



**Department of Public Works**  
 Permit Operations and Right of Way Enforcement  
 201 W. Colfax Avenue, Dept. 507  
 Denver, CO 80202  
 P: 720-865-2782  
 F: 720-865-3280  
 www.denvergov.org/pwprs

**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:** May 23, 2013

**ROW #:** 2013-0240-01      **SCHEDULE #:** Adjacent to Parcels:  
 Parcel #1-0127100002000  
 Parcel #2-0122400002000  
 Parcel #3-0127200002000  
 Parcel #4-0122300001000

**TITLE:** This request is to dedicate a City owned land as Smith Rd.  
 Located near the intersection of Smith Rd and Havana 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 Smith Rd.

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 existing City owned land for Public Right-of-Way purposes as Smith Rd. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW (2013-0240-01-001) HERE.**

A map of the area to be dedicated is attached.

RD/JL/WR/VLH

- cc: Asset Management, Steve Wirth
- City Councilperson & Aides, Chris Herndon District # 11
- 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
- Department of Law, Shaun Sullivan
- Public Works Survey, John Lautenschlager & Warren Ruby
- Public Works Survey, Paul Rogalla
- Owner: City and County of Denver
- Project file folder 2013-0240-01

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Nancy Kuhn at [Nancy.Kuhn@Denvergov.org](mailto: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: May 24, 2013

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 City owned land as Smith Rd.  
Located near the intersection of Smith Rd and Havana St.

3. Requesting Agency: PW Right of Way Engineering Services

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

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: [vanessa.herman@denvergov.org](mailto:vanessa.herman@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](mailto: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 Smith Rd.

**\*\*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: Smith Rd and Havana St
- d. Affected Council District: Dist # 11 Herndon
- 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:**2013-0240-01 Dedication of Smith Rd at Havana St

**Description of Proposed Project:**This request is to dedicate a City owned land as Smith Rd. Located near the intersection of Smith Rd and Havana St.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:**Dedicating City owned land to Public Right of Way, from the vacant parcel program approved through City Council.

**Has a Temp MEP been issued, and if so, what work is underway:**N/A

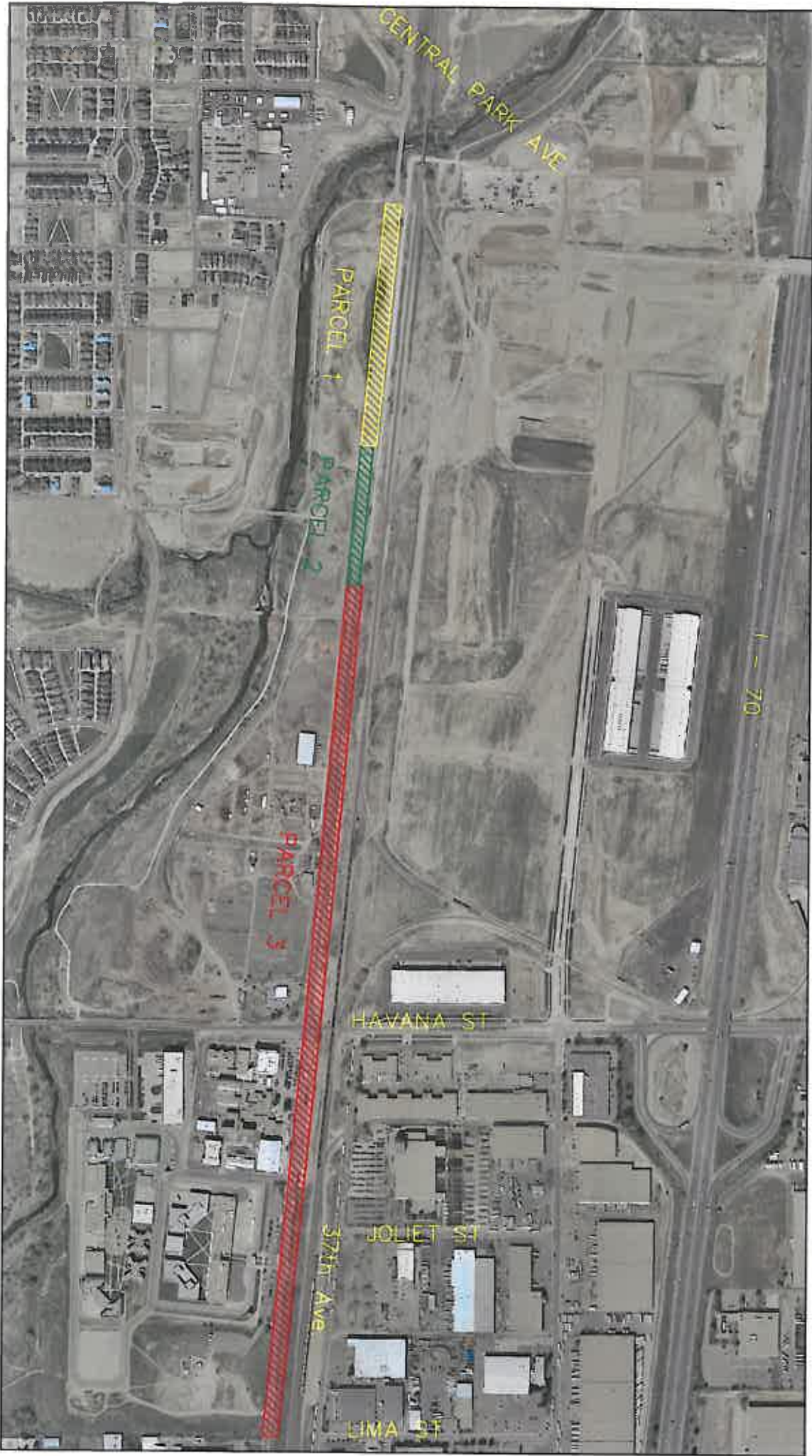
**What is the known duration of an MEP:**N/A

**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.



CENTRAL PARK AVE

PARCEL 1

PARCEL 2

PARCEL 3

I - 70

HAVANA ST

JOLIET ST

37th AVE

LIMA ST

A portion of that deed recorded September 16<sup>th</sup> 1954, in Book 7538 Page 476, City & County of Denver's County Clerk & Records Office, State of Colorado. More particularly described as follows:

Parcel 1

A strip of land 100 feet in width situate in Sections 22 and 27, Township 3 South, Range 67 West of the Sixth Principal Meridian, in Adams County, Colorado, being all that part of the right of way of the Union Pacific Railroad Company included between lines parallel with and distant respectively 100 feet and 200 feet southwesterly, measured at right angles, from the centerline of the main track of said Railroad Company and extending northwesterly from a straight line at right angles to said center line of main track at Railroad Survey Station 33393+00 thereof, which is a point thereon that is 1578.4 feet, more or less, distant southeasterly from the west line of said Section 22, measured along said center line of main track, to said west line of said Section 22.

Parcel 2

Also, a strip of land 80 feet in width situate in Sections 22 and 27, Township 3 South, Range 67 West of the Sixth Principal Meridian, in Adams County, Colorado, being all that part of the right of way of the Union Pacific Railroad Company included between lines parallel with and distant respectively 120 feet and 200 feet southwesterly, measured at right angles, from said centerline of the main track of said Railroad Company and extending northwesterly from a straight line at right angles to said center line of main track at Railroad Survey Station 33384+00 thereof, which is a point thereon that is 2478.4 feet, more or less, distant southeasterly from the west line of said Section 22, measured along said center line of main track, to a straight line at right angles to said center line of main track at Railroad Survey Station 33393+00 thereof, which is a point thereon that is 1578.4 feet, more or less, distant southeasterly from said west line of Section 22, measured along centerline of main track.

Parcel 3

Also, a strip of land 100 feet in width situate in Sections 26 and 27, Township 3 South, Range 67 West of the Sixth Principal Meridian, in Adams County, Colorado, being all that part of the right of way of the Union Pacific Railroad Company included between lines parallel with and distant respectively 100 feet and 200 feet southwesterly, measured at right angles, from said centerline of the main track of said Railroad Company and extending northwesterly from the east line of the NW1/4 of Section 26, Township 3 South, Range 67 West of the Sixth Principal Meridian, to a straight line at right angles to said center line of main track at Railroad Survey Station 33384+00 thereof, which is a point on said center line in the SW 1/4 of Section 22, Township 3 South, Range 67 West that is 2478.4 feet, more or less, distant southeasterly from the west line of said section 22, measured along said center line of main track. Except that portion east of the east line of the NW 1/4 of Section 26, Township 3 South, Range 67 West.

7538-176

D. H. 400-

D E K D

MICH. 17 1913

SEP-16TH 662THO I FEETES 0.

MA 1913

As to Form

*W. H. H. H.*

CITY ATTY'S OFFICE

RECORDED  
*W. H. H. H.*

City and County of Denver, Colorado

RECORDED

7538-177

THIS DEED, Made this 11<sup>th</sup> day of May 1954, between UNION PACIFIC RAILROAD COMPANY, a corporation of the State of Utah, party of the first part, and CITY AND COUNTY OF DENVER, a municipal corporation organized and existing under and by virtue of the Constitution and Laws of the State of Colorado, party of the second part:

WITNESSETH, That

WHEREAS, the party of the second part desires to acquire an easement in the lands hereinafter described for the purpose of constructing and maintaining thereon a public street or highway; and

WHEREAS, the party of the first part is willing to donate said easement to the party of the second part for the purpose aforesaid;

NOW, THEREFORE, in consideration of the premises, the said party of the first part does by these presents grant, donate, convey and confirm unto the said party of the second part, and unto its successors and assigns, a PERPETUAL EASEMENT solely for public highway purposes over and across strips or parcels of land situate, lying and being in the City and County of Denver and in the County of Adams, State of Colorado, to wit:

A strip of land 100 feet in width situate in Section 21, Township 3 South, Range 67 West of the Sixth Principal Meridian, in the City and County of Denver, Colorado, being all that part of the right of way of the Union Pacific Railroad Company included between lines parallel with and distant respectively 100 feet and 200 feet southwesterly, measured at right angles and/or radial, from the center line of the main track of the party of the first part and extending northwesterly from the east line of said Section 21 to a straight line at right angles to said center line of main track at Railroad Survey Station 33451+00 thereof, which is a point thereon that is 1125.9 feet distant southeasterly from the west line of said Section 21, measured along said center line of main track.

Also, a strip of land 50 feet in width situate in said Section 21, Township 3 South, Range 67 West of the Sixth Principal Meridian, in the City and County of Denver, Colorado, being all that part of the right of way of the party of the first part included between lines parallel with and distant respectively 150 feet and 200 feet southwesterly, measured at right angles, from the center line of the main track of said party of the first part and extending northwesterly from a straight line at right angles thereto at Railroad Sur-

7538 178

vey Station 33451+00 thereof, which is a point thereon that is 1125.9 feet, more or less, distant southeasterly from the west line of Section 21, measured along said center line of main track, to said west line of Section 21.

Also, a strip of land 100 feet in width situate in Section 20, Township 3 South, Range 67 West of the Sixth Principal Meridian, in the City and County of Denver, Colorado, being all that part of the right of way of the party of the first part included between lines parallel with and distant respectively 100 feet and 200 feet southwesterly, measured at right angles, from the center line of the main track of said party of the first part, and extending northwesterly from the east line of said Section 20 to the west line of the NE 1/4 of the SW 1/4 of said Section 20.

PARCEL 1  
Also, a strip of land 100 feet in width situate in Sections 22 and 27, Township 3 South, Range 67 West of the Sixth Principal Meridian, in Adams County, Colorado, being all that part of the right of way of the Union Pacific Railroad Company included between lines parallel with and distant respectively 100 feet and 200 feet southwesterly, measured at right angles, from the center line of the main track of said Railroad Company and extending northwesterly from a straight line at right angles to said center line of main track at Railroad Survey Station 33393+00 thereof, which is a point thereon that is 1578.4 feet, more or less, distant southeasterly from the west line of said Section 22, measured along said center line of main track, to said west line of Section 22.

PARCEL 2  
Also, a strip of land 80 feet in width situate in Sections 22 and 27, Township 3 South, Range 67 West of the Sixth Principal Meridian, in Adams County, Colorado, being all that part of the right of way of the Union Pacific Railroad Company included between lines parallel with and distant respectively 120 feet and 200 feet southwesterly, measured at right angles, from said center line of main track of said Railroad Company and extending northwesterly from a straight line at right angles to said center line of main track at Railroad Survey Station 33384+00 thereof, which is a point thereon that is 2478.4 feet, more or less, distant southeasterly from the west line of said Section 22, measured along said center line of main track, to a straight line at right angles to said center line of main track at Railroad Survey Station 33393+00 thereof, which is a point thereon that is 1578.4 feet, more or less, distant southeasterly from said west line of Section 22, measured along said center line of main track.



7538 479

**6 PARCEL 3**

Also, a strip of land 100 feet in width situate in Sections 26 and 27, Township 3 South, Range 67 West of the Sixth Principal Meridian, in Adams County, Colorado, being all that part of the right of way of the Union Pacific Railroad Company included between lines parallel with and distant respectively 100 feet and 200 feet southwesterly, measured at right angles, from the center line of main track of said Railroad Company and extending northwesterly from the east line of the NW 1/4 of Section 26, Township 3 South, Range 67 West of the Sixth Principal Meridian, to a straight line at right angles to said center line of main track at Railroad Survey Station 33384+00 thereof, which is a point on said center line of main track in the SW 1/4 of Section 22, Township 3 South, Range 67 West, that is 2478.4 feet, more or less, distant southeasterly from the west line of said Section 22, measured along said center line of main track.

*Deed OK  
9/2/58*

RESERVING, however, to the party of the first part, its successors and assigns, the right to construct at any and all times and to maintain, operate and use railroad tracks, pipe lines and telephone and telegraph and electric power pole and wire lines over, under and across (but in such a way as not unreasonably to interfere with) said public highway on the premises hereinafore described; it being understood that the right so reserved to the party of the first part, its successors and assigns, is retained along with the general right of the party of the first part, its successors and assigns, to the use of said premises for any purpose not inconsistent with the use of the party of the second part of said easement for the purpose herein defined.

This deed is made subject to all existing pipe and wire lines and to all other outstanding superior rights.

The grant herein made is subject to the following covenant and condition which the party of the second part by the acceptance of this deed covenants for itself, its successors and assigns, faithfully to keep, observe and perform, to wit:

The party of the second part shall, at its own expense, relocate, at and under the direction of the party of the first part, all right of way fences on or enclosing the above described premises, in a manner satisfactory to the party of the first part.

It is expressly made a condition of this easement that if the party of the second part, its successors or assigns, shall abandon the premises of the party of the first part in the location above described for public highway pur-

... and in that event all rights herein granted shall  
... determine and the title to said premises shall be  
... on the burden of said easement, and it is further  
... that nonuser of the premises for a period of one year  
... be deemed an abandonment of said premises.

IN WITNESS WHEREOF, the said party of the first  
... caused its corporate name to be hereunto subscribed  
... President and its corporate seal to be  
... affixed by an Assistant Secretary, this day of 1901  
... as above written.

UNION PACIFIC RAILROAD COMPANY,

By *[Signature]* President

*[Signature]* (Seal)  
Assistant Secretary



7538 481

NEBRASKA )  
DOUGLAS )

On this 11th day of May, 1957

I, Notary Public in and for said county in the  
above said, personally appeared A. E. Stoddard, to me  
personally known, and to me personally known to be the  
President of UNION PACIFIC RAILROAD COMPANY, and to be  
the same person whose name is subscribed to the foregoing  
instrument, and who, being by me duly sworn, did say that he

President of Union Pacific Railroad Company,  
the seal affixed to said instrument is the corporate  
seal of said corporation; and that said instrument was  
made and sealed on behalf of said corporation by authority  
of the Board of directors; and the said A. E. Stoddard  
acknowledged said instrument to be his free and voluntary  
act and deed, and the free and voluntary act and deed of  
said corporation, by it voluntarily executed, for the uses  
and purposes therein.

IN WITNESS WHEREOF, I have hereunto set my hand  
and official seal the day and year last above written.

My commission expires May 10, 1960

Louis Scholuck  
Notary Public

at Omaha

