


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 (Sep 27, 2022 09:28 MDT)

DATE: September 23, 2022

ROW #: 2022-DEDICATION-0000032 **SCHEDULE #:** Parcel 1) Adjacent to 0526605003000, 0526605027000, 0526605028000, 0526605025000, 0526605029000, and 0526605034000, Parcel 2) Adjacent to 0526605034000

TITLE: This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) Public Alley, bounded by E. Wesley Ave., S. Race St., E. Iliff Ave., and S. High St., and 2) E. Wesley Ave., located at the intersection of S. High St., and E. Wesley 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 1) Public Alley, and 2) E. Wesley 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, "Modera University Park."

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) Public Alley, and 2) E. Wesley Ave. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2022-DEDICATION-0000032-001, 002) HERE.

A map of the area to be dedicated is attached.

MB/JC/LRA

cc: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson, Paul Kashmann District # 6
Councilperson Aide, Brent Fahrberger
Councilperson Aide, Elise Bupp
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, 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, John Clarke
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2022-DEDICATION-0000032

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: September 23, 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 two City-owned parcels of land as Public Right-of-Way as 1) Public Alley, bounded by E. Wesley Ave., S. Race St., E. Iliff Ave., and S. High St., and 2) E. Wesley Ave., located at the intersection of S. High St., and E. Wesley 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:** 720-865-3112
- **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:** Demolition of existing structures in lots 5 thru 23 and combine parcels and build a new apartment structure called, "Modera University Park." The developer was asked to dedicate two parcels as 1) Public Alley, and 2) as E. Wesley 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 E. Wesley Ave., and S. High St.
- d. **Affected Council District:** Paul Kashmann District # 6
- 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-0000032

Description of Proposed Project: Demolition of existing structures in lots 5 thru 23 and combine parcels and build a new apartment structure called, "Modera University Park." The developer was asked to dedicate two parcels as 1) Public Alley, and 2) as E. Wesley 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) Public Alley and 2) E. Wesley 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

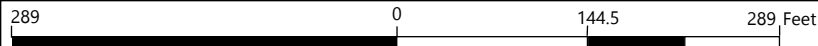
Will an easement relinquishment be submitted at a later date: N/A

Additional information: This land was deeded to the City and County of Denver for the purpose of dedicating it as 1) Public Alley and 2) E. Wesley Ave., as part of a development project called, "Modera University Park."



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. 2022-DEDICATION-0000032-001:

LAND DESCRIPTION – ALLEY PARCEL NO. 1

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 7TH DAY OF SEPTEMBER 2022, AT RECEPTION NUMBER 2022117372 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF LOTS 5 THROUGH 23, BLOCK 40, EVANSTON 3RD FILING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, 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 EAST 2.50 FEET OF SAID LOTS 5 THROUGH 23, EXCEPT THE SOUTH 3.00 FEET OF SAID LOT 23;

CONTAINING 1,180 SQ. FT. OR 0.027 ACRES, MORE OR LESS.

PARCEL DESCRIPTION ROW NO. 2022-DEDICATION-0000032-002:

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 7TH DAY OF SEPTEMBER 2022, AT RECEPTION NUMBER 2022117372 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF LOT 23, BLOCK 40, EVANSTON 3RD FILING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, 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 SOUTH 3.00 FEET OF SAID LOT 23;

CONTAINING 375 SQ. FT. OR 0.009 ACRES, MORE OR LESS.



09/07/2022 10:56 AM
City & County of Denver

R \$0.00

WD

2022117372

Page: 1 of 4

D \$0.00

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-0000032
Asset Mgmt No.: 22-089

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 30th day of August, 2022, by **UNIVERSITY PARK DENVER OWNER, LLC**, a Delaware limited liability company, whose address is 4 Embarcadero Center, Suite 3300, 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.

EXHIBIT "A"

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO
SHEET 1 OF 2

PARCEL 1

A PORTION OF LOTS 5 THROUGH 23, BLOCK 40, EVANSTON 3RD FILING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, 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 EAST 2.50 FEET OF SAID LOTS 5 THROUGH 23, EXCEPT THE SOUTH 3.00 FEET OF SAID LOT 23;
CONTAINING 1,180 SQ. FT. OR 0.027 ACRES, MORE OR LESS.

PARCEL 2

A PORTION OF LOT 23, BLOCK 40, EVANSTON 3RD FILING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, 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 SOUTH 3.00 FEET OF SAID LOT 23;
CONTAINING 375 SQ. FT. OR 0.009 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, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND ARE NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED. SAID PARCEL DESCRIPTION AND EXHIBIT WERE PREPARED AT THE REQUEST OF THE CLIENT AND ARE 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: 21-76,702
DRAWN BY: J. STEPHENSON
DATE: APRIL 7, 2022

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

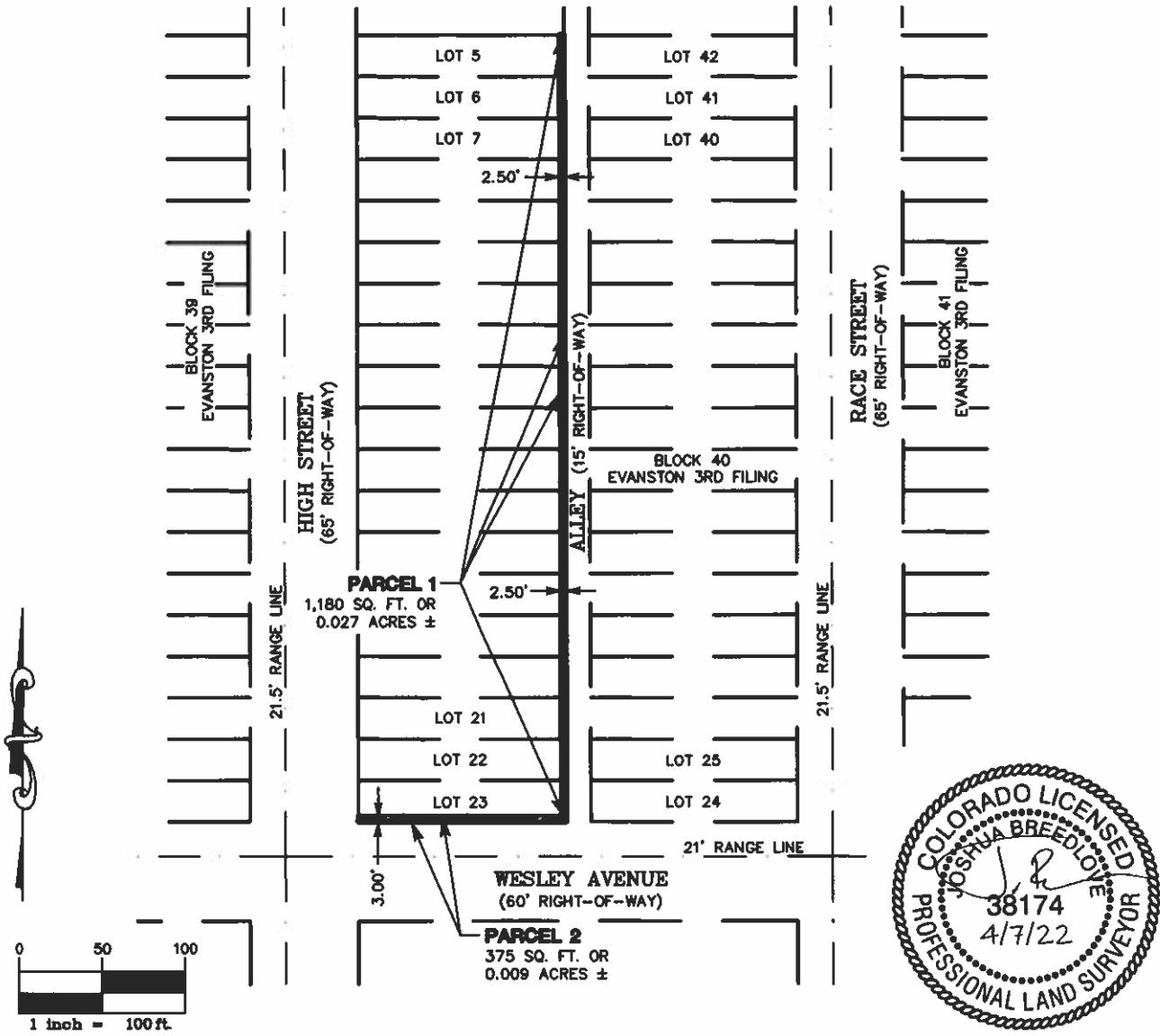


4501 LOGAN ST.
DENVER, CO 80216
PH: (303) 936-6997
FAX: (303) 923-3180
www.FlatironsInc.com

EXHIBIT "A"

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2



JOB NUMBER: 21-76,702
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