




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 

DATE: June 11th, 2021

ROW #: 2020-DEDICATION-0000064 **SCHEDULE #:** Adjacent to 0633300109000

TITLE: This request is to dedicate a City-owned parcel of land as Public Right-of-Way as E. Hampden Ave., located at the intersection of S. Poplar St. and E. Hampden 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 E. Hampden Ave. 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, "Raising Cane's - Hampden & Tamarac."

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 Right-of-Way. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2020-DEDICATION-0000064-001) HERE.

A map of the area to be dedicated is attached.

MB/TB/RL

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson, Kendra Black District # 4
Councilperson Aide, Taylor Cohn
Councilperson Aide, Genevieve Kline
Councilperson Aide, Kathy Gile
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, Tom Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2020-DEDICATION-0000064

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

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: June 11th, 2021

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 E. Hampden Ave., located at the intersection of S. Poplar St. and E. Hampden Ave.

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

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

- **Name:** Rebecca Long
- **Phone:** 720-547-5344
- **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:** 720-865-8723
- **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 E. Hampden Ave. 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, "Raising Cane's - Hampden & Tamarac."

****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:** At the intersection of S. Poplar St and E. Hampden Ave
- d. **Affected Council District:** Kendra Black District # 4
- 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: 2020-DEDICATION-0000064

Description of Proposed Project: Dedication of a parcel of land as Public Right-of-Way as E. Hampden Ave.

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 E. Hampden Ave.

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 E. Hampden Ave., as part of a development project called, "Raising Cane's - Hampden & Tamarac."



Street 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
- Parks
- All Other Parks; Linear
- Mountain Parks

579 0 289.5 579 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City and County of Denver

1:4,514

Map Generated 6/11/2021

The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use.

THIS IS NOT A LEGAL DOCUMENT.

PARCEL DESCRIPTION ROW NO. 2020-DEDICATION-0000064-001:**LAND DESCRIPTION – STREET PARCEL:**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 30TH DAY OF JULY, 2020, AT RECEPTION NUMBER 2020109945 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND BEING A PORTION OF ZONE LOT C, AS DESCRIBED ON EXHIBIT C AS CONTAINED IN THE INSTRUMENT RECORDED NOVEMBER 5, 2019 AT RECEPTION NO. 2019154433 IN THE OFFICE OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, BEING A FOUND 3 1/4" ALUMINUM CAP STAMPED "COLO DEPT. OF HIGHWAYS 1989 PLS NO 14157" IN A MONUMENT BOX, FROM WHICH THE WEST 1/4 CORNER OF SAID SECTION 33, BEING A FOUND 2" ALUMINUM CAP STAMPED "KURT O. LINN INC. 2000 PLS 14112" IN A MONUMENT BOX, BEARS NORTH 00°16'15" EAST, WITH ALL BEARINGS CONTAINED HEREIN BEING REFERENCED TO SAID WEST LINE;

THENCE ALONG SAID WEST LINE, NORTH 00°16'15" EAST, A DISTANCE OF 75.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF EAST HAMPDEN AVENUE, BEING A PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT VARIES;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 89°42'40" EAST, A DISTANCE OF 229.03 FEET;
- 2) SOUTH 81°29'39" EAST, A DISTANCE OF 25.13 FEET TO A LINE PARALLEL WITH AND DISTANT 71.00 FEET NORTHERLY FROM THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 33 AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE ABOVE DESCRIBED PARALLEL LINE, SOUTH 89°48'12" EAST, A DISTANCE OF 231.83 FEET TO THE EAST LINE OF ZONE LOT C;

THENCE ALONG SAID EAST LINE, SOUTH 00°21'17" WEST, A DISTANCE OF 1.33 FEET TO THE SOUTHEAST CORNER OF ZONE LOT C;

THENCE ALONG THE SOUTH LINE OF ZONE LOT C, ALSO BEING THE NORTHERLY RIGHT-OF-WAY OF EAST HAMPDEN AVENUE, THE FOLLOWING THREE (3) COURSES;

- 1) NORTH 89°47'00" WEST, A DISTANCE OF 145.98 FEET;
- 2) NORTH 89°47'03" WEST, A DISTANCE OF 77.29 FEET TO THE MOST SOUTHERLY, SOUTHWEST CORNER OF ZONE LOT C;
- 3) THENCE NORTH 81°29'39" WEST, A DISTANCE OF 8.65 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 293 SQUARE FEET OR 0.007 ACRES, MORE OR LESS.



2020109945

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: 2020-Dedication-0000064
Asset Mgmt No.: 20-121

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 29th day of July, 2020, by **TAMARAC PLAZA, LLC**, a Delaware limited liability company, whose address is 4105 SORRENTO VALLEY BLVD, SAN DIEGO, CA 92121, 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.

ACKNOWLEDGMENT

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 Diego

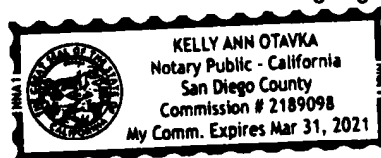
On July 29, 2020 before me, Kelly Ann Otavka, Notary Public, personally appeared Michael C. Burer, as Vice President & Chief Financial Officer of Parallel Manager, LLC, a California limited liability company, manager of Tamarac Plaza, LLC, a Delaware limited liability company, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Kelly Ann Otavka



(Seal)

2018-PROJ/MSTR-0000567-ROW

**EXHIBIT "A"
LAND DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF ZONE LOT C, AS DESCRIBED ON EXHIBIT C AS CONTAINED IN THE INSTRUMENT RECORDED NOVEMBER 5, 2019 AT RECEPTION NO. 2019154433 IN THE OFFICE OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, BEING A FOUND 3 1/4" ALUMINUM CAP STAMPED "COLO DEPT. OF HIGHWAYS 1989 PLS NO 14157" IN A MONUMENT BOX, FROM WHICH THE WEST 1/4 CORNER OF SAID SECTION 33, BEING A FOUND 2" ALUMINUM CAP STAMPED "KURT O. LINN INC. 2000 PLS 14112" IN A MONUMENT BOX, BEARS NORTH 00°16'15" EAST, WITH ALL BEARINGS CONTAINED HEREIN BEING REFERENCED TO SAID WEST LINE;

THENCE ALONG SAID WEST LINE, NORTH 00°16'15" EAST, A DISTANCE OF 75.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF EAST HAMPDEN AVENUE, BEING A PUBLIC RIGHT-OF-WAY WITH A WIDTH THAT VARIES;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 89°42'40" EAST, A DISTANCE OF 229.03 FEET;
- 2) SOUTH 81°29'39" EAST, A DISTANCE OF 25.13 FEET TO A LINE PARALLEL WITH AND DISTANT 71.00 FEET NORTHERLY FROM THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 33 AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE ABOVE DESCRIBED PARALLEL LINE, SOUTH 89°48'12" EAST, A DISTANCE OF 231.83 FEET TO THE EAST LINE OF ZONE LOT C;

THENCE ALONG SAID EAST LINE, SOUTH 00°21'17" WEST, A DISTANCE OF 1.33 FEET TO THE SOUTHEAST CORNER OF ZONE LOT C;

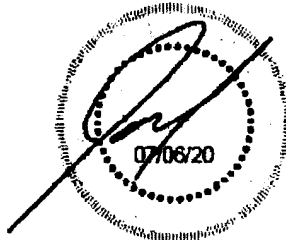
THENCE ALONG THE SOUTH LINE OF ZONE LOT C, ALSO BEING THE NORTHERLY RIGHT-OF-WAY OF EAST HAMPDEN AVENUE, THE FOLLOWING THREE (3) COURSES;

- 1) NORTH 89°47'00" WEST, A DISTANCE OF 145.98 FEET;
- 2) NORTH 89°47'03" WEST, A DISTANCE OF 77.29 FEET TO THE MOST SOUTHERLY, SOUTHWEST CORNER OF ZONE LOT C;
- 3) THENCE NORTH 81°29'39" WEST, A DISTANCE OF 8.65 FEET TO THE POINT OF BEGINNING.

CONTAINS 293 SQUARE FEET OR 0.007 ACRES, MORE OR LESS.

AS SHOWN ON THE EXHIBIT ATTACHED HERETO, MADE A PART HEREOF.

JESUS A. LUGO, PLS 38081
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND BEHALF OF ALTURA LAND CONSULTANTS, LLC
6950 SOUTH TUCSON WAY, UNIT C
CENTENNIAL, COLORADO 80112



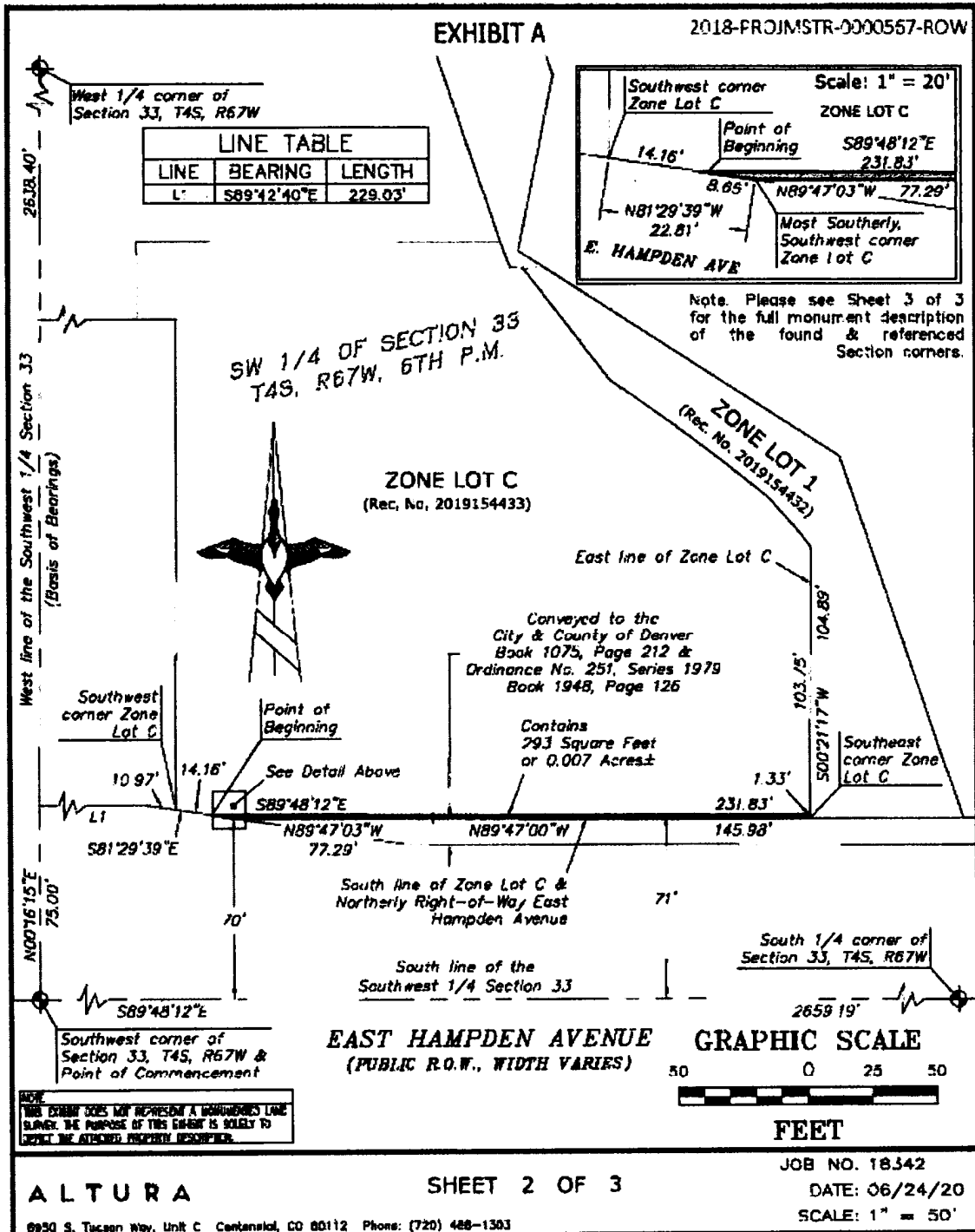


EXHIBIT A

2018-PROJMSFR-0000567-ROW

DESCRIPTIONS OF THE FOUND MONUMENTS OF THE SHOWN AND REFERENCED SECTION CORNERS:*West 1/4 corner of Section 33-*

Found 2" aluminum cap stamped "KURT O. LINN INC. 2000 PLS 14112", 0.04' below surface of ground in monument box, per the Colorado Land Survey Monument Record received 05/22/2009 and accepted 06/30/2009.

Southwest corner of Section 33

Found 3 1/4" aluminum cap stamped "COLO DEPT. OF HIGHWAYS 1989 PLS NO 14157", 0.07' below asphalt surface in monument box, per the Colorado Land Survey Monument Record received 10/23/2002 and accepted 11/11/2002.

South 1/4 corner of Section 33-

3 1/4" aluminum cap stamped "COLO DEPT. OF HIGHWAYS 1989 PLS NO 14157", monument box, per the Colorado Land Survey Monument Record received 10/23/2002 and accepted 11/11/2002. The described monument's location was established by the found record ties, per said monument record.

ALTURA**SHEET 3 OF 3**

JOB NO. 18342

DATE: 06/24/20

SCALE: NO SCALE

6850 S. Teason Way, Unit C Centennial, CO 80112 Phone: (720) 488-1303