



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner, P.E. Senior Engineering Manager
Right-of-Way Services

DATE: April 25, 2018

ROW #: 2016-Dedication-0000248 **SCHEDULE #:** 0229203042000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as W. 38th Ave. Located at W. 38th Ave. between N. Julian St. and N. Irving 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 W. 38th Ave. 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 (**W. 38th Avenue Townhomes**)

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 W. 38th Ave. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2016-Dedication-0000248-001) HERE.

A map of the area to be dedicated is attached.

MB/AG/BV

cc: Asset Management, Curtis Anthony
City Councilperson & Aides, Rafael Espinoza District # 1
Council Aide Amanda Sandoval
Council Aide Gina Volpe
Council Aide Jamila Sleman
City Council Staff, Zach Rothmier
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, Matt Bryner
Department of Law, Bradley Beck
Department of Law, Shaun Sullivan
Department of Law, Caroline Martin
Department of Law, Stan Lechman
Department of Law, Cynthia Devereaux
Public Works Survey, Ali Gulaid
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2016-Dedication-0000248

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at 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: April 25, 2018

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 W. 38th Ave.
Located at W. 38th Ave. between N. Julian St. and N. Irving 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:** 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 W. 38th Ave. 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 (**W. 38th Avenue Townhomes**)

****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:** W. 38th Ave. between N. Irving St. and N. Julian St.
- d. **Affected Council District:** Rafael Espinoza Dist. #1
- 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: 2016-Dedication-0000248, W. 38th Townhomes

Description of Proposed Project: Dedicate a parcel of land as public right of way as W. 38th 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 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

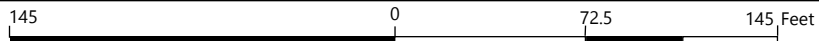
Will an easement relinquishment be submitted at a later date: N/A

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, W. 38th Avenue Townhomes



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



LAND DESCRIPTION:

A 7.00 WIDE STRIP OF LAND LOCATED IN PART OF LOTS 13 THROUGH 16, BLOCK 35, SECOND FILING OF A PORTION OF HIGHLAND PARK, AS RECORDED IN BOOK 4 AT PAGE 43 OF THE CLERK AND RECORDER'S OFFICE OF DENVER COUNTY, CITY AND COUNTY OF DENVER, STATE OF COLORADO; LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO AND CONVEYED BY A WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 3RD DAY OF JULY 2017, AT RECEPTION NUMBER 2017086656 IN CITY AND COUNTY OF DENVER CLERK & RECORDER'S OFFICE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 7.0 FEET OF WEST ONE-HALF OF LOT 13 AND LOTS 14, 15, AND 16, BLOCK 35, SECOND FILING OF A PORTION OF HIGHLAND PARK, CITY AND COUNTY OF DENVER, STATE OF COLORADO CONTAINING 612 SQUARE FEET, (0.014 ACRES), MORE OR LESS.



2017086656

Page: 1 of 4

07/03/2017 12:48 PM
City & County of Denver

R \$28.00

WD

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 3rd day of July, 2017, by **38th Avenue Development LLC**, a Colorado limited liability company, whose address is 3222 East 1st Avenue, Suite 1007, Denver, CO 80206, 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 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 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:

38th Avenue Development LLC

By: [Signature]

Name: Leonard Taub

Its: Managing Member

a Colorado Limited Liability Company

STATE OF New York

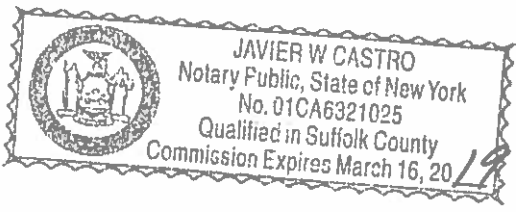
COUNTY OF Nassau) ss.

The foregoing instrument was acknowledged before me this 30th day of June, 2017 by Leonard Taub, as Managing Member of 38th Avenue Development LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.

My commission expires: 03/16/2019

[Signature]
Notary Public





“EXHIBIT A”

LAND DESCRIPTION:

A portion of the Northwest One-quarter of Section 29, Township 3 South, Range 68 West of the 6th Principal Meridian, City of Denver, County of Denver, State of Colorado more particularly described as follows:

The North 7.0 feet of the West One-half of Lot 13 and Lots 14, 15, and 16, Block 35, Second Filing of a Portion of Highland Park, as recorded in Book 4 at Page 43 of the Clerk and Recorder’s office of Denver County, City and County of Denver, State of Colorado.

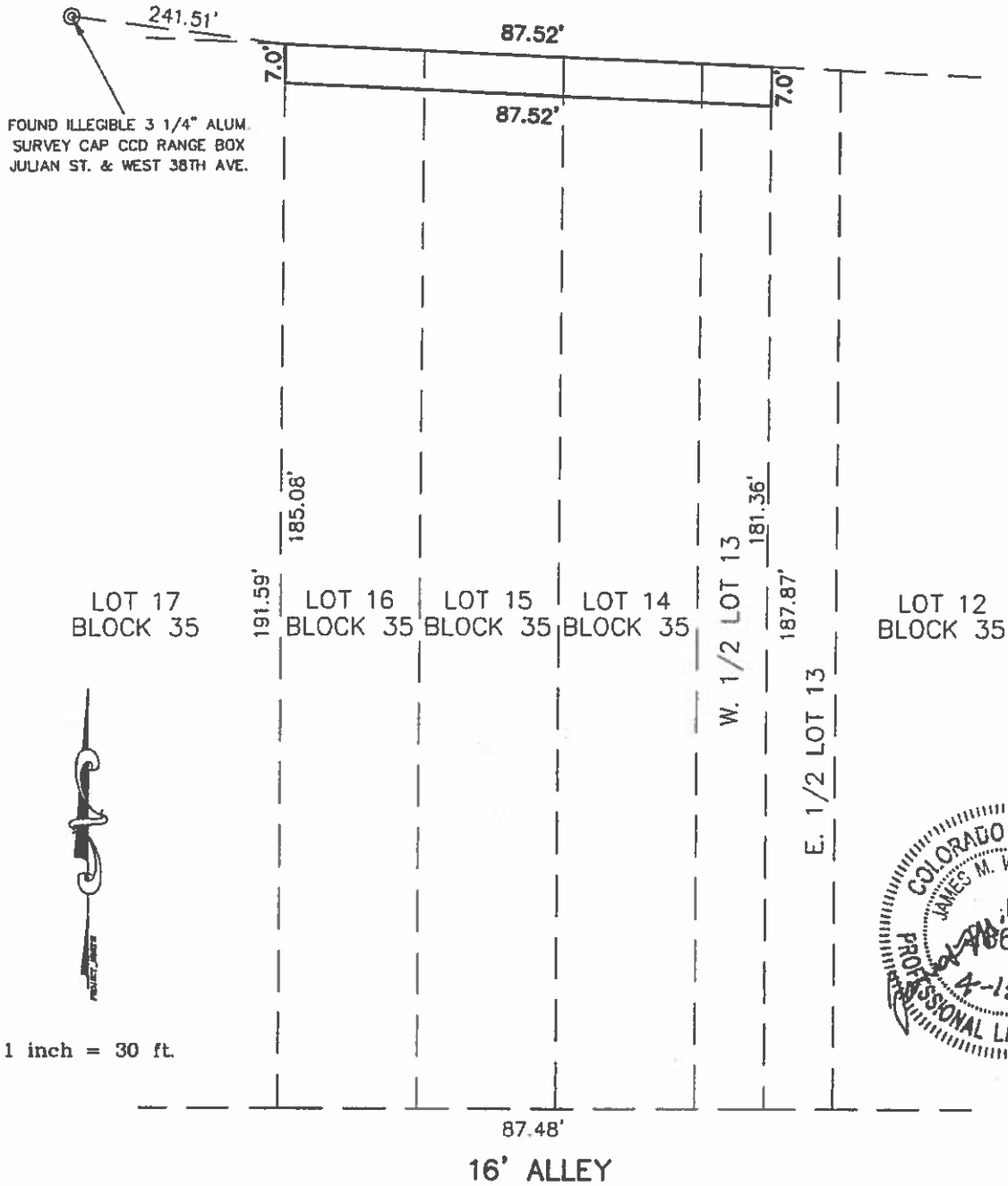
Containing 612.1 square feet more or less.

Prepared By: James M. Wooldridge, PLS 28669
On Behalf of: Crossroads Surveying, Inc.
10250 W. Mississippi Ave. # 1106
Lakewood, Colorado 80226
720-974-6088



A PORTION OF N.W. 1/4 SECTION 29, T. 3 S., R. 68 W. OF THE 6TH P.M.

WEST 38TH AVENUE
ROW VARIES



JULIAN STREET (80' ROW)

1 inch = 30 ft.



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

JAMES M. WOOLDRIDGE P.L.S. 28669 FOR AND ON BEHALF OF CROSSROADS SURVEYING, INC. SHEET 2 OF 2

CROSSROADS SURVEYING, INC. 10250 W. MISSISSIPPI AVE. # 1106 LAKEWOOD, COLORADO 80226 (720) 974-6088