, *but not any*
adjoining vacated street or alley, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the
Grantee, against all and every person or persons claiming the whole or any part thereof.

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

THE TEJON35, LLC
BY: Paul Smith
TITLE: MANAGING MEMBER

} ss.
STATE OF COLORADO
County of _____

The foregoing instrument was acknowledged before me this 19th day of September, 2012,
by Paul Schmeigel

Witness my hand and official seal.
My commission expires: 10/21/15



Denise Marie Swift
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)