



## 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:** September 5, 2019

**ROW #:** 2019-Dedication-0000095      **SCHEDULE #:** Adjacent to 0522103011000

**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as E. Buchtel Blvd.  
Located at E. Buchtel Blvd. between S. Pennsylvania St. and E. Arizona Ave.

**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 E. Buchtel 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 (**Buchtel Mixed-Use**)

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 E. Buchtel Blvd.. The land is described as follows.

### **INSERT PARCEL DESCRIPTION ROW # (2019-Dedication-0000095-001) HERE.**

A map of the area to be dedicated is attached.

MB/RE/bv

cc: Dept. of Real Estate, Katherine Rinehart  
City Councilperson & Aides, Jolon Clark District # 7  
Council Aide Maggie Thompson  
Council Aide Anita Banuelos  
Council Aide Tate Carpenter  
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, Ron Ellis  
Public Works Survey, Paul Rogalla  
Public Works Ordinance  
Owner: City and County of Denver  
Project file folder 2019-Dedication-0000095

## 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: September 5, 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 E. Buchtel Blvd.  
Located at E. Buchtel Blvd. between S. Pennsylvania St. and E. Arizona Ave.

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 E. Buchtel 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 (**Buchtel Mixed-Use**)

**\*\*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. Buchtel Blvd. between S. Pennsylvania St. and E. Arizona Ave.
- d. **Affected Council District:** Jolon Clark Dist. #7
- 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-0000095**

**Description of Proposed Project: Dedicate a parcel of land as public right of way as E. Buchtel 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**

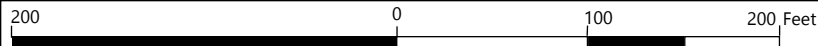
**Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as Public Right-of-Way, as a part of a development project called Buchtel Mixed-Use**



Area to be Dedicated

### Legend

- ▲ Well Restrictions
- Barrier Restrictions
- Area Restrictions
  - Liner
  - Sheet Pile Wall Area
- 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



PW Legal Description No. 2019-DEDICATION-0000095-001

A parcel of land conveyed by Special Warranty Deed to the City and County of Denver, recorded on the 27th day of August 2019, at Reception No. 2019115374 in the City and County of Denver Clerk and Recorder's Office, State of Colorado, being more particularly described as follows:

A PORTION OF LOTS 17 THROUGH 25 INCLUSIVE, BLOCK 3, SHERMAN SUBDIVISION, TOGETHER WITH A PORTION OF A PUBLIC ALLEY VACATED PER ORDINANCE 102, SERIES OF 1941, LOCATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE BEARING OF THE 20' RANGE LINE IN E. ARIZONA AVENUE BETWEEN S. LOGAN STREET AND S. PENNSYLVANIA STREET BEING NORTH 89°48'01" WEST A DISTANCE OF 328.86' BETWEEN A FOUND 1.25" ORANGE PIN AND CAP IN A RANGE BOX AT THE WEST END OF SAID RANGE LINE AND A FOUND 2" ALUMINUM CAP IN MONUMENT BOX AT EAST END OF SAID RANGE LINE.

COMMENCING AT SAID 2" ALUMINUM CAP AT S. PENNSYLVANIA STREET AND E. ARIZONA AVENUE; THENCE ALONG A 20' RANGE LINE BETWEEN S. PENNSYLVANIA STREET AND S. PEARL STREET NORTH 89°44'45" WEST A DISTANCE OF 194.03 FEET; THENCE DEPARTING SAID 20' RANGE LINE NORTH 00°15'15" EAST 20 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF E. ARIZONA AVENUE, ALSO BEING ON THE SOUTH LINE OF SAID LOT 25, AND THE POINT OF BEGINNING.

THENCE NORTH 89°44'45" WEST, ALONG SAID NORTH RIGHT OF WAY AND SOUTH LINE OF LOT 25, A DISTANCE OF 5.30 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY AND SOUTH LINE, PARALLEL WITH AND 4 FEET SOUTHWEST OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF E. BUCHTEL BLVD, NORTH 40°42'18" WEST, A DISTANCE OF 226.97 FEET, TO A POINT ON THE EAST LINE OF SAID LOT 18; THENCE NORTH 00°14'22" EAST ALONG SAID EAST LINE OF LOTS 17 & 18, ALSO BEING THE EAST RIGHT OF WAY LINE OF S. PENNSYLVANIA STREET, A DISTANCE OF 6.10 FEET TO A POINT 2.04 FEET NORTH OF THE NORTH LOT LINE OF LOT 18; THENCE DEPARTING SAID EAST LINE AND EAST RIGHT OF WAY LINE, SOUTH 40°42'18" EAST ALONG THE SOUTH EASTERLY RIGHT OF WAY LINE OF E. BUCHTEL BLVD. 235.05 FEET TO A POINT OF BEGINNING.

CONTAINING 924 SQ. FT. OR 0.021 ACRES MORE OR LESS.



08/27/2019 02:59 PM  
City & County of Denver

R \$0.00

WD

2019115374

Page: 1 of 4

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 27 day of AUGUST, 2019, by **MCATEE PROPERTIES, LLC**, a Colorado limited liability company, whose address is 5233 S. Ironton Way, Englewood, CO 80111, 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.

Assess Mgmt # 19-120

Project Description: Buchtel Blvd.  
2019-Dedication-000085

IN WITNESS WHEREOF, Grantor has executed this Deed on the date set forth above.

ATTEST:

**MCATEE PROPERTIES, LLC**, a Colorado Limited Liability Company

By: \_\_\_\_\_

Name: MICHAEL MCATEE

Its: OWNER

STATE OF Colorado )  
 ) ss.  
COUNTY OF denver )

The foregoing instrument was acknowledged before me this 27 day of August, 2019  
by Michael Mcatee, as OWNER of **MCATEE PROPERTIES, LLC**, a  
Colorado Limited Liability Company.

Witness my hand and official seal.

My commission expires: 2/21/21

KELLY OLSON WOLDT  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174007720  
MY COMMISSION EXPIRES FEB 21, 2021

[Signature]  
Notary Public

**EXHIBIT A  
LEGAL DESCRIPTION  
SHEET 1 OF 2**

A PORTION OF LOTS 17 THROUGH 25 INCLUSIVE, BLOCK 3, SHERMAN SUBDIVISION, TOGETHER WITH A PORTION OF A PUBLIC ALLEY VACATED PER ORDINANCE 102, SERIES OF 1941, LOCATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING ±924 SQ. FT. OR ± 0.021 ACRES MORE OR LESS.



Richard B. Gabriel, P.L.S.  
Colorado License #37929  
For and on behalf of Power Surveying Company, Inc.  
303-702-1617



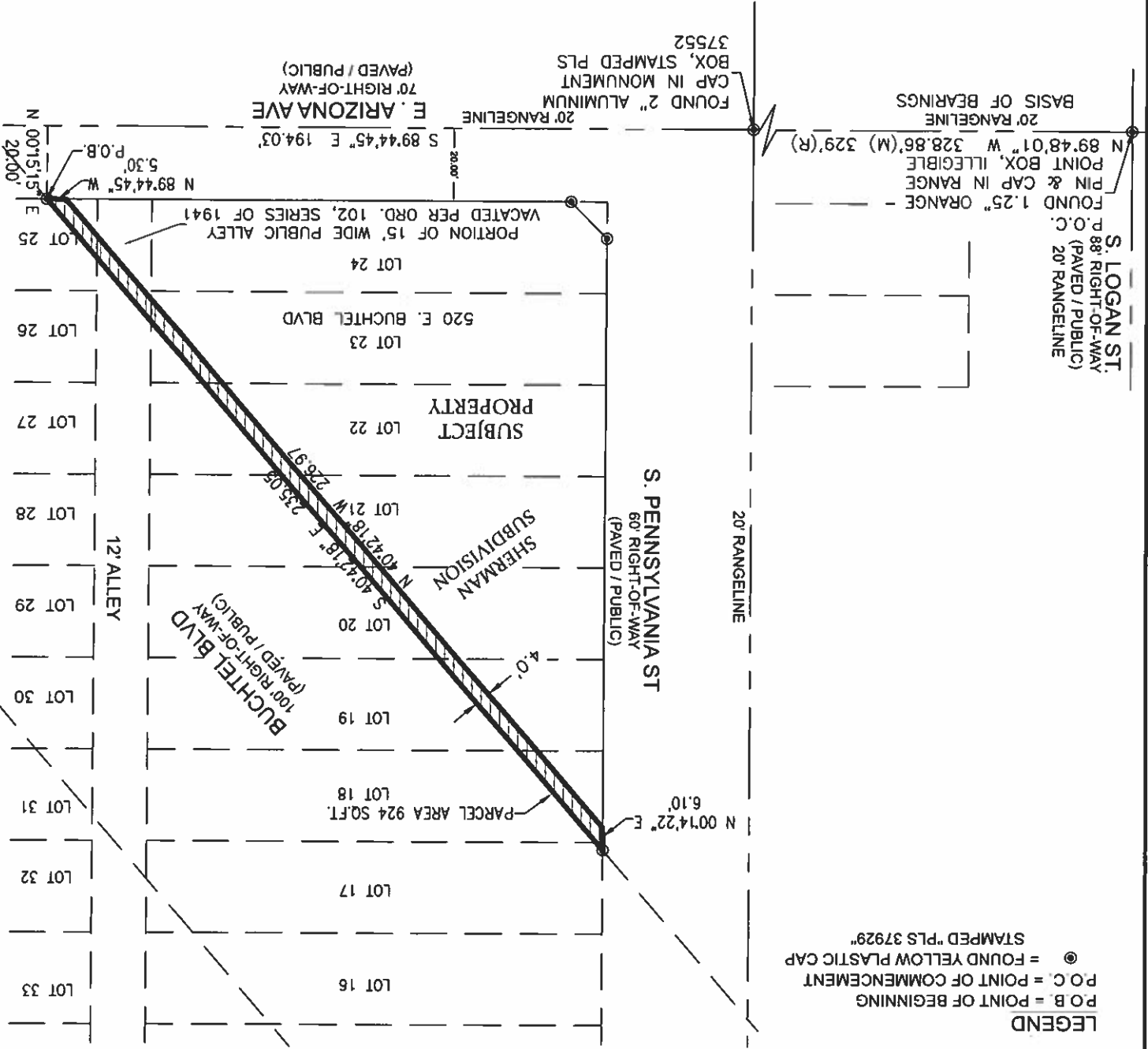
DRAWING BY: BEM  
PROJECT NO. 19-009

DATE: 04-24-2019



# EXHIBIT A EXHIBIT OF LEGAL DESCRIPTION SHEET 2 OF 2

**LEGEND**  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT  
 ● = FOUND YELLOW PLASTIC CAP  
 STAMPED "PLS 37929"



DRAWING BY: BEM  
 PROJECT NO. 19-009  
 DATE: 04-24-2019

