



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: January 4, 2014

ROW #: 2011-0276-06 **SCHEDULE #:** A portion of 0236413017000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Located between Monroe St & Garfield St also between Colfax Ave & 16th 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 to the City and County of Denver for Public Right-of-Way, as part of the development project (**Bluebird 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 Public Alley. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (Parcel #2011-0276-06-001) HERE.

A map of the area to be dedicated is attached.

RD/JL/BLV

cc: Asset Management, Steve Wirth
City Councilperson & Aides, Albus Brooks District # 8
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
Public Works Survey, John Lautenschlager
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2011-0276-06

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at 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: January 4, 2014

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 public alley located between Monroe St. & Garfield St. also Colfax Ave. & 16th Ave.

3. **Requesting Agency:** PW Right of Way Engineering Services

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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** 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 thoroughfare of the municipality; i.e. as Public Alley. 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 (Bluebird 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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** Between Monroe St & Garfield St also between Colfax Ave & 16th Ave.
- d. **Affected Council District:** Albus Brooks, District #8,
- 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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2011-0276-06 Dedication, Bluebird Center

Description of Proposed Project: Dedicate a public alley as Right of Way located between Monroe St & Garfield St also between Colfax Ave. & 16th 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 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 to dedicate it as Public Right-of-Way, as a part of a development project called, (Bluebird Center).

Public Alley Monroe St, Garfield St, Colfax Ave & 16th Ave.



- Vacating Ordinances
- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- Lots/Blocks (Base Map)
- mask
- 2010_Denver.jp2.iri
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 10/20/2012 - The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use. This is not a legal document.

PW Legal Description No. 2011-0276-06-001

A parcel of land conveyed by Special Warranty Deed to the City & County of Denver, recorded on the 22nd of October 2012, by Reception Number 2012144535, in the City and County of Denver, Clerk & Recorder's Office, State of Colorado, being more particularly described as follows:

A parcel of land being a portion of Lots 36 and 37, Block 21, Colfax Avenue Park Subdivision per the plat recorded on May 2, 1888 in Book 5 at Page 3 in the records of Arapahoe County, Colorado, and the Map of Official Surveys by Ordinance No. 96-1892, City of Denver, Colorado, located in the Southeast Quarter of Section 36, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, More Particularly described as follows:

Basis of Bearing: Brass tag in concrete Stamped "PLS No. 29039 the Southeast Corner of said block 21 and a brass tag in concrete on the east boundary of said Lot 21, Bearing North 00°14'12" West, a distance of 343.89 feet; Commencing at the Southeast corner of said Block 21; thence along the east boundary of said Block 21, North 00°14'12 West, a distance of 327.89 feet to the Point of Beginning; thence departing said east boundary, South 89°55'30" West, a distance of 54.77 feet; thence South 58°18'57" West a distance of 30.53 feet; thence South 89°55'30" West, a distance of 44.00 feet to the west boundary of said Lot 36, Block 21; thence along the west boundary of said Lots 36 and 37, Block 21, North 00°14'12" West, a distance of 32.00 feet; thence departing said west boundary, North 89°55'30" East, a distance of 124.81 feet to the east boundary of said Block 21; thence along said east boundary, South 00°14'12" East, a distance of 16.00 feet to the Point of Beginning. Containing an area of 0.067 Acres, (2909 Square Feet), more or less.

**EXHIBIT A
LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF LOTS 36 AND 37, BLOCK 21, COLFAX AVENUE PARK SUBDIVISION PER THE PLAT RECORDED ON MAY 2, 1888 IN BOOK 5 AT PAGE 3 IN THE RECORDS OF ARAPAHOE COUNTY, COLORADO, AND THE MAP OF OFFICIAL SURVEY PER ORDINANCE NO. 96-1892, CITY OF DENVER, COLORADO, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BRASS TAG IN CONCRETE STAMPED "PLS NO. 29039" BEING THE SOUTHEAST CORNER OF SAID BLOCK 21 AND A BRASS TAG IN CONCRETE ON THE EAST BOUNDARY OF SAID BLOCK 21, BEARING NORTH 00°14'12" WEST, A DISTANCE OF 343.89 FEET;

COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 21;

THENCE ALONG THE EAST BOUNDARY OF SAID BLOCK 21, NORTH 00°14'12" WEST, A DISTANCE OF 327.89 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID EAST BOUNDARY, SOUTH 89°55'30" WEST, A DISTANCE OF 54.77 FEET;

THENCE SOUTH 58°18'57" WEST, A DISTANCE OF 30.53 FEET;

THENCE SOUTH 89°55'30" WEST, A DISTANCE OF 44.00 FEET TO THE WEST BOUNDARY OF SAID LOT 36, BLOCK 21;

THENCE ALONG THE WEST BOUNDARY OF SAID LOTS 36 AND 37, BLOCK 21, NORTH 00°14'12" WEST, A DISTANCE OF 32.00 FEET;

THENCE DEPARTING SAID WEST BOUNDARY, NORTH 89°55'30" EAST, A DISTANCE OF 124.81 FEET TO THE EAST BOUNDARY OF SAID BLOCK 21;

THENCE ALONG SAID EAST BOUNDARY, SOUTH 00°14'12" EAST, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 0.067 ACRES, (2,909 SQUARE FEET), MORE OR LESS.

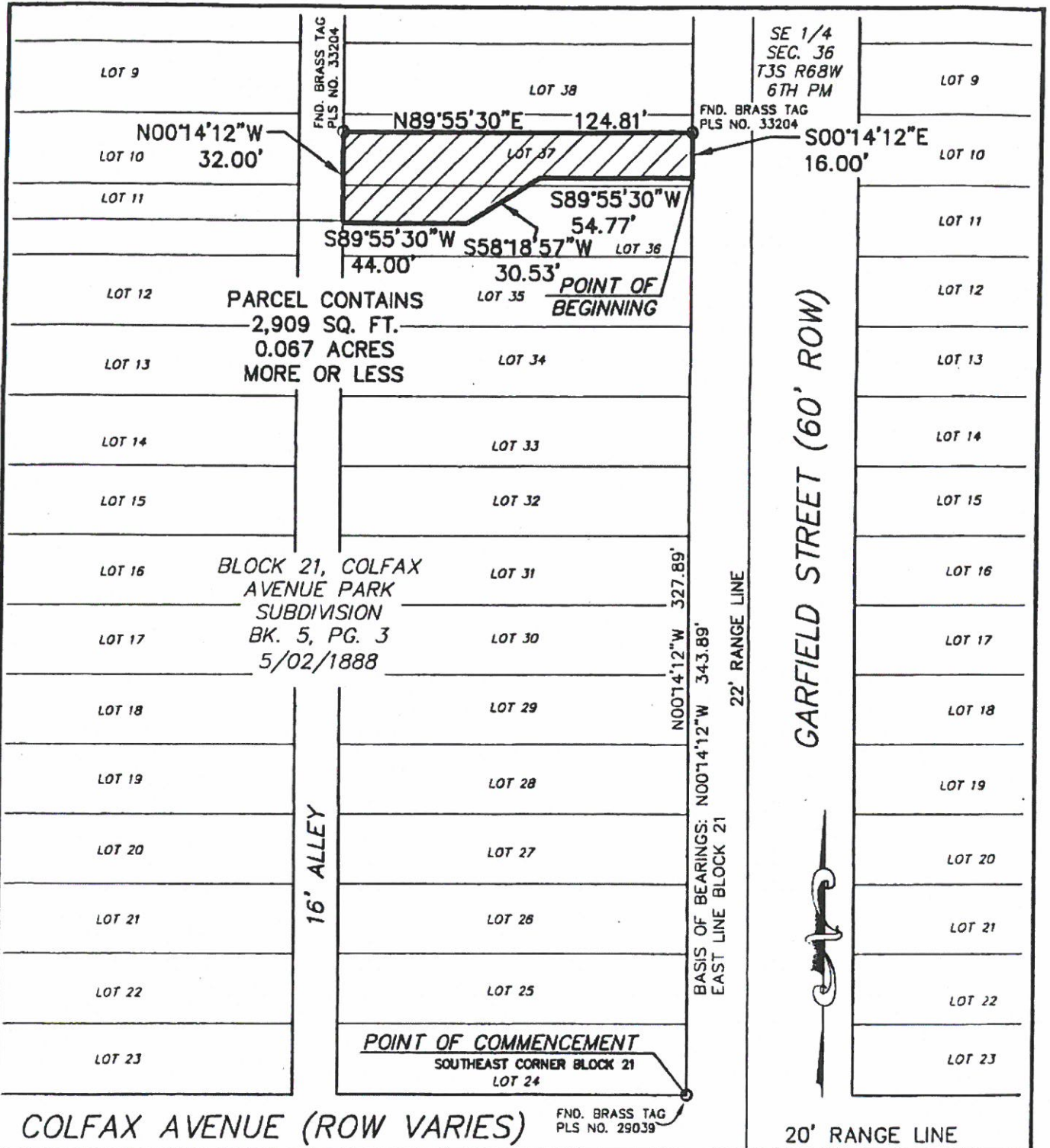
EXHIBIT ATTACHED AND MADE A PART HEREOF.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN STREET, SUITE 201, LITTLETON, CO 80122

ALLEY EXHIBIT

ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



PATH: V:\70911-02\DWG
 DWG NAME: ALLEY PARCEL
 DWG: OBH CHK: DCR
 DATE: 7/6/2012
 SCALE: 1" = 50'



1000 E Incola St., Suite 201
 Littleton, Colorado 80122
 Phone: (303) 713-1878
 Fax: (303) 713-1897
 www.aztecconsultants.com

EXHIBIT A
 PART OF THE SE1/4 SEC 36, T3S, R68W, 6TH PM
 DENVER COUNTY, COLORADO
 JOB NUMBER 70911-02 2 OF 2 SHEETS

EXHIBIT "B"
LEGAL DESCRIPTION

A PARCEL OF LAND BEING THE WESTERLY 2.00 FEET OF THE SOUTH HALF OF LOT 11 AND THE WESTERLY 2.00 FEET OF LOTS 12 THROUGH 23 INCLUSIVE, BLOCK 21, COLFAX AVENUE PARK SUBDIVISION PER THE PLAT RECORDED ON MAY 2, 1888 IN BOOK 5 AT PAGE 3 IN THE RECORDS OF ARAPAHOE COUNTY, COLORADO, AND THE MAP OF OFFICIAL SURVEY PER ORDINANCE NO. 96-1892, CITY OF DENVER, COLORADO, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BRASS TAG IN CONCRETE STAMPED "AZTEC PLS NO. 33204" BEING THE SOUTHWEST CORNER OF SAID BLOCK 21 AND A BRASS TAG IN CONCRETE STAMPED "AZTEC PLS NO. 33204" ON THE WEST BOUNDARY OF SAID BLOCK 21, BEARING NORTH 00°14'12" WEST, A DISTANCE OF 312.63 FEET;

BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 21;

THENCE ALONG SAID WEST BOUNDARY, NORTH 00°14'12" WEST, A DISTANCE OF 312.63 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID LOT 11;

THENCE DEPARTING SAID WEST BOUNDARY AND ALONG SAID NORTH LINE, NORTH 89°55'30" EAST, A DISTANCE OF 2.00 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00°14'12" EAST, A DISTANCE OF 312.63 FEET TO THE SOUTH BOUNDARY OF SAID BLOCK 21;

THENCE ALONG SAID SOUTH BOUNDARY, SOUTH 89°55'30" WEST, A DISTANCE OF 2.00 FEET TO THE **POINT OF BEGINNING.**

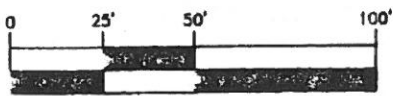
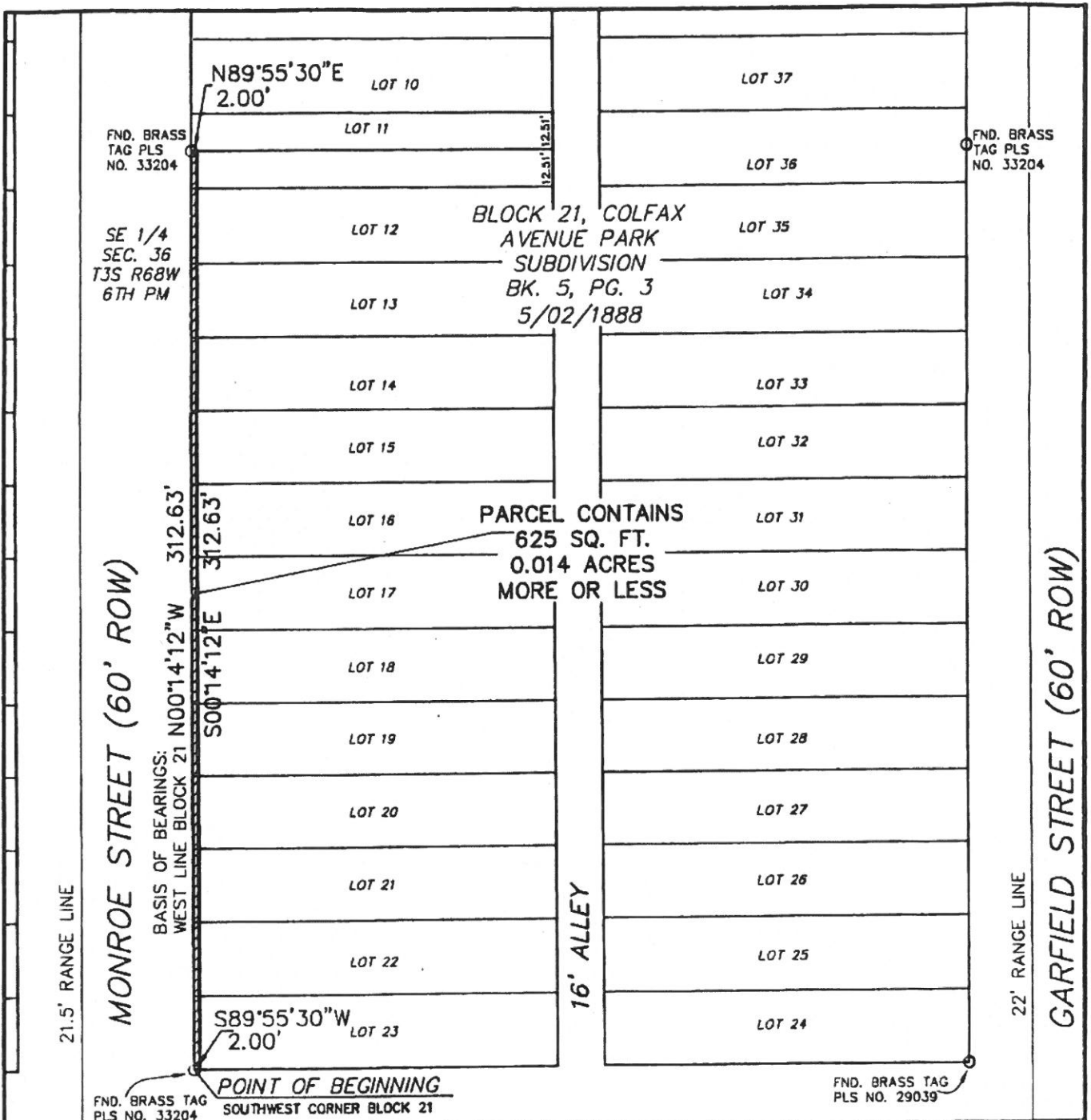
CONTAINING AN AREA OF 0.014 ACRES, (625 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN STREET, SUITE 201, LITTLETON, CO 80122

ILLUSTRATION TO EXHIBIT "B"



1 inch = 50 ft.

20' RANGE LINE
COLFAX AVENUE (ROW VARIES)

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: W\DWG
 DWG NAME: ROW DEDICATION-1
 DWG: DCR CHK: DCR
 DATE: 7/17/2012
 SCALE: 1" = 50'



800 SOUTH LINCOLN ST.
 SUITE 201
 Littleton, Colorado 80122
 Phone: (303)713-1998
 Fax: (303)713-1997
 www.aztecconsultants.com

EXHIBIT
 SE1/4 SEC. 36, T3S, R68W, 6TH P.M.
 CITY & COUNTY OF DENVER, COLORADO
 JOB NUMBER 70911-02 2 OF 2 SHEETS

ALLEY DEED

SPECIAL WARRANTY DEED

CITY & COUNTY OF DENVER
ASSET MANAGEMENT
301 W. GOLFAX AVE DEPT 1010
DENVER, CO 80202

THIS SPECIAL WARRANTY DEED is dated August 29 2012, and is made between EVERGREEN-COLFAX & GARFIELD, L.L.C., a Colorado limited liability company ("Grantor") whose legal address is 2390 East Camelback Road, Suite 410, Phoenix, Arizona 85016, and the CITY AND COUNTY OF DENVER, a Colorado municipal corporation and Home Rule City, whose legal address is 1437 Bannock Street, Denver, Colorado 80202 ("Grantee"),

WITNESS, that the Grantor, for and in consideration of the sum of TEN DOLLARS, (\$10.00), the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and its successors and assigns forever, all the real property, together with any improvements thereon, located in the City & County of Denver and State of Colorado, described in Exhibit A attached hereto:

also known by street address as: VACANT LAND
and assessor's schedule or parcel number:

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above-bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's successors and assigns forever.

The Grantor, for the Grantor and the Grantor's successors and assigns, does covenant, grant, bargain, and agree to and with the Grantee and the Grantee's successors and assigns: that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to the matters described in Exhibit B attached hereto.

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above-described premises, but not any adjoining vacated street or alley, if any, in the quiet and peaceable possession of the 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 but none other, subject in any event to all matters above-described.

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

GRANTOR:
EVERGREEN-COLFAX & GARFIELD, L.L.C.,
By: Evergreen-Colfax & Garfield Investors, L.L.C., Managing Member
By: Evergreen Development Company-2011, L.L.C., Manager
By: Evergreen Devco, Inc., Manager

By: Russell Perkins
Its: Vice President

STATE OF Arizona)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 29th day of August by Russell Perkins, on behalf of Grantor.

Witness my hand and official seal.
My commission expires: July 6, 2014



Peggy Doane
Notary Public

CERTIFICATION
The Clerk and Recorder for the City and County of Denver State of Colorado does hereby certify this document to be a full, true and correct copy of the original document recorded in my office.

Clerk and Recorder
by: Bridget M. Sveinberg
Deputy County Clerk
Date: 10/22/2012
Bridget M. Sveinberg



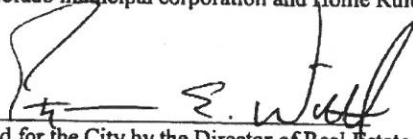
Dale C. Rush, Colorado Licensed Professional Land Surveyor No. 33204, for and behalf of Aztec Consultants, Inc., 8000 S Lincoln Street, Suite 201, Littleton, CO 80122
Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

12-111
Assesment #:
Assesment Library #:
Date: 10-23-12
Clerk and Recorder
f.c.w
COLFAX & GARFIELD

ACKNOWLEDGMENT

The CITY AND COUNTY OF DENVER, a Colorado municipal corporation and Home Rule City, hereby accepts the foregoing conveyance for right-of-way purposes.

CITY AND COUNTY OF DENVER,
a Colorado municipal corporation and Home Rule City


by and for the City by the Director of Real Estate