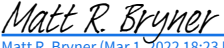


REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, P.E., Director, Right-of-Way Services 
Matt R. Bryner (Mar 1, 2022 18:23 MST)

DATE: March 1, 2022

ROW #: 2021-DEDICATION-0000121 **SCHEDULE #:** Adjacent to 0522616032000

TITLE: This request is to dedicate a Right-of-Way Easement as S. Acoma St., located at the intersection of S. Acoma St. and W. Jewell 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 S. Acoma St. 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, "SoBo 38."

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 Right-of-Way Easement as S. Acoma St., for the purpose of Public Right-of-Way. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2021-DEDICATION-0000121-001) HERE.

A map of the area to be dedicated is attached.

MB/TB /LRA

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson, Jolon Clark District # 7
Councilperson Aide, Tate Carpenter
Councilperson Aide, Maggie Thompson
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, Maureen McGuire
Department of Law, Martin Plate
Department of Law, Deanne Durfee
Department of Law, Caroline Martin
Department of Law, Rachonda Dixon
DOTI Survey, Thomas J. Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2021-DEDICATION-0000121

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: March 1, 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 Right-of-Way Easement as S. Acoma St., located at the intersection of S. Acoma St. and W. Jewell 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 S. Acoma St. 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, "SoBo 38."

****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:** located at the intersection of S. Acoma St. and W. Jewell Ave.
- d. **Affected Council District:** Jolon Clark District # 7
- 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: 2021-DEDICATION-0000121

Description of Proposed Project: Dedication of a Right-of-Way Easement as S. Acoma St.

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 Right-of-Way Easement to be dedicated 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 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

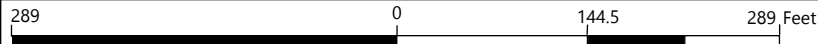
Will an easement relinquishment be submitted at a later date: N/A

Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as Public Right-of-Way, as part of a development project called, "SoBo 38."



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



PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000121-001:

LAND DESCRIPTION - STREET PARCEL #1:

PARCEL 1 OF LAND CONVEYED BY PERMANENT EASEMENT FOR RIGHT-OF-WAY AREA TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 20TH DAY OF OCTOBER 2021, AT RECEPTION NUMBER 2021197022 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF LOTS 25 THROUGH 28, BLOCK 12, OVERLAND PARK SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY FOUR (4) FEET OF LOTS 25 THROUGH 28, INCLUSIVE, EXCEPT THAT PORTION OF SAID LOT 28 DESCRIBED IN DEED RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER IN BOOK 779, PAGE 463, BLOCK 12, OVERLAND PARK SUBDIVISION RECORDED IN SAID OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER IN BOOK 8, PAGES 49 THROUGH 51.

SAID PARCEL CONTAINING 395 SQ. FT. OR 0.009 ACRES, MORE OR LESS.



2021197022
Page: 1 of 5
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: 2021-Dedication-0000121
Asset Mgmt No.: 21-178

PERMANENT EASEMENT FOR RIGHT-OF-WAY AREA

THIS PERMANENT EASEMENT, made this 15th day of October, 2021, between **SOBO 54 INVESTMENTS II, 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 15 day of October, 2021.

SOBO 54 INVESTMENTS II, LLC
a Colorado Limited Liability Company

By: [Signature]
Name: Douglas A. Means
Title: Managing Member

STATE OF COLORADO)
) ss.
COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 15 day of October, 2021 by Douglas A. Means, as Managing member of SOBO 54 INVESTMENTS II, LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.

My commission expires: 6/28/2024

[Signature]
Notary Public

KAREN WALKER
Notary Public
State of Colorado
Notary ID 20044022423
My Commission Expires: June 28, 2024

EXHIBIT "A" LAND DESCRIPTION

SHEET 1 OF 2

PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF LOTS 25 THROUGH 28, BLOCK 12, OVERLAND PARK SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY FOUR (4) FEET OF LOTS 25 THROUGH 28, INCLUSIVE, EXCEPT THAT PORTION OF SAID LOT 28 DESCRIBED IN DEED RECORDED IN THE OFFICE OF THE CLERK AND RECORDED OF THE CITY AND COUNTY OF DENVER IN BOOK 779, PAGE 463, BLOCK 12, OVERLAND PARK SUBDIVISION RECORDED IN SAID OFFICE OF THE CLERK AND RECORDED OF THE CITY AND COUNTY OF DENVER IN BOOK 8, PAGES 49 THROUGH 51.

SAID PARCEL CONTAINING 395 SQ. FT. OR 0.009 ACRES, MORE OR LESS.

PARCEL 2:

A PARCEL OF LAND BEING A PORTION OF LOT 25, BLOCK 12, OVERLAND PARK SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY ONE AND A HALF (1.5) FEET OF LOT 25, EXCEPT THE EASTERLY FOUR (4) FEET AND THE WESTERLY TWO (2) FEET THEREOF, BLOCK 12, OVERLAND PARK SUBDIVISION RECORDED IN SAID OFFICE OF THE CLERK AND RECORDED OF THE CITY AND COUNTY OF DENVER IN BOOK 8, PAGES 49 THROUGH 51.

SAID PARCEL CONTAINING 178 SQ. FT. OR .004 ACRES, MORE OR LESS.

PARCEL 3:

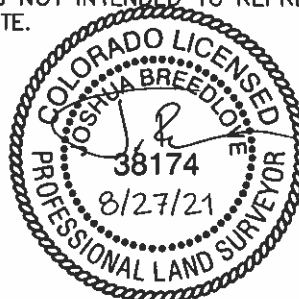
A PARCEL OF LAND BEING A PORTION OF LOTS 25 THROUGH 28, BLOCK 12, OVERLAND PARK SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY TWO (2) FEET OF LOTS 25 THROUGH 28, EXCEPT THAT PORTION OF SAID LOT 28 DESCRIBED IN DEED RECORDED IN THE OFFICE OF THE CLERK AND RECORDED OF THE CITY AND COUNTY OF DENVER IN BOOK 779, PAGE 463, BLOCK 12, OVERLAND PARK SUBDIVISION RECORDED IN SAID OFFICE OF THE CLERK AND RECORDED OF THE CITY AND COUNTY OF DENVER IN BOOK 8, PAGES 49 THROUGH 51.

SAID PARCEL CONTAINING 200 SQ. FT. OR 0.005 ACRES, 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, WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED. SAID PARCEL DESCRIPTION AND EXHIBIT WAS PREPARED AT THE REQUEST OF THE CLIENT AND IS 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.



JOB NUMBER: 18-70,794
DRAWN BY: J. STEPHENSON
DATE: AUGUST 27, 2021

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

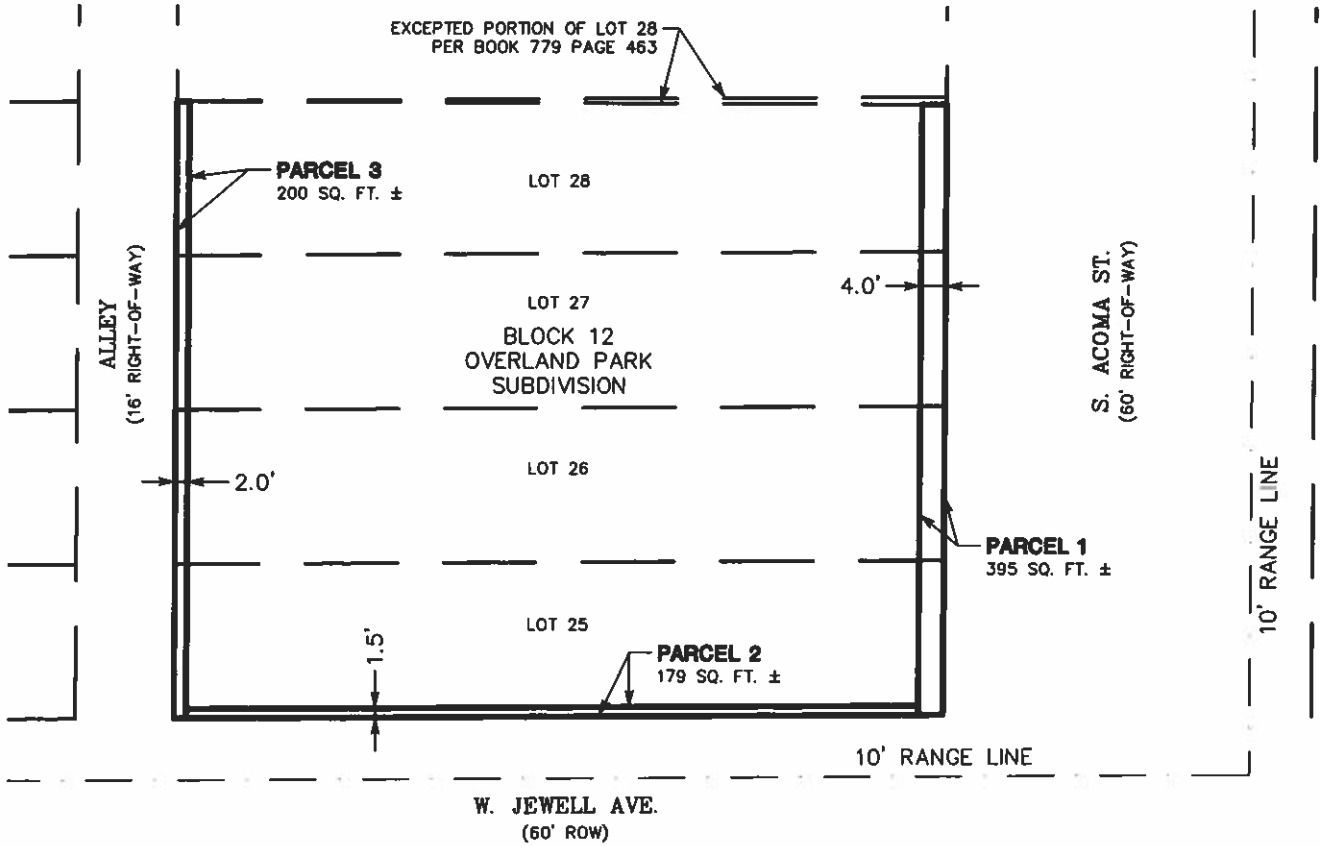


4501 LOGAN ST.
DENVER, CO 80216
PH: (303) 936-6997
FAX: (303) 443-9830
www.FlatironsInc.com

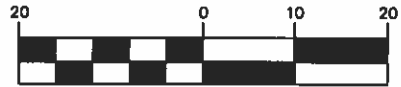
BY:JSTEPHENSON FILE:70794 SOB038 ROW EXHIBIT_REV.1.DWG DATE:8/27/2021 9:53 AM

EXHIBIT "A"

SHEET 2 OF 2



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

BY:JSTEPHENSON FILE:70794 SOB038 ROW EXHIBIT_REV.1.DWG DATE:8/27/2021 9:28 AM

JOB NUMBER: 18-70,794
DRAWN BY: J. STEPHENSON
DATE: AUGUST 27, 2021

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Flatirons, Inc.
Land Surveying Services



4501 LOGAN ST.
DENVER, CO 80216
PH: (303) 936-6997
FAX: (303) 443-9830
www.FlatironsInc.com

Recorded ato'clock..... M.,
Reception No. Recorder.

015113
FILING STAMP

STATE OF COLORADO
CITY & COUNTY
OF DENVER
FILED IN MY OFFICE ON

OCT 12 11 54 AM '73
RECORDED IN 779 463

F. J. SERAFINI
CLERK AND RECORDER

2.00

LST

001-122-804887

THIS DEED, Made this 27th day of September, 1973, between CORNELIUS J. KROONENBERG of the City and County of Denver and State of Colorado, of the first part, and ROBERT M. PEARSON of the City and County of Denver and State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations

to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said party of the second part, his heirs and assigns forever, all the following described lot or parcel of land, situate, lying and being in the City and County of Denver and State of Colorado, to-wit:

That part of Lot 28, Block 12, OVERLAND PARK SUBDIVISION, described as follows: BEGINNING at a point that is the North-east corner of said Lot 28; thence Southerly, along the Easterly line of said Lot 28, a distance of 1.25 feet; thence Westerly, to the Northwest corner of Lot 28, a distance of 125.0 feet, more or less; thence Easterly, along the North line of said Lot 28, a distance of 125.0 feet, more or less, to the point of beginning.

CONVENIENCE DEED - NO DOCUMENTARY FEE

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise 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 the said party of the first part, 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 said party of the second part, his heirs and assigns forever. And the said party of the first part, for himself, his heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said party of the second part, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever, except general and Moffat Tunnel Improvement District taxes for the year 1973 and subsequent years;

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

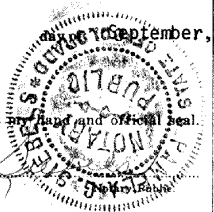
IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Cornelius J. Kroonenberg [SEAL]
Cornelius J. Kroonenberg [SEAL]
[SEAL]

STATE OF COLORADO }
County of Arapahoe. } ss.

The foregoing instrument was acknowledged before me this 27th 1973, by Cornelius J. Kroonenberg.

My commission expires Aug 17, 1974. Witness my hand and official seal.
Janet G. [Signature]



779 463



FORM NO. 0000 011 0-70