

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, P.E., Director, Right-of-Way Services 

DATE: July 15th, 2021

ROW #: 2021-DEDICATION-0000112 **SCHEDULE #:** 0019417004000

TITLE: This request is to dedicate a City-owned parcel of land as E. 40th Ave., located at the intersection of N. Chambers Rd. and E. 40th 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 E. 40th Ave.

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 (2021-DEDICATION-0000112-001) HERE.

A map of the area to be dedicated is attached.

MB/PR/RL

c: Dept. of Real Estate, Katherine Rinehart
City Councilperson Stacie Gilmore, District #11
Council Aide Magen Elenz
Council Aide Melissa Sotelo
City Council Staff, Zach Rothmier
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, Maureen McGuire
Department of Law, Martin Plate
Department of Law, Deanne Durfee
Department of Law, Caroline Martin
Department of Law, Rachonda Dixon
DOTI Survey, Paul Rogalla
DOTI Ordinance
Project file folder 2021-DEDICATION-0000112

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: July 15th, 2021

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 E. 40th Ave., located at the intersection of N. Chambers Rd. and E. 40th Ave.

3. **Requesting Agency:** DOTI-Right-of-Way Services
Agency Section: Survey

4. **Contact Person:** (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Rebecca Long
- **Phone:** 720-547-5344
- **Email:** Rebecca.Long@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:** 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 E. 40th Ave.

****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:** Located at the intersection of N. Chambers Rd. and E. 40th Ave.
- 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: 2021-DEDICATION-0000112

Description of Proposed Project: Dedicate a parcel of public Right-of-Way as E. 40th Ave.

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 Right-of-Way.

Has a Temp MEP been issued, and if so, what work is underway: N/A

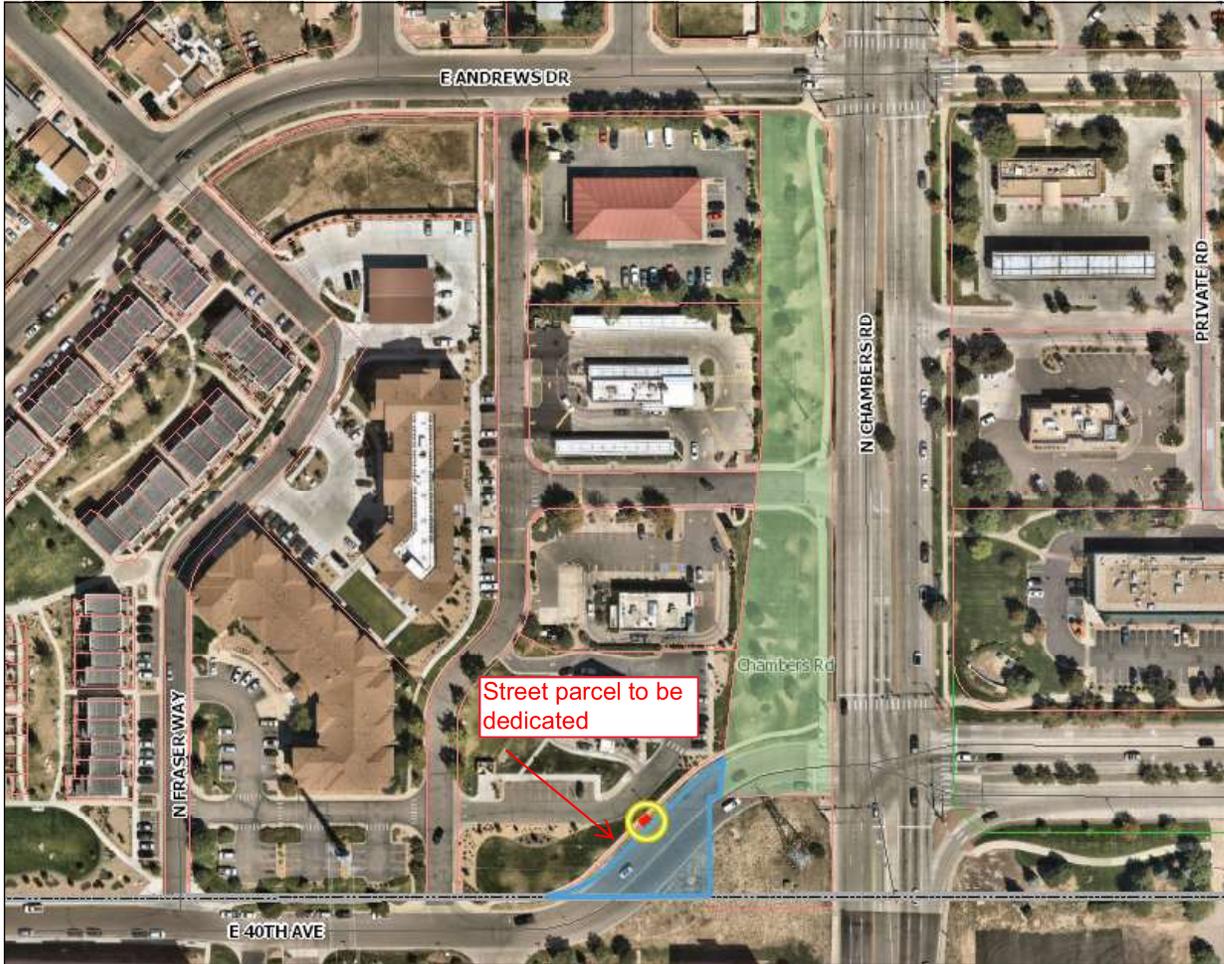
What is the known duration of a MEP: N/A

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 Right-of-Way.



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
- Bridges
- Rail Transit Stations
 - Existing
 - Planned
- ▲ Park-N-Ride Locations
- Lakes
- ▭ County Boundary
- ▭ Parcels
- ▭ Lots/Blocks
- Parks
 - All Other Parks; Linear
 - Mountain Parks

289 0 144.5 289 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City and County of Denver

1:2,257

Map Generated 7/8/2021

The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use.

THIS IS NOT A LEGAL DOCUMENT.

PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000112-001:

LAND DESCRIPTION - STREET PARCEL:

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED MARCH 21, 2001 AT RECEPTION NUMBER 2001039918 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO, THEREIN AS:

A PARCEL OF LAND FOR PUBLIC RIGHT-OF-WAY FOR 40TH AVENUE BEING A PART OF TRACT A, BLOCK 17 OF CONCORD FILING NO. 1 AND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 19;
THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 19 S 89°44'25" W, 30.00 FEET TO THE WESTERLY ROW LINE OF CHAMBERS ROAD AND THE NORTHERLY ROW LINE OF 40TH AVENUE;
THENCE ALONG SAID SOUTH LINE AND SAID NORTHERLY ROW LINE OF 40TH AVENUE S 89°44'25" W, 120.00 FEET TO THE **TRUE POINT OF BEGINNING**;
THENCE CONTINUING ALONG SAID SOUTH LINE AND SAID NORTHERLY ROW LINE S 89°44'25" W, 178.07 FEET;
THENCE LEAVING SAID NORTHERLY ROW LINE 90.52 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF 45°05'51" AND A CHORD WHICH BEARS N 67°11'29" E, 88.20 FEET TO A POINT OF TANGENCY;
THENCE N 44°38'34" E 102.18 FEET TO A POINT OF CURVATURE;
THENCE 47.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 190.00 FEET, A CENTRAL ANGLE OF 14°11'24" AND A CHORD WHICH BEARS N 51°44'16" E, 46.94 FEET TO EXISTING CITY AND COUNTY OF DENVER PARCEL (BOOK 3194, PAGE 6480);
THENCE ALONG SAID PARCEL S 06°42'43" W, 35.36 FEET ALONG A NON-TANGENT LINE;
THENCE LEAVING SAID PARCEL S 89°44'25" W, 8.55 FEET;
THENCE S 00°27'17" E, 100.00 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID PARCEL CONTAINS 0.21 ACRES (9,072 SQUARE FEET) MORE OR LESS.

BASIS OF BEARINGS BASED UPON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20 BEING N 89°52'04" E.

APPROVED FOR RECORDING
ASSET MGMT. 5200

01-19

SPECIAL WARRANTY DEED

THIS DEED, Made this 9th day of November 19 2000
between SABLE RIDGE DEVELOPMENT, LLC, A COLORADO LIMITED
LIABILITY COMPANY.

a corporation duly organized and existing under and by virtue of the laws of the State
of COLORADO, grantor, and
THE CITY AND COUNTY OF DENVER, A COLORADO MUNICIPAL
CORPORATION.

whose legal address is 1437 BANNOCK ST.
DENVER, CO 80202

of the CITY AND County of DENVER, State of Colorado, grantee(s):

WITNESSETH, That the grantor, for and in consideration of the sum of
TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION//////////DOLLARS/
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(s) THEIR heirs, successors and assigns forever, all the real property, together with improvements, if any,
situate, lying and being in the CITY AND County of DENVER, State of Colorado,
described as follows:

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

FOR PERMITTED EXCEPTIONS, SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART OF
THIS SPECIAL WARRANTY DEED.

also known by street and number as: VACANT

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and 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(s),
heirs, successors and assigns forever. The grantor, for itself, its successors and assigns does covenant and agree that it shall and will WARRANT
AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), THEIR heirs,
successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor.

IN WITNESS WHEREOF, The grantor has caused its corporate name to be hereunto subscribed by its SOLE MEMBER & MANAGER
[Signature] and its corporate seal to be hereunto affixed, attested by its [Signature], the day and year first
above written.

SABLE RIDGE DEVELOPMENT, LLC, A COLORADO
LIMITED LIABILITY COMPANY.

Attest:

Secretary

By [Signature]
KENNETH WALKER - SOLE MEMBER & MANAGER

STATE OF COLORADO

City and County of Denver

ss.

The foregoing instrument was acknowledged before this

by KENNETH WALKER

and

of SABLE RIDGE DEVELOPMENT, LLC A COLORADO LIMITED LIABILITY COMPANY

in my presence and official capacity

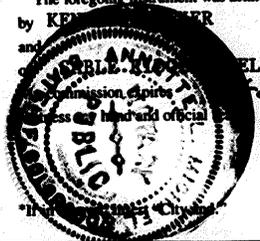
Notary Public

My Commission Expires 2001

Notary Public

40TH & CHAMBERS RD.
REW

AS TO FORM
[Signature]
City Attorney's Office



9th day of November 19 2000
as SOLE MEMBER & MANAGER
SABLE RIDGE DEVELOPMENT, LLC A COLORADO LIMITED LIABILITY COMPANY
[Signature]
Notary Public

EXHIBIT "A"

SABLE RIDGE PLAZA

A PARCEL OF LAND FOR PUBLIC RIGHT-OF-WAY FOR 40TH AVENUE BEING A PART OF TRACT A, BLOCK 17 OF CONCORD FILING NO. 1 AND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN MORE SPECIFICALLY DESCRIBED AS FOLLOWS:
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BASIS OF BEARINGS BASED UPON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20 BEING N89°52'04"E.

PREPARED BY RANDALL J. PHELPS
REVIEWED BY WAYNE WRAY HARRIS, P.E., P.L.S.
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
4251 KIPLING STREET
WHEAT RIDGE, COLORADO 80033
REV. APRIL 5, 2000

PROJECT NO: 14343.C.03

G:\ANSEN2\GATEWAY2\WEST40TH.DOC

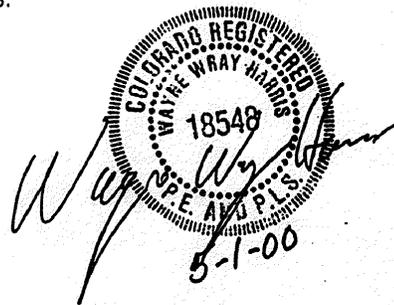
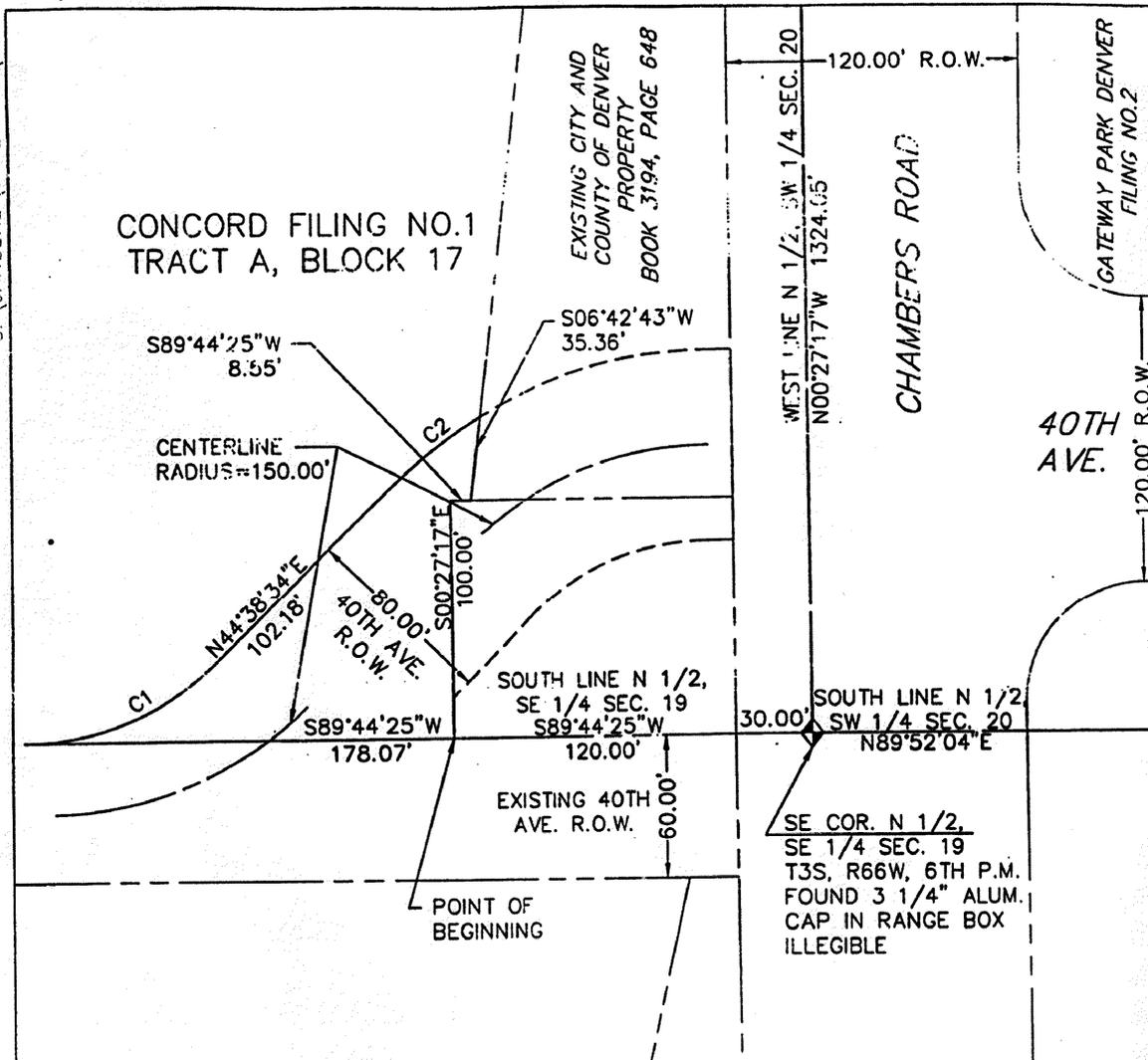


EXHIBIT A₁

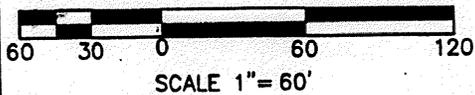
SABLE RIDGE PLAZA



| NUMBER | DELTA ANGLE | RADIUS | ARC LENGTH | CHORD DIRECTION | CHORD LENGTH |
|--------|-------------|--------|------------|-----------------|--------------|
| C1 | 45°05'51" | 115.00 | 90.52 | N67°11'29"E | 88.20 |
| C2 | 14°11'24" | 190.00 | 47.06 | N51°44'16"E | 46.94 |

REV. APRIL 5, 2000

40TH AVE. R.O.W.



MARTIN/MARTIN
 Consulting Engineers
 4251 Kipling St.
 Wheat Ridge, CO
 (303) 431-6100

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Terms, conditions, provisions, agreements and obligations as specified in Assignment dated July 7, 1994 and recorded July 8, 1994 at Reception No. 9400109753.
2. Terms, conditions, provisions, agreements and obligations as specified in Agreement dated September 12, 1985 and recorded October 17, 1985 at Reception No. 080208.
3. Terms, conditions, provisions, agreements and obligations as specified in Pipeline Easement dated July 1, 1971 and recorded December 16, 1971 in Book 1764 at Page 499.
4. Terms, conditions, provisions, agreements and obligations as specified in Right of Way Agreement dated April 20, 1966 and recorded May 25, 1966 in Book 9603 at Page 532; Ratification thereof recorded August 1, 1967 in Book 9765 at Page 262; Assignment thereof recorded November 7, 1968 in Book 9953 at Page 25.
5. Terms, conditions, provisions agreements and obligations as specified in Easement dated March 13, 1958 and recorded March 13, 1958 in Book 701 at Page 108 and June 2, 1958 in Book 713 at Page 114.
6. Terms, conditions, provisions, agreements and obligations as specified in Easement dated August 22, 1947 and recorded September 2, 1947 in Book 343 at Page 265.
7. Terms, conditions, provisions, agreements and obligations as specified in Right of Way dated August 4, 1947 and recorded August 19, 1947 in Book 342 at Page 335.
8. All matters set forth in the plat of Concord Filing No. 1 recorded February 16, 1979 in (Plat) Book 28 at Page 46.
9. The effect of the inclusion of subject property in the Sable Ridge Water District, as disclosed by instrument recorded January 7, 1960 in Book 823 at Page 191.