


REQUEST FOR RESOLUTION FOR TIER III ENCROACHMENT PERMIT**TO:** Ivone Avila-Ponce, City Attorney's Office**FROM:** Matt Bryner, P.E.
Director, Right of Way Services
Matt R. Bryner (Jun 26, 2023 14:37 MDT)**ROW NO.:** 2022-ENCROACHMENT-0000098**DATE:** June 15, 2023**SUBJECT:** Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Cherokee Partners Denver, LLC, a Colorado limited liability company their successors and assigns, to encroach into the right-of-way with existing stairs and stoops at West 11th Avenue and Cherokee Street which currently extend into the ROW. The stairs consist of 5 separate extrusions, each approximately eighteen (18) feet long, separated by approximately eight (8) feet each and will also be providing ADA access to the retail spaces at 301-323 West 11th Avenue.**It is requested that the above subject item be placed on the next available Mayor Council Agenda.**

This office has investigated the request from Kimley-Horn dated April 19, 2023, on behalf of Cherokee Partners Denver, LLC, a Colorado limited liability company for the granting of the above-subject permit.

This matter has been checked by this office and has been coordinated with Asset Management; Colorado Department of Transportation; Comcast; Division of Disability Rights; Councilperson Hinds, District #10; City Forester; Historic Preservation/Landmark; Community Planning and Development: Building & Construction Services, and Development Services; Denver Water; Fire Department; Metro Water Recovery; Office of Emergency Management; Parks and Recreation; DOTI: Construction Engineering, Policy and Planning, DES Transportation & Wastewater, Survey, TES Signing and Striping, and Street Maintenance; CenturyLink; Regional Transportation District; and Xcel Energy, all of whom have indicated no objection for the proposed encroachment.

As a result of the investigations, it has been determined that there is no objection to the granting of the revocable permit.

Therefore, you are requested to initiate Council action for the granting of a revocable permit, subject to certain terms and conditions, to Cherokee Partners Denver, LLC, a Colorado limited liability company their successors and assigns, to encroach with existing stairs and stoops at West 11th Avenue and Cherokee Street which currently extend into the ROW. The stairs consist of 5 separate extrusions, each approximately eighteen (18) feet long, separated by approximately eight (8) feet each and will also be providing ADA access to the retail spaces into 301-323 West 11th Avenue.

INSERT ENCROACHMENT LEGAL DESCRIPTION ROW 2022-ENCROACHMENT-0000098-001 HERE

And benefitting the following described parcel of property:

INSERT PARCEL LEGAL DESCRIPTION ROW 2022-ENCROACHMENT-0000098-002 HERE

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003

STANDARD PROVISIONS

The revocable permit ("Permit") granted by this Resolution is expressly granted upon and subject to each and all of the following terms and conditions (terms not defined herein are defined in the Rules and Regulations Governing Encroachments & Encumbrances in the Public Right of Way):

(a) Permittee shall obtain a street occupancy permit, street cut permit, and/or ROW construction permit from the City's Department of Transportation and Infrastructure ("DOTI") Permit Operations through www.denvergov.org/dotipermits prior to commencing construction.

(b) Permittee shall be responsible for obtaining all necessary permits and shall pay all costs for installation and construction of items permitted herein.

(c) If the Permittee intends to install any underground facilities in or near a Public road, street, alley, ROW or utility easement, the Permittee shall join the Statewide Notification Association of Owners and Operators of Underground Facilities by contacting the Utility Notification Center of Colorado (Colorado 811) through <https://colorado811.org/> or at 303-232-1991, 16361 Table Mountain Pkwy, Golden, Colorado, 80403. Further, Permittee shall contact the Utility Notification Center (Colorado 811) at <https://colorado811.org/> or 303-232-1991 to request locates for existing underground facilities prior to commencing excavation.

(d) Permittee is fully responsible for any and all damages incurred to facilities of Denver Water and any other Utility Company, and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the Permits. Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the City's Executive Director of DOTI ("Executive Director"), in the Executive Director's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the water and/or sewer facilities affected by the Encroachment(s). The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Executive Director. Any and all replacement or repair of facilities of Denver Water and any other Utility Company, and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by Denver Water, Utility Company, and/or the City and County of Denver at the sole expense of the Permittee. In the event the Permittee's facilities are damaged or destroyed due to Denver Water's, Utility Company's, or the City and County of Denver's repair, replacement and/or operation of its facilities, repairs will be made by Permittee at its sole expense. Permittee agrees to defend, indemnify and hold the City harmless and to repair or pay for the repair of any and all damages to said water, storm, sanitary sewer facilities or other Utility Company facilities, or those damages resulting from the failure of the water, storm, sanitary sewer facilities or other Utility Company facilities to properly function because of the Encroachment(s).

(e) Permittee shall comply with all requirements of affected Utility Companies and pay for all costs of removal, relocation, replacement or rearrangement of Utility Company facilities. Existing utility facilities shall not be utilized, obstructed or disturbed.

(f) All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code and [City and County of Denver Department of Transportation & Infrastructure Transportation Standards and Details for the Engineering Division](#).

(g) Permittee shall observe and comply with all Federal, State and local laws, regulations, ordinances, and public safety requests regarding the use of the Encroachment Area.

(h) Plans and Specifications governing the construction of the Encroachment(s) shall be approved by DOTI prior to construction.

(i) Permittee shall pay all costs of construction and maintenance of the Encroachment(s). Upon revocation of the Permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment(s) from the Encroachment Area and restore the Encroachment Area to a condition in accordance with [City and County of Denver Department of Transportation & Infrastructure Transportation Standards and Details for the Engineering Division](#) under the supervision of DOTI.

(j) Permittee shall remove and replace any and all street/alley paving, Sidewalks, Streetscapes, Amenity Zones, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during, in the opinion of DOTI, the course of construction or maintenance of the Encroachment(s). In the future, Permittee shall also remove, replace or repair any street/alley paving, Sidewalks, and curb and gutter that become broken or damaged when, in the opinion of DOTI, the damage has been caused by the Encroachment(s) or the activity of the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to the City and under the supervision of DOTI.

(k) The City reserves the right to make an inspection of the Encroachment(s) and the Encroachment Area.

(l) During the existence of the Encroachment(s) and the Permit, Permittee, its successors and assigns, at its expense, and without cost to the City, shall procure and maintain Commercial General Liability insurance policy with a limit of not less than \$1,000,000 per occurrence. All coverages are to be arranged on an occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage required herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this Permit. All insurance coverage required herein shall be written in a form and by a company or companies approved by the Risk Manager of the City and authorized to do business in the State of Colorado. A certified copy of all such insurance policies shall be filed with the Executive Director, and each such policy shall contain

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a statement therein or endorsement thereon that it will not be canceled or materially changed without written notice, by registered mail, to the Executive Director at least thirty (30) days prior to the effective date of the cancellation or material change. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.

(m) In addition to the requirement herein to comply with all laws, Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the DRMC. The failure to comply with any such provision shall be a proper basis for revocation of the Encroachment(s).

(n) The right to revoke the Permit at any time for any reason and require the removal of the Encroachment(s) is expressly reserved to the City.

(o) By Permittee's use of this Permit and the Encroachment Area, Permittee agrees to the following:

i. Permittee agrees to defend, indemnify, reimburse and hold harmless City, its appointed and elected officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to this Permit and the Encroachment(s) ("Claims"). This indemnity shall be interpreted in the broadest possible manner to indemnify City for any acts or omissions of Permittee or its subcontractors either passive or active, irrespective of fault, including City's negligence whether active or passive.

ii. Permittee's duty to defend and indemnify City shall arise at the time written notice of the Claim is first provided to City regardless of whether claimant has filed suit on the Claim. Permittee's duty to defend and indemnify City shall arise even if City is the only party sued by claimant and/or claimant alleges that City's negligence or willful misconduct was the sole cause of claimant's damages.

iii. Permittee will defend any and all Claims which may be brought or threatened against City and will pay on behalf of City any expenses incurred by reason of such Claims including, but not limited to, court costs and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation. Such payments on behalf of City shall be in addition to any other legal remedies available to City and shall not be considered City's exclusive remedy.

iv. Insurance coverage requirements specified in this Encroachment Permit shall in no way lessen or limit the liability of Permittee under the terms of this indemnification obligation. Permittee shall obtain, at its own expense, any additional insurance that it deems necessary for the City's protection.

v. This defense and indemnification obligation shall survive the expiration or termination of this Permit.

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(p) Pursuant to Chapter 49 of the DRMC, DOTI is authorized to remove or to order the removal of any article, vehicle, object or thing whatsoever encroaching into any street, alley, Sidewalk, or other public way or place.

(q) No third party, person or agency, except for an authorized Special District, may place the Encroachment(s) in front of a property without written permission of the adjacent property owner.

(r) Permittee's use of the ROW for placement of the Encroachment(s) does not create a property right or ownership interest of any kind in the Encroachment Area to the Permittee.

(s) All Encroachment(s) in Amenity Zones containing existing Public Trees and/or with the potential to impact tree roots or tree canopy must be pre-approved by the Office of the City Forester (OCF), by contacting them at forestry@denvergov.org or 720-913-0651. Encroachment(s) cannot be attached to or damage any Public Tree, and any damage shall be reported to the OCF immediately for mitigation. All trenching, excavation and grading activities within the Dripline of any Public Tree must be pre-approved by the OCF. City permits are required for the planting or removal of any Public Trees and can be obtained by emailing forestry@denvergov.org.

(t) All disturbances associated with construction of the Encroachment(s) shall be managed as required by City standards for erosion control which may require standard notes or CASDP permitting depending on location and scope of project.

(u) Encroachment(s) proposed adjacent to a designated park or within a dedicated parkway shall require the City's Department of Parks and Recreation approval prior to installation.

(v) Encroachment(s) attached to a building may require building and/or zoning permits from the City's Department of Community Planning and Development.

(w) Encroachment(s) in the regulatory floodplain shall require a SUDP and comply with Chapter 4 Floodplain Regulations of the "Storm Drainage Design and Technical Criteria", Chapter 12 Floodplain Management of the "DOTI Rules and Regulations Governing Sewerage Charges and Fees and Management of Wastewater" and the City Floodplain Ordinance in DRMC Section 56-200 through 56-206. Above ground Encroachment(s) in a Floodway require a No-Rise Certification sealed and signed by a Professional Engineer licensed in the State of Colorado. If there is any rise in Base Flood Elevations, a Conditional Letter of Map Revision (CLOMR) and LOMR will be required.

(x) Only clean soil may be brought onto an Encroachment Area. Verification of soil quality must be provided if requested. Material removed from an Encroachment Area must be properly disposed and is the responsibility of the Permittee.

SPECIAL CONDITIONS FOR THIS PERMIT

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(a) NONE

A map of the area is attached hereto.

MB: sb

cc: Asset Management,
City Council Office, Luke Palmisano
Councilperson and Aides
Department of Law, Bradley Beck
Department of Law, Deanne Durfee
Department of Law, Maureen McGuire
Department of Law, Martin Plate
Department of Law, Ivone Avila-Ponce
DOTI, Alba Castro
DOTI, Jason Gallardo
Project File

Property Owner:
Chris Jedd
Cherokee Partners
Denver, LLC, a Colorado
limited liability company
2443 S. University Blvd
Unit 152
Denver, CO 80210

Agent:
Eric McDaniel
Kimley-Horn
1125 17th Street
Suite 1400
Denver, CO 80202

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ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo
at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact her with questions.

Date of Request: June 15, 2023

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
- Dedication/Vacation Appropriation/Supplemental DRMC Change
- Other:** Tier III Resolution

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

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3. Requesting Agency: DOTI, Right-of-Way Services, Engineering and Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brianne White	Name: Jason Gallardo
Email: Brianne.White@denvergov.org	Email: Jason.Gallardo@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

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

7. City Council District: Councilperson Hinds, District 10

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:

Contract control number:

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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



TIER III ENCROACHMENT EXECUTIVE SUMMARY

What is an Encroachment: A privately owned improvement that is located in, or projects over or under the public Right-of-Way.

Project Title: 2022-ENCROACHMENT-0000098 - Tier III - 11th Ave and Cherokee St - Patio - Ramp - Stairs

Business name: Cherokee Partners Denver, LLC, a Colorado limited liability company

Description of Encroachment: Existing stairs and stoops at West 11th Avenue and Cherokee Street which currently extend into the ROW. The stairs consist of 5 separate extrusions, each approximately eighteen (18) feet long, separated by approximately eight (8) feet each and will also be providing ADA access.

Applicant's explanation of why the Public Right of Way must be utilized for a private improvement: The intention of the encroachment is to preserve portions of the current facade of the building and to maintain access to and activation of the sidewalk along West 11th Avenue. The neighborhood and public has expressed strong interest and advocacy in preserving portions of the facade and stairs/stoops of the existing building and therefore we feel this request is justifiable.

Annual Fees: \$200.00 per year

Location Map: Continued on next page

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What is an Encroachment: A privately owned improvement that is located in, or projects over or under the public Right-of-Way.



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EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 1 OF 5

PORTIONS OF WEST 11TH AVENUE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE 21' RANGE LINE OF CHEROKEE STREET TO BEAR SOUTH 00°18'04" EAST, A DISTANCE OF 513.22 FEET BETWEEN FOUND 3" BRASS CAPS IN RANGE BOXES STAMPED "DWD LS 16398" AT THE INTERSECTION OF THE 20' RANGE LINE OF 12TH AVENUE WITH THE THE 21' RANGE LINE OF CHEROKEE STREET AND AT THE INTERSECTION OF THE 20' RANGE LINE OF WEST 11TH AVENUE AND THE 21' RANGE LINE OF CHEROKEE STREET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

AREA 1:

THAT PORTION OF WEST 11TH AVENUE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE 20' RANGE LINE OF WEST 11TH AVENUE AND THE 21' RANGE LINE OF CHEROKEE STREET; THENCE NORTH 46°35'08" WEST, A DISTANCE OF 29.05 FEET TO THE SOUTHEASTERLY CORNER OF LOT 17, BLOCK 57, SUBDIVISION OF BLOCKS 42, 44, 45, 45, 57, 58, 59, 60, EVANS ADDITION TO DENVER; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 17, SOUTH 89°54'50" WEST, A DISTANCE OF 4.37 FEET TO THE POINT OF BEGINNING OF AREA 1;

THENCE SOUTH 00°08'30" WEST, A DISTANCE OF 0.98 FEET; THENCE NORTH 89°49'34" WEST, A DISTANCE OF 17.78 FEET; THENCE NORTH 00°08'30" EAST, A DISTANCE OF 0.90 FEET TO A POINT ON SAID SOUTHERLY LINE; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°54'50" EAST, A DISTANCE OF 17.78 FEET TO THE POINT OF BEGINNING OF AREA 1; CONTAINING 17 SQUARE FEET, MORE OR LESS;

TOGETHER WITH:

AREA 2:

THAT PORTION OF WEST 11TH AVENUE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE 20' RANGE LINE OF WEST 11TH AVENUE AND THE 21' RANGE LINE OF CHEROKEE STREET; THENCE NORTH 46°35'08" WEST, A DISTANCE OF 29.05 FEET TO THE SOUTHEASTERLY CORNER OF LOT 17, BLOCK 57, SUBDIVISION OF BLOCKS 42, 44, 45, 45, 57, 58, 59, 60, EVANS ADDITION TO DENVER; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 17, SOUTH 89°54'50" WEST, A DISTANCE OF 29.98 FEET TO THE POINT OF BEGINNING OF AREA 2;

THENCE SOUTH 00°08'30" WEST, A DISTANCE OF 0.88 FEET; THENCE NORTH 89°54'21" WEST, A DISTANCE OF 17.65 FEET; THENCE NORTH 00°08'30" EAST, A DISTANCE OF 0.83 FEET TO A POINT ON SAID SOUTHERLY LINE; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°54'50" EAST, A DISTANCE OF 17.65 FEET TO THE POINT OF BEGINNING OF AREA 2; CONTAINING 15 SQUARE FEET, MORE OR LESS;



JOB NUMBER: 22-77,296
DRAWN BY: M. LUND
DATE: AUGUST 05, 2022

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) 936-6997
FAX: (303) 923-3180

www.FlatironsInc.com

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TOGETHER WITH: SHEET 2 OF 5

AREA 3:

THAT PORTION OF WEST 11TH AVENUE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE 20' RANGE LINE OF WEST 11TH AVENUE AND THE 21' RANGE LINE OF CHEROKEE STREET; THENCE NORTH 46°35'08" WEST, A DISTANCE OF 29.05 FEET TO THE SOUTHEASTERLY CORNER OF LOT 17, BLOCK 57, SUBDIVISION OF BLOCKS 42, 44, 45, 45, 57, 58, 59, 60, EVANS ADDITION TO DENVER; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 17, SOUTH 89°54'50" WEST, A DISTANCE OF 55.54 FEET TO THE POINT OF BEGINNING OF AREA 3;

THENCE SOUTH 00°08'30" WEST, A DISTANCE OF 0.77 FEET; THENCE SOUTH 89°35'09" WEST, A DISTANCE OF 17.57 FEET; THENCE NORTH 00°08'30" EAST, A DISTANCE OF 0.87 FEET TO A POINT ON SAID SOUTHERLY LINE; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°54'50" EAST, A DISTANCE OF 17.57 FEET TO THE POINT OF BEGINNING OF AREA 3; CONTAINING 14 SQUARE FEET, MORE OR LESS;

TOGETHER WITH:

AREA 4:

THAT PORTION OF WEST 11TH AVENUE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE 20' RANGE LINE OF WEST 11TH AVENUE AND THE 21' RANGE LINE OF CHEROKEE STREET; THENCE NORTH 46°35'08" WEST, A DISTANCE OF 29.05 FEET TO THE SOUTHEASTERLY CORNER OF LOT 17, BLOCK 57, SUBDIVISION OF BLOCKS 42, 44, 45, 45, 57, 58, 59, 60, EVANS ADDITION TO DENVER; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 17, SOUTH 89°54'50" WEST, A DISTANCE OF 80.93 FEET TO THE POINT OF BEGINNING OF AREA 4;

THENCE SOUTH 00°08'30" WEST, A DISTANCE OF 0.71 FEET; THENCE SOUTH 89°49'46" WEST, A DISTANCE OF 17.81 FEET; THENCE NORTH 00°08'30" EAST, A DISTANCE OF 0.73 FEET TO A POINT ON SAID SOUTHERLY LINE; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°54'50" EAST, A DISTANCE OF 17.81 FEET TO THE POINT OF BEGINNING OF AREA 4; CONTAINING 13 SQUARE FEET, MORE OR LESS;



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DATE: AUGUST 05, 2022

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CITY AND COUNTY OF DENVER, STATE OF COLORADO
SHEET 3 OF 5

TOGETHER WITH:

AREA 5:

THAT PORTION OF WEST 11TH AVENUE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE 20' RANGE LINE OF WEST 11TH AVENUE AND THE 21' RANGE LINE OF CHEROKEE STREET; THENCE NORTH 46°35'08" WEST, A DISTANCE OF 29.05 FEET TO THE SOUTHEASTERLY CORNER OF LOT 17, BLOCK 57, SUBDIVISION OF BLOCKS 42, 44, 45, 45, 57, 58, 59, 60, EVANS ADDITION TO DENVER; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 17, SOUTH 89°54'50" WEST, A DISTANCE OF 106.54 FEET TO THE POINT OF BEGINNING OF AREA 5;

THENCE SOUTH 00°08'30" WEST, A DISTANCE OF 0.59 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 17.55 FEET; THENCE NORTH 00°08'30" EAST, A DISTANCE OF 0.57 FEET TO A POINT ON SAID SOUTHERLY LINE; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°54'50" EAST, A DISTANCE OF 17.55 FEET TO THE POINT OF BEGINNING OF AREA 5; CONTAINING 10 SQUARE FEET, 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, ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND ARE NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED. SAID PARCEL DESCRIPTION AND EXHIBIT WERE PREPARED AT THE REQUEST OF THE CLIENT AND ARE NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOSHUA BREEDLOVE
COLORADO P.L.S. #38174
VICE PRESIDENT, FLATIRONS, INC.

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BY:MLUND FILE:77296-ALTA-COMBINED-DESCRIPTIONS_RECOVER.DWG DATE: AUGUST 05, 20226/1/2023 9:52 AM

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CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 4 OF 5

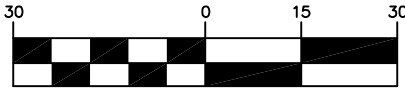
12TH AVENUE
(RIGHT-OF-WAY VARIES)

FOUND 3" BRASS CAP
IN RANGE BOX STAMPED
"DWD LS 16398"

20' RANGE LINE



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

LOT 11

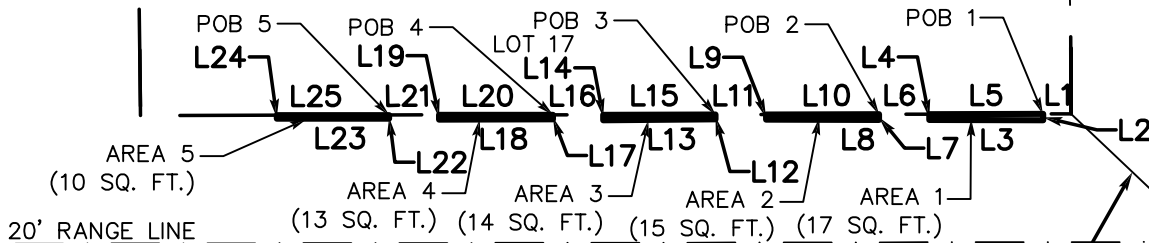
BLOCK 57

SUBDIVISION OF BLOCKS 43,
44, 45, 46, 57, 58, 59, 60,
EVANS ADDITION TO DENVER

LOT 12

LOT 13

21' RANGE LINE
BASIS OF BEARINGS
S00°18'04"E 513.22'
CHEROKEE STREET
(70' RIGHT-OF-WAY)



WEST 11TH AVENUE
(80' RIGHT-OF-WAY)

N46°35'08"W
29.05' (AM)

POINT OF COMMENCEMENT
FOUND 3" BRASS CAP IN RANGE
BOX STAMPED "DWD LS 16398"

POB: POINT OF BEGINNING



JOB NUMBER: 22-77,296
DRAWN BY: M. LUND
DATE: AUGUST 05, 2022

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) 936-6997
FAX: (303) 923-3180
www.FlatironsInc.com

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 5 OF 5

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S89°54'50"W	4.37
L2	S00°08'30"W	0.98
L3	N89°49'34"W	17.78
L4	N00°08'30"E	0.90
L5	N89°54'50"E	17.78
L6	S89°54'50"W	29.98
L7	S00°08'30"W	0.88
L8	N89°54'21"W	17.65
L9	N00°08'30"E	0.83
L10	N89°54'50"E	17.65
L11	S89°54'50"W	55.54
L12	S00°08'30"W	0.77
L13	S89°35'09"W	17.57
L14	N00°08'30"E	0.87
L15	N89°54'50"E	17.57
L16	S89°54'50"W	80.93

LINE TABLE		
LINE #	DIRECTION	LENGTH
L17	S00°08'30"W	0.71
L18	S89°49'46"W	17.81
L19	N00°08'30"E	0.73
L20	N89°54'50"E	17.81
L21	S89°54'50"W	106.54
L22	S00°08'30"W	0.59
L23	N90°00'00"W	17.55
L24	N00°08'30"E	0.57
L25	N89°54'50"E	17.55



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07/19/2021 08:19 AM
City & County of Denver
Electronically Recorded

R \$28.00

WD

D \$265.00

SPECIAL WARRANTY DEED

State Doc Fee: \$265.00

Handwritten: 21000310212
\$ 28

THIS DEED is dated the 16th day of July, 2021, and is made between (whether one, or more than one),

Cherokee Realty, LLC, a Colorado limited liability company

the "Grantor" of the County of Denver and State of Colorado and

Cherokee Partners Denver, LLC, a Colorado limited liability company

(whether one, or more than one), the "Grantee", whose legal address is PO Box 6582, Denver, CO 80206 of the County of Denver and State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of **Two Million Six Hundred Fifty Thousand Dollars and No Cents (\$2,650,000.00)**, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the City and County of Denver and State of Colorado described as follows:

See Exhibit "A" attached hereto and made a part hereof

also known by street address as: 301 - 323 West 11th Avenue, Denver, CO 80204, 1109 North Cherokee Street, Denver, CO 80204

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, 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 above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, and the Grantee's heirs and assigns forever, The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree that the Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor except and subject to:

See Exhibit "B" attached hereto and made a part hereof

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

CHEROKEE REALTY, LLC, a Colorado limited liability company

By: *Susan C. Mathews*
Susan C. Mathews, Manager

State of Colorado
County of Denver

The foregoing instrument was acknowledged before me this ^{14~~th~~} day of July, 2021 by Susan C. Mathews as Manager of Cherokee Realty, LLC, a Colorado limited liability company.

Witness my hand and official seal.



Notary Public

My commission expires:

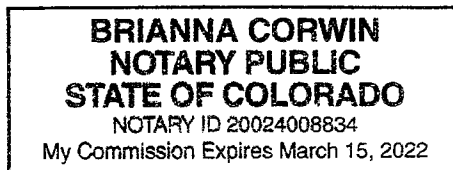


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL A:

Lot 15, Block 57, Subdivision of Blocks 43, 44, 45, 46, 57, 58, 59, 60,
EVANS ADDITION TO DENVER,
City and County of Denver, State of Colorado.

PARCEL B:

Lots 16 and 17, Block 57, Subdivision of Blocks 43, 44, 45, 46, 57, 58, 59, 60,
EVANS ADDITION TO DENVER, and
All that tract of land lying between the South line of Lot 17 and the North line of Lot 16, produced Westerly to a
point 16 feet Easterly of the Westerly line of the Alley, in Block 33, WITTERS FIRST ADDITION TO THE CITY OF
DENVER,
City and County of Denver, State of Colorado.

EXHIBIT "B"
EXCEPTIONS TO TITLE

1. Taxes for the year 2021, and subsequent years; special assessments or charges not certified to the County Treasurer.
2. Agreement Affecting Real Property recorded April 16, 1998 at Reception No. 9800058740.
3. Existing leases and tenancies.