

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office
FROM: Robert J. Duncanson P.E., Engineering Manager II
Right-of-Way Services
DATE: September 21, 2016
ROW #: 2016-Dedication-0000129 **SCHEDULE #:** 0227107039000
TITLE: This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Located near the intersection of 38th St. and Brighton Blvd.

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 to the City and County of Denver for Public Right-of-Way, as part of the development project (**Specialty Retailer**)

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 # (2016-Dedication-0000129-001) HERE.

A map of the area to be dedicated is attached.

RD/WR/BLV

cc: Asset Management, Steve Wirth
City Councilperson & Aides, Albus Brooks District # 9
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, Rob Duncanson
Department of Law, Brent Eisen
Department of Law, Stan Lechman
Department of Law, Adam Hernandez
Department of Law, Caroline Martin
Department of Law, Cynthia Devereaux
Public Works Survey, Warren Ruby
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2016-Dedication-0000129

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: September 21, 2016

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.**)

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3. **Requesting Agency:** Public Works – Right-of-Way Services / 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 Public Alley. 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 (**Specialty Retailer**)

****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:** 38th St. and Brighton Blvd
- d. **Affected Council District:** Albus Brooks Dist. #9
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2016-Dedication-0000129, Specialty Retailer

Description of Proposed Project: Dedicate a parcel of 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 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, Specialty Retailer



Protecting the Present & Building the Future
Accountability, Innovation, Empowerment, Performance, Integrity,
Diversity, Teamwork, Respect, Excellence, Safety

THAT PARCEL OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED SEPTEMBER 20, 2016 AT RECEPTION NO. 2016127541 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED THEREIN AS FOLLOWS:

A PARCEL OF LAND BEING THE NORTHWESTERLY 2.00 FEET OF LOTS 52 TO 63, INCLUSIVE, BLOCK 9, IRONTON, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, RECORDED JANUARY 10, 1880, IN BOOK 21 AT PAGE 119, AND LOTS 58 TO 64, INCLUSIVE, BLOCK 40, ST. VINCENTS ADDITION, SECOND FILING, IN SAID CITY, COUNTY AND STATE, RECORDED APRIL 2, 1890, IN BOOK 9 AT PAGE 36, ALL IN THE RECORDS OF THE CLERK AND RECORDER OF THE COUNTY OF ARAPAHOE (NOW CITY AND COUNTY OF DENVER), STATE OF COLORADO, SAID PARCEL BEING CONTIGUOUS TO THE 16 FOOT WIDE PUBLIC ALLEY, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

EXCEPTING THEREFROM THE SOUTHWESTERLY 2.50 FEET OF SAID LOT 52, BLOCK 9, IRONTON.

38th and Brighton Blvd



- Legend**
- Streams
 - Irrigation Ditches Reconstruct (Gardens)
 - 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
 - Mountain Parks
 - All Other Parks



114 0 57 114 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City and County of Denver

1:890

Map Generated 9/21/2016

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.

SPECIAL WARRANTY DEED

THIS DEED, dated September 12, 2016, is between EVC RiNo, LLC, a Colorado limited liability company ("Grantor"), and the City and County of Denver, a home rule city and municipal corporation of the State of Colorado ("Grantee"), whose address is 1437 Bannock Street., Denver, CO 80202.

WITNESS, that the 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 is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, for the purpose alley right-of-way and being more particularly described as follows:

EXHIBIT "A" attached hereto and incorporated herein

Assessor's schedule or parcel number: Vacant Land
Address: Vacant Land

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and 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, its successors and assigns forever. The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through, or under the Grantor, except for all matters of record.

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

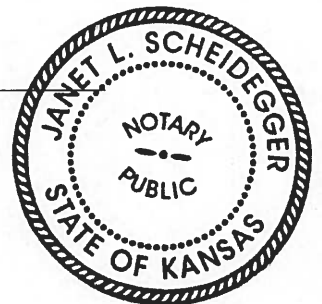
EVC RiNo, LLC
By: [Signature]
Luke R. Spellmeier, Manager

STATE OF KANSAS
COUNTY OF SHAWNEE

The foregoing instrument was acknowledged before me this day 12th of September, 2016 by Luke R. Spellmeier as Manager of EVC RiNo, LLC.

Witness my hand and official seal.
My commission expires: 5/5/2018

[Signature]
Notary Public



Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

Asset Mgmt. #: 16-115
Asset Management: 9-20-16
Date: 9-20-16
Approved: [Signature]
Project Description: Row Brighton Blvd
3757 BRIGHTON BLVD

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND BEING THE NORTHWESTERLY 2.00 FEET OF LOTS 52 TO 63, INCLUSIVE, BLOCK 9, IRONTON, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, RECORDED JANUARY 10, 1880, IN BOOK 21 AT PAGE 119, AND LOTS 58 TO 64, INCLUSIVE, BLOCK 40, ST. VINCENTS ADDITION, SECOND FILING, IN SAID CITY, COUNTY AND STATE, RECORDED APRIL 2, 1890, IN BOOK 9 AT PAGE 36, ALL IN THE RECORDS OF THE CLERK AND RECORDER OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO, SAID PARCEL BEING CONTIGUOUS TO THE 16 FOOT WIDE PUBLIC ALLEY, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

EXCEPTING THEREFROM THE SOUTHWESTERLY 2.50 FEET OF SAID LOT 52, BLOCK 9, IRONTON.

CONTAINING AN AREA OF 0.015 ACRE, (645 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST, JR. PLS NO. 25645
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 EAST MINERAL AVENUE, SUITE 1, LITTLETON, CO 80122
303-713-1898

