



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: April 24, 2019

ROW #: 2017-Dedication-0000219 **SCHEDULE #:** 0515202037000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as S. Cherokee St. Located at the intersection of S. Cherokee St. and W. Alameda 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 S. Cherokee St. 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 **(PDG Design District)**

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 S. Cherokee st. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2017-Dedication-0000219-001) HERE.

A map of the area to be dedicated is attached.

MB/DS/bv

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson & Aides, Jolon Clark District # 7
Council Aide Maggie Thompson
Council Aide Anita Banuelos
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, Dana Sperling
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2017-Dedication-0000219

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: April 24, 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 S. Cherokee St.
Located at the intersection of S. Cherokee St. and W. Alameda Ave.

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 S. Cherokee St. 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 (**PDG Design District**)

****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:** S. Cherokee St. and W. Alameda Ave.
- d. **Affected Council District:** Jolon Clark Dist. #7
- 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: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title: 2017-Dedication-0000219

Description of Proposed Project: Dedicate a parcel of land as public right of way as S. Cherokee St.

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

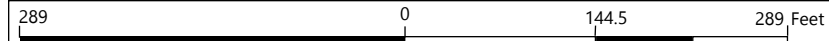
Will an easement relinquishment be submitted at a later date: N/A

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 PDG Design District



Legend

- Active Addresses**
 - Associated
 - Land
 - Structure
 - Utility
- Streams
- 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



PW Legal Description No. 2017-Dedication-0000219-001

EXHIBIT A
SHEET 1 OF 2

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON 8/3/2018, AT RECEPTION NO. 2018096720 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15, THENCE ALONG THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 15, S89°51'01"W A DISTANCE OF 1301.94 FEET, THENCE S00°08'59"E A DISTANCE 52.97 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST ALAMEDA AVENUE AS DEDICATED BY RECEPTION NO. 9500062201, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S48°44'22"W A DISTANCE OF 15.59 FEET;

THENCE S00°09'18"W A DISTANCE OF 527.73 FEET;

THENCE N89°53'48"W A DISTANCE OF 7.30 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH CHEROKEE STREET;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, N00°09'18"E A DISTANCE OF 538.05 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST ALAMEDA AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, S89°50'26"E A DISTANCE OF 18.99 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3,988 SQUARE FEET (0.092 ACRES) MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BEARINGS ARE BASED ON AN ASSUMED BEARING OF N00°45'32"W ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, BEING MONUMENTED BY A FOUND STONE IN RANGE BOX AT THE NORTH QUARTER CORNER AND A FOUND STONE IN RANGE BOX AT THE CENTER QUARTER CORNER.



08/03/2018 03:00 PM
City & County of Denver
Electronically Recorded

R \$38.00

WD

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

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 2nd day of August 2018, by **BMP NORTHWEST LLC**, a Delaware limited liability company, whose address is 595 South Broadway, Suite 200, Denver, Colorado 80209 (“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 **Exhibit A** attached hereto and incorporated herein (the “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, subject to all matters listed on **Exhibit B**, attached hereto and incorporated herein.

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

[Signature Page Follows]

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

GRANTOR:

BMP NORTHWEST LLC,
a Delaware limited liability company

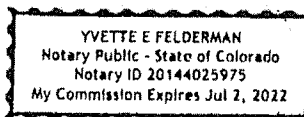
By: 
Daniel Cohen, Authorized Signatory

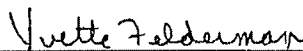
STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 2nd day of August, 2018 by Daniel Cohen as Authorized Signatory of BMP NORTHWEST LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: Jul. 02, 2022




Notary/Public

**Exhibit A
To Special Warranty Deed**

The Property

[See attached]

2016-projmstr-0000584-ROW

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SHEET 1 OF 2

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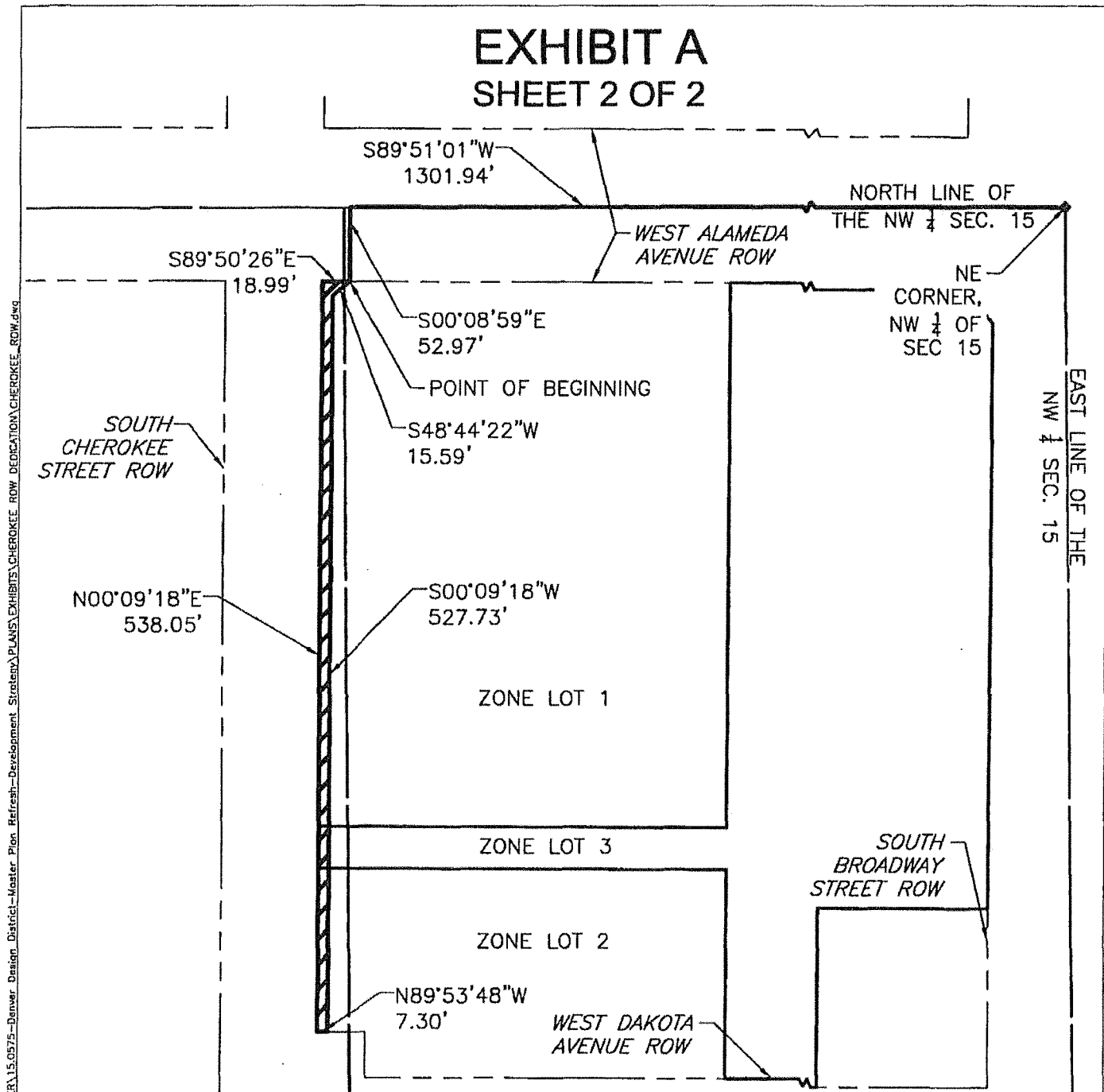
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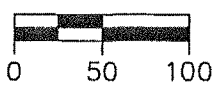
PREPARED BY MACY KIEL
REVIEWED BY RICHARD A. NOBBE PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN INC.
12499 W. COLFAX AVE
LAKEWOOD, CO 80215
(303) 431-6100
JANUARY 5, 2018



EXHIBIT A SHEET 2 OF 2

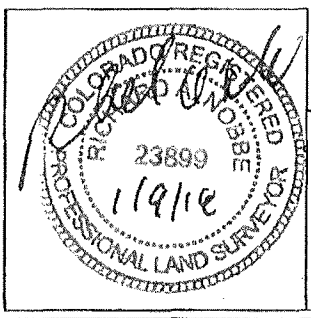


DRAWING LOCATION: \\mmccall\civil\SCHLAFETER\15.0575-Denver_District-Master_Plan_Refresh-Development_Strategy\PLANS\EXHIBITS\CHEROKEE_ROW_DEDICATIO\CHEROKEE_ROW.dwg



SCALE: 1"=100'
ALL DIMENSIONS ARE
U.S. SURVEY FEET

THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED LAND SURVEY. IT IS ONLY
TO DEPICT THE ATTACHED DESCRIPTION.



ISSUED: JANUARY 5, 2018

MARTIN/MARTIN
CONSULTING ENGINEERS
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

Exhibit B**(Exceptions listed on Title Commitment effective June 14, 2018)**

1. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN DEED OF EASEMENT RECORDED OCTOBER 12, 1995 UNDER RECEPTION NO. 950126670.

2. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE BMP METROPOLITAN DISTRICT NOS. 1-3, AS EVIDENCED BY NOTICE CONCERNING BMP METROPOLITAN DISTRICT NO. 1 RECORDED JANUARY 31, 2011, UNDER RECEPTION NO. 2011011530.

NOTICE CONCERNING BMP METROPOLITAN DISTRICT NO. 2 RECORDED JANUARY 24, 2014 UNDER RECEPTION NO. 2014008299.

3. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE PHASE II BROADWAY PEDESTRIAN MALL LOCAL MAINTENANCE DISTRICT, AS EVIDENCED BY INSTRUMENTS OF RECORD, INCLUDING BUT NOT LIMITED TO THOSE RECORDED NOVEMBER 25, 2013, UNDER RECEPTION NO. 2013169597, OCTOBER 8, 2014 UNDER RECEPTION NO. 2014122514, NOVEMBER 18, 2015 UNDER RECEPTION NO. 2015161425, AND NOVEMBER 23, 2016 UNDER RECEPTION NO. 2016164513.

4. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ORDINANCE NO. 20161265, SERIES OF 2017 RECORDED JANUARY 11, 2017 UNDER RECEPTION NO. 2017003934.