




**REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY**

**TO:** Ivone Avila-Ponce, City Attorney’s Office

**FROM:** Glen D. Blackburn, P.E., Director, Right-of-Way Services 

**DATE:** February 1, 2024

**ROW #:** 2022-DEDICATION-0000100 **SCHEDULE #:** Adjacent to 0223307015000

**TITLE:** This request is to dedicate a City-owned parcel of land as Public Right-of-Way as 38<sup>th</sup> Street, located at the intersection of 38<sup>th</sup> Street and North Brighton Boulevard.

**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 38<sup>th</sup> Street. This parcel of land is being dedicated by the City and County of Denver for Public Right-of-Way, as part of the development project, “3800 Brighton.”

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 38<sup>th</sup> Street. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2022-DEDICATION-0000100-001) HERE.**

A map of the area to be dedicated is attached.

GB/JC/BVS

- cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)
- City Councilperson, Darrell Watson District #9
- Councilperson Aide, Bonnie Guillen
- Councilperson Aide, Darius Shelby
- Councilperson Aide, Lynne Lombard
- City Council Staff, Luke Palmisano
- Environmental Services, Andrew Ross
- DOTI, Manager’s Office, Alba Castro
- DOTI, Manager’s Office, Nicholas Williams
- DOTI, Director, Right-of-Way Services, Glen Blackburn
- Department of Law, Johna Varty
- Department of Law, Martin Plate
- Department of Law, Deanne Durfee
- Department of Law, Ivone Avila-Ponce
- Department of Law, Janet Valdez
- DOTI Survey, John Clarke
- DOTI Ordinance
- Owner: City and County of Denver
- Project file folder 2022-DEDICATION-0000100

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services  
201 W. Colfax Ave. | Denver, CO 80215  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-913-1311

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Nicholas Williams  
at [Nicholas.Williams@DenverGov.org](mailto:Nicholas.Williams@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: February 1, 2024

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 38<sup>th</sup> Street, located at the intersection of 38<sup>th</sup> Street and North Brighton Boulevard.
3. **Requesting Agency:** DOTI, Right-of-Way Services  
**Agency Section:** Survey
4. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution.)*
- **Name:** Beverly J. Van Slyke
  - **Phone:** 720-865-3125
  - **Email:** [Beverly.VanSlyke@denvergov.org](mailto:Beverly.VanSlyke@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:** Nicholas Williams
  - **Phone:** 720-865-8709
  - **Email:** [Nicholas.Williams@denvergov.org](mailto:Nicholas.Williams@denvergov.org)
6. **General description/background of proposed resolution including contract scope of work if applicable:** Proposing to build a new mixed-use building called, "3800 Brighton." The developer was asked to dedicate a parcel as 38<sup>th</sup> Street.

***\*\*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 38<sup>th</sup> Street and North Brighton Boulevard
- d. **Affected Council District:** Darrell Watson, District #9
- 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.

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*To be completed by Mayor's Legislative Team:*

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## EXECUTIVE SUMMARY

**Project Title:** 2022-DEDICATION-0000100

**Description of Proposed Project:** Proposing to build a new mixed-use building called, "3800 Brighton." The developer was asked to dedicate a parcel as 38th Street.

**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 38<sup>th</sup> Street.

**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

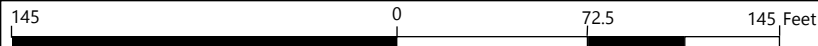
**Additional information:** This land was deeded to the City and County of Denver for the purpose of dedicating it as 38<sup>th</sup> Street, as part of the development project called, "3800 Brighton."



**Parcel 001 to be dedicated**

### Legend

- Streets
- Alleys
- ▭ County Boundary
- ▭ Parcels
- ▭ Lots/Blocks



**PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000100-001:**

**LEGAL DESCRIPTION – STREET PARCEL:**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 26TH DAY OF JANUARY, 2024, AT RECEPTION NUMBER 2024005429 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF LOT 16, BLOCK 8, IRONTON, THE ADJOINING ALLEY VACATED BY ORDINANCE NO. 189 SERIES OF 1947, AND A PORTION OF LOT 13, BLOCK 39, ST. VINCENTS ADDITION SECOND FILING, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, 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 WEST CORNER OF SAID LOT 13;

THENCE SOUTH 44°58'48" EAST ALONG THE SOUTHWEST LINE OF SAID BLOCK 39, A DISTANCE OF 18.00 FEET TO THE SOUTH CORNER OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2016075222 AND THE POINT OF BEGINNING;

THENCE NORTH 45°02'39" EAST ALONG THE SOUTHEAST LINE OF SAID PARCEL, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 44°58'48" EAST, A DISTANCE OF 115.02 FEET TO THE CENTERLINE OF SAID VACATED ALLEY;

THENCE SOUTH 45°03'20" WEST ALONG SAID CENTERLINE, A DISTANCE OF 5.00 FEET TO THE SOUTHWEST LINE OF SAID BLOCK 8;

THENCE NORTH 44°58'48" WEST ALONG THE SOUTHWEST LINES OF SAID BLOCK 8 AND 39, A DISTANCE OF 115.02 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 575 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTHEAST RIGHT-OF-WAY LINE OF 38TH ST, ASSUMED TO BEAR NORTH 44°58'48" WEST.



01/26/2024 09:16 AM  
City & County of Denver  
Electronically Recorded

R \$0.00

WD

D \$0.00

After signing, return to:  
City and County of Denver  
201 West Colfax Avenue, Dept. 1010  
Division of Real Estate  
Denver, Colorado 80202

**Project Description: 2023-DEDICATION-0000100**  
**Asset Mgmt No.: 24-013**

## SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** (“Deed”), made as of this 22<sup>nd</sup> day of January, 2024, by **CP VII WYNKOOP, LLC**, a Delaware limited liability company, whose address is 1000 Sansome Street Floor 1, San Francisco, CA 94111, United States (“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 the attached Exhibit(s) hereto and incorporated herein (“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.

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

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

ATTEST:

**CP VII WYNKOOP, LLC**, a Delaware limited liability company

By: 

Name: Daniel G. Garibaldi

Its: Authorized Signatory

*\* see attached certificate*

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2024  
by \_\_\_\_\_, as \_\_\_\_\_ of **CP VII WYNKOOP, LLC**, a  
Delaware limited liability company.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**CALIFORNIA JURAT**

**GOVERNMENT CODE § 8202**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Francisco

Subscribed and sworn to (or affirmed) before me on this 22<sup>nd</sup> day of January, 2024, by  
*Date Month Year*

(1) Daniel G. Garibaldi

(and (2) \_\_\_\_\_),  
*Name(s) of Signer(s)*

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Signature Rachel Wagner  
*Signature of Notary Public*

Place Notary Seal and/or Stamp Above

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_



2021PM667-ROW

EXHIBIT A  
LAND DESCRIPTION  
SHEET 1 OF 2

A PARCEL OF LAND BEING A PORTION OF LOT 16, BLOCK 8, IRONTON, THE ADJOINING ALLEY VACATED BY ORDINANCE NO. 189 SERIES OF 1947, AND A PORTION OF LOT 13, BLOCK 39, ST. VINCENTS ADDITION SECOND FILING, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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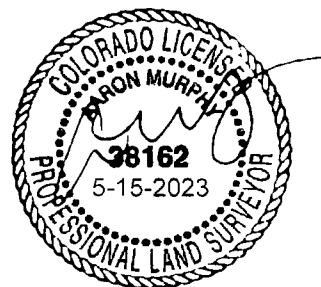
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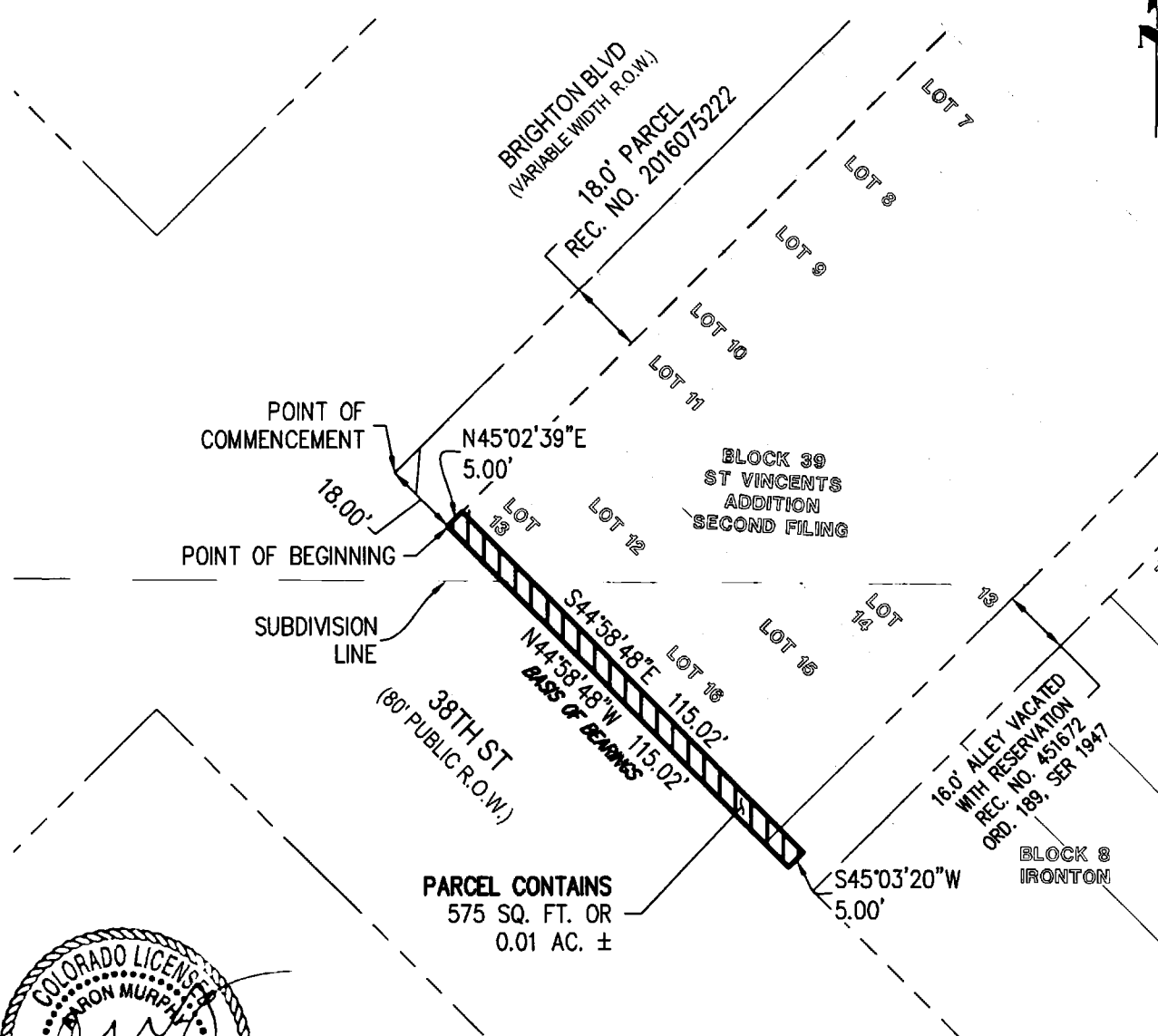
PREPARED BY: AARON MURPHY  
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



2021PM667-ROW

**EXHIBIT A**  
SHEET 2 OF 2



SCALE: 1" = 40'

**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

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

ISSUE DATE: 08/30/2022		PROJECT #: 211109	
DATE	REVISION COMMENTS		
1-6-2023	UPDATE PER COMMENTS		
3-20-2023	UPDATE PER COMMENTS		

EXHIBIT A

ILLUSTRATION  
38TH AND BRIGHTON BLVD.

**HKS HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P 303.623.6300 F 303.623.6311  
HarrisKocherSmith.com

CHK'D BY: AWM  
DRAWN BY: JHS  
SHEET NO.  
**2**  
2 OF 2