


REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Ivone Avila-Ponce, City Attorney's Office

FROM: Matt R. Bryner, P.E., Director, Right-of-Way Services 
Matt R. Bryner (May 31, 2022 15:06 MDT)

DATE: May 27, 2022

ROW #: 2022-DEDICATION-0000002 **SCHEDULE #:** Adjacent to 1) 0512209014000, and
2) 0512209023000

TITLE: This request is to dedicate a City-owned parcel of land as Public Right-of-Way as N. University Blvd., located at the intersection of N. University Blvd. and E. 3rd 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 N. University Blvd. 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, "300 University Blvd."

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 N. University Blvd. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2022-DEDICATION-0000002-001) HERE.

A map of the area to be dedicated is attached.

MB/TB/LRA

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson, Chris Hinds District # 10
Councilperson Aide, Hannah Bernick
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, Johna Varty
Department of Law, Martin Plate
Department of Law, Deanne Durfee
Department of Law, Ivone Avila-Ponce
Department of Law, Uyen Tran
Department of Law, Stefanie Raph
DOTI Survey, Thomas Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2022-DEDICATION-0000002

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: May 27, 2022

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 N. University Blvd., located at the intersection of N. University Blvd. and E. 3rd Ave.

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

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-641-4842
- **Email:** lisa.ayala@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 N. University Blvd. 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, "300 University Blvd."

****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:** N. University Blvd., at the intersection of N. University Blvd. and E. 3rd Ave.
- 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: 2022-DEDICATION-0000002

Description of Proposed Project: Dedication of a parcel of land as Public Right-of-Way as N. University 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 be dedicated as N. University Blvd.

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 N. University Blvd., as part of a development project called, "300 University Blvd."



Parcel to be dedicated

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

289 0 144.5 289 Feet

PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000002-001:

LAND DESCRIPTION – STREET PARCEL:

PARCEL OF LAND CONVEYED BY PERMANENT EASEMENT FOR RIGHT-OF-WAY AREA TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 22ND DAY OF MAY, 2022, AT RECEPTION NUMBER 2022065067 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER’S OFFICE, STATE OF COLORADO, THEREIN AS:

THE WEST 5.00 FEET OF PLOT 1 TOGETHER WITH THE WEST 5.00 FEET OF THE SOUTH 75 FEET OF PLOT 2, BLOCK 33, HARMANS SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL CONTAINS 0.020 ACRES OR 875 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET



2022065067
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: 2022-Dedication-000002
Asset Mgmt No.: 22-032

PERMANENT EASEMENT FOR RIGHT-OF-WAY AREA

THIS PERMANENT EASEMENT, made this 12 day of May, 2022, between **CHERRY CREEK LFS, LLC**, a Colorado limited liability company (“Grantor”) and the **CITY AND COUNTY OF DENVER**, a Colorado municipal corporation and a home rule city (“Grantee”);

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor has this day bargained and sold and by these presents does bargain and sell and convey and transfer and deliver unto the Grantee a permanent easement, including the perpetual right to enter upon the lands hereinafter described at all times to construct, reconstruct, maintain, service, operate, use, and repair a right-of-way, traffic control devices, street lights, landscaping, utilities, sidewalks and any necessary appurtenances thereto and to the right-of-way (“Improvements”), upon, over, through and across the lands hereinafter described, together with the right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction, use, and maintenance of said Improvements. Nothing herein shall require the City to construct, reconstruct, maintain, service or repair such Improvements.

The permanent easement granted herein is located in the City and County of Denver, State of Colorado, and is over, across, under, below and through the land described as follows (the “Property”):

**SEE EXHIBIT A
ATTACHED HERETO AND INCORPORATED HEREIN**

To have and hold such easement unto the Grantee and unto its successors and assigns forever, or until fee title to alternative right-of-way is conveyed to Grantee by Grantor.

The Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the Property, and that it has a good and lawful right to grant this Permanent Easement in the

Property. Grantor further covenants and agrees that no building, structure, or other above or below ground obstruction that may interfere with the purposes for which this Easement is granted may be placed, erected, installed or permitted upon the Property. Grantor further agrees that in the event the terms of this Easement are violated, such violation shall immediately be corrected by the Grantor upon receipt of written notice from the City, or the City may itself elect to correct or eliminate such violation at the Grantor's expense. The Grantor shall promptly reimburse the City for any costs or expenses incurred by the City in enforcing the terms of this paragraph.

Grantor further understands and agrees that with respect to the Property, all laws, ordinances, and regulations pertaining to streets, sidewalks, and public places shall apply so that the public use of the Improvements and the Property is consistent with the use and enjoyment of any dedicated public right-of-way.

The Grantor further grants to the Grantee the right of ingress to and egress over and across adjacent lands owned by Grantor by such route or routes as shall occasion the least practical damage and inconvenience to the Grantor, for the purpose of constructing, repairing, maintaining and operating the Improvements.


Each and every term, condition, or covenant herein is subject to and shall be construed in accordance with the provisions of Colorado law, any applicable State or federal law, the Charter of the City and County of Denver and the ordinances, regulations, and Executive Orders enacted and/or promulgated pursuant thereto. Such applicable law, together with the Charter, Revised Municipal Code and regulations of the City and County of Denver, as the same may be amended from time to time, is hereby expressly incorporated into this Agreement as if fully set out herein by this reference. Venue for any action arising hereunder shall be in the Denver District Court in the City and County of Denver, Colorado.

Grantor shall indemnify, defend and hold harmless the City from any and all claims, damages, fines, judgments, penalties, costs, liabilities or losses arising from the environmental condition of the Property, including the existence of any hazardous material, substance or waste.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto and all covenants herein shall apply to and run with the land.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and official seals on this 12th day of May, 2022.

CHERRY CREEK LFS, LLC
a Colorado limited liability company

By: 
Name: Brad C. Farber
Title: Authorized Representative

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 12th day of May, 2022, by Brad C. Farber, as Authorized Representative of Cherry Creek LFS, LLC.

Witness my hand and official seal.

My commission expires: May 30, 2023


Notary Public

“GRANTOR”

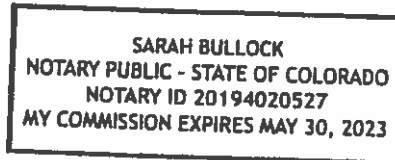


Exhibit A

Legal Description and Depiction of the Property

[attached]

EXHIBIT A
SHEET 1 OF 2

LAND DESCRIPTION

THE WEST 5.00 FEET OF PLOT 1 TOGETHER WITH THE WEST 5.00 FEET OF THE SOUTH 75 FEET OF PLOT 2, BLOCK 33, HARMANS SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL CONTAINS 0.020 ACRES OR 875 SQUARE FEET MORE OR LESS.

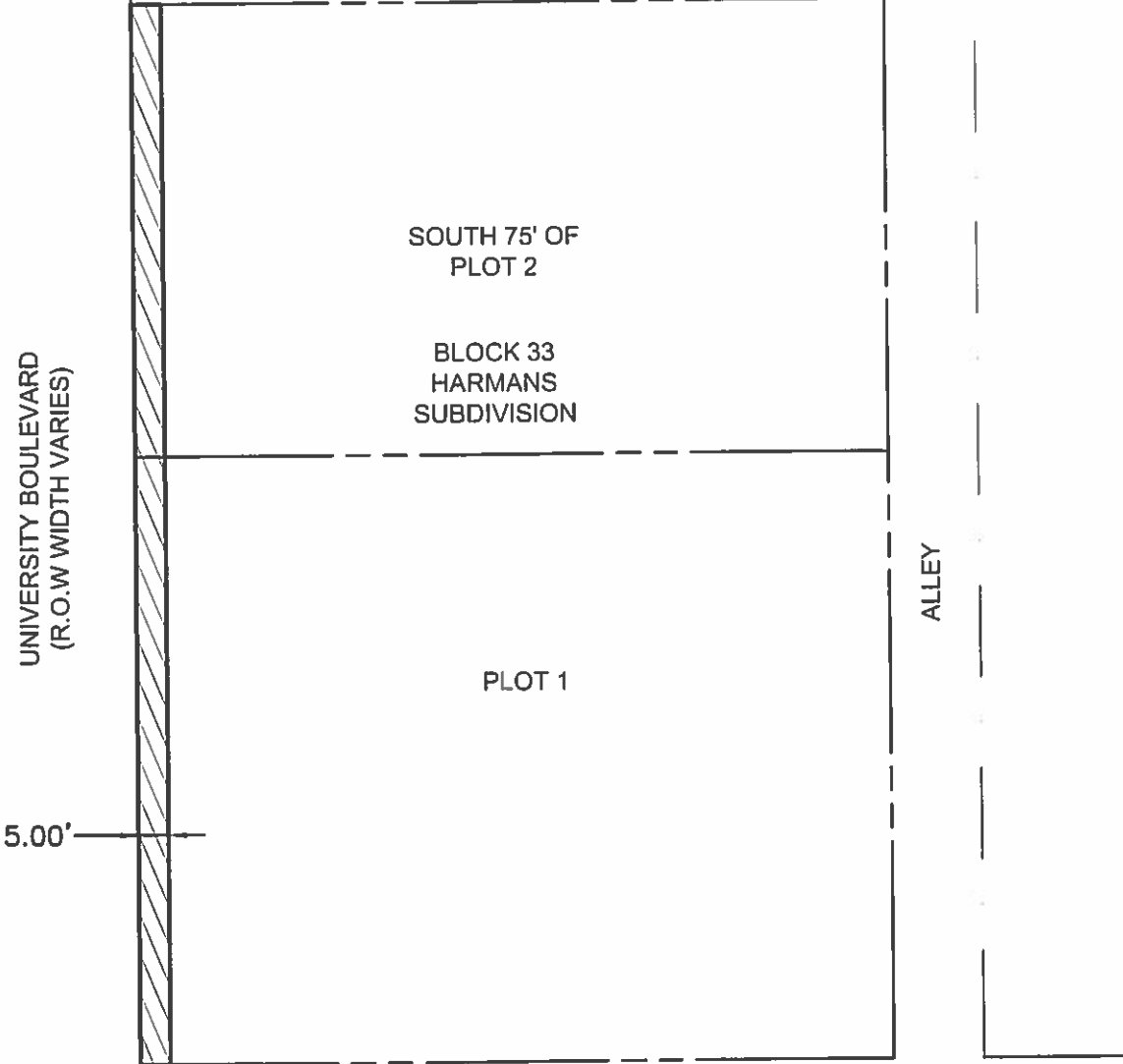
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET

PREPARED BY LUCAS WILCOX, CT
REVIEWED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, CO. 80215
303-431-6100
JANUARY 18, 2022
JOB #21.0335 – 300 NORTH UNIVERSITY



EXHIBIT A

SHEET 2 OF 2



SCALE: 1"=30'
 ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET

EAST 3RD AVENUE
 (75' R.O.W)

PLOT 1

SOUTH 75' OF
 PLOT 2

BLOCK 33
 HARMANS
 SUBDIVISION

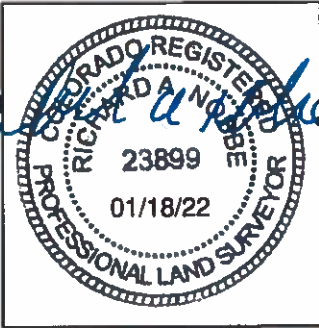
UNIVERSITY BOULEVARD
 (R.O.W WIDTH VARIES)

5.00'

ALLEY

DRAWING LOCATION: G:\PAJING\21-0335-300 North University\ENGL\LEGAL\Sidewalk Easement Dedication\University Sidewalk Easement.dwg

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO DEPICT THE ATTACHED DESCRIPTION.



JANUARY 18, 2022



12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
 303.431.6100 MARTINMARTIN.COM