



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

**TO:** Charlene Thompson, City Attorney's Office  
**FROM:** Robert J. Duncanson P.E., Engineering Manager II  
Right-of-Way Services  
**DATE:** May 5, 2016  
**ROW #:** 2016-Dedication-0000082      **SCHEDULE #:** 0227500107000  
**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as Brighton Blvd.  
Located at the intersection of 29<sup>th</sup> and Brighton Blvd.

**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 Brighton Blvd. 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 (**Brighton Blvd**)

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 Brighton Blvd. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2016-0000082-001) HERE.**

A map of the area to be dedicated is attached.

RD/WR/BLV

cc: Asset Management, Steve Wirth  
City Councilperson & Aides, Albus Brooks District # 9  
Council Aide Chy Montoya  
Council Aide Brande Micheau  
City Council Staff, Shelley Smith  
Environmental Services, David Erickson  
Public Works, Manager's Office, Alba Castro  
Public Works, Manager's Office, Angela Casias  
Public Works, Right-of-Way Engineering Services, Rob Duncanson  
Department of Law, Brent Eisen  
Department of Law, Charlene Thompson  
Department of Law, Adam Hernandez  
Department of Law, Angela Garcia  
Public Works Survey, Warren Ruby  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder 2016-Dedication-0000082

# ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias  
at [angela.casias@DenverGov.org](mailto:angela.casias@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 5, 2016

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 Brighton Blvd.  
Located at the intersection of 29<sup>th</sup> and Brighton Blvd.

3. **Requesting Agency:** Public Works – Right-of-Way Services / 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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@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 Brighton Blvd. 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 (**Brighton Blvd**)

**\*\*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:** 29<sup>th</sup> and Brighton Blvd
- d. **Affected Council District:** Dist. 9 Albus Brooks
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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: \_\_\_\_\_



# EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2016-Dedication-0000082, Brighton Blvd**

**Description of Proposed Project: Dedicate a parcel of public right of way as Brighton Blvd.**

**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, Brighton Blvd**



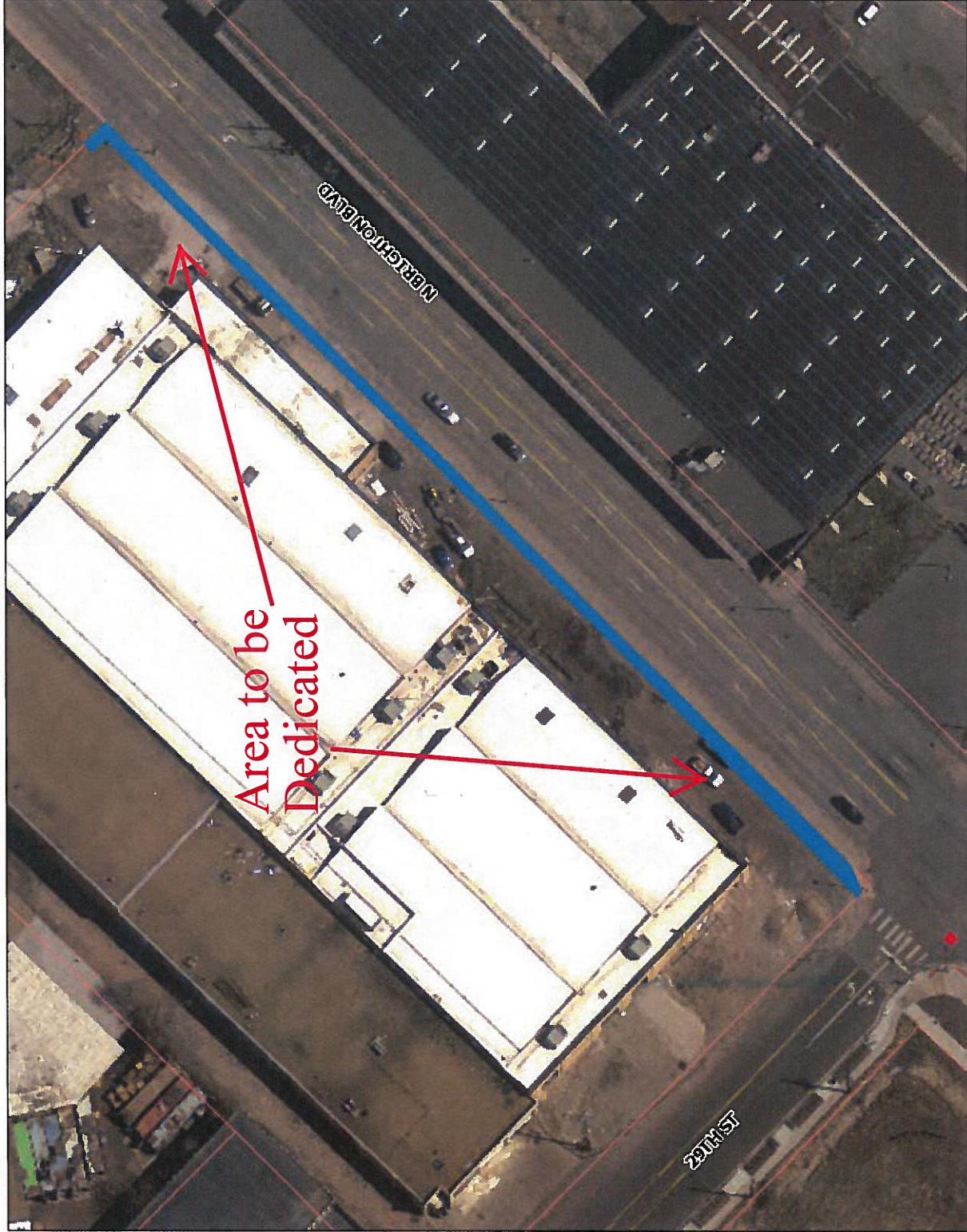
***Protecting the Present & Building the Future***  
Accountability, Innovation, Empowerment, Performance, Integrity,  
Diversity, Teamwork, Respect, Excellence, Safety

A STRIP OF LAND CONTAINING 3,487 SQUARE FEET, MORE OR LESS, LOCATED WITHIN A PARCEL OF LAND RECORDED AT RECEPTION NO. 2014017734, CITY AND COUNTY OF DENVER RECORDS, ALSO IN THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID STRIP MORE PARTICULARLY DESCRIBED AS FOLLOWS:

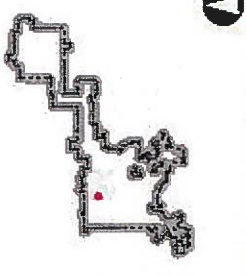
**BEGINNING** AT A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD (80' ROW-ORD. 63-1922), WHENCE THE NORTH ONE-QUARTER CORNER OF SAID SECTION 27 BEARS N10°34'40"W, A DISTANCE OF 1,749.94 FEET; THENCE ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD (ORD. 283-2001) S63°13'26"W, A DISTANCE OF 10.44 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 29<sup>TH</sup> ST. (80' ROW-ORD. 281-2001); THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF 29<sup>TH</sup> ST. (80' ROW-ORD. 281-2001) N46°04'13"W, A DISTANCE OF 2.72 FEET; THENCE DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE N44°54'21"E, A DISTANCE OF 568.88 FEET; THENCE N45°01'55"W, A DISTANCE OF 9.00 FEET; THENCE N44°54'21"E, A DISTANCE OF 6.00 FEET TO THE SOUTHWESTERLY LINE OF A PARCEL OF LAND RECORDED AT RECEPTION NO. 2015084326, CITY AND COUNTY OF DENVER RECORDS; THENCE ALONG SAID SOUTHWESTERLY LINE OF A PARCEL OF LAND RECORDED AT RECEPTION NO. 2015084326, CITY AND COUNTY OF DENVER RECORDS S45°01'55"E, A DISTANCE OF 15.00 FEET TO SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD (80' ROW-ORD. 63-1922); THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE S44°54'21"W, A DISTANCE OF 564.92 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PROPERTY CONTAINS 3,487 SQUARE FEET OR 0.080 ACRES, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE LINE CONNECTING THE NORTH ONE-QUARTER CORNER OF SAID SECTION 27, T.3S., R.68W., OF THE 6<sup>TH</sup> P.M. (3-1/4" ALUMINUM CAP, PLS 33204) AND THE NORTHEAST CORNER OF SAID SECTION 27, T.3S., R.68W., OF THE 6<sup>TH</sup> P.M. (6"x6" STONE) BEARING S89°57'39"E.



Area to be Dedicated



**Legend**

	Streams		Bridges
	Irrigation Ditches (Reconstruct Gardeners)		Rail Transit Stations Existing
	Irrigation Ditches		Rail Transit Stations Planned
	Streets		Park-N-Ride Locations
	Alleys		Lakes
	Railroads		County Boundary
	Main		Parcels
	Yard		Parks
	Spur		Mountain Parks
	Siding		All Other Parks
	Interchange track		
	Other		



2016055578

Page: 1 of 10

04/28/2016 09:40 AM  
City & County of Denver

R \$0.00

WD

D \$0.00

10

### WARRANTY DEED

After recording, return to:

City Attorney's Office  
201 West Colfax Avenue, Dept 1207  
Denver, CO 80202

### GENERAL WARRANTY DEED (Brighton Boulevard)

THIS GENERAL WARRANTY DEED, made this 11<sup>th</sup> day of March, 2016, between 3001 BRIGHTON, LLC, whose address is, 3001 Brighton Boulevard, Denver, Colorado 80216 ("Grantor") and the CITY AND COUNTY OF DENVER, a Colorado municipal corporation and home rule city ("Grantee or "City"), whose address is 1437 Bannock Street, Denver, Colorado 80202.

WITNESSETH, that the Grantor, for and in consideration of the sum of **TEN DOLLARS AND ZERO CENTS (\$10.00)** and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does grant, bargain, sell, convey and confirm, unto the Grantee, its successors and assigns forever, all of the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described in **Exhibit A**, attached 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 the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the Property together with the hereditaments and appurtenances.

**TO HAVE AND TO HOLD** the Property, with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the execution and delivery of this deed, it is well seized of the Property, 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 Property manner and form as aforesaid, and that the Property is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature, except those Permitted Exceptions set forth in **Exhibit B**, attached hereto and incorporated herein.

Asset Mgmt. # 16-040

Asset Management  
Date: 4-28-16

Project Description:  
ROW  
BRIGHTON BLVD. PROJECT



**EXHIBIT A**

(Legal Description of Property)



**EXHIBIT "A"**

**PARCEL 3  
PAGE 1 OF 3  
OCTOBER 01, 2015**

A STRIP OF LAND CONTAINING 3,487 SQUARE FEET, MORE OR LESS, LOCATED WITHIN A PARCEL OF LAND RECORDED AT RECEPTION NO. 2014017734, CITY AND COUNTY OF DENVER RECORDS, ALSO IN THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID STRIP MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PREPARED BY: RICHARD D. MUNTEAN, CO PLS 38189  
FOR AND ON BEHALF OF:  
105 WEST, INC.  
2140 S. IVANHOE ST., STE G5  
DENVER, CO 80222



**EXHIBIT A**

THIS EXHIBIT IS A GRAPHIC DEPICTION OF THE PARCEL DESCRIBED ON THE ATTACHED LEGAL DESCRIPTION AND IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

NORTH ONE-QUARTER CORNER  
SECTION 27, T.3S., R.68W., 6TH P.M.  
FOUND 3-1/4" ALUM. CAP  
PLS 33204

NORTHEAST CORNER SECTION 27,  
T.3S., R.68W., 6TH P.M.  
FOUND 6"x6" STONE  
WITH CUT CROSS

*BASIS OF BEARINGS*  
S89° 57' 39" E 2,645.48'

NE 1/4 SECTION 27,  
T.3S., R.68W., 6th P.M.

3001 Brighton, LLC  
Rec. No. 2014017734

PARCEL 3  
3,487 SQ. FT. +/- DR  
0.080 AC. +/-

FOUND 2-1/2" A.C.  
IN RANGE BOX  
PLS 33204

29th St. (80' ROW)  
(Ord. 281, Series 2001)

FOUND 2-1/2" A.C.  
IN RANGE BOX  
PLS 33204

40' Range Line 307.52' (Measured)  
307.44' (Recorded)

S63° 13' 26" W  
10.44'

N46° 04' 13" W  
2.72'

N44° 54' 21" E  
S44° 54' 21" W

(Existing Pre-2015 R.O.W.)

Brighton Blvd. (80' ROW)  
(Ord. 63, Series 1922)

(Proposed R.O.W.)

P.O.B.  
Ord. 283, Series 2001

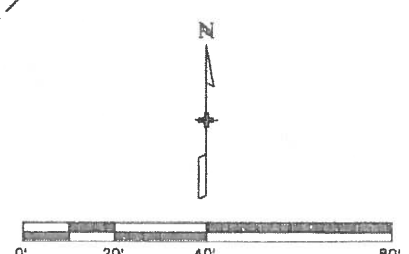


EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

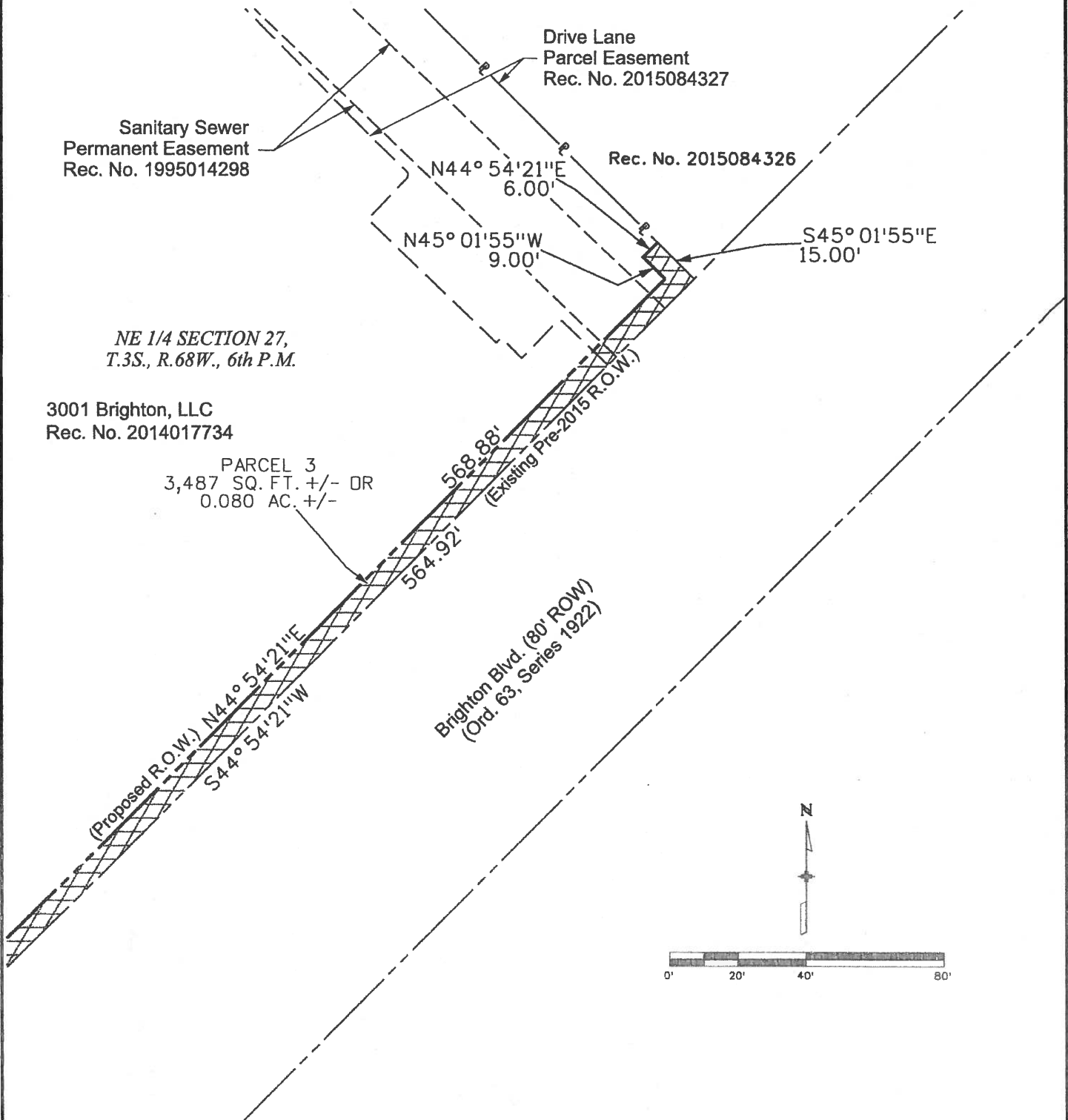
Job No.: 126-0008
Scale: 1" = 40'
Date: October 01, 2015
Page 2 of 3
Drawn By: SDB

PARCEL 3  
NORTHEAST ONE-QUARTER SECTION 27,  
T. 3 S., R. 68 W., 6TH P.M.  
CITY & COUNTY OF DENVER, COLORADO

**105WEST**  
INCORPORATED  
2140 S. Ivanhoe St., STE G5  
Denver, CO 80222

**EXHIBIT A**

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NE 1/4 SECTION 27,  
T.3S., R.68W., 6th P.M.

3001 Brighton, LLC  
Rec. No. 2014017734

PARCEL 3  
3,487 SQ. FT. +/- OR  
0.080 AC. +/-

Brighton Blvd. (80' ROW)  
(Ord. 63, Series 1922)

**EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION**

Job No.: 126-0008
Scale: 1" = 40'
Date: October 01, 2015
Page 3 of 3
Drawn By: SDB

**PARCEL 3**  
NORTHEAST ONE-QUARTER SECTION 27,  
T. 3 S., R. 68 W., 6TH P.M.  
CITY & COUNTY OF DENVER, COLORADO

**105WEST**  
INCORPORATED  
2140 S. Ivanhoe St., STE G5  
Denver, CO 80222

**EXHIBIT B**

Exceptions for Parcel 3

## ALTA COMMITMENT 6-17-06

### SCHEDULE B - SECTION II EXCEPTIONS

Agent #:  
CO1032

Order #:  
06368A2015

Schedule BII of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or Claims of parties in possession not shown by the public records.
3. Easements or claims of easements not shown by the public records.
4. Discrepancies, conflicts in boundary lines, encroachments, overlaps, variations or shortage in area or content, party walls and any other matters that would be disclosed by a correct survey and/or physical inspection of the land.
5. Any lien, or right to lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public record.
6. Any water or well rights, or rights or title to water or claims thereof, in, on or under the land.
7. All taxes, assessments, levies and charges which constitute liens or are due or payable including unredeemed tax sales.
8. Any existing leases and/or tenancies and any and all amendments thereto, including, but not limited to the Lease evidenced by the Memorandum of Lease recorded January 14, 2015 at Reception No. 2015004624.
9. All oil, gas, and other mineral interests, any leases thereof, and the right to use the surface estate for ingress and egress and any other right or privilege incident to the ownership of said interests.
10. Terms, conditions, provisions, agreements and obligations as specified in the Permanent Easement 3001 Brighton, LLC and the City and County of Denver dated September 18, 2015 and recorded October 6, 2015 at Reception No. 2015140673.
11. Terms, conditions, provisions, agreements and obligations as specified in the Permanent Non-Exclusive Easement between Industry Apts, LLC and the City and County of Denver dated August 19, 2015 and recorded August 21, 2015 at Reception No. 2015117833.
12. Terms, conditions, provisions, agreements and obligations as specified in the Declaration of Easements Agreement by and among 3001 Brighton, LLC, 2950 Arkins LLC and Industry Apts, LLC dated and recorded June 24, 2015 at Reception No. 2015084327.
13. Terms, conditions, provisions, agreements and obligations as specified in Ordinance No. 56, Series of 2009 recorded January 30, 2009 at Reception No. 2009010869.

**Continued on next page.**

NOTE: This Commitment is of no force and effect unless Commitment cover, Schedules A, B-Section 1 and B-Section 2 are attached.

## ALTA COMMITMENT 6-17-06

14. Terms, conditions, provisions, agreements and obligations as specified in the Recording of Waivers of Certain Right and/or Reasonable Conditions recorded May 2, 2005 at Reception No. 2005071511.
15. Terms, conditions, provisions, agreements and obligations as specified in Ordinance No. 881, Series of 2004 recorded December 6, 2004 at Reception No. 2004248059.
16. Terms, conditions, provisions, agreements and obligations as specified in the Recording of Waivers of Certain Right and/or Reasonable Conditions recorded February 26, 2004 at Reception No. 2004055925.
17. Terms, conditions, provisions, agreements and obligations as specified in Ordinance No. 847, Series of 2003 recorded December 23, 2003 at Reception No. 2003265013.
18. Terms, conditions, provisions, agreements and obligations as specified in Ordinance No. 54, Series of 2003 recorded April 8, 2003 at Reception No. 2003065551 and recorded August 22, 2003 at Reception No. 2003178067.
19. Terms, conditions, provisions, agreements and obligations as specified in the Recording of Waivers of Certain Right and/or Reasonable Conditions recorded October 2, 2002 at Reception No. 2002176809.
20. Terms, conditions, provisions, agreements and obligations as specified in the Map amendment Findings recorded October 2, 2002 at Reception No. 2002176801.
21. Terms, conditions, provisions, agreements and obligations as specified in Ordinance No. 580, Series of 2002 recorded July 29, 2002 at Reception No. 2002132342.
22. Terms, conditions, provisions, agreements and obligations as specified in the Cross Easement Agreement by and between Brighton Boulevard LLC and Petroleum Management LLC dated July 22, 2002 and recorded July 24, 2002 at Reception No. 2002130201.
23. Terms, conditions, provisions, agreements and obligations as specified in the Quitclaim Deed between Union Pacific Railroad Company and Clyde E. Gagnon and Paulette Gagnon dated June 21, 2000 and recorded August 3, 2000 at Reception No. 2000110539.
24. Terms, conditions, provisions, agreements and obligations as specified in the Map recorded May 28, 1997 at Reception No. 9700067043.
25. Terms, conditions, provisions, agreements and obligations as specified in the Easement for Construction and Maintenance of Sewer Lines between Clyde Gagnon and Paulette Gagnon and the Metro Wastewater Reclamation District dated December 15, 1994 and recorded February 6, 1995 at Reception No. 9500014298.
26. Terms, conditions, provisions, agreements and obligations as specified in the Warranty Deed between Union Pacific Land Resources Corporation and M. B. Glassman and Shana Glassman, doing business under the firm and style of "G & G Company" and Milton Toltz dated May 30, 1973 and recorded August 8, 1973 at Reception No. 088959 in Book 743 at Page 277.  
Relinquishment and Quitclaim recorded March 31, 1986 at Reception No. 047418.
27. Terms, conditions, provisions, agreements and obligations as specified in the Agreement by and between Union Pacific Railroad Company and Mile-Hi Fruit & Vegetable Co. dated December 28, 1947 and recorded July 16, 1968 at Reception No. 13129 in Book 9903 at Page 357.

**Continued on next page.**

NOTE: This Commitment is of no force and effect unless Commitment cover, Schedules A, B-Section 1 and B-Section 2 are attached.

## ALTA COMMITMENT 6-17-06

28. Terms, conditions, provisions, agreements and obligations as specified in the Warranty Deed between The H. A. Marr Grocery Company and Union Pacific Railroad Company dated January 12, 1940 and recorded January 12, 1940 at Reception No. 538215 in Book 5378 at Page 250.
29. Terms, conditions, provisions, agreements and obligations as specified in the Warranty Deed between The H. A. Marr Grocery Company and Joseph Pepper dated and recorded December 15, 1937 at Reception No. 309118 in Book 5190 at Page 540.

NOTE: This Commitment is of no force and effect unless Commitment cover, Schedules A, B-Section 1 and B-Section 2 are attached.