



DENVER
THE MILE HIGH CITY

Department of Public Works
Capital Projects Management
Permit Operations and Right of Way Enforcement
Infrastructure Planning & Programming
Traffic Engineering Services
201 W. Colfax Avenue
Denver, CO 80202
www.denvergov.org

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson P.E., Engineering Manager II
Right-of-Way Services

DATE: August 27, 2012

ROW #: 2012-0099-06 **SCHEDULE #:** 217100023000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as W. 52nd Ave
Located near the intersection of 52nd Ave and N Federal 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 W 52nd Ave. 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 Aria Phase I.

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 W 52nd Ave. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # 2012-0099-06-001 HERE.

A map of the area to be dedicated is attached.

RD/AG/AP

cc: Asset Management, Steve Wirth
City Councilperson & Aides, Susan Shepherd District # 1
City Council Staff, Gretchen Williams
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Nancy Kuhn
Public Works, Right-of-Way Engineering Services, Rob Duncanson
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Department of Law, Arlene Dykstra
Public Works Survey, Ali Gulaid
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2012-0099-06



ORDINANCE/RESOLUTION REQUEST

Please email requests to Stacy Loucks at
Nancy.kuhn@denvergov.org by **NOON 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: August 27, 2012

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, amendment, municipal code change, supplemental request, etc.)

This request is to dedicate a parcel of land as Public Right of Way as W. 52nd Ave
Located near the intersection of 52nd Ave and N Federal Blvd.

3. **Requesting Agency:** Public Works Right of Way Engineering Services

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

- Name: Adam Perkins
- Phone: 720.865.3036
- Email: adam.perkins@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: Nancy Kuhn
- Phone: 720-865-8720
- Email: Nancy.kuhn@denvergov.org

6. **General description 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 W 52nd Ave. 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 Aria Phase I.

****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.)

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** W 52nd Ave and N Federal Blvd.
- d. **Affected Council District:** District #1: Susan Shepherd
- e. **Benefits:** N/A
- f. **Costs:** 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: 2012-0099-06 Dedication Aria Phase I

Description of Proposed Project: This request is to dedicate a parcel of land as Public Right of Way as W. 52nd Ave located near the intersection of 52nd Ave and N Federal 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 to dedicate it as Public Right-of-Way, as a part of a development project called Aria Phase I.

Asset Mgmt. # 12-061

Asset Management Date: 6-19-12
Approved

Project Description: Row
S2W & FEDERAL RD.

After Recording Return to:
Division of Real Estate
Dept. #1010
201 W. Colfax Ave.
Denver, Colorado 80202
Attn: Steve Wirth

SPECIAL WARRANTY DEED

THIS DEED, is made this 15th day of June, 2012, between Marycrest Land LLC, a Colorado limited liability company ("Grantor") and the City and County of Denver, a municipal corporation organized and existing under and by virtue of the laws of the State of Colorado, ("Grantee") whose address is 1437 Bannock Street, Denver, Colorado 80202.

WITNESS, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), 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 Grantee,

See Exhibit 1, attached hereto and incorporated herein

TOGETHER with all and singular hereditaments and appurtenances thereto belonging, or in any way appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of 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 Grantee. Grantor does covenant and agree that it shall and will warrant and forever defend the above bargained premises in the quiet and peaceable possession of Grantee against all and every person or persons claiming the whole or any part thereof by through or under Grantor except as to the matters set forth in Exhibit 2 hereto.

CERTIFICATION

The Clerk and Recorder for the CITY AND COUNTY OF DENVER State of Colorado does hereby certify this document to be a full, true and correct copy of the original document recorded in my office.

[signatures follow]



Clerk and Recorder
by Bridget M. Svalberg
Deputy County Clerk
Date June 19, 2012
Bridget M. Svalberg

2012079972
Page: 1 of 7
06/19/2012 11:10A
City & County of Denver MO RO 00 DO 00

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

Marycrest Land LLC, a Colorado
limited liability company

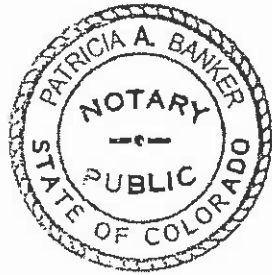
By: Susan Powers
Susan Powers, Authorized Representative

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

The foregoing instrument was acknowledged before me this 15 day of June, 2012, by Susan Powers as Authorized Representative of Marycrest Land LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 6/3/2013



Patricia A. Banker
Notary Public

Exhibit 1
to
Special Warranty Deed

(Legal Description)

[SEE ATTACHED]

DESCRIPTION

SITUATED IN THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 17;
 THENCE NORTH 65°58'59" EAST, A DISTANCE OF 71.16 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST 52ND AVENUE;
 THENCE SOUTH 89°04'57" EAST ALONG SAID NORTH LINE, A DISTANCE OF 572.88 FEET TO THE POINT OF BEGINNING;
 THENCE NORTH 00°55'03" EAST, A DISTANCE OF 4.00 FEET;
 THENCE SOUTH 89°04'57" EAST, A DISTANCE OF 668.88 FEET TO A POINT ON THE WEST LINE OF BERKELEY HILLS SUBDIVISION;
 THENCE SOUTH 00°38'10" WEST ALONG SAID WEST LINE, A DISTANCE OF 4.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST 52ND AVENUE;
 THENCE NORTH 89°04'57" WEST ALONG SAID NORTH LINE, A DISTANCE OF 668.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,675 SQUARE FEET OR 0.06 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ASSUMED TO BEAR NORTH 00°00'00" EAST.

PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1391 SPEER BLVD. SUITE 390
DENVER, CO 80204
303-623-6300



DATE	REVISION COMMENTS		DESCRIPTION	HARRIS KOCHER SMITH	SCALE DATE 12/17
		ARIA DENVER	RIGHT-OF-WAY DEDICATION	1391 Speer Blvd., Suite 390 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311	DATE BY 02/15 DRAWN BY JMS CHECKED 2/15/15
					1

EXHIBIT 2 /
to
Special Warranty Deed

Exceptions to Warranty of Title

1. EASEMENTS RESERVED IN RIGHTS OF WAY ON THE PLAT OF BERKELEY HILLS SUBDIVISION RECORDED JUNE 24, 1925 IN PLAT BOOK 3 AT PAGE 50, AND THE PLAT OF RE-SUBDIVISION OF BERKELEY HILLS RECORDED JULY 30, 1926 IN PLAT BOOK 3 AT PAGE 68.

2. RESERVATIONS AND EASEMENTS CONTAINED IN DEEDS RECORDED APRIL 13, 1926 IN BOOK 145 AT PAGE 635; AUGUST 12, 1935 IN BOOK 225 AT PAGE 405; DECEMBER 6, 1940 IN BOOK 266 AT PAGE 397; AUGUST 31, 1943 IN BOOK 290 AT PAGE 337; AND JULY 31, 1944 IN BOOK 299 AT PAGE 355, AS FOLLOWS:

"SUBJECT, HOWEVER, TO THE RIGHT OF THE PARTY OF THE FIRST PART, ITS SUCCESSORS OR ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN OVER AND ACROSS SAID PREMISES, OR ANY STREET OR ALLEY DESIGNATED IN SAID PLAT, A LATERAL DITCH FOR THE DELIVERY OF IRRIGATION WATER TO SAID TRACT AND OTHER TRACTS TO BE IRRIGATED FROM ANY SUCH LATERAL; AND ALSO SUBJECT TO THE RIGHT OF THE PARTY OF THE FIRST PART, ITS AGENTS, SUCCESSORS, OR ASSIGNS, TO ENTER UPON SAID PREMISES AND CONSTRUCT, MAINTAIN, AND OPERATE, AND FROM TIME TO TIME REMOVE, THROUGH, ALONG, ON, UNDER, AND OVER SAID PLOT, PIPES, CONDUITS AND POLES, TOGETHER WITH THE NECESSARY AND USUAL WIRES, GUYS, ANCHORS, AND OTHER APPARATUS; TOGETHER WITH THE RIGHT TO TRIM TREES ALONG THE ROUTE OF SAID POLES NECESSARY TO KEEP WIRES THERETO ATTACHED CLEAR FROM INTERFERENCE".

3. RESERVATIONS AND EASEMENTS CONTAINED IN DEEDS RECORDED MAY 10, 1932 IN BOOK 203 AT PAGE 462; NOVEMBER 15, 1935 IN BOOK 227 AT PAGE 475; MAY 24, 1938 IN BOOK 247 AT PAGE 442; AND MARCH 16, 1939 IN BOOK 254 AT PAGE 95, AS FOLLOWS:

"RESERVING THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN TELEPHONE AND ELECTRIC LIGHT POLES, SEWERS, IRRIGATING DITCHES AND ANY OTHER PUBLIC UTILITY EXCEPT STEAM RAILROADS AND RESERVING RIGHT-OF-WAY FOR IRRIGATING DITCHES AS NOW EXISTING".

4. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AND RIGHT OF WAY GRANT RECORDED MAY 01, 1936 IN BOOK 231 AT PAGE 247.

5. EASEMENT GRANTED TO CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS, FOR WATER PIPELINES, AND

DESCRIPTION

SITUATED IN THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.
 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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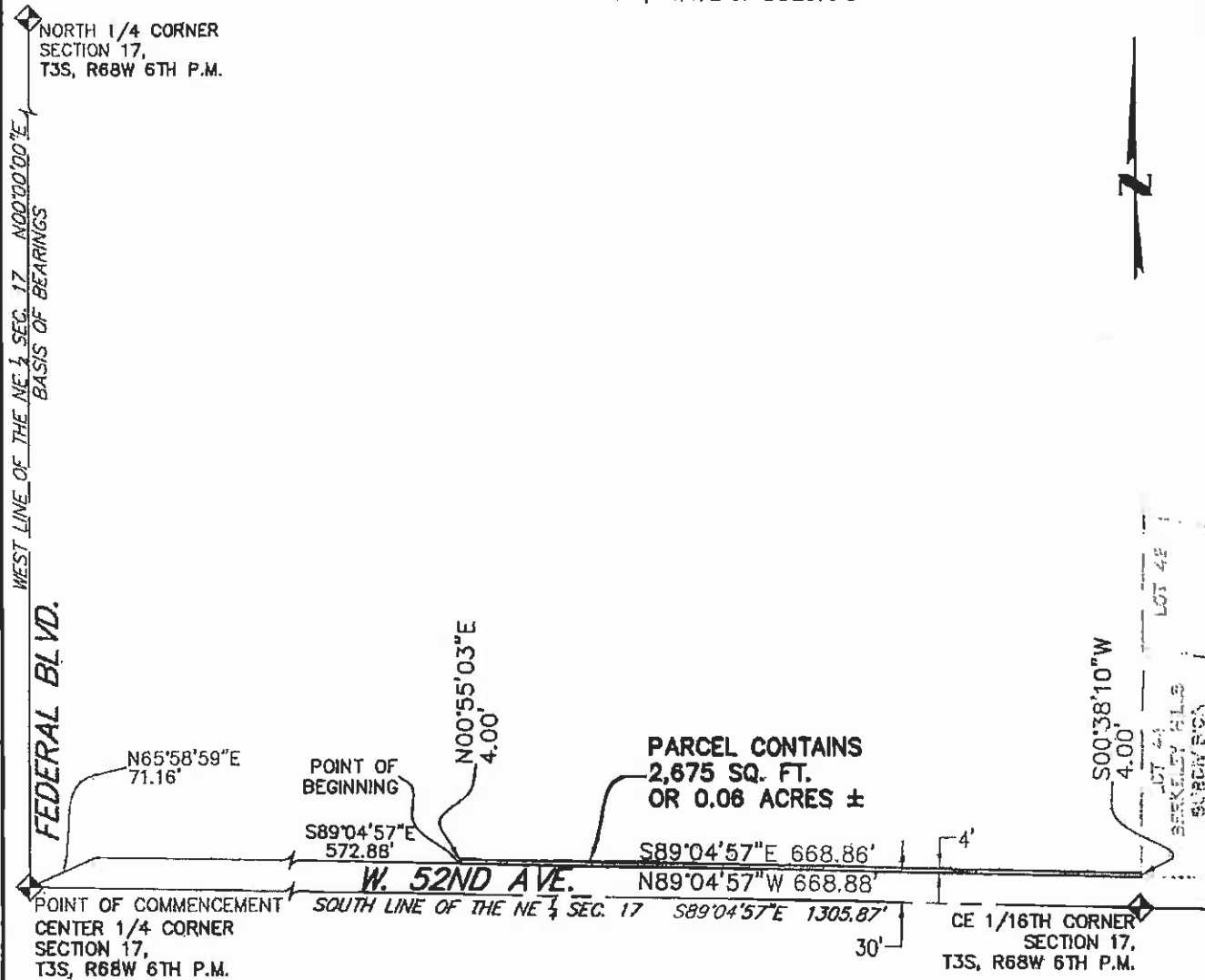
NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

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DATE	REVISION COMMENTS	ARIA DENVER	DESCRIPTION RIGHT-OF-WAY DEDICATION	HARRIS KOCHER SMITH 1391 Speer Blvd., Suite 390 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311	ISSUE DATE: 4-27-12 DRAWN BY: AAMJ JOB NO.: 111210
					1 1 of 1

EXHIBIT

SITUATED IN THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.
 CITY AND COUNTY OF DENVER, STATE OF COLORADO.



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

DATE	REVISION COMMENTS	ARIA DENVER	EXHIBIT RIGHT-OF-WAY DEDICATION	HARRIS KOCHER SMITH 1391 Speer Blvd., Suite 380 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311	ISSUE DATE: 4-27-12 DRAWN BY: GSS JOB NO.: 111210
					2 OF 3