



## REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Matt Bryner, Director Engineer-Architect  
Right-of-Way Services

**DATE:** May 1, 2019

**ROW #:** 2019-Dedication-0000058      **SCHEDULE #:** 0223118028000

**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as N. York St. Located near the intersection of E. 47<sup>th</sup> Ave. and N. York 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. York 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 **(47<sup>th</sup> and York-Ped Bridge)**

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. York St. The land is described as follows.

### **INSERT PARCEL DESCRIPTION ROW # (2019-Dedication-0000058-001) HERE.**

A map of the area to be dedicated is attached.

MB/AG/bv

cc: Dept. of Real Estate, Katherine Rinehart  
City Councilperson & Aides, Albus Brooks District # 9  
City Council Staff, Zach Rothmier  
Environmental Services, David Erickson  
Public Works, Manager's Office, Alba Castro  
Public Works, Manager's Office, Jason Gallardo  
Public Works, 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, Stan Lechman  
Public Works Survey, Ali Gulaid  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder 2019-Dedication-0000058

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo  
at [jason.gallardo@DenverGov.org](mailto: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: May 1, 2019

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. York St.  
Located near the intersection of E. 47<sup>th</sup> Ave. and N. York 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:** Jason Gallardo
- **Phone:** 720-865-8713
- **Email:** Jason.gallardo@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. York 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 **(47<sup>th</sup> and York-Ped Bridge)**

**\*\*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:** E. 47<sup>th</sup> Ave. and N. York St.
- d. **Affected Council District:** Albus Brooks Dist. #9
- 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: \_\_\_\_\_



**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2019-Dedication-0000058**

**Description of Proposed Project: Dedicate a parcel of land as public right of way as N. York 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**

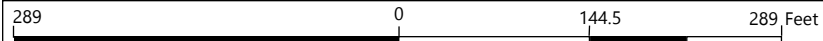
**Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as Public Right-of-Way, as a part of a development project called 47<sup>th</sup> and York-Ped Bridge.**



### Legend

-  Streams
-  Buildings
-  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

Area to be Dedicated



**LAND DESCRIPTION**

A PORTION OF LAND CONVEYED BY QUIT CLAIM DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON AUGUST 21, 2018, AT RECEPTION NO. 2018105523 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO; LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, MONUMENTED WITH AN 3 ¼" ALUMINUM CAP "LS 13155" IN A RANGE BOX, WHENCE THE EAST QUARTER CORNER OF SAID SECTION 23, MONUMENTED WITH AN 3 ¼" ALUMINUM CAP "LS 23521" IN A RANGE BOX, BEARS S00°08'48"W, A DISTANCE OF 2647.31 FEET; THENCE S00°08'48"W, ON THE EAST LINE OF SAID SECTION 23, A DIATANCE OF 890.19 FEET TO THE SOUTHEAST CORNER OF SAID LOT 43 AND THE **POINT OF BEGINNING;**

THENCE S89°51'03"W, ON THE NORTH LINE OF ALICE PLACE AS DESCRIBED IN DENVER ORDINANCE 596 SERIES 1973, A DISTANCE OF 219.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8;

THENCE N00°07'27"W, ON THE WEST LINE OF SAID BLOCK 18, A DISTANCE OF 5.22 FEET TO THE SOUTHERLY LINE OF THE UNION PACIFIC RAIL ROAD RIGHT-OF-WAY

THENCE N44°54'17"E, ON THE SOUTHERLY LINE OF SAID RAIL ROAD RIGHT-OF-WAY, A DISTANCE OF 98.81 FEET TO A POINT OF CURVATURE;

THENCE CONTINUING ON SAID RAIL ROAD RIGH-OF-WAY, ON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1, 960.00 FEET, A CENTRAL ANGLE OF 04°56'47", A CHORD LENGTH OF 169.15 FEET WHICH BEARS N42°25'53"E, A DISTANCE OF 169.20 FEET TO THE NORTH LINE OF SAID BLOCK 18;

THENCE N89°51'24"E, ON THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 35.69 FEET TO THE NORTHEAST CORNER OF SAID LOT 50;

THENCE S00°08'48"W, ON THE EAST LINE OF SAID BLOBK 18, A DISTANCE OF 199.57 FEET, TO THE **POINT OF BEGINNING.;**

THE ABOVE DESCRIBED PARCEL CONTAINS 25,334 SQ. FT. (0.582 ACRES), MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE UTM SYSTEM, ZONE 13 NORTH, NAD 1983 (1992) DETERMINED BY FAST STATIC GPS SURVEY. THE LINE BETWEEN POINT MCDONNELL AND POINT W410, MONUMENTED AS SHOWN IN THE LAND SURVEY CONTROL DIAGRAM AT CDOT PROJECT NO. NH 0361-070 AND FILED IN THE CITY & COUNTY OF DENVER, CO AT RECEPTION NO. L013566, BEARS N14°20'15.6"W.



**WHEN RECORDED RETURN TO:**  
Colorado Dept. of Transportation Region  
1, ROW  
2829 West Howard Place  
Denver CO 80204

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**CORRECTED QUIT CLAIM DEED**

**THIS QUIT CLAIM DEED**, is made this 21<sup>st</sup> day of August 20 18 between the **COLORADO DEPARTMENT OF TRANSPORTATION** whose address is 2829 West Howard Place, Denver CO 80204, in the City and County of Denver ("Grantor"), **AND CITY AND COUNTY OF DENVER**, a Colorado municipal corporation and home rule city ("Grantee").

This Corrected Quit Claim deed supersedes and replaces the Quit Claim executed by Grantor on August 3<sup>rd</sup> and recorded August 20, 2018 at reception number 2018104769 in the records of Denver County, Colorado

**WITNESS**, that Grantor, for and in consideration of the sum of **Ten Dollars (\$10.00)** and other good and valuable consideration as referenced in the **"THE AGREEMENT"** between Grantor and Grantee effective **July 19, 2018**, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, and QUITCLAIMED, and by these presents does remise, release, sell, and QUITCLAIM unto Grantee, it successors and assigns forever the following real property, together with improvements, if any, situate, lying and being in the City and County of Denver, and State of Colorado described as follows:

**SEE ATTACHED EXHIBIT A**

**TO HAVE AND TO HOLD** the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of Grantor, either in law or equity, to the only proper use, benefit and behoove of Grantee, its successors and assigns forever.

**SUBJECT TO** any and all easements of record, and the right to access and maintain any and all existing utilities as constructed.

**SIGNATURES ON FOLLOWING PAGE**


**WHEN RECORDED RETURN TO:**

Colorado Department of Transportation  
Region 1, Right-of-Way  
2829 West Howard Place  
Denver, CO 80204

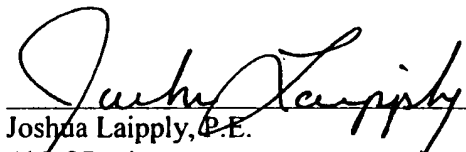
TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee its heirs and assigns forever.

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

DEPARTMENT OF TRANSPORTATION,  
STATE OF COLORADO

  
\_\_\_\_\_  
Christine Rees  
Chief Clerk – Right of Way

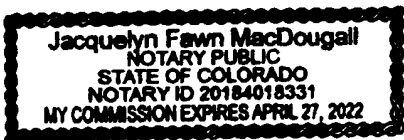
DEPARTMENT OF TRANSPORTATION,  
STATE OF COLORADO

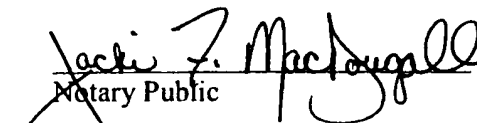
  
\_\_\_\_\_  
Joshua Laipply, P.E.  
Chief Engineer

STATE OF COLORADO    )  
City and                    ) ss.  
County of Denver        )

The foregoing instrument was acknowledged before me this 13 day of August, 2018, by Joshua Laipply, Chief Engineer and Christine Rees, Chief Clerk – Right of Way, Department of Transportation, State of Colorado

Witness my hand and official seal.  
My commission expires: April 27, 2022



  
\_\_\_\_\_  
Notary Public

2016065817  
Page: 1 of 4  
D 98.00  
R 328.00  
05/20/2016 12:54 PM  
City & County of Denver  
EXHIBIT A  
WD

EXHIBIT - NO FEE

WARRANTY DEED

THIS DEED, dated May 19, 2016

Between Michael A. Fritts  
of the City of Denver and State of COLORADO, grantor, and  
DEPARTMENT OF TRANSPORTATION STATE OF COLORADO  
whose legal address is 4201 E. Arkansas Ave., Denver, CO 80222  
of the City and County of Denver and State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of (\$200,000.00) TWO HUNDRED THOUSAND AND 00/100 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, his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described as follows:

Project Number: FBR 0704-234  
Project Code: 19631  
See attached Exhibit "A" dated February 9, 2016 for:  
Parcel Number: AP-45

also known by street and number as: 4601 York Street, Denver, CO 80216  
assessor's schedule or parcel number: 0223-11-802-8000

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, 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, his heirs and assigns forever. The grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the encasing and delivery of these presents, he is well seized of the premises above conveyed, has 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,

GRANTOR excepts from the property hereby conveyed and reserves to itself and its successors and assigns, the mineral estate including all coal, oil, gas and other hydrocarbons, and all clay and other valuable minerals in and under said subject property. The GRANTOR hereby covenants and agrees that the GRANTEE shall forever have the right to take and use, without payment of further compensation to the GRANTOR, any and all sand, gravel, earth, rock, and other road building materials found in or upon said subject property and belonging to the GRANTOR; and

The GRANTOR further covenants and agrees that no exploration for, or development of any of the products, as described above, and owned by the GRANTOR heretofore or hereafter the date set forth above and hereby excepted will ever be conducted on or from the surface of the premises described in the attached Exhibits, and that in the event any of such operations may hereafter be carried on beneath the surface of said premises, the GRANTOR shall perform no act which may impair the subsurface or lateral support of said premises. These covenants and agreements hereunder, shall inure to and be binding upon the GRANTOR and its heirs, personal and legal representatives, successors and assigns forever.

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, subject to all matters of record and any matters that a survey of the property would disclose.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

By: Michael A. Fritts  
Michael A. Fritts

STATE OF COLORADO  
City and County of DENVER

The foregoing instrument was acknowledged before me this 19th day of May, 2016, by Michael A. Fritts.



Witness my hand and official seal.

Donna G. Hood  
Notary Public

NF01617

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



## Exhibit A

**EXHIBIT "A"****PROJECT NUMBER: FBR 0704-234****PARCEL NUMBER: AP-45****PROJECT CODE: 19631****DATE: February 9, 2016****DESCRIPTION**

A parcel of land No. AP-45 of the Department of Transportation, State of Colorado Project No. FBR 0704-234 containing 25,334 sq. ft. (0.582 acres), more or less, lying in the northeast quarter of the northeast quarter of Section 23, Township 3 South, Range 68 West, of the 6th Principal Meridian, in the City & County of Denver, Colorado, being all that land described in the Deed filed in the records of the City & County of Denver at Reception Number 9800008898, said parcel being fractional Lots 4 to 8 inclusive, and fractional Lots 48 to 50 inclusive to the southeasterly line of the UPRR, all of Lots 43 to 47 inclusive, and all vacated alley adjacent from the southerly line of Lot 8 to the southeasterly line of the UPRR, Block 18, Elyria a subdivision plat recorded in City and County of Denver Engineering Book 01 at Page 020.

Also being described as follows:

Commencing at the northeast corner of said Section 23, monumented with a 3 1/4" aluminum cap "LS 13155" in a range box, whence the east quarter corner of said Section 23, monumented with an 3 1/4" aluminum cap "LS 23521" in a range box, bears S00°08'48"W, a distance of 2647.31 feet; thence S00°08'48"W, on the east line of said Section 23, a distance of 890.19 feet to the southeast corner of said Lot 43 and the POINT OF BEGINNING;

1. Thence S89°51'03"W, on the north line of Alice Place as described in Denver Ordinance 596 Series 1973, distance of 219.04 feet to the southwest corner of said Lot 8;
2. Thence N00°07'27"W, on the west line of said Block 18, a distance of 5.22 feet to the southerly line of the Union Pacific Rail Road right-of-way;
3. Thence N44°54'17"E, on southerly line of said rail road right-of-way, a distance of 98.81 feet to a point of curvature;
4. Thence continuing on said rail road right-of way, on the arc of said curve to the left, having a radius of 1,960.00 feet, a central angle of 04°56'47", a chord length of 169.15 feet which bears N42°25'53"E, a distance of 169.20 feet to the north line of said Block 18;
5. Thence N89°51'24"E, on the north line of said Lot 18, a distance of 35.69 feet to the northeast corner of said Lot 50;
6. Thence S00°08'48"W, on the east line of said Block 18, a distance of 199.57 feet, to the POINT OF BEGINNING.;

## Exhibit A

The above described parcel contains 25,334 sq. ft. (0.582 acres), more or less.

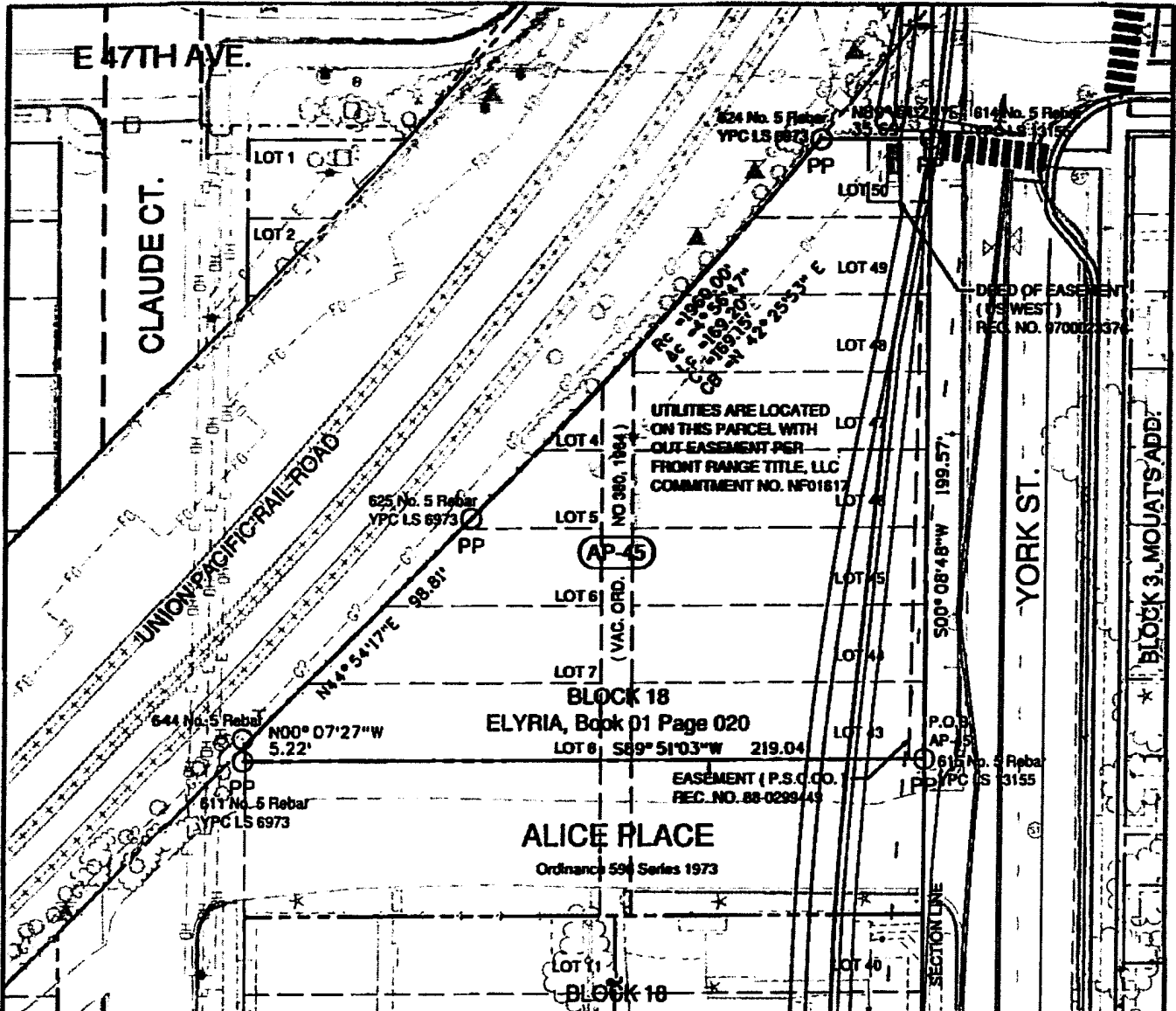
**Basis of Bearings:** All bearings are grid bearings of the UTM System, Zone 13 North, NAD 1983 (1992) determined by a fast static GPS survey. The line between point MCDONNELL and point W410, monumented as shown in the Land Survey Control Diagram at CDOT Project No. NH 0361-070 and filed in the City & County of Denver, CO at Reception No. L013566, bears N14°20'15.6"W.

Authored For and on Behalf of the  
Department of Transportation  
Lee Pennell  
425B Corporate Circle  
Golden, CO 80401



A handwritten signature in black ink, consisting of several stylized, overlapping strokes.

Exhibit A



**PARCEL AP-45** NE 1/4 NE 1/4 Sec 23, T3S, R68W/6th PM  
 CITY AND COUNTY OF DENVER

Contains 25,334 sq. ft. (0.582 Acres) with no remainder

Property Address:  
 4801 York Street approximate  
 Denver, CO 80216

Owner(s):  
 Michael A. Frits  
 Mailing Address:  
 4637 York Street  
 Denver, CO 80216

Authorized by: Lee Pennell, PLS 38027  
 CDOT, Region 1 R.O.W.  
 425B Corporate Circle  
 Golden, CO 80401

**COLORADO DEPARTMENT OF TRANSPORTATION**  
**STATE HIGHWAY PROJECT**

ROW PLANS AUTHORIZED: \_\_\_\_\_ DATE \_\_\_\_\_

CDOT RIGHT OF WAY MANAGER

**Legal Description - Exhibit A**  
 This drawing graphically depicts the attached legal description only.  
 This drawing does not represent a Land Survey.

Project Number: FBR 0704-234  
 Project Location: I-70 (East Corridor)

Project Code:	Legal Desc. Date:	Subsect. Sheets:	Sheet No.:
1963	07/15/2015		

Colorado Department of Transportation  
 4670 Holly St.  
 Denver, CO 80216  
 Phone: 303-398-6728  
 Region 1

SLK