



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: June 12, 2014

ROW #: 2011-0561-11 **SCHEDULE #:** A portion of 0606300011000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as E. 9th Ave. Located at the intersection of E. 9th Ave. and Clermont.

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. 9th 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 (**Broadstone at 9th and Clermont**)

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 E. 9th Ave. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2011-0561-11-001) HERE.

A map of the area to be dedicated is attached.

RD/JL/BLV

cc: Asset Management, Steve Wirth
City Councilperson & Aides, Mary Beth Susman District # 5
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
Public Works Survey, John Lautenschlager
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2011-0561-11

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn 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: June 12, 2014

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 E. 9th Ave.

Located at the intersection of E. 9th Ave. and Clermont

3. **Requesting Agency:** PW Right of Way Engineering Services

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

- **Name:** Barbara Valdez
- **Phone:** 720-865-3153
- **Email:** Barbara.valdez@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 E. 9th 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 (Broadstone at 9th and Clermont)

****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:** E. 9th Ave. and Clermont
- d. **Affected Council District:** Mary Beth Susman Dist. 5
- 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2011-0561-11 Dedication, Broadstone at 9th and Clermont

Description of Proposed Project: Dedicate a parcel of public right of way as E. 9th 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 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, Broadstone at 9th and Clermont

9th Ave



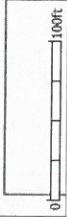
- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- mask
- 2012_Denver.jp2.Ir1
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 5/22/2014 - 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.

9th Ave



- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County



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PW Legal Description 2011-0561-11-001

A parcel of land being a portion of a Warranty Deed described as Parcel 1 conveyed to the City & County of Denver, on the 19th of May 2014, by Reception No. 2014057074 in the City and County of Denver Clerk & Recorder's Office, State of Colorado, being more particularly described as follows.

A PARCEL OF LAND BEING A PART OF BLOCK 1, HARTER'S COLFAX PLACE AND A PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 9138 PAGE 553 OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 9TH AVENUE AND THE WEST RIGHT-OF-WAY LINE OF CLERMONT STREET; THENCE SOUTH 00°28'38" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF A DISTANCE OF 11.19 FEET; THENCE NORTH 49°18'29" WEST, A DISTANCE OF 6.39 FEET; THENCE PARALLEL WITH AND 7.00 FEET SOUTH OF, WHEN MEASURED PERPENDICULAR TO, THE SOUTH LINE OF SAID PARCEL OF LAND AS RECORDED IN BOOK 9136 AT PAGE 553 ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

1. SOUTH 89°39'42" WEST, A DISTANCE OF 300.32 FEET;
2. SOUTH 89°33'50" WEST, A DISTANCE OF 134.85 FEET;

THENCE NORTH 00°26'33" WEST, A DISTANCE OF 7.00 FEET TO SAID SOUTH LINE; THENCE ALONG SAID LINE THE FOLLOWING TWO (2) COURSES:

1. NORTH 89°33'50" EAST, A DISTANCE OF 134.85 FEET;
2. NORTH 89°39'42" EAST, A DISTANCE OF 305.13 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3089 SQ. FT. (0.071 ACRES) MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE 20-FOOT RANGE LINE FOR CLERMONT STREET BETWEEN 8th Ave. AND 9th Ave. AS BEARING SOUTH 00°28'38" EAST AND MONUMENTED AT BOTH THE NORTH AND SOUTH ENDS BY A 2-1/2" ALUMINUM CAP IN RANGE BOX, STAMPED: PLS 38064.



05/19/2014 03:53 PM
City & County of Denver
Electronically Recorded

R \$31.00

WD

D \$0.00

FIRST AMERICAN TITLE

WHEN RECORDED RETURN TO:

Jo Ann Weinstein
Assistant City Attorney
City Attorney's Office
City and County of Denver
201 W. Colfax Avenue, Dept. 1207
Denver, Colorado 80202

616469B

WARRANTY DEED

This **Warranty Deed**, made this 19 day of May, 2014, between VRS/BROADSTONE 9TH AND COLORADO LLC, a Delaware limited liability company ("Grantor") whose street address is 2415 E. Camelback Road, Suite 600, Phoenix, Arizona 85016, and the CITY AND COUNTY OF DENVER, a home rule city and municipal corporation of the State of Colorado ("Grantee"), whose street address is 1437 Bannock Street, Denver, Colorado 80202

WITNESSETH, that the 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 the Grantee, and its successors and assigns forever, the real property in the City and County of Denver and State of Colorado that is legally described and depicted on Exhibit A attached hereto (the "Premises"), together with all its appurtenances, and warrants the title against all persons who may lawfully claim the same.

TO HAVE AND TO HOLD the said Premises above bargained and described, with the appurtenances unto the Grantee, and its successors and assigns forever. And the Grantor does covenant, grant, bargain and agree to and with the Grantee and its successors and assigns, that at the time of the ensembling and delivery of these presents Grantor is well seized of the Premises above conveyed, has fee simple title and the 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, encumbrances and restrictions of whatever kind or nature whatsoever, and except general taxes and assessments for the current year and subsequent years, and except easements, covenants, reservations, restrictions and rights-of-way, if any, of record.

[signature page to follow]

The Grantor shall and will warrant and forever defend the above-bargained Premises in the quiet and peaceable possession of the Grantee and its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this Warranty Deed on the date first written above.

VRS/BROADSTONE 9th AND COLORADO LLC, a Delaware limited liability company

By: Broadstone 9th and Colorado Alliance, LLC, a Delaware limited liability company, its member

By: Andrew K. Clay
Andrew K. Clay
Member

STATE OF COLORADO)
)
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 6th day of May, 2014, by Andrew K. Clay, Member of Broadstone 9th and Colorado Alliance, LLC, a Delaware limited liability company, member of VRS/Broadstone 9TH and Colorado LLC, a Delaware limited liability company, on behalf of said company.

Angela Nelson
Notary Public



DESCRIPTION

RIGHT-OF-WAY DEDICATIONS (8th Ave, 9th Ave., CLERMONT St.)
SITUATED IN THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 4 SOUTH,
RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 1 (9th Ave.)

A PARCEL OF LAND BEING A PART OF BLOCK 1, HARTER'S COLFAX PLACE AND A PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 9138 AT PAGE 553 OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 9th AVENUE AND THE WEST RIGHT-OF-WAY LINE OF CLERMONT STREET;

THENCE SOUTH 00°28'38" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 11.19 FEET;

THENCE NORTH 49°18'29" WEST, A DISTANCE OF 6.39 FEET;
THENCE PARALLEL WITH AND 7.00 FEET SOUTH OF, WHEN MEASURED PERPENDICULAR TO, THE SOUTH LINE OF SAID PARCEL OF LAND AS RECORDED IN BOOK 9136 AT PAGE 553, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

- 1. SOUTH 89°39'42" WEST, A DISTANCE OF 300.32 FEET;
- 2. SOUTH 89°33'50" WEST, A DISTANCE OF 134.85 FEET;

THENCE NORTH 00°26'33" WEST, A DISTANCE OF 7.00 FEET TO SAID SOUTH LINE;
THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES:

- 1. NORTH 89°33'50" EAST, A DISTANCE OF 134.85 FEET;
- 2. NORTH 89°39'42" EAST, A DISTANCE OF 305.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 3090 SQ. FT. (0.071 ACRES) MORE OR LESS.

TOGETHER WITH, THE FOLLOWING DESCRIBED PARCEL;

PARCEL 2 (CLERMONT STREET)

A PARCEL OF LAND BEING A PART OF BLOCK 1, HARTER'S COLFAX PLACE, SITUATED IN SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT PARCEL OF LAND DEEDED FOR RIGHT-OF-WAY IN THE DOCUMENT RECORDED AT RECEPTION No. 9800022580 OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF CLERMONT STREET;

THENCE SOUTH 44°35'33" WEST, ALONG THE NORTHWESTERLY LINE OF SAID PARCEL, A DISTANCE OF 9.89 FEET;

THENCE NORTH 00°28'38" WEST, PARALLEL WITH, AND 7.00 FEET WEST OF, WHEN MEASURED PERPENDICULAR TO, SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 275.76 FEET;

FILED IN: P. 111007 SURVEY LEGAL INSTRUMENTS RECORDS DIVISION LAYOUT FOR DEDICATION - DESCRIPTION

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

ISSUE DATE: 10.17.2013	
DATE	REVISION COMMENTS

LPL DENVER COLORADO
DEVELOPMENT, LLC

9TH AND CLERMONT
RIGHT-OF-WAY
DEDICATIONS



1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303-623-6300 F: 303-623-6311
HarrisKocherSmith.com

CHKD BY: GGS
DRAWN BY: RJE
JOB NUM: 111007

SHEET NO
1
1 OF 3

DESCRIPTION

RIGHT-OF-WAY DEDICATIONS (8th Ave, 9th Ave., CLERMONT St.)
 SITUATED IN THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 4 SOUTH,
 RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL 2- CONTINUED

THENCE NORTH 37°17'38" EAST, A DISTANCE OF 11.43 FEET TO SAID RIGHT-OF-WAY LINE;
 THENCE SOUTH 00°28'38" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 277.81 FEET
 TO THE POINT OF BEGINNING.

CONTAINING 1937 SQ. FT. (0.044 ACRES) MORE OR LESS.

TOGETHER WITH, THE FOLLOWING DESCRIBED PARCEL;

PARCEL 3 (8th Ave.)

A PARCEL OF LAND BEING A PART OF BLOCK 1, HARTER'S COLFAX PLACE AND A PART OF THE
 SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6th PRINCIPAL
 MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED
 AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DEEDED FOR
 RIGHT-OF-WAY IN THE DOCUMENT RECORDED AT RECEPTION No. 9800022580 OF THE CITY AND
 COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SAID POINT ALSO LYING ON THE NORTH
 RIGHT-OF-WAY LINE OF 8th AVENUE;

THENCE SOUTH 89°39'44" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 285.76 FEET;
 THENCE NORTH 83°19'07" WEST A DISTANCE OF 24.18 FEET;

THENCE PARALLEL WITH AND 3.00 FEET NORTH OF, WHEN MEASURED PERPENDICULAR TO, SAID
 RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

1. NORTH 89°33'23" EAST, A DISTANCE OF 24.68 FEET;
2. NORTH 89°39'44" EAST, A DISTANCE OF 288.07 FEET TO THE NORTHWESTERLY LINE OF
 SAID PARCEL;

THENCE SOUTH 44°35'33" WEST, A DISTANCE OF 4.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 898 SQ.FT. (0.021 ACRES) MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE 20-FOOT RANGE LINE FOR CLERMONT STREET
 BETWEEN 8th Ave. AND 9th Ave. AS BEARING SOUTH 00°28'38" EAST AND MONUMENTED AT BOTH
 THE NORTH AND SOUTH ENDS BY A 2-1/2" ALUMINUM CAP IN RANGE BOX, STAMPED:
 PLS 38064.

PREPARED BY: GEORGE G. SMITH, Jr., PLS
 PLS No. 19003

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



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

PROGRAM: P:\11007460-11007460\LEGAL\303-623-6300-EDUCATION\303-623-6300-EDUCATION LAYOUT REV EDUCATION - DESCRIPTION (2)
 PLOT DATE: 10/17/13 9:03:14 AM BY: ROBERT GEORGE

ISSUE DATE: 10.17.2013	
DATE	REVISION COMMENTS

LPL DENVER COLORADO
 DEVELOPMENT, LLC

9TH AND CLERMONT
 RIGHT-OF-WAY
 DEDICATIONS

HKS HARRIS KOCHER SMITH
 1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303-623-6300 F: 303-623-6311
 HarrisKocherSmith.com

CHKD BY: GGS
 DRAWN BY: RJE
 JOB NUM: 111007
 SHEET NO.
2
2 OF 3