

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, P.E., Director, Right-of-Way Services 
Ralph S. Pettit for Matt Bryner (Jun 11, 2021 14:50 MDT)

DATE: June 10th, 2021

ROW #: 2020-DEDICATION-0000079 **SCHEDULE #:** 0512128039000

TITLE: This request is to dedicate a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by E. 2nd Ave., N. Monroe St., E. 1st Ave., and N. Madison 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 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, "Modera Cherry Creek."

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-0000079-001) HERE.

A map of the area to be dedicated is attached.

MB/TB/RL

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson, Chris Hinds District # 10
Councilperson Aide, Teresa St. Peter
Councilperson Aide, Liz Zukowski
City Council Staff, Zach Rothmier
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, Maureen McGuire
Department of Law, Martin Plate
Department of Law, Deanne Durfee
Department of Law, Caroline Martin
Department of Law, Rachonda Dixon
DOTI Survey, Tom Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2020-DEDICATION-0000079

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: June 10th, 2021

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 a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by E. 2nd Ave., N. Monroe St., E. 1st Ave., and N. Madison St.

3. **Requesting Agency:** DOTI, Right-of-Way Services
Agency Section: Survey

4. **Contact Person:** (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Rebecca Long
- **Phone:** 720-547-5344
- **Email:** Rebecca.Long@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:** 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, "Modera Cherry Creek."

****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:** bounded by E. 2nd Ave., N. Monroe St., E. 1st Ave., and N. Madison St.
- d. **Affected Council District:** Chris Hinds District # 10
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. **Is there any controversy surrounding this resolution?** (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: 2020-DEDICATION-0000079

Description of Proposed Project: Dedication of a parcel of land as Public Right-of-Way 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

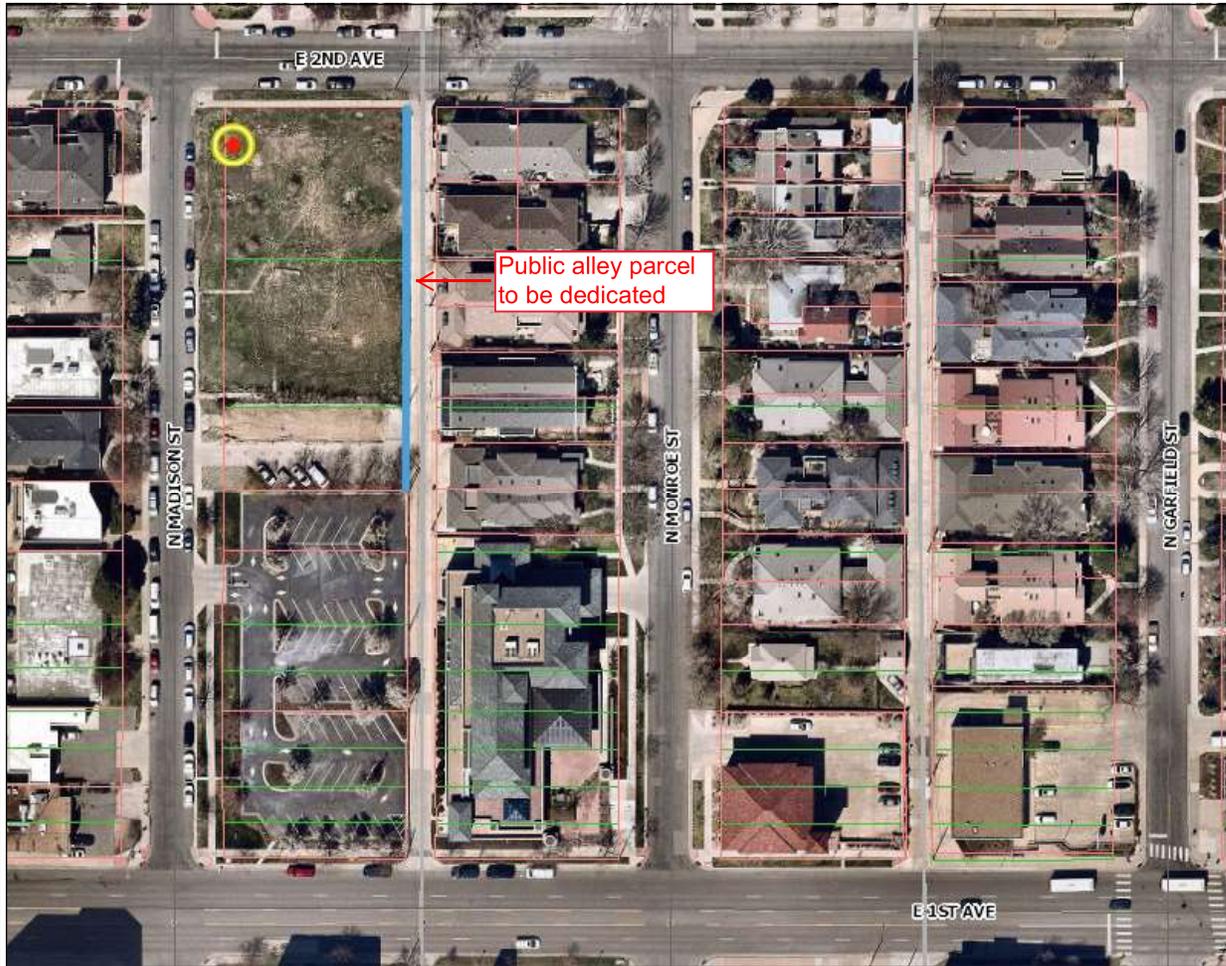
What is the known duration of a MEP: N/A

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

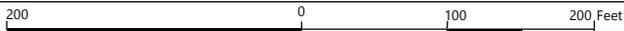
Will an easement relinquishment be submitted at a later date: N/A

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 a development project called, "Modera Cherry Creek."



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



WGS_1984_Web_Mercator_Auxiliary_Sphere
© City and County of Denver

1:1,560

Map Generated 6/10/2021

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.

PARCEL DESCRIPTION ROW NO. 2020-DEDICATION-0000079-001:**LAND DESCRIPTION – ALLEY PARCEL:**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 31ST DAY OF JULY, 2020, AT RECEPTION NUMBER 2020110613 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF PLOTS 1, 2, AND 3, BLOCK 76, HARMANS SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF NORTHEAST QUARTER OF SECTION 12 TO BEAR S89°47'00"W, A DISTANCE OF 2574.24 FEET BETWEEN A FOUND 2.5" ALUMINUM CAP STAMPED "C.R MOORE, PLS 10945" IN A RANGE BOX AT THE WEST SIDE OF STEELE STREET AND A FOUND ILLEGIBLE 3 1/4" BRASS CAP, 7" DEEP IN RANGE BOX, AT THE CENTER QUARTER CORNER OF SECTION 12, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID CENTER QUARTER CORNER; THENCE NORTH 87°10'13" EAST, A DISTANCE OF 1200.96 FEET TO THE SOUTHEASTERLY CORNER OF PLOT 1, BLOCK 76, HARMANS SUBDIVISION; THENCE ALONG THE EASTERLY LINE OF SAID PLOT 1, NORTH 00°17'42" WEST, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG A LINE PARALLEL WITH, AND 42.00 FEET NORTHERLY THEREFROM, THE SOUTHERLY LINE OF SAID PLOT 1, SOUTH 89°38'56" WEST, A DISTANCE OF 2.50 FEET; THENCE ALONG A LINE PARALLEL WITH, AND 2.50 FEET WESTERLY THEREFROM, THE EASTERLY LINE OF PLOTS 1, 2, AND 3, SAID BLOCK 76, NORTH 00°17'43" WEST, A DISTANCE OF 258.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PLOT 3; THENCE ALONG THE NORTHERLY LINE OF SAID PLOT 3, NORTH 89°38'56" EAST, A DISTANCE OF 2.50 FEET TO THE NORTHEASTERLY CORNER OF SAID PLOT 3; THENCE ALONG THE EASTERLY LINE OF PLOT 1, 2, 3, BLOCK 76, SOUTH 00°17'43" EAST, A DISTANCE OF 258.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 645 SQ. FT. OR 0.015 ACRES, MORE OR LESS.



2020110613
Page: 1 of 6
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

Project Description: 2020-Dedication-0000079
Asset Mgmt No.: 20-105

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 31st day of July, 2020, by **CPT CHERRY CREEK APARTMENTS LLC**, a Delaware limited liability company, whose address is c/o Mill Creek Residential, 1660 Lincoln Street, Suite 1900, Denver, CO 80264, (“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 A 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 except and subject to the following matters:

See Exhibit B attached hereto and incorporated herein.

No separate bill of sale with respect to improvements on the Property will be executed.

2019 FROM STEEL AND ALUMINUM

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 2
LAND DESCRIPTION

A PORTION OF PLOTS 1, 2, AND 3, BLOCK 76, HARMANS SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF NORTHEAST QUARTER OF SECTION 12 TO BEAR S89°47'00"W, A DISTANCE OF 2574.24 FEET BETWEEN A FOUND 2.5" ALUMINUM CAP STAMPED "C.R. MOORE, PLS 10945" IN A RANGE BOX AT THE WEST SIDE OF STEELE STREET AND A FOUND ILLEGIBLE 3 1/4" BRASS CAP, 7" DEEP IN RANGE BOX, AT THE CENTER QUARTER CORNER OF SECTION 12, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID CENTER QUARTER CORNER; THENCE NORTH 87°10'13" EAST, A DISTANCE OF 1200.96 FEET TO THE SOUTHEASTERLY CORNER OF PLOT 1, BLOCK 76, HARMANS SUBDIVISION; THENCE ALONG THE EASTERLY LINE OF SAID PLOT 1, NORTH 00°17'42" WEST, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING;

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SAID PARCEL CONTAINING 645 SQ. FT. OR 0.015 ACRES, MORE OR LESS.

I, JOSHUA BREEDLOVE, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOSHUA BREEDLOVE
COLORADO P.L.S. #38174
BRANCH MANAGER, FLATIRONS, INC.

JOB NUMBER: 19-72,934
DRAWN BY: A.UCHAYKIN
DATE: MAY 14, 2020

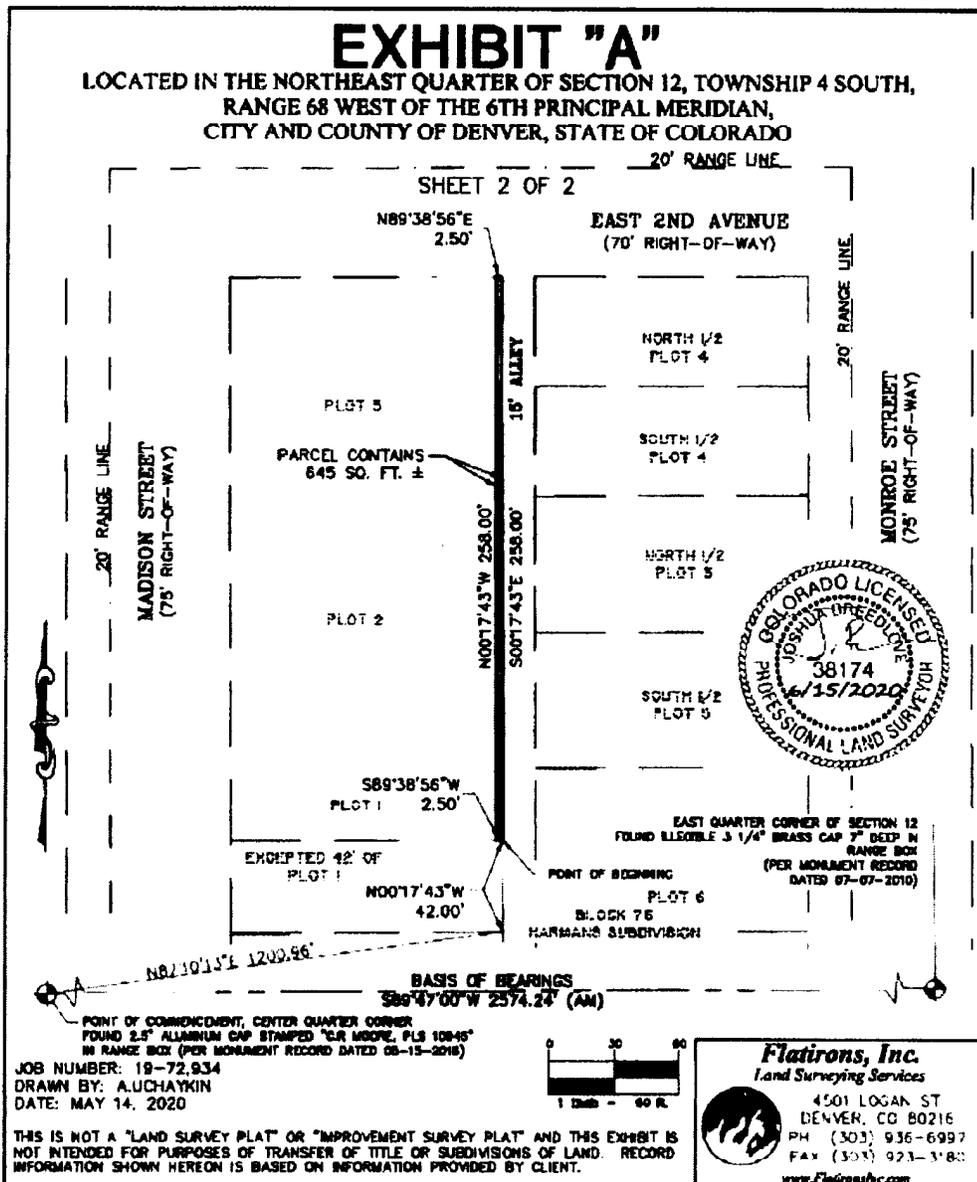


THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Land Surveying Services

4501 LOGAN ST
DENVER, CO 80216
PH: (303) 935-6997
FAX: (303) 923-3180
www.FlatironsInc.com

2019-PROJ MSTR 0000242-ROW



POINT OF COMMENCEMENT, CENTER QUARTER CORNER
 FOUND 2.5" ALUMINUM CAP STAMPED "C.R. MOORE, PLS 108-15"
 IN RANGE BOX (PER MONUMENT RECORD DATED 08-15-2018)

JOB NUMBER: 19-72,934
 DRAWN BY: AUCHAYKIN
 DATE: MAY 14, 2020

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Flatirons, Inc.
 Land Surveying Services

4501 LOGAN ST
 DENVER, CO 80216
 PH (303) 936-6997
 FAX (303) 923-3180
 www.FlatironsInc.com

EXHIBIT B**PERMITTED EXCEPTIONS**

3. Any encroachments, encumbrances, violation, variation or adverse circumstances affecting the Property that would be disclosed by an accurate and complete land survey of the Property and not shown by public records.
6. Water rights, claims of title to water, whether or not shown by the public records.
7. All taxes and assessments, now or heretofore assessed, due or payable.
8. Any existing leases or tenancies, and any and all parties claiming by, through or under said lessees.
9. Terms, conditions, provisions, agreements and obligations contained in the Ordinance No. 60, Series of 1968 as set forth below:

Recording Date: March 14, 1968
Recording No.: Book 9854, Page 231

Ordinance No. 436, Series of 1968:

Recording Date: January 6, 1969
Recording No.: Book 9975, Page 351

Ordinance No. 442, Series of 1973:

Recording Date: July 30, 1973
Recording No.: Book 738, Page 127
12. Terms, conditions, provisions, agreements and obligations contained in the Madison Street Office Building Planned Development as set forth below:

Recording Date: August 9, 2006
Recording No.: Reception No. 2006127669
13. Terms, conditions, provisions, agreements and obligations contained in the Ordinance No. 20180619, Series of 2018 as set forth below:

Recording Date: July 25, 2018
Recording No.: Reception No. 2018091507
14. Terms, conditions, provisions, agreements and obligations contained in the Denver Assessor's Parcel Reconfiguration Form as set forth below:

Recording Date: January 16, 2019
Recording No.: Reception No. 2019005403

15. Terms, conditions, provisions, agreements and obligations contained in the Zone Lot Amendment Application as set forth below:

Recording Date: August 21, 2019
Recording No.: Reception No. 2019112317

16. Terms, conditions, provisions, agreements and obligations contained in the Permanent Non-Exclusive Easement as set forth below:

Recording Date: July 20, 2020
Recording No.: Reception No. 2020102643