



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner, Director Engineer-Architect
Right-of-Way Services

DATE: May 14, 2019

ROW #: 2019-Dedication-0000063 **SCHEDULE #:** 0233213091000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Bassett Circle. Located near Bassett Circle and Little Raven 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 Bassett Circle. 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 (**Balfour Senior Care Center**)

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 Bassett Circle. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2019-Dedication-0000063-001) HERE.

A map of the area to be dedicated is attached.

MB/PR/bv

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson & Aides, Albus Brookes District # 9
Council Aide Chy Montoya
Council Aide Emily Brown
Council Aide Evelyn Brown
City Council Staff, Zach Rothmier
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Jason Gallardo
Public Works, 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, Stan Lechman
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2019-Dedication-0000063

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: May 14, 2019

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, contract amendment, municipal code change, supplemental request, etc.**)

This request is to dedicate a parcel of land as Public Right of Way as Bassett Circle.
Located near Bassett Circle and Little Raven St.

3. **Requesting Agency:** Public Works-Right-of-Way Services
Agency Division: Survey

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:** Jason Gallardo
- **Phone:** 720-865-8713
- **Email:** Jason.gallardo@denvergov.org

6. **General description/background 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 Bassett Circle. 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 (**Balfour Senior Care Center**)

****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:** Bassett Circle and Little Raven St.
- d. **Affected Council District:** Albus Brooks Dist. #9
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

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: 2019-Dedication-0000063

Description of Proposed Project: Dedicate a parcel of land as public right of way as Bassett Circle.

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

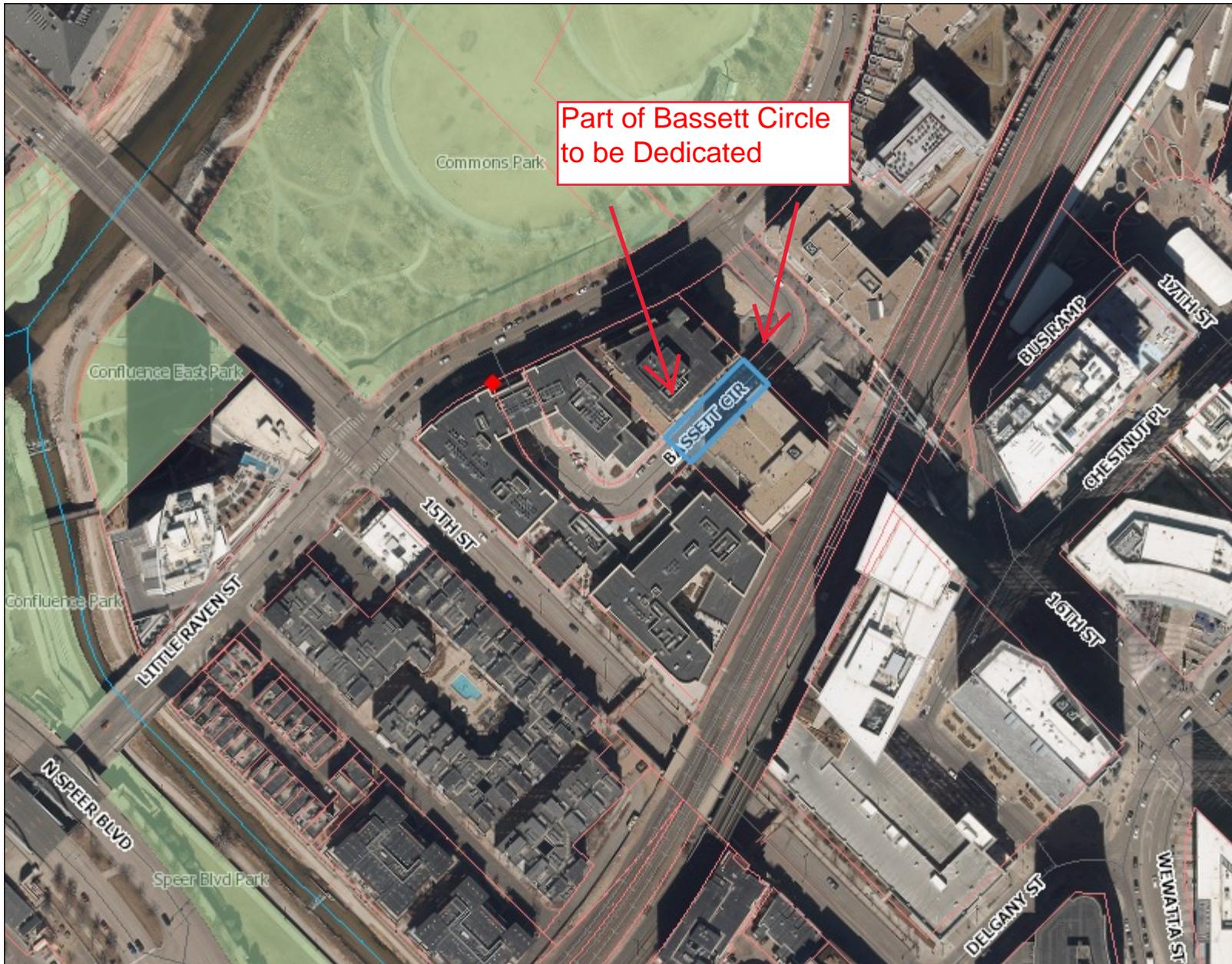
What is the known duration of an MEP: N/A

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 of dedicating it as Public Right-of-Way, as a part of a development project called Balfour Senior Care Center.



Legend

-  Streams
-  Streets
-  Alleys
- Railroads
 -  Main
 -  Yard
 -  Spur
 -  Siding
 -  Interchange track
 -  Other
- Rail Transit Stations
 -  Existing
 -  Planned
-  Park-N-Ride Locations
-  Lakes
-  County Boundary
-  Parcels
-  Lots/Blocks
- Parks
 -  All Other Parks; Linear
 -  Mountain Parks



PARCEL DESCRIPTION

A PARCEL OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED OCTOBER 26, 2018 AT RECEPTION NUMBER 2018139107 IN THE RECORDS OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER COLORADO, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF SUBTRACT A-2, THE COMMONS SUBDIVISION - FILING NO. 1, A PLAT ON FILE IN THE CITY AND COUNTY OF DENVER, CLERK AND RECORDER'S OFFICE IN BOOK 33 ON PAGE 1, DATED JUNE 16, 2000, AS RECORDED AT RECEPTION NO. 2000085197 IN THE RECORDS OF SAID CLERK AND RECORDER, BEING THAT PORTION WHICH LIES BETWEEN PLANES 6 INCHES BELOW FINISHED GRADE AS CURRENTLY CONSTRUCTED AND 16 FEET ABOVE FINISHED GRADE AS CURRENTLY CONSTRUCTED, LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST MOST CORNER OF SUB-TRACT A-2, THENCE NORTH 44 DEGREES 34 MINUTES 56 SECONDS EAST, ALONG THE WESTERLY LINE OF SUB-TRACT A-2, A DISTANCE OF 150.00 FEET TO THE NORTH MOST CORNER OF SUB-TRACT A-2;

THENCE SOUTH 45 DEGREES 28 MINUTES 34 SECONDS EAST, ALONG THE NORTHERLY LINE OF SUB-TRACT A-2, A DISTANCE OF 47.50 FEET;

THENCE SOUTH 44 DEGREES 34 MINUTES 56 SECONDS WEST, ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF SUB-TRACT A-2, A DISTANCE OF 150.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SUB-TRACT A-2;

THENCE NORTH 45 DEGREES 28 MINUTES 34 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 47.50 FEET TO THE **POINT OF BEGINNING**.

BASIS OF BEARING: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, BEARING NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST AS MONUMENTED ON THE WEST BY A 3-1/4" ALUMINUM CAP STAMPED "CITY OF DENVER, 1/4 S28, S33, TS3, R68W, PLS 14592, 2007" AND ON THE SOUTH BY A 3-1/4" ALUMINUM CAP IN A RANGE BOX STAMPED "LS 25379". ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.



10/26/2018 02:20 PM
City & County of Denver

R \$0.00

WD

2018139107

Page: 1 of 8

D \$0.00

After recording, return to:
Division of Real Estate
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, CO 80202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this 23rd day of October, 2018, by **SHI Denver, LLC**, a Delaware limited liability company, whose address is c/o Balfour Senior Living, 1331 Hecla Drive, Louisville, CO 80027, United States ("Grantor") to the **CITY AND COUNTY OF DENVER**, a Colorado municipal corporation and home rule city of the State of Colorado, whose address is 1437 Bannock Street, Denver, Colorado 80202 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$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 Exhibit A attached 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, except and subject to the matters listed on Exhibit B attached hereto and incorporated herein and the reservation set forth below.

NO DOCUMENTARY FEE—CONSIDERATION LESS THAN \$500.00 and Grantee is a city and county governmental entity.

Upon execution of this Deed, Grantee and Grantor agree that the conditions and requirements of Note 1 on page 3 of 6 of The Commons Subdivision Filing No. 1 recorded at Rec. No. 2000085197 on June 16, 2000 in the City and County of Denver, State of Colorado, will be deemed to be satisfied.

No separate bill of sale with respect to improvements on the Property will be executed.

Asset Mgmt. # 18-244
Project Description: CIA - 2006-0455-01
2018 - Dedication - Bassett Circle

Grantor hereby RESERVES for itself and its successors, assigns, tenants, invitees and permittees an EASEMENT for ingress, egress and passage of vehicles, bicycles and pedestrians over, upon and across the Property, which easement shall expire and be vacated from title to the Property without the need for any further agreement, upon the recording of a resolution or other document confirming the dedication of the Property by Grantee as a public street and sidewalk.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the date set forth above.

SHI DENVER, LLC, a Delaware limited liability company

By: SHI Balfour JV Company, LLC, a Delaware limited liability company, its sole member

By: Balfour Riverfront Park Investors, LLC, a Colorado limited liability company, its sole Manager

By: Balfour V, LLC, a Colorado limited liability company, its sole Manager

By: Balfour Holding LLC, a Delaware limited liability company, its sole Manager

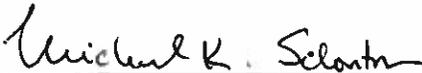
By: 
Name: Michael K. Schonbrun
Its: Manager

EXHIBIT A

THE PROPERTY

Subtract A-2.1, as more particularly described on the following two (2) pages.

SUBTRACT A-2.1 LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF SUBTRACT A-2, THE COMMONS SUBDIVISION - FILING NO. 1, A PLAT ON FILE IN THE CITY AND COUNTY OF DENVER, CLERK AND RECORDER'S OFFICE IN BOOK 33 ON PAGE 1, DATED JUNE 16, 2000, AS RECORDED AT RECEPTION NO. 2000085197 IN THE RECORDS OF SAID CLERK AND RECORDER, BEING THAT PORTION WHICH LIES BETWEEN PLANES 6 INCHES BELOW FINISHED GRADE AS CURRENTLY CONSTRUCTED AND 18 FEET ABOVE FINISHED GRADE AS CURRENTLY CONSTRUCTED, LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, DESCRIBED AS FOLLOWS:

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EXHIBIT A ATTACHED AND MADE A PART HEREOF.

ALAN H. BAILEY,
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR 38035
FOR AND ON BEHALF OF:
68WEST, INC.



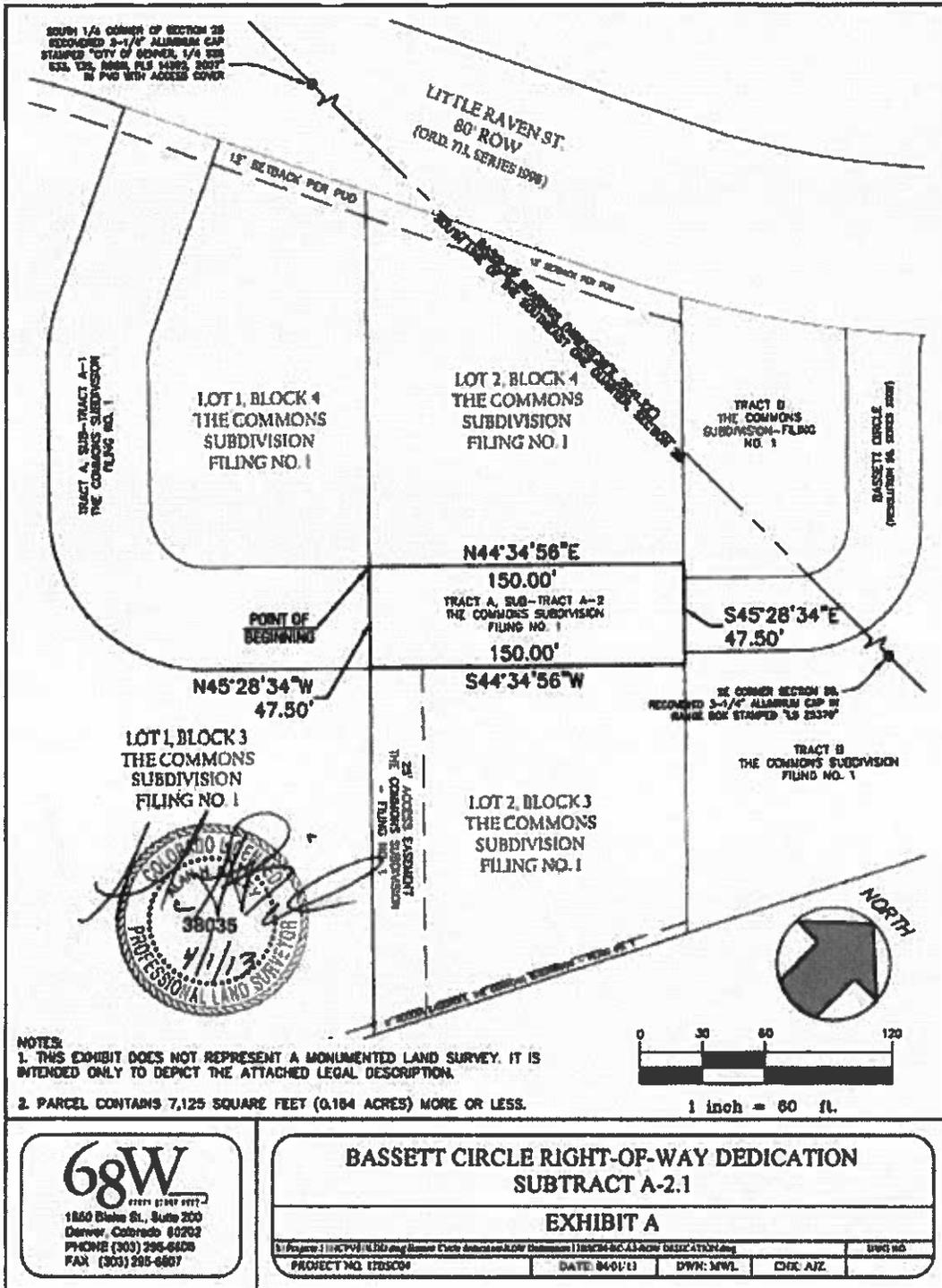


EXHIBIT B TO DEED

(Subtract A-2.1)

PERMITTED EXCEPTIONS

1. Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records or listed herein,
2. Water rights, claims or title to water.
3. Taxes for the year 2018, a lien, but not yet due or payable.
4. Ordinance No. 224, Series of 1992, regarding Cherry Creek Subarea Business Improvement District, recorded May 13, 1992, at Reception Number R-92-0052411,
5. Letter regarding Re-zoning Application #4310 (revised), recorded July 15, 1999, at Reception Number 9900125145.
NOTE: Ordinance No. 365, Series of 2010, recorded July 16, 2010, at Reception Number 2010078918.
6. Restrictive Covenants Establishing Design Review Board for the Commons recorded April 12, 2000, at Reception Number 200051442.
7. Notes, covenants, restrictions, easements and rights-of-way as set forth on the plat of The Commons Subdivision - Filing No. 1, recorded June 16, 2000, at Reception Number 2000085197.
8. Ordinance No. 263, Series of 2002, regarding zoning, recorded April 16, 2002, at Reception Number 2002070447.
NOTE: Proposed Amendment to Central Platte Valley Planned Unit Development # 442 recorded June 14, 2002, at Reception Number 2002106802.
NOTE: Declaration Regarding Extension of Vesting Period recorded November 16, 2006, at Reception Number 2006185446.
9. The Balfour Cosmopolitan Club – a Planned Unit Development Site Plan, recorded April 1, 2008, at Reception Number 2008043738.
NOTE: Letter regarding Minor Deviation recorded April 19, 2012, at Reception Number 2012052332.
NOTE: Letter regarding Memorandum of Understanding recorded July 5, 2012, at Reception Number 2012088060.
NOTE: Letter of Request for Administrative Modification recorded December 2, 2014, at Reception Number 2014157863.
NOTE: Letter of Request for Administrative Modification recorded February 24, 2015, at Reception Number 2015023172.

10. Declaration of and Agreement to Temporary Access Easement recorded January 14, 2002, at Reception Number 2002009805.
11. Restrictions contained in Special Warranty Deed recorded May 3, 1999, at Reception Number 9900078058.
NOTE: Declaration of and Amendment to Deed Restrictions recorded March 22, 2001, at Reception Number 2001041331.
NOTE: First Amendment to Declaration of and Amendment to Deed Restrictions recorded January 11, 2002, at Reception Number 2002008681.
12. Easement and Indemnity Agreement recorded August 18, 2000, at Reception Number 2000118773.
13. Agreement Affecting Real Property recorded October 5, 2000, at Reception Number 2000145805.
14. Grant of Easement to Mile Hi Cable Partners, L.P., recorded July 25, 2014, at Reception Number 2014089028.