


REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY**TO:** Ivone Avila-Ponce, City Attorney's Office**FROM:** Matt R. Bryner, P.E., Director, Right-of-Way Services
Matt R. Bryner (Feb 23, 2023 10:14 MST)**DATE:** February 23, 2023**ROW #:** 2022-DEDICATION-0000060 **SCHEDULE#:** Adjacent to 1) 0120300021000, 2) 0120300021000 and 0120300173000, and 3) 012030002100**TITLE:** This request is to dedicate three City-owned parcels of land as 1) N. Holly St., located at the intersection of N. Holly St. and E. 38th Ave., 2) E. 38th Ave., located at the intersection of E. 38th Ave. and N. Holly St., and 3) N. Ivy St., located at the intersection of E. 38th Ave. and N. Ivy 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 1) N. Holly St., 2) E. 38th Ave., and 3) N. Ivy 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, "38th & Holly."

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 1) N. Holly St., 2) E. 38th Ave., and 3) N. Ivy St. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2022-DEDICATION-0000060-001, 002, 003) HERE.

A map of the area to be dedicated is attached.

MB/SC/DG

cc: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson, Christopher Herndon District # 8
Councilperson Aide, Amanda Steffan
Councilperson Aide, Bonnie Guillen
Councilperson Aide, Leya Hartman
City Council Staff, Luke Palmisano
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, Johna Varty
Department of Law, Martin Plate
Department of Law, Deanne Durfee
Department of Law, Ivone Avila-Ponce
Department of Law, Joann Tristani
Department of Law, Stefanie Raph
DOTI Survey, Scott Castaneda
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2022-DEDICATION-0000060

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: February 23, 2023

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 three City-owned parcels of land as 1) N. Holly St., located at the intersection of N. Holly St. and E. 38th Ave., 2) E. 38th Ave., located at the intersection of E. 38th Ave. and N. Holly St., and 3) N. Ivy St., located at the intersection of E. 38th Ave. and N. Ivy St.

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

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

- **Name:** Dalila Gutierrez
- **Phone:** 720-865-3207
- **Email:** Dalila.Gutierrez@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:** Site will be split into two parcels and the proposed project will be workforce housing in 6 separate 3-story buildings. The developer was asked to dedicate three parcels as 1) N. Holly St., 2) E. 38th Ave., and 3) N. Ivy St. Be aware that N. Ivy St. will become new right of way on the north side of E. 38th Ave.

****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 N. Holly St., and E. 38th Ave.
- d. **Affected Council District:** Christopher Herndon, District # 8
- 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: 2022-DEDICATION-0000060

Description of Proposed Project: Site will be split into two parcels and the proposed project will be workforce housing in 6 separate 3-story buildings. The developer was asked to dedicate three parcels as 1) N. Holly St., 2) E. 38th Ave., and 3) N. Ivy St. Be aware that N. Ivy St. will become new right of way on the north side of E. 38th 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 1) N. Holly St., 2) E. 38th Ave., and 3) N. Ivy St.

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 1) N. Holly St., 2) E. 38th Ave., and 3) N. Ivy St., as part of a development project called, "38th & Holly."



Legend

-  Well Restrictions
-  Barrier Restrictions
- Area Restrictions
 -  Liner
 -  Sheet Pile Wall Area
-  Streams
-  Irrigation Ditches Reconstruct Gardener(s)
-  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
- Parcs
 -  All Other Parks; Linear
 -  Mountain Parks



PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000060-001:

LAND DESCRIPTION - STREET PARCEL NO. 1

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 21ST DAY OF February, 2023, AT RECEPTION NUMBER 2023014297 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 TRACT 8, MILE-HI INDUSTRIAL DISTRICT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 15, 1954 IN BOOK 22 AT PAGE 21, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE 20 FOOT RANGE LINE LOCATED IN 38TH AVENUE BETWEEN HOLLY STREET AND KEARNEY STREET IS ASSUMED TO BEAR NORTH 89°42'44" EAST, BASED ON THE CITY AND COUNTY OF DENVER LOCAL PROJECTION COORDINATE SYSTEM, AS MONUMENTED ON THE WEST BY AN AXLE 1.1 FEET BELOW THE SURFACE IN A RANGE BOX AND ON THE EAST BY AN AXLE 1 FOOT BELOW THE SURFACE IN A RANGE BOX;

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 8;

THENCE NORTH 00°01'27" WEST, ALONG THE WESTERLY LINE OF SAID TRACT 8, A DISTANCE OF 260.11 FEET TO A LINE 340 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID TRACT 8;

THENCE NORTH 89°42'49" EAST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 2.00 FEET TO A LINE 2.00 FEET EAST OF AND PARALLEL WITH THE WESTERLY LINE OF SAID TRACT 8;

THENCE SOUTH 00°01'27" EAST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 260.11 FEET TO THE SOUTHERLY LINE OF SAID TRACT 8;

THENCE SOUTH 89°42'44" WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 2.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 520 SQUARE FEET OR 0.0119 ACRES, MORE OR LESS.

TOGETHER WITH

PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000060-002:

LAND DESCRIPTION - STREET PARCEL NO. 2

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 21ST DAY OF February, 2023, AT RECEPTION NUMBER 2023014297 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 TRACT 8, MILE-HI INDUSTRIAL DISTRICT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 15, 1954 IN BOOK 22 AT PAGE 21, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE 20 FOOT RANGE LINE LOCATED IN 38TH AVENUE BETWEEN HOLLY STREET AND KEARNEY STREET IS ASSUMED TO BEAR NORTH 89°42'44" EAST, BASED ON THE CITY AND COUNTY OF DENVER LOCAL PROJECTION COORDINATE SYSTEM, AS MONUMENTED ON THE WEST BY AN AXLE 1.1 FEET BELOW THE SURFACE IN A RANGE BOX AND ON THE EAST BY AN AXLE 1 FOOT BELOW THE SURFACE IN A RANGE BOX;

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 8; THENCE NORTH 89°42'44" EAST, ALONG THE SOUTHERLY LINE OF SAID TRACT 8, A DISTANCE OF 2.00 FEET TO A LINE 2.00 FEET EAST OF AND PARALLEL WITH THE WESTERLY LINE OF SAID TRACT 8 AND THE POINT OF BEGINNING;

THENCE NORTH 00°01'27" WEST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 2.00 FEET TO A LINE 2.00 FEET NORTH OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID TRACT 8;

THENCE NORTH 89°42'44" EAST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 862.52 FEET TO A LINE 390 FEET WEST OF AND PARALLEL WITH THE EASTERLY LINE OF SAID TRACT 8;

THENCE SOUTH 00°03'21" WEST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 2.00 FEET TO SAID SOUTHERLY LINE OF TRACT 8;

THENCE SOUTH 89°42'44" WEST, ALONG SAID SOUTHERLY LINE A DISTANCE OF 862.51 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1,725 SQUARE FEET OR 0.0396 ACRES, MORE OR LESS.

TOGETHER WITH

PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-000060-003:

LAND DESCRIPTION - STREET PARCEL NO. 3

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 21ST DAY OF February, 2023, AT RECEPTION NUMBER 2023014297 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 TRACT 8, MILE-HI INDUSTRIAL DISTRICT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 15, 1954 IN BOOK 22 AT PAGE 21, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 8; THENCE NORTH 89°42'44" EAST, ALONG THE SOUTHERLY LINE OF SAID TRACT 8, A DISTANCE OF 2.00 FEET TO A LINE 2.00 FEET EAST OF AND PARALLEL WITH THE WESTERLY LINE OF SAID TRACT 8; THENCE NORTH 00°01'27" WEST ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 2.00 FEET TO A LINE 2.00 FEET NORTH OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID TRACT 8; THENCE NORTH 89°42'44" EAST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 586.80 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°01'27" WEST, A DISTANCE OF 338.09 FEET TO A LINE 260 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID TRACT 8;

THENCE NORTH 89°42'49" EAST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 64.00 FEET;

THENCE SOUTH 00°01'27" EAST, A DISTANCE OF 338.09 FEET TO A LINE 2.00 FEET NORTH OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID TRACT 8;

THENCE SOUTH 89°42'44" WEST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 64.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 21,638 SQUARE FEET OR 0.4967 ACRES, MORE OR LESS.

After signing, return to:
Division of Real Estate
Attn: Jason Clements
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202
Project Description: 2022-DEDICATION-0000060
Asset Mgmt No.: 23-023



2023014297
Page: 1 of 5
D \$0.00

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 13th day of February 2023, by **38TH & HOLLY LLLP**, a Colorado limited liability limited partnership, whose address is 155 S. Madison St, Suite 326, Denver, CO 80209, 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:

38TH & HOLLY LLLP, a Colorado limited liability limited partnership

By: 38th & Holly GP Delaware LLC, a Delaware limited liability company,
as General Partner

By: 
Name: Joseph A. DelZotto
Its: Manager

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 14 day of February, 2023
by Joseph A. DelZotto, as Manager of **38TH & HOLLY LLLP**, a Colorado limited liability limited
partnership.

Witness my hand and official seal.

My commission expires: 7-14-23




Notary Public

EXHIBIT A

PARCEL 1 - (HOLLY STREET)

A PARCEL OF LAND BEING A PORTION OF TRACT 8, MILE-HI INDUSTRIAL DISTRICT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 15, 1954 IN BOOK 22 AT PAGE 21, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING A CALCULATED AREA OF 520 SQUARE FEET OR 0.0119 ACRES, MORE OR LESS.

TOGETHER WITH

PARCEL 2 - (38TH AVENUE)

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PARCEL 3 - (N IVY STREET)

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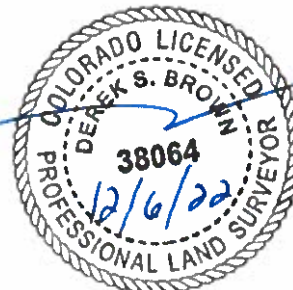
THENCE SOUTH 00°01'27" EAST, A DISTANCE OF 338.09 FEET TO A LINE 2.00 FEET NORTH OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID TRACT 8;

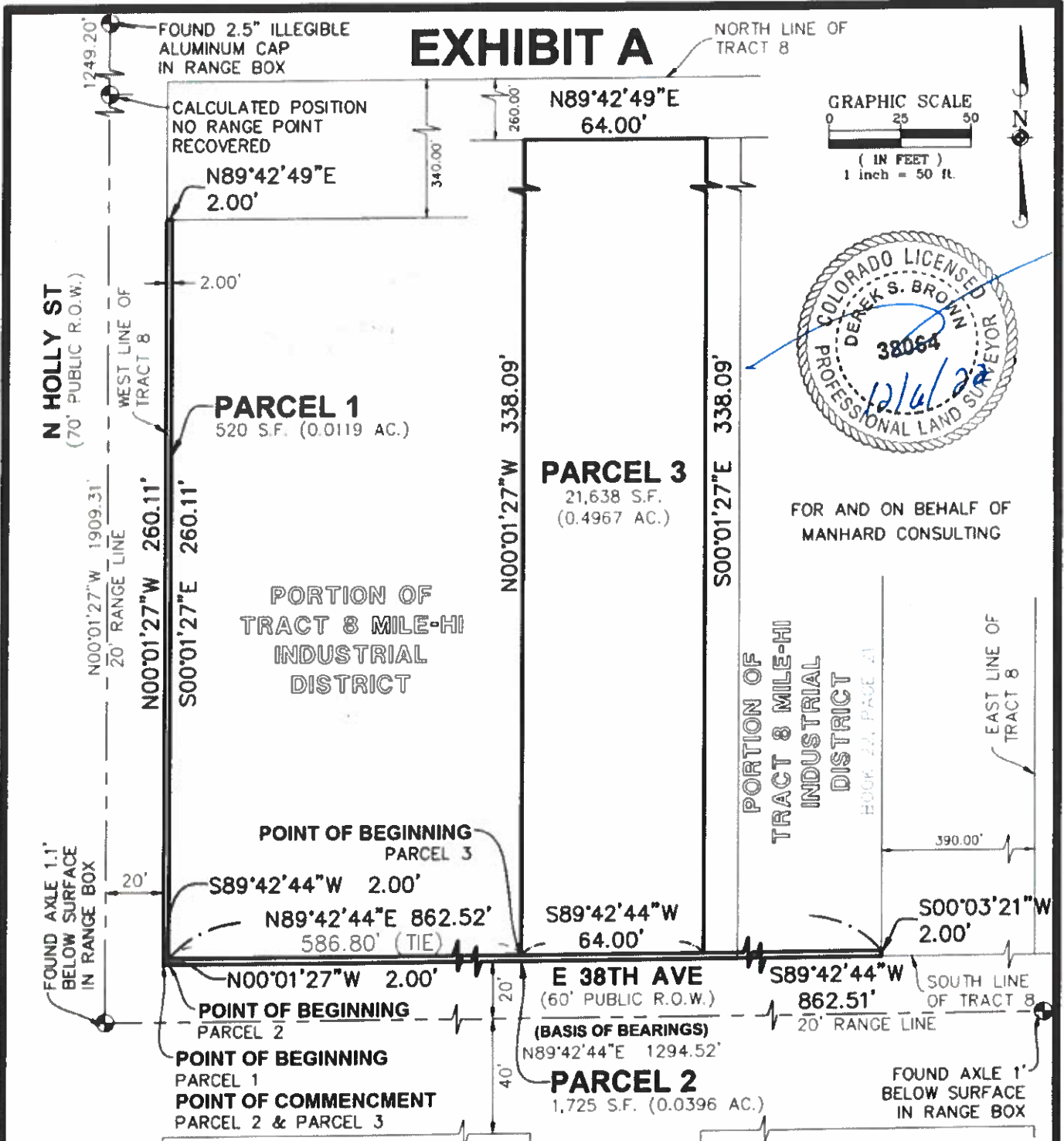
THENCE SOUTH 89°42'44" WEST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 64.00 FEET TO THE **POINT OF BEGINNING**;

CONTAINING A CALCULATED AREA OF 21,638 SQUARE FEET OR 0.4967 ACRES, MORE OR LESS.

I, DEREK S. BROWN, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

DEREK S. BROWN, P.L.S. 38064
FOR AND ON BEHALF OF MANHARD CONSULTING
7600 E. ORCHARD ROAD, SUITE 150-N
GREENWOOD VILLAGE, COLORADO 80111
303.708.0500





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



7600 East Orchard Road, Suite 150-N, Greenwood Village, CO 80111 ph.303.708.0500 manhard.com
Civil Engineering | Surveying & Geospatial Services | GIS
Water Resource Management | Construction Management

| | |
|--|----------------------|
| 38TH AVENUE AND HOLLY STREET | |
| CITY AND COUNTY OF DENVER, COLORADO | |
| EXHIBIT A | |
| PROJ. MGR.: <u>DSB</u> | SHEET |
| DRAWN BY: <u>JM</u> | 3 OF 3 |
| DATE: <u>12/06/22</u> | KHA.DNCO09.00 |
| SCALE: <u>1" = 50'</u> | |