

**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  
Matt R. Bryner (Apr 19, 2023 15:06 MDT)

**DATE:** April 19, 2023

**ROW #:** 2022-DEDICATION-0000082 **SCHEDULE #:** Adjacent to 0512026029000 and 0512126030000

**TITLE:** This request is to dedicate a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by N. Cook St., E. 2<sup>nd</sup> Ave., N. Adams St., and E. 1<sup>st</sup> 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 Public Alley. 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 Cook Street."

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 Alley. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2022-DEDICATION-0000082-001) HERE.**

A map of the area to be dedicated is attached.

MB/TB /DG

cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)  
City Councilperson, Chris Hinds District # 10  
Councilperson Aide, Haley Clark  
Councilperson Aide, Shelly Oren  
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  
DOTI Survey, Thomas Breitnauer  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder 2022-DEDICATION-0000082

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo  
at [Jason.Gallardo@DenverGov.org](mailto: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: April 19, 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 a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by N. Cook St., E. 2nd Ave., N. Adams St., and E. 1st Ave.

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](mailto: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](mailto:Jason.Gallardo@denvergov.org)

6. **General description/background of proposed resolution including contract scope of work if applicable:** Demolition of existing commercial buildings, reconfigure parcels and build a new Multi-Family Residence called "Modera Cook Street." The developer was asked to dedicate a parcel as public alley.

**\*\*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:** Bounded by N. Cook St., E. 2<sup>nd</sup> Ave., N. Adams St., and E. 1<sup>st</sup> Ave.
- d. **Affected Council District:** Chris Hinds District # 10
- 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-0000082

**Description of Proposed Project:** Demolition of existing commercial buildings, reconfigure parcels and build a new Multi-Family Residence called "Modera Cook Street." The developer was asked to dedicate a parcel as public alley.

**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 Public Alley.

**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

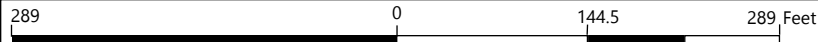
**Will an easement relinquishment be submitted at a later date:** N/A

**Additional information:** This land was deeded to the City and County of Denver for the purpose of dedicating it as Public Alley, as part of a development project called, "Modera Cook Street."



### 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-0000082-001:**

LAND DESCRIPTION – ALLEY PARCEL

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 3RD DAY OF APRIL, 2023, AT RECEPTION NUMBER 2023027041 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF PLOTS 4, 5, & 6, BLOCK 74, HARMANS SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, 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 WESTERLY 2.5 FEET OF SAID PLOTS 4, 5 & 6, BLOCK 74.

CONTAINING 750 SQ. FT. OR 0.017 ACRES, MORE OR LESS.



04/03/2023 10:57 AM  
City & County of Denver

R \$0.00

WD

2023027041

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-0000082**  
**Asset Mgmt No.: 23-048**

### SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** (“Deed”), made as of this 10<sup>TH</sup> day of March, 2023, by **CPT COOK STREET APARTMENTS LLC**, a Delaware limited liability company, whose address is 5910 N. Central Expressway, Suite 1100, Dallas, TX 75206, 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" LAND DESCRIPTION

SHEET 1 OF 2

A PORTION OF PLOTS 4, 5, & 6, BLOCK 74, HARMANS SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, 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 WESTERLY 2.5 FEET OF SAID PLOTS 4, 5 & 6, BLOCK 74.

CONTAINING 750 SQ. FT. OR 0.017 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: 21-74,710  
DRAWN BY: J. STEPHENSON  
DATE: AUGUST 18, 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



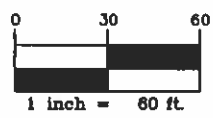
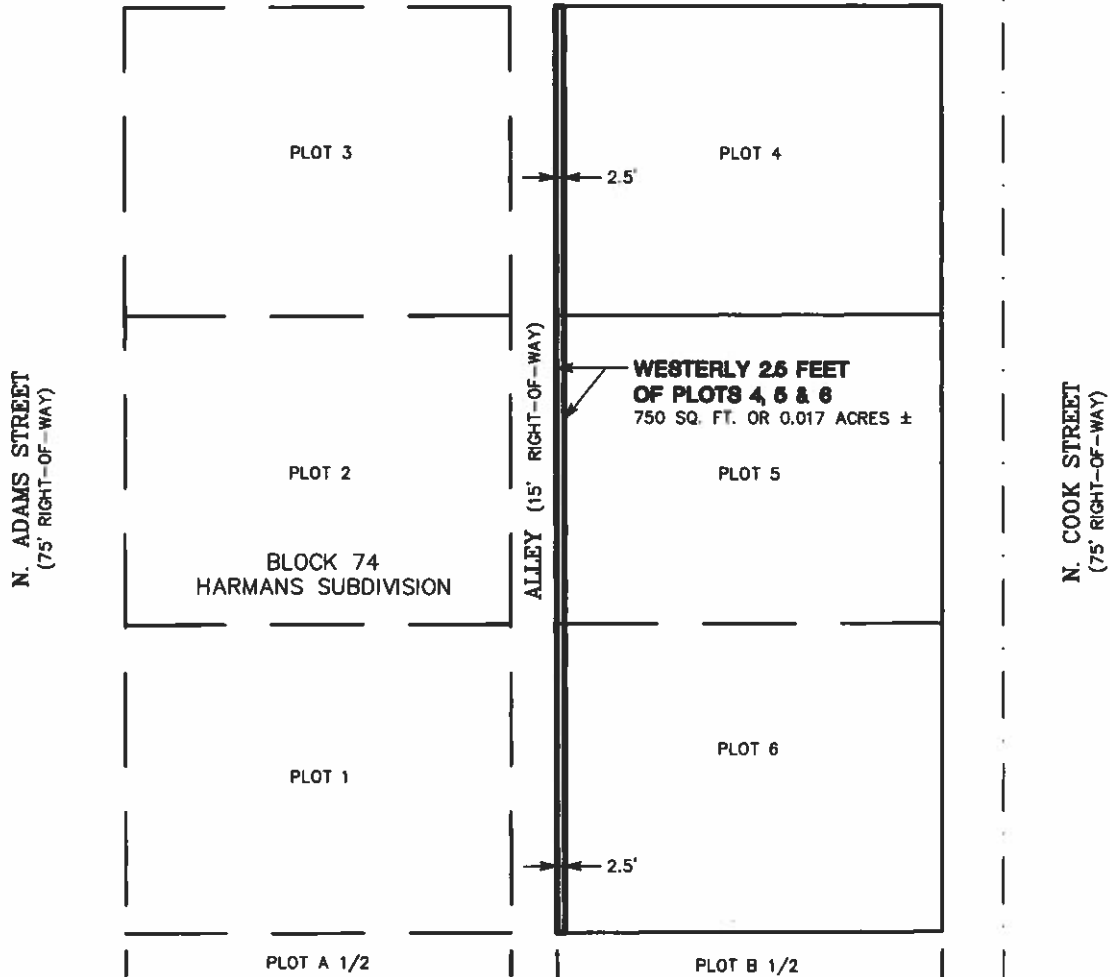
4501 LOGAN ST.  
DENVER, CO 80216  
PH: (303) 936-6997  
FAX: (303) 923-3180  
[www.FlatironsInc.com](http://www.FlatironsInc.com)



# EXHIBIT "A" ILLUSTRATION

SHEET 2 OF 2

E. 2ND AVENUE  
(70' PUBLIC RIGHT-OF-WAY)



JOB NUMBER: 21-74,710  
 DRAWN BY: J. STEPHENSON  
 DATE: AUGUST 18, 2022

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