



## 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:** April 4, 2024

**ROW #:** 2020-DEDICATION-0000053 **SCHEDULE #:** 0221418020000

**TITLE:** This request is to dedicate a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by West 42<sup>nd</sup> Avenue, North Inca Street, West 41<sup>st</sup> Avenue, & North Jason Street.

**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 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, "42<sup>nd</sup> Ave & Jason St."

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 Public Alley. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2020-DEDICATION-0000053-001) HERE.**

A map of the area to be dedicated is attached.

GB/TB/BVS

cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)  
City Councilperson, Amanda Sandoval District # 1  
Councilperson Aide, Gina Volpe  
Councilperson Aide, Melissa Horn  
Councilperson Aide, Alessandra Dominguez  
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, Tom Breitnauer  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder 2020-DEDICATION-0000053

## 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

Please mark one:  Bill Request or  Resolution Request

**Date of Request:** April 4, 2024

**1. Type of Request:**

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

Other:

**2. Title:** Dedicate a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by West 42<sup>nd</sup> Avenue, North Inca Street, West 41<sup>st</sup> Avenue, & North Jason Street.

**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: Beverly J. Van Slyke	Name: Nicholas Williams
Email: <a href="mailto:Beverly.VanSlyke@denvergov.org">Beverly.VanSlyke@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 scrape off 5 commercial buildings and build a new mixed-use building. The developer was asked to dedicate a parcel of land as Public Alley.

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

**7. City Council District:** Amanda Sandoval, District #1

**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:** 2020-DEDICATION-0000053

**Description of Proposed Project:** Proposing to scrape off 5 commercial buildings and build a new mixed-use building. The developer was asked to dedicate a parcel of land as 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 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 Public Alley, as part of the development project called, "42nd Ave & Jason St."

# City and County of Denver



145 0 72.5 145 Feet

WGS\_1984/Web/Mercator/Auxiliary\_Sphere  
© City and County of Denver

1: 1,128

Map Generated 4/4/2024

The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use.

THIS IS NOT A LEGAL DOCUMENT.



## Legend

- Streets
- Alleys
- County Boundary
- Parcels
- Lots/Blocks

**PARCEL DESCRIPTION ROW NO. 2020-DEDICATION-0000053-001:**

**LAND DESCRIPTION - ALLEY PARCEL:**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 25TH DAY OF FEBRUARY, 2021, AT RECEPTION NUMBER 2021035264 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A STRIP OF LAND 2.00 FEET WIDE BEING A PORTION OF LOTS 1-11 INCLUSIVE, BLOCK 19, AS SHOWN ON THE VIADUCT ADDITION, RECORDED IN BOOK 4, AT PAGE 46C, IN THE RECORDS OF ARAPAHOE COUNTY, NOW DENVER COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID LOT 1, WHENCE THE NORTH LINE OF SAID LOT 1 BEARS SOUTH 89°47'45" EAST, A DISTANCE OF 125.11 FEET, WITH ALL BEARINGS HEREON REFERENCE THERETO;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID LOTS 1-11, SOUTH 00°14'12" EAST, A DISTANCE OF 275.04 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY, SOUTH 89°49'00" WEST, A DISTANCE OF 2.00 FEET TO A LINE PARALLEL WITH AND 2.00 FEET WESTERLY OF SAID EASTERLY BOUNDARY;

THENCE ALONG SAID PARALLEL LINE, NORTH 00°14'12" WEST, A DISTANCE OF 275.04 FEET TO SAID NORTHERLY LINE;

THENCE ALONG SAID NORTHERLY LINE, NORTH 89°47'45" EAST, A DISTANCE OF 2.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.013 ACRES, (550 SQUARE FEET), MORE OR LESS.



02/25/2021 01:55 PM

R \$0.00

City & County of Denver

2021035264

Page: 1 of 4

D \$0.00

WD

After recording, return to:

Division of Real Estate  
City and County of Denver  
201 West Colfax Avenue, Dept. 1010  
Denver, Colorado 80202

**Project Description: 2020-Dedication-0000053**

**Asset Mgmt No.: 21-010**

### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this 23 day of February, 2021, by **AG-PW SUNNYSIDE, LLC**, a Delaware limited liability company, whose address is c/o Angelo, Gordon and Co., 245 Park Avenue, floor 24, New York, NY 10167, 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:**

**AG-PW SUNNYSIDE, LLC, a Delaware limited liability company**

By: Scott Brusberg  
Vice President

STATE OF Colo )  
COUNTY OF Pitkin )  
ss.



The foregoing instrument was acknowledged before me this 23 day of February, 2021  
by Scott Glassberg.

**Witness my hand and official seal.**

My commission expires: June 6, 2023

### Notary Public

2019-PROJMSTR-0000586-ROW-001

**EXHIBIT A**  
**LAND DESCRIPTION**

A STRIP OF LAND 2.00 FEET WIDE BEING A PORTION OF LOTS 1-11 INCLUSIVE, BLOCK 19 AS SHOWN ON THE VIADUCT ADDITION, RECORDED IN BOOK 4, AT PAGE 46C, IN THE RECORDS OF ARAPAHOE COUNTY, NOW DENVER COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID LOT 1, WHENCE THE NORTH LINE OF SAID LOT 1 BEARS SOUTH  $89^{\circ}47'45''$  EAST, A DISTANCE OF 125.11 FEET, WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID LOTS 1-11, SOUTH  $00^{\circ}14'12''$  EAST, A DISTANCE OF 275.04 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY, SOUTH  $89^{\circ}49'00''$  WEST, A DISTANCE OF 2.00 FEET TO A LINE PARALLEL WITH AND 2.00 FEET WESTERLY OF SAID EASTERLY BOUNDARY;

THENCE ALONG SAID PARALLEL LINE, NORTH  $00^{\circ}14'12''$  WEST, A DISTANCE OF 275.04 FEET TO SAID NORTHERLY LINE;

THENCE ALONG SAID NORTHERLY LINE, NORTH  $89^{\circ}47'45''$  EAST, A DISTANCE OF 2.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.013 ACRES, (550 SQUARE FEET), MORE OR LESS.

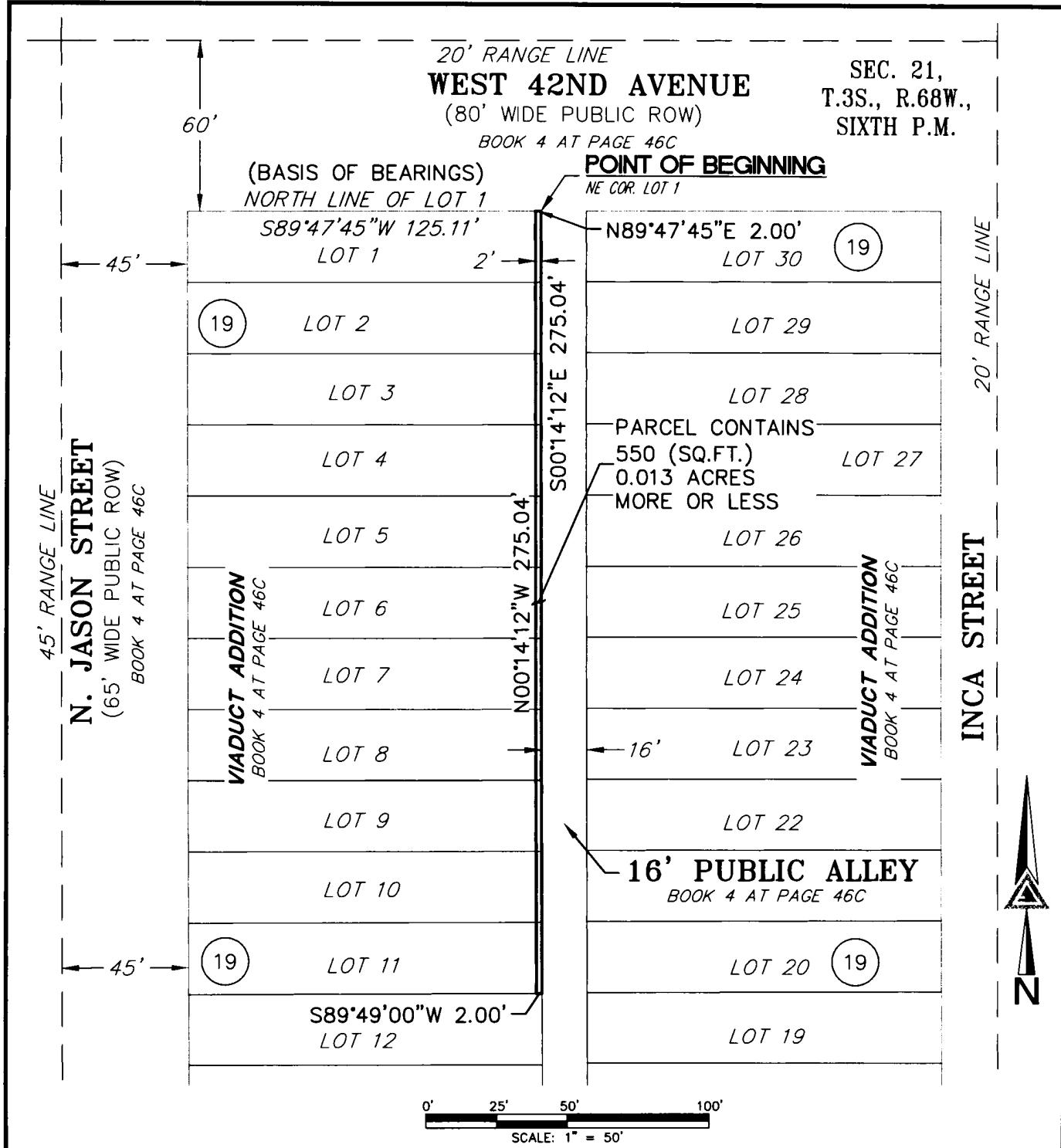
EXHIBIT ATTACHED AND MADE A PART HEREOF.

SHAUN D. LEE, PLS 38158  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 EAST MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898



2019-PROJMSTR-0000586-ROW-001

## ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: Q:\101719-01 - Sunnyside ALTA\dwg\EXHIBITS  
 DWG NAME: ALLEY EXHIBIT.DWG  
 DWG: RBA CHK: SEL  
 DATE: 04-13-2020  
 SCALE: 1" = 50'



300 East Mineral Ave.  
 Suite 1  
 Littleton, Colorado 80122  
 Phone: (303)713-1898  
 Fax: (303)713-1897  
 www.aztecconsultants.com

**ALLEY EXHIBIT**  
 LOTS 1-11, BLOCK 19 VIADUCT ADDITION  
 CITY AND COUNTY OF DENVER, COLORADO  
 JOB NUMBER 101719-01

2 OF 2 SHEETS