




## REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

**TO:** Ivone Avila-Ponce, City Attorney's Office

**FROM:** Glen D. Blackburn, P.E., Director, Right-of-Way Services 

**DATE:** April 5, 2024

**ROW #:** 2020-DEDICATION-0000176    **SCHEDULE #:** 1) 0130422027000 & 2) 0130422026000

**TITLE:** This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) North Fairfax Street, located near the intersection of North Fairfax Street and East 29<sup>th</sup> Avenue, and 2) Public Alley, bounded by North Fairfax Street, East 28<sup>th</sup> Avenue, North Elm Street, and East 29<sup>th</sup> Avenue.

**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) North Fairfax Street, and 2) 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, "2857 & 2863 N Fairfax St."

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) North Fairfax Street, and 2) Public Alley. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2020-DEDICATION-0000176-001, 002) HERE.**

A map of the area to be dedicated is attached.

GB/TB /BV

cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)  
City Councilperson, Darrell Watson, District # 9  
Councilperson Aide, Bonnie Guillen  
Councilperson Aide, Darius Shelby  
Councilperson Aide, Lynne Lombard  
City Council Staff, Luke Palmisano  
Environmental Services, Andrew Ross  
DOTI, Manager's Office, Alba Castro  
DOTI, Manager's Office, Nicholas Williams  
DOTI, Director, Right-of-Way Services, Glen Blackburn  
Department of Law, Johna Varty  
Department of Law, Martin Plate  
Department of Law, Deanne Durfee  
Department of Law, Ivone Avila-Ponce  
Department of Law, Katherine Ehlers  
Department of Law, Mar'quasa Maes  
DOTI Survey, Tom Breitnauer  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder 2020-DEDICATION-0000176

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services  
201 W. Colfax Ave. | Denver, CO 80215  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-913-1311

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# ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: April 5, 2024

Please mark one:  Bill Request or  Resolution Request

## 1. Type of Request:

- Contract/Grant Agreement  Intergovernmental Agreement (IGA)  Rezoning/Text Amendment  
 Dedication/Vacation  Appropriation/Supplemental  DRMC Change  
 Other:

2. **Title:** Dedicate two City-owned parcels of land as Public Right-of-Way as 1) North Fairfax Street, located near the intersection of North Fairfax Street and East 29th Avenue, and 2) Public Alley, bounded by North Fairfax Street, East 28th Avenue, North Elm Street, and East 29th Avenue.

3. **Requesting Agency:** DOTI, Right-of-Way Services  
**Agency Section:** Survey

## 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Barbara Valdez	Name: Nicholas Williams
Email: <a href="mailto:Barbara.Valdez@denvergov.org">Barbara.Valdez@denvergov.org</a>	Email: <a href="mailto:Nicholas.Williams@denvergov.org">Nicholas.Williams@denvergov.org</a>

## 5. General description or background of proposed request. Attach executive summary if more space needed:

Demolish 2 commercial structures and build new multi-residential structure. The developer was asked to dedicate two parcels of land as 1) North Fairfax Street, and 2) Public Alley.

6. **City Attorney assigned to this request (if applicable):**

7. **City Council District:** Darrell Watson, District #9

8. **\*\*For all contracts, fill out and submit accompanying Key Contract Terms worksheet\*\***

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name (including any dba's):

Contract control number (legacy and new):

Location:

Is this a new contract?  Yes  No Is this an Amendment?  Yes  No If yes, how many? \_\_\_\_\_

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process? If not, why not?

Has this contractor provided these services to the City before?  Yes  No

Source of funds:

Is this contract subject to:  W/MBE  DBE  SBE  XO101  ACDBE  N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

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*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## EXECUTIVE SUMMARY

**Project Title:** 2020-DEDICATION-0000176

**Description of Proposed Project:** Demolish 2 commercial structures and build new multi-residential structure. The developer was asked to dedicate two parcels of land as 1) North Fairfax Street, and 2) 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 1) North Fairfax Street, and 2) 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 1) North Fairfax Street, and 2) Public Alley, as part of the development project called, "2857 & 2863 N Fairfax St."



### Legend

- Streets
- Alleys
- ▭ County Boundary
- ▭ Parcels
- ▭ Lots/Blocks
- Parks**
  - ▭ All Other Parks; Linear
  - ▭ Mountain Parks



**PARCEL DESCRIPTION ROW NO 2020-DEDICATION-0000176-001:**

**LAND DESCRIPTION – STREET PARCEL #1:**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 10TH DAY OF MAY, 2021, AT RECEPTION NUMBER 2021089529 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF LOTS 37-46 BEING 2 (TWO) FEET IN WIDTH, BLOCK 10, PARK HILL ANNEX SUBDIVISION, BEING PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A FOUND 2.5" ALUMINUM CAP, ILLEGIBLE, AT THE INTERSECTION OF EAST 29TH AVENUE AND NORTH FAIRFAX STREET; THENCE S24°11'03"W A DISTANCE OF 98.86 FEET TO THE NORTHEAST CORNER OF LOT 46, BEING THE **POINT OF BEGINNING**;

THENCE S00°00'00"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF NORTH FAIRFAX STREET A DISTANCE OF 250.05 FEET TO THE SOUTHEAST CORNER OF LOT 37, BLOCK 10, PARK HILL ANNEX SUBDIVISION;

THENCE S89°45'16"W ALONG THE SOUTH LINE OF SAID LOT 37 A DISTANCE OF 2.00 FEET;

THENCE N00°00'00"E A DISTANCE OF 250.05 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 46, BLOCK 10, PARK HILL ANNEX SUBDIVISION;

THENCE N89°45'16" E ALONG THE SAID NORTH LINE OF SAID LOT 46, A DISTANCE OF 2.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 500.10 ± SQUARE FEET (0.011 ± ACRES); MORE OR LESS.

**BASIS OF BEARINGS:**

BEARINGS ARE BASED ON 19.5' RANGE LINE IN NORTH FAIRFAX STREET BETWEEN A FOUND 2.5" ALUMINUM CAP (ILLEGIBLE) IN THE INTERSECTION OF NORTH FAIRFAX ST. AND EAST 29TH AVENUE AND A FOUND 2.5" ALUMINUM CAP (ILLEGIBLE) IN THE INTERSECTION OF NORTH FAIRFAX ST. AND EAST 28TH AVENUE. ASSUMED TO BEAR SOUTH 00° 00' 00" EAST.

**PARCEL DESCRIPTION ROW NO. 2020-DEDICATION-0000176-002:**

**LAND DESCRIPTION - ALLEY PARCEL #2:**

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**COMMENCING** AT A FOUND 2.5" ALUMINUM CAP, ILLEGIBLE, AT THE INTERSECTION OF EAST 29TH AVENUE AND NORTH FAIRFAX STREET; THENCE S60°59'24"W A DISTANCE OF 187.05 FEET TO A POINT ON THE NORTH LINE OF LOT 46, BEING 2 (TWO) FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 46, OF BLOCK 10, PARK HILL ANNEX SUBDIVISION, BEING THE **POINT OF BEGINNING**;

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2021089529

Page: 1 of 6

D \$0.00

After recording, return to:  
Division of Real Estate  
City and County of Denver  
201 West Colfax Avenue, Dept. 1010  
Denver, Colorado 80202  
Project Description: 2020-Dedication-0000176  
Asset Mgmt No.: 21-079

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** (“Deed”), made as of this 6 day of MAY, 2021, by **PARKVIEW ON FAIRFAX, LLC**, a Colorado limited liability company, whose address is 1225 17<sup>th</sup> Street, Suite 2440, Denver, CO 80202, 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.



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

ATTEST:

PARKVIEW ON FAIRFAX, LLC,, a Colorado limited liability company

By: R. J. Nagel

Name: RALPH J. NAGEL

Its: PRESIDENT

STATE OF Colorado )  
 ) ss.  
COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of May, 2021  
by Ralph J. Nagel, as President of Parkview on Fairfax, LLC,  
a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 4/12/2023

Jacob Christensen  
Notary Public

**JACOB CHRISTENSEN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20194013998  
MY COMMISSION EXPIRES 04/12/2023**

2020-PROJMSTR-0000512-ROW-01

EXHIBIT A  
PAGE 1 OF 2

**LAND DESCRIPTION:**

A PORTION OF LOTS 37-46 BEING 2 (TWO) FEET IN WIDTH, BLOCK 10, PARK HILL ANNEX SUBDIVISION, BEING PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Karl  
Fran  
klin

Digitally signed  
by Karl Franklin  
DN: cn=Karl  
Franklin,  
o=Altitude Land  
Consultants, ou,  
email=karl@altitu  
deandco.com,  
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Date: 2021.04.08  
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Denver, CO 80218

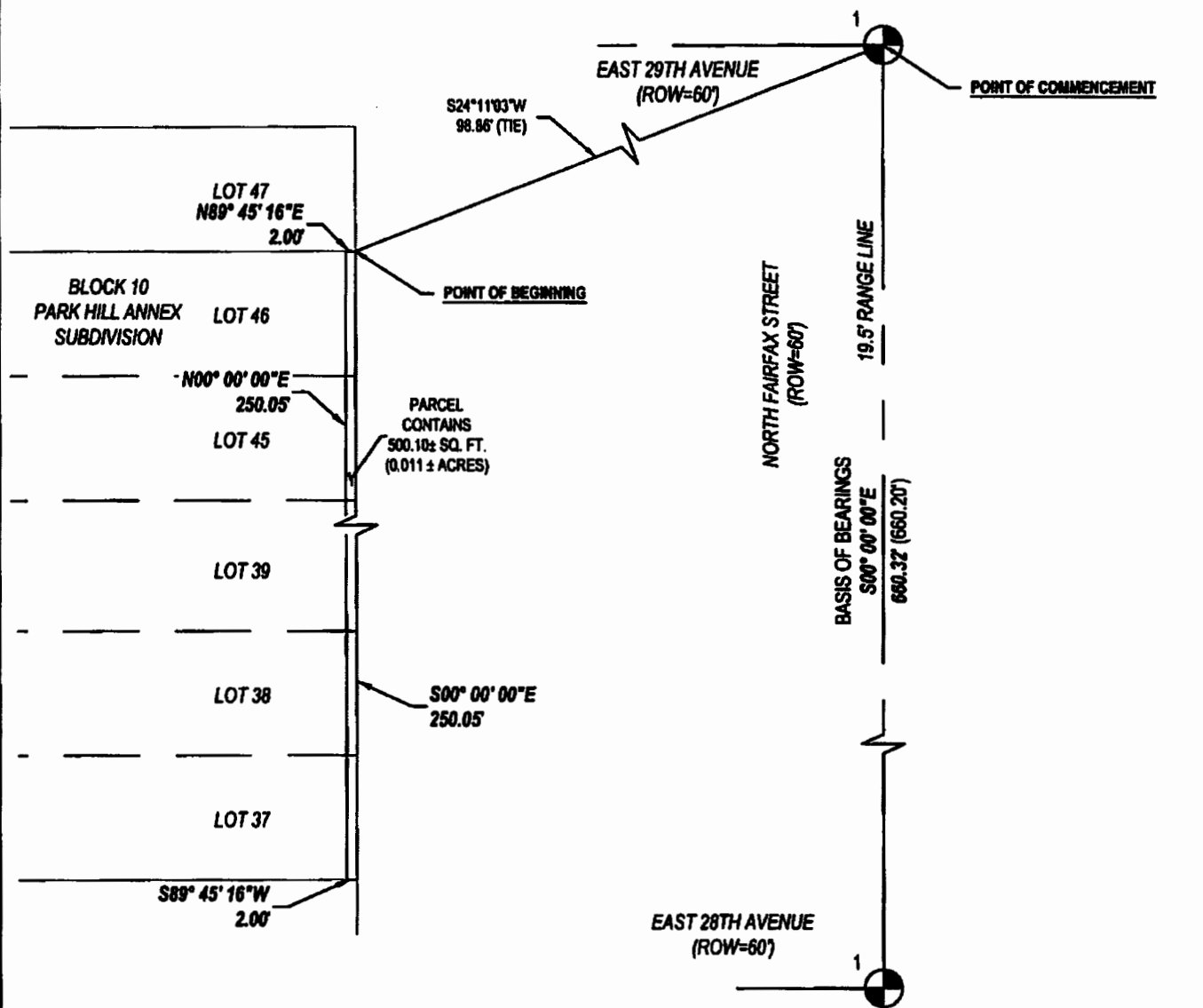
2727 N. Cascade, #160 Colorado Springs,  
CO 80907

720.584.9494  
info@AltitudeLandCo.com  
www.AltitudeLandCo.com

**Prepared By:**  
Altitude Land Consultants, Inc  
Karl W. Franklin, PE-PLS-EXW  
Colorado PLS 37969

**Date:** 4/7/2021  
**Job No.** 20-056

EXHIBIT A  
PAGE 2 OF 2

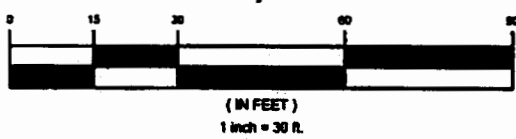


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Date: 4/7/2021  
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LEGEND:

	FOUND 2.5" ALUMINUM CAP ILLEGIBLE
	PROPERTY LINE
	RANGE LINE
	INTERIOR PROPERTY LINE

2020-PROJMSTR-0000512-ROW-02

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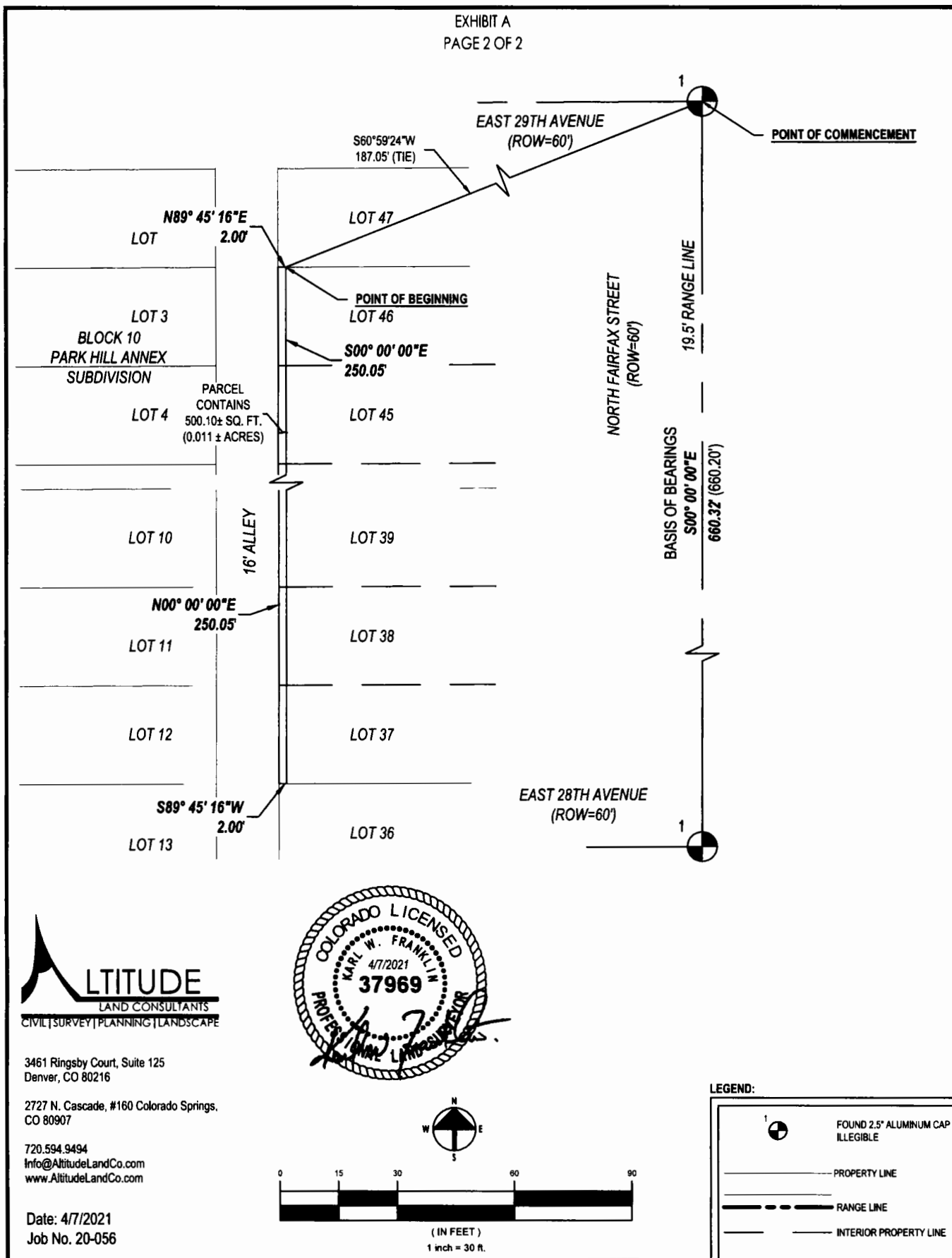


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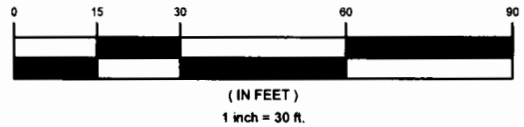


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	PROPERTY LINE
	RANGE LINE
	INTERIOR PROPERTY LINE