

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 (Apr 17, 2023 13:59 MDT)

DATE: April 14, 2023

ROW #: 2023-DEDICATION-0000074 **SCHEDULE #:** Adjacent to 1) 0517400137000 and
2) 0517400137000, 0517400138000

TITLE: This request is to dedicate two City-owned parcels of land as 1) W. Mississippi Ave., located at the intersection of W. Mississippi Ave. and S. Clay St., and 2) W. Mississippi Ave., located at the intersection of W. Mississippi Ave. and S. Clay 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) W. Mississippi Ave., and 2) W. Mississippi 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 (2023-DEDICATION-0000074-001, 002) HERE.

A map of the area to be dedicated is attached.

MB/PR/LRA

c: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson, Jolon Clark District # 7
Council Aide, Iris Tan
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
DOTI Survey, Paul Rogalla
DOTI Ordinance
Project file folder 2023-DEDICATION-0000074

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

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: April 14, 2023

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 two City-owned parcels of land as 1) W. Mississippi Ave., located at the intersection of W. Mississippi Ave. and S. Clay St., and 2) W. Mississippi Ave., located at the intersection of W. Mississippi Ave. and S. Clay 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:** DOTI- Survey has requested two remnant parcels as a clean-up from 1950 and 1951 to dedicate street as right-of-way.

****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 W. Mississippi Ave. and S. Clay St.
- d. **Affected Council District:** Jolon Clark District # 7
- 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: 2023-DEDICATION-0000074

Description of Proposed Project: DOTI- Survey has requested two remnant parcels as a clean-up from 1950 and 1951 to dedicate street as right-of-way.

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) W. Mississippi Ave., and 2) W. Mississippi Ave.

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

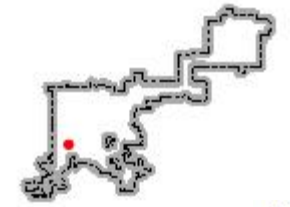
What is the known duration of a MEP: N/A

Will land be dedicated to the City if the vacation goes through: N/A

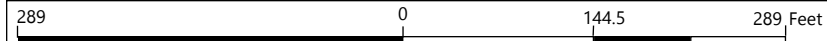
Will an easement be placed over a vacated area, and if so explain: N/A

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) W. Mississippi Ave., and 2) W. Mississippi Ave.



- ### 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



PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000074-001:

LAND DESCRIPTION – WEST MISSISSIPPI AVENUE PARCEL NO. 1

A PARCEL OF LAND CONVEYED TO THE CITY AND COUNTY OF DENVER BY DEED RECORDED NOVEMBER 13, 1950 AT BOOK 6828, PAGE 458 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED THEREIN AS:

THE EAST 30 FEET OF THE SOUTH 264 FEET OF THE E ½ OF THE SE ¼ OF THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 68 WEST.

EXCEPT THE NORTH 224 FEET OF SAID SOUTH 264 FEET.

PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000074-002:

LAND DESCRIPTION – WEST MISSISSIPPI AVENUE PARCEL NO. 2

A PARCEL OF LAND CONVEYED TO THE CITY AND COUNTY OF DENVER BY DEED RECORDED SEPTEMBER 19, 1951 AT BOOK 6991, PAGE 295 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED THEREIN AS:

THE SOUTH FORTY (40) FEET OF THE WEST ONE HUNDRED THIRTY-FIVE (135) FEET OF THE EAST ONE HUNDRED SIXTY-FIVE (165) FEET OF THE EAST ONE-HALF (E ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION SEVENTEEN (17), TOWNSHIP 4 (4) SOUTH, RANGE SIXTY-EIGHT (68) WEST.

437

837923

Recorded at 3:30 o'clock P. M. NOV 13 1950

Reception No. 837923 MAE HYNES Recorder.

THIS DEED, Made this 24th day of October in the year of our Lord one thousand nine hundred and Fifty between MARY A. ELLSWORTH of the City and County of Denver and State of Colorado, of the first part, and THE CITY AND COUNTY OF DENVER, a municipal corporation constitution organized and existing under and by virtue of the laws of the State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable consideration to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, its successors and assigns forever, all the following described lot or parcel of land, situate, lying and being in the City and County of Denver and State of Colorado, to-wit:

The East 30 feet of the South 26 1/2 feet of the E 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 17, Township 4 South, Range 68 West.

City Atty's Office

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 the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, 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 said party of the second part, its successors and assigns forever. And the said party of the first part, her self heirs, executors, and administrators, do covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the ensembling and delivery of these presents, she is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, 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 and incumbrances of whatever kind or nature soever.

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Mary A. Ellsworth (SEAL)



STATE OF COLORADO City and County of Denver The foregoing instrument was acknowledged before me this 24th day of October 19 50, by Mary A. Ellsworth WITNESS my hand and official seal.

My commission expires November 2, 1952

Notary Public

APPROVED FOR RECORDING. LAND OFFICE

1112

7-37, 295

SEP 19 1951
THIS DEED, Made this 18th day of SEPTEMBER in the year of our Lord
one thousand nine hundred and FIFTY-ONE between
MARY A. ELLSWORTH
of the CITY AND County of DENVER and State of Colorado, of the first part, and
CITY AND COUNTY OF DENVER, A MUNICIPAL CORPORATION
CONSTITUTION
organized and existing under and by virtue of the laws of the State of COLORADO, of the second part:

WITNESSETH, That the said part Y _____ of the first part, for and in consideration of the sum of
TEN (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS ~~of the first~~
to the said part Y _____ of the first part in hand paid by the said party of the second part, the receipt whereof is
hereby confessed and acknowledged, ha S granted, bargained, sold and conveyed, and by these presents do E S
grant, bargain, sell, convey and confirm, unto the said party of the second part, its successors and assigns forever,
all the following described lo S or parcel S of land, situate, lying and being in the CITY AND County
of DENVER and State of Colorado, to-wit:

THE SOUTH FORTY (40) FEET OF THE WEST ONE HUNDRED
THIRTY-FIVE (135) FEET OF THE EAST ONE HUNDRED
SIXTY-FIVE (165) FEET OF THE EAST ONE-HALF (E 1/2)
OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER
(SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION
SEVENTEEN (17), TOWNSHIP FOUR (4) SOUTH, RANGE
SIXTY-EIGHT (68) WEST

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
the estate, right, title, interest, claim and demand whatsoever of the said part Y _____ of the first part, 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
said party of the second part, its successors and assigns forever. And the said part Y _____ of the first part, for
HER SELF heirs, executors, and administrators, do E S covenant, grant, bargain and agree to and with
the said party of the second part, its successors and assigns, that at the time of the ensembling and delivery of these
presents, SHE IS well seized of the premises above conveyed, as of good, sure, perfect, absolute and
indefeasible estate of inheritance, in law, in fee simple, and ha S 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 and incumbrances of whatever kind or nature
soever,

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its
successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part
thereof, the said part Y _____ of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said part Y _____ of the first part ha S hereunto set HER hand
and seal the day and year first above written.

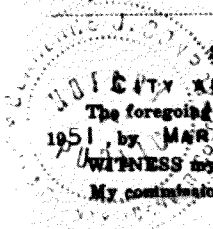
Signed, Sealed and Delivered in the Presence of

John E. Flynn

Mary A. Ellsworth (SEAL)

(SEAL)

(SEAL)



STATE OF COLORADO
CITY AND County of DENVER } ss. 18th day of SEPTEMBER

The foregoing instrument was acknowledged before me this
1951, by MARY A. ELLSWORTH.

WITNESS my hand and official seal.

My commission expires NOVEMBER 17, 1951.

James H. Lowrey
Notary Public.