



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: December 19th, 2019

ROW #: 2018-DEDICATION-0000128 **SCHEDULE #:** Adjoining parcel 0227119032000

TITLE: This request is to dedicate a parcel of land as Public Right-of-Way as Public Alley, located in the alley bounded by 34th St., Blake St., 35th St. and Walnut 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 to the City and County of Denver for Public Alley, as part of the development project 35th and Walnut 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 Public Alley. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2018-Dedication-0000128-001) HERE.

A map of the area to be dedicated is attached.

MB/JS/RL

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson & Aides, Candi CdeBaca District # 9
Council Aide Lisa Calderon
Council Aide Liz Stalnaker
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, Jon Spirk
Public Works Survey, Paul Rogalla
Public Works Ordinance
Owner: City and County of Denver
Project file folder 2018-Dedication-0000128

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: December 19th, 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: This request is to dedicate a parcel of land as Public Right-of-Way as Public Alley, located in the alley bounded by 34th St., Blake St., 35th St. and Walnut St.

3. Requesting Agency: Public Works, Right-of-Way Services
Agency Division: Survey

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

- **Name:** Rebecca Long
- **Phone:** 720-913-4518
- **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:** 720-865-8713
- **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 to the City and County of Denver for Public Alley, as part of the development project, 35th and Walnut 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:** In the alley bounded by 34th St., Blake St., 35th St. and Walnut St.
- d. **Affected Council District:** Candi CdeBaca Dist. #9
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2018-DEDICATION-0000128

Description of Proposed Project: Dedicate a parcel of land 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 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

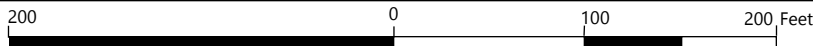
Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as Public Alley, as a part of a development project called 35th & Walnut Mixed-Use Bldg.



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

Alley to be dedicated



A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 14TH DAY OF MAY 2019, AT RECEPTION NO. 2019058600 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN DESCRIBED AS:

A PARCEL OF LAND BEING A PORTION OF LOTS 23 THRU 32, BLOCK 9, H. WITTERS SUBDIVISION AND SITUATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RANGE POINT IN THE INTERSECTION OF WALNUT STREET AND 35TH STREET FROM WHENCE A RANGE POINT IN THE INTERSECTION OF WALNUT STREET AND 34TH STREET BEARS SOUTH 44°37'03" WEST A DISTANCE OF 476.16 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO:

THENCE NORTH 52°04'55" WEST A DISTANCE OF 144.70 FEET TO THE POINT OF BEGINNING (INCORRECTLY IDENTIFIED IN SPECIAL WARRANTY DEED RECORDED AT RECEPTION NUMBER 2019058600 AS: SOUTH 52°04'55" WEST);

THENCE SOUTH 44°36'16" WEST A DISTANCE OF 249.90 FEET;
THENCE NORTH 45°25'25" WEST A DISTANCE OF 2.00 FEET;
THENCE NORTH 44°36'16" EAST A DISTANCE OF 249.90 FEET;
THENCE SOUTH 45°25'25" EAST A DISTANCE OF 2.00 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING: 500 SQUARE FEET, 0.011 ACRES OF LAND, MORE OR LESS.



2019058600
Page: 1 of 7
D \$0.00

City & County of Denver

R \$0.00

WD

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 19th day of May, 2019, by **PRINZO WALNUT, LLC**, a Delaware limited liability company, whose address is 455 Sherman St., Suite 205, Denver, CO 80203 ("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 **Exhibit A** attached hereto and incorporated herein (the "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, subject to all matters listed on **Exhibit B**, attached hereto and incorporated herein.

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

[Signature Page Follows]

Asset Mgmt # 19-81
3433 + 3463 Walnut
2018 - Dedication - 0000128

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

GRANTOR:

PRINZO WALNUT, LLC, a Delaware limited liability company

By: **USPA Walnut Member, LLC**, a Delaware limited liability company, its member

By: **Principal Real Estate Investors, LLC**, a Delaware limited liability company, its authorized signatory

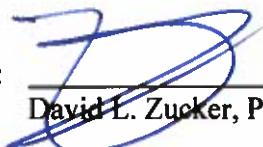
By: 
Name: Kevin H. Anderegg
Title: Managing Director
Asset Management

By: 
Name: Linda A. Whoffler
Title: Senior Development Manager

By: **ZIG 35TH & WALNUT, LLC**, a Colorado limited liability company, its managing member

By: **Zocalo Community Development, LP**, a Colorado limited partnership, its managing member

By: **Zocalo Community Development, Inc.**, a Colorado corporation, its general partner

By: 
David L. Zucker, President

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 8 day of May, 2019, before me, a Notary Public, the undersigned officer, personally appeared Kevin R. Anderegg and Linda J. Wofter, respectively, who acknowledged themselves to be the managing Director and Senior Development manager, respectively, of PRINCIPAL REAL ESTATE INVESTORS, LLC, a Delaware limited liability company, authorized signatory of USPA WALNUT MEMBER, LLC, a Delaware limited liability company, member of PRINZO WALNUT, LLC, a Delaware limited liability company, in such capacity being authorized to do so, executed the foregoing instrument for the purposed therein contained by signing on behalf of said entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Shelley Miller
Notary Public
My Commission Expires: August 15, 2021

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

On this 10th day of May, 2019, before me, a Notary Public, the undersigned officer, personally appeared David L. Zucker, who acknowledged himself to be the President of ZOCALO COMMUNITY DEVELOPMENT, INC., a Colorado corporation, general partner of ZOCALO COMMUNITY DEVELOPMENT, LP, a Colorado limited partnership, managing member of ZIG 35TH & WALNUT, LLC, a Colorado limited liability company, managing member of PRINZO WALNUT, LLC, a Delaware limited liability company, in such capacity being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing on behalf of said entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Shequena Gray
Notary Public

My Commission Expires: February 28, 2022

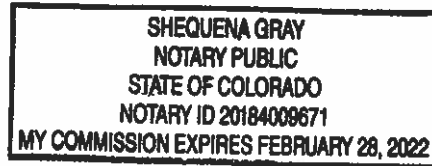


EXHIBIT "A" LAND DESCRIPTION

SHEET 1 OF 2

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OF BEGINNING;

CONTAINING: 500 SQUARE FEET, 0.011 ACRES OF LAND, MORE OR LESS.

Digitally signed by Jeffrey
J MacKenna
DN: cn=Jeffrey J
MacKenna, o=Falcon
Surveying, Inc,
ou=President,
email=falcon.jeff@co.net

**Jeffrey J
MacKenna**

PREPARED BY:
JEFFREY J. MACKENNA, P.L.S.
FOR FALCON SURVEYING, INC.
9940 WEST 25TH AVENUE
LAKEWOOD COLORADO, 80215
(303)202-1560

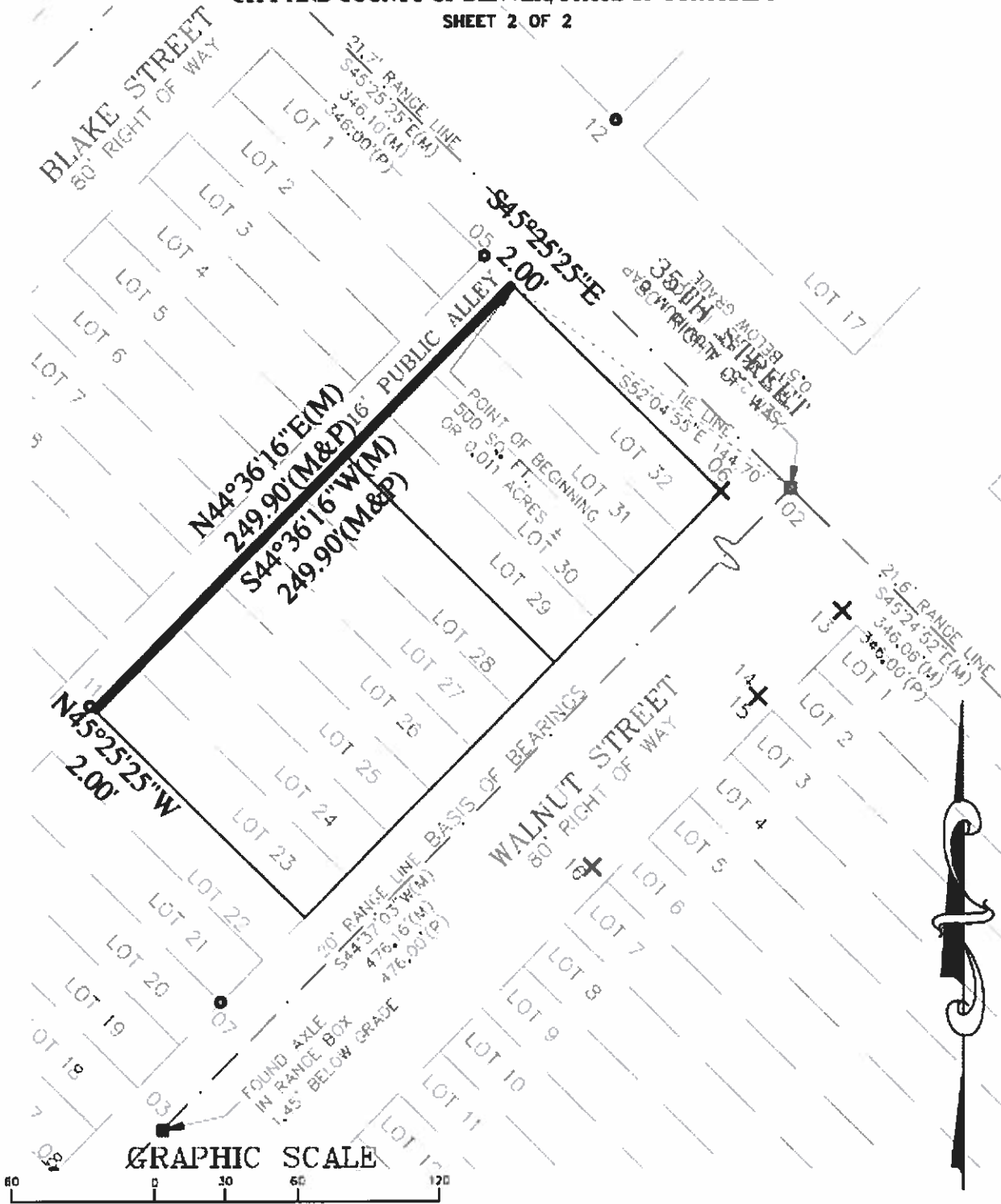
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EXHIBIT "A"

SITUATED IN THE NW 1/4, SECTION 26, T3S, R68W, OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2



(IN US SURVEY FEET)
1 inch = 60 ft.

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

Exhibit B

(Exceptions listed on Title Commitment effective April 29, 2019)

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct land survey and inspection of the Land would disclose, and which are not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.
5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.

Note: Exception number 5 will be removed from the policy provided the Company conducts the closing and settlement service for the transaction identified in the commitment.

6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
8. Any water rights, claims of title to water, in, on or under the Land.
9. Terms, agreements, provisions, conditions, obligations, easements, and restrictions, if any, as contained in Ordinance No. 20180015, Series of 2018 recorded February 14, 2018 at Reception No. 2018017391.