


**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:** May 15, 2024

**ROW #:** 2017-DEDICATION-0000212 **SCHEDULE #:** 1) 0223403044000, 2) 0223403044000, and 3) 0223403038000

**TITLE:** This request is to dedicate three City-owned parcels of land as Public Right-of-Way as 1) East 40<sup>th</sup> Avenue, located at the intersection of North High Street and East 40<sup>th</sup> Avenue, 2) Public Alley, bounded by North High Street, East 40<sup>th</sup> Avenue, North Williams Street, and East 39<sup>th</sup> Avenue, and 3) Public Alley, bounded by North High Street, East 40<sup>th</sup> Avenue, North Williams Street, and East 39<sup>th</sup> 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 1) East 40<sup>th</sup> Avenue, 2) Public Alley, and 3) 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, "Denver Rock Drill Garage – 3955–3995 High Street."

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 1) East 40<sup>th</sup> Avenue, 2) Public Alley, and 3) Public Alley. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # ( 2017-DEDICATION-0000212-001, 002, 003 ) HERE.**

A map of the area to be dedicated is attached.

GB/TB/LRA



cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)  
City Councilperson, Darrell Watson, District # 9  
Councilperson Aide, Bonnie Guillen  
Councilperson Aide, Darius Shelby  
Councilperson Aide, Lynne Lombard  
City Council Staff, Luke Palmisano  
Environmental Services, Andrew Ross  
DOTI, Manager's Office, Alba Castro  
DOTI, Manager's Office, Nicholas Williams  
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, Katherine Ehlers  
Department of Law, Mar'quasa Maes  
DOTI Survey, Thomas Breitnauer  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder 2017-DEDICATION-0000212

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services  
201 W. Colfax Ave. | Denver, CO 80215  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-913-1311

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# ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: May 15, 2024

Please mark one:  Bill Request or  Resolution Request

## 1. Type of Request:

- Contract/Grant Agreement  Intergovernmental Agreement (IGA)  Rezoning/Text Amendment  
 Dedication/Vacation  Appropriation/Supplemental  DRMC Change  
 Other:

2. **Title:** Dedicate three City-owned parcels of land as Public Right-of-Way as 1) East 40th Avenue, located at the intersection of North High Street and East 40th Avenue, 2) Public Alley, bounded by North High Street, East 40th Avenue, North Williams Street, and East 39th Avenue, and 3) Public Alley, bounded by North High Street, East 40th Avenue, North Williams Street, and East 39th Avenue.

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

## 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Lisa R. Ayala	Name: Nicholas Williams
Email: <a href="mailto:Lisa.ayala@denvergov.org">Lisa.ayala@denvergov.org</a>	Email: <a href="mailto:Nicholas.Williams@denvergov.org">Nicholas.Williams@denvergov.org</a>

5. **General description or background of proposed request. Attach executive summary if more space needed:**  
Proposing to build two new mixed-use structures. The developer has been asked to dedicate three parcels as 1) East 40th Avenue, 2) Public Alley, and 3) Public Alley.

6. **City Attorney assigned to this request (if applicable):**

7. **City Council District:** Darrell Watson, District # 9

8. **\*\*For all contracts, fill out and submit accompanying Key Contract Terms worksheet\*\***

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

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

## Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name (including any dba's):

Contract control number (legacy and new):

Location:

Is this a new contract?  Yes  No    Is this an Amendment?  Yes  No    If yes, how many? \_\_\_\_\_

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before?  Yes  No

Source of funds:

Is this contract subject to:  W/MBE  DBE  SBE  XO101  ACDBE  N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

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



## EXECUTIVE SUMMARY

**Project Title:** 2017-DEDICATION-0000212

**Description of Proposed Project:** Proposing to build two new mixed-use structures. The developer has been asked to dedicate three parcels as 1) East 40th Avenue, 2) Public Alley, and 3) 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 1) East 40th Avenue, 2) Public Alley, and 3) 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 1) East 40th Avenue, 2) Public Alley, and 3) Public Alley, as part of the development project called, "Denver Rock Drill Garage – 3955–3995 High Street."

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services  
201 W. Colfax Ave | Denver, CO 80215  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-913-1311

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- Legend**
- Urban Parks
  - Dedicating Ordinances
  - Streets
  - Alleys
  - County Boundary
  - Parcels
  - Lots/Blocks

289 0 144.5 289 Feet

**PARCEL DESCRIPTION ROW NO. 2017-DEDICATION-0000212-001:**

**LEGAL DESCRIPTION - STREET PARCEL NO. 1**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEEDS TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 15TH DAY OF MARCH, 2018, AT RECEPTION NUMBERS 2018030930 AND 2018030931 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

THE NORTHERLY 7.00 FEET OF LOT 40, BLOCK 4, PROVIDENT PARK LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCELS CONTAIN 0.0201 ACRES, 875 SQUARE FEET, MORE OR LESS.

**PARCEL DESCRIPTION ROW NO. 2017-DEDICATION-0000212-002:**

**LEGAL DESCRIPTION - ALLEY PARCEL NO. 2**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEEDS TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 15TH DAY OF MARCH, 2018, AT RECEPTION NUMBERS 2018030930 AND 2018030931 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

THE WESTERLY 2.00 FEET OF LOTS 30 THROUGH 40, BLOCK 4, PROVIDENT PARK, EXCEPT THE NORTHERLY 7.00 FEET OF SAID LOT 40 THEREOF, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCELS CONTAIN 0.0123 ACRES, 536 SQUARE FEET, MORE OR LESS.

**PARCEL DESCRIPTION ROW NO. 2017-DEDICATION-0000212-003:**

**LEGAL DESCRIPTION - ALLEY PARCEL NO. 3**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEEDS TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 15TH DAY OF MARCH, 2018, AT RECEPTION NUMBERS 2018030930 AND 2018030931 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

THE EASTERLY 2.00 FEET OF LOTS 10 AND 11, BLOCK 4, PROVIDENT PARK LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCELS CONTAIN 0.0023 ACRES, 100 SQUARE FEET, MORE OR LESS.



03/15/2018 01:29 PM  
City & County of Denver

R \$0.00

WD

2018030930

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 12<sup>th</sup> day of March, 2018, by **3939 WILLIAMS BUIDLING CORPORATION**, a Colorado Corporation, whose address is 1717 E. 39<sup>th</sup> Avenue, 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:

**3939 WILLIAMS BUIDLING CORPORATION**, a Colorado Corporation

By: Byron Weiss

Name: Byron Weiss

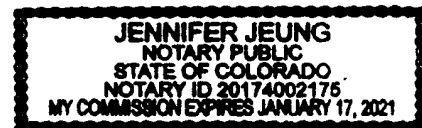
Its: President/Secretary

STATE OF Colorado )  
 ) ss.  
COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March, 2018  
by **BYRON WEISS**, as President of **3939 WILLIAMS BUIDLING CORPORATION**, a  
Colorado Corporation.

Witness my hand and official seal.

My commission expires: January 17, 2021



[Signature]  
Notary Public

2016-PROJMSTR-0000767-ROW

EXHIBIT A  
SHEET 1 OF 2LAND DESCRIPTION

THE EASTERLY 2.00 FEET OF LOTS 10 AND 11, TOGETHER WITH THE WESTERLY 2.00 FEET OF LOTS 30 THROUGH 40, TOGETHER WITH THE NORTHERLY 7.00 FEET OF LOT 40, BLOCK 4, PROVIDENT PARK LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

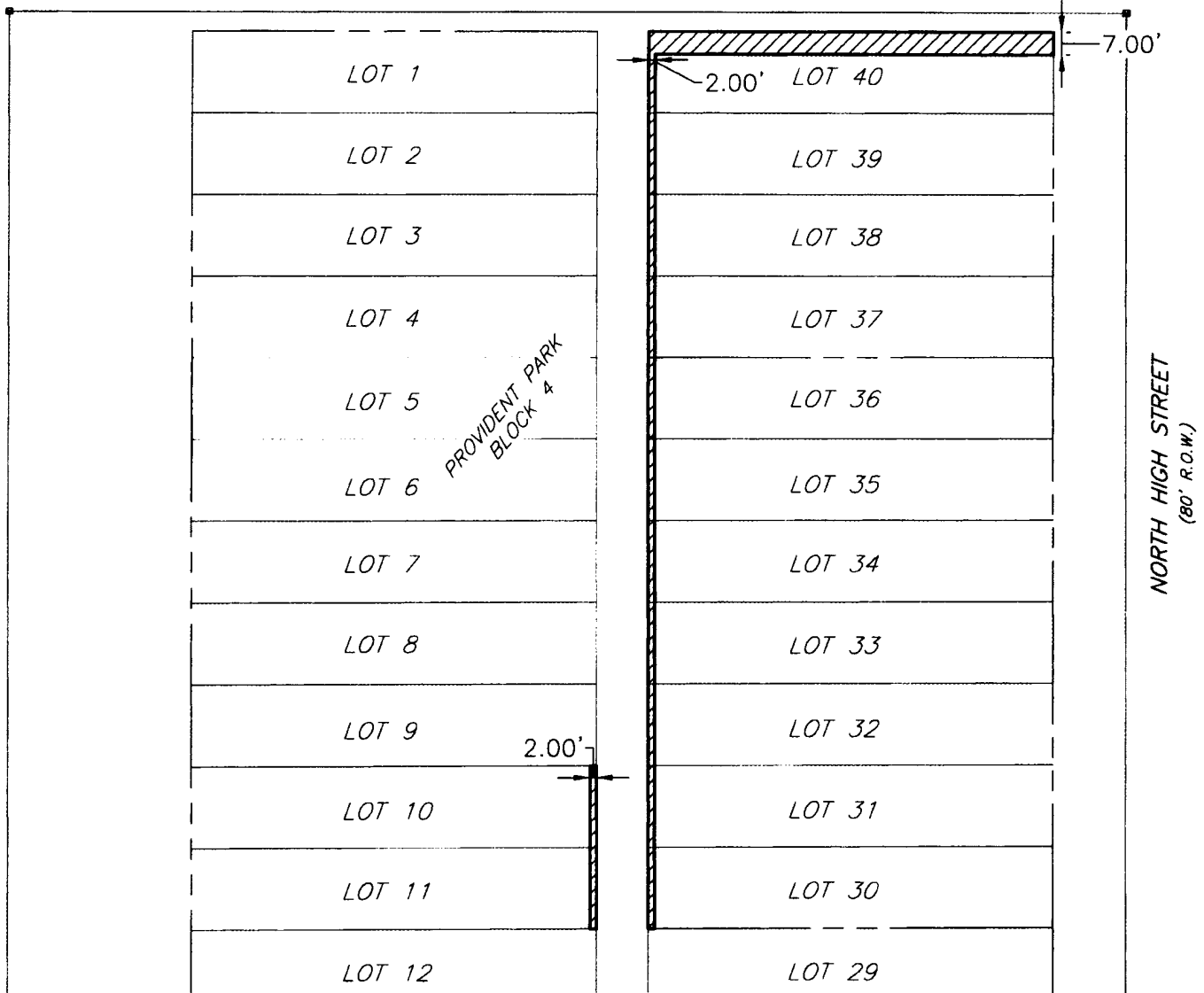
SAID PARCELS CONTAIN 0.0347 ACRES, 1,512 SQUARE FEET, MORE OR LESS.

PREPARED BY ERIN MACCARTHY  
REVIEWED BY RICHARD A. NOBBE, PLS #23899  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVENUE  
LAKEWOOD, CO 80215  
303-431-6100  
OCTOBER 17, 2017



**EXHIBIT A**  
**SHEET 2 OF 2**

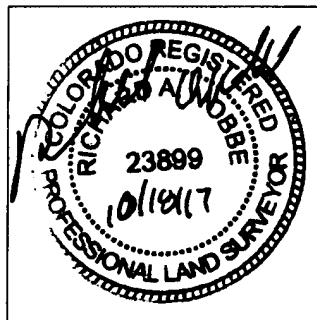
**EAST 40TH AVENUE**  
*(R.O.W. VARIES)*



DRAWING LOCATION: G:\SCHLAPPE\61080-40th and High Street Parking Garage\PLANS\EXHIBITS\ALLEY EXHIBIT.dwg



0 25 50  
 SCALE: 1"=50'  
 ALL DIMENSIONS ARE  
 U.S. SURVEY FEET



OCTOBER 17, 2017

**MARTIN/MARTIN**  
 CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
 303.431.6100 MARTINMARTIN.COM

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



03/15/2018 01:29 PM  
City & County of Denver

R \$0.00

WD

2018030931

Page: 1 of 4

D \$0.00

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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 12<sup>th</sup> day of March, 2018, by **DAVID DUNN**, whose address is, 1660 Vine Street Denver, CO 90206 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”);

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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:

By: David Dunn

Name: David Dunn

Its: \_\_\_\_\_

STATE OF Colorado )

) ss.

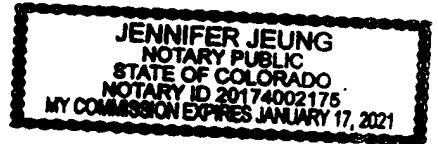
COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March, 2018

by David Dunn, as owner.

Witness my hand and official seal.

My commission expires: January 17, 2021



[Signature]  
Notary Public

2016-PROJMSTR-0000767-ROW

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PREPARED BY ERIN MACCARTHY  
REVIEWED BY RICHARD A. NOBBE, PLS #23899  
FOR AND ON BEHALF OF  
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OCTOBER 17, 2017

