



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Stan Lechman, City Attorney's Office
FROM: Robert J. Duncanson P.E., Engineering Manager II
Right-of-Way Services
DATE: August 21, 2015
ROW #: 2014-Dedication-0066105 **SCHEDULE #:** 0605105001000
TITLE: This request is to dedicate a parcel of land as Public Right of Way as Magnolia St.
Located at the intersection of E. Colfax and Magnolia 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 Magnolia 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 (**Colfax Retail**)

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 E. Colfax Ave. and also Magnolia St. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2014-Dedication-0066105-002) HERE.

A map of the area to be dedicated is attached.

RD/AG/BLV

- cc: Asset Management, Steve Wirth
City Councilperson & Aides, Mary Beth Susman District # 5
Council Aide Genny Kline
Council Aide Luke Palmisano
City Council Staff, Shelley Smith
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Angela Casias
Public Works, Right-of-Way Engineering Services, Rob Duncanson
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Stan Lechman
Department of Law, Adam Hernandez
Department of Law, Angela Garcia
Public Works Survey, Ali Gulaid
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2014-Dedication-0066105

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@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: August 21, 2015

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 Magnolia St.
Located at the intersection of E. Colfax and Magnolia St.

3. Requesting Agency: Public Works – Right-of-Way Services / 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: Angela Casias
- Phone: 720-913-8529
- Email: Angela.Casias@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 Magnolia 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 (Colfax Retail)

****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: Magnolia St. at E. Colfax Ave.
- d. Affected Council District: Mary Beth Susman Dist. 5
- e. Benefits: N/A
- f. Contract Amount (indicate amended amount and new contract total): 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: 2014-Dedication-0066105, Colfax Retail

Description of Proposed Project: Dedicate a parcel of public right of way as **E. Colfax Ave.** and also Magnolia 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 to dedicate it as Public Right-of-Way, as a part of a development project called, Colfax Retail

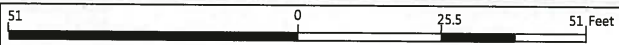


Protecting the Present & Building the Future
Accountability, Innovation, Empowerment, Performance, Integrity,
Diversity, Teamwork, Respect, Excellence, Safety

Magnolia Dedication



- Legend**
- Active Addresses**
 - Associated
 - Land
 - Structure
 - Utility
 - Streams**
 - Irrigation Ditches Reconstruct (Gardeners)**
 - Irrigation Ditches**
 - Buildings**
 - 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**
 - Mountain Parks
 - All Other Parks



WGS_1984_Web_Mercator_Auxiliary_Sphere
© City and County of Denver

1: 398

Map Generated 8/21/2015

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.

LEGAL DESCRIPTION FOR DEDICATION OF RIGHT OF WAY

A Parcel of land located in the NE ¼, Section 5, Township 4 South, Range 67 West of the Sixth Principal Meridian, being a portion of vacated Magnolia Street adjacent to Lots 17 and 18, Block 32, Montclair as platted in the records of the City and County of Denver, Colorado in Book 3 at Page 27, dated May 29, 1885 and conveyed by a warranty deed to the City and County of Denver, and recorded on the 1st day of January, 2015, at Reception Number 2015007190 in the City and County of Denver Clerk & Recorder's Office, State of Colorado, being more particularly described as follows:

Commencing at the northwest corner of Lot 18;
Thence N89°38'05"E along the south right-of-way line of Colfax Avenue, 151.03 feet to the Point of Beginning;
Thence continuing N89°38'05"E along said south right-of-way line, 9.00 feet to the west right-of-way line of Magnolia Street;
Thence S0°23'54"E along said west line, 100.00 feet; Thence S89°37'33"W, 9.00 feet;
Thence N0°23'54"W, 100.00 feet to the Point of Beginning. Said

parcel, as described, contains 900 square feet, more or less.



WARRANTY DEED

THIS DEED, dated January 14, 2015, is between **BTS Monaco SE, LLC**, a Colorado limited liability company ("Grantor"), and the **City and County of Denver**, a home rule city and municipal corporation of the State of Colorado ("Grantee"), whose address is 1437 Bannock Street., Denver, CO 80202.

WITNESS, that the 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 is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described as follows:

EXHIBITS "A" and "B" attached hereto and incorporated herein

Assessor's schedule or parcel number: Vacant Land
Address: Vacant Land

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and 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, its successors and assigns forever. The Grantor covenants, grants, bargains, and agrees to and with the Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, 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 whatsoever, except for all matters of record.

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, except for all matters of record.

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

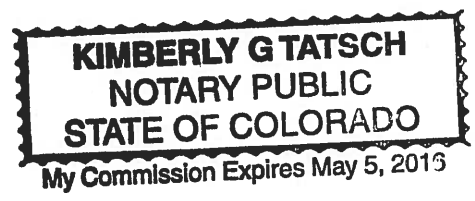
BTS Monaco SE, LLC
By: [Signature]
Title: Chief Operating Officer

STATE OF Colorado
COUNTY OF Arapahoe

The foregoing instrument was acknowledged before me this day 14th of January, 2015 by Gregory B. Hen as Chief Operating Officer of BTS Monaco SE, LLC.

Witness my hand and official seal.
My commission expires:

[Signature]
Notary Public



Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

15-010
Asset Mgmt. #:
Approved
Asset Management
Date: 1-22-15
Project Description: Raw
1490 Monaco Hwy.

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A portion of vacated Magnolia Street adjacent to Lots 17 and 18, Block 32, Montclair as platted in the records of the City and County of Denver, Colorado in Book 3 at Page 27, dated May 29, 1885, being located in the NE ¼, Section 5, Township 4 South, Range 67 West of the Sixth Principal Meridian, being more particularly described as follows:

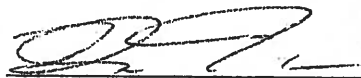
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Thence S0°23'54"E along said west line, 100.00 feet;
Thence S89°37'33"W, 9.00 feet;
Thence N0°23'54"W, 100.00 feet to the Point of Beginning.

Said parcel, as described, contains 900 square feet, more or less.

BASIS OF BEARINGS

The range line in southbound Monaco Parkway between Colfax and 14th Avenue is assumed to bear S0°22'30"E. It is monumented at Colfax and Monaco by a P.K. nail and at 14th and Monaco by a spike.

CERTIFICATION



Brian Krombein, PE, PLS
For and on behalf of
Vermilion Peak Engineering LLC
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129



11/6/14
Date

PW ROW PROJECT NO. 2014-0661
PW LEGAL DESCRIPTION NO. 2014-0661-05-001

COLFAX AVENUE

FOUND P. K. NAIL
(RANGE POINT)

POINT OF COMMENCEMENT
NW CORNER, LOT 18

N89° 38' 05"E 151.03'

N89° 38' 05"E
9.00'

POINT OF
BEGINNING

MONACO PARKWAY

LOT 18

BLOCK 32, MONTCLAIR

LOT 17

VACATED MAGNOLIA STREET

100.00' N00° 23' 54"W

900 SF

100.00' S00° 23' 54"E

MAGNOLIA STREET

20' RANGE LINE AS SHOWN ON THE MAP OF
OFFICIAL CITY SURVEY OF MONTCLAIR
BASIS OF BEARINGS
S00° 22' 30"E

FOUND SPIKE
(RANGE POINT)



0 10 20

SCALE: 1" = 20'

Vermilion
Peak
Engineering
Civil Engineering & Land Surveying
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6070 / www.vermilionpeak.com

R.O.W. DEDICATION #1
1490 MONACO STREET
JOB NO. 14025
DATE: NOVEMBER 6, 2014
SHEET 2 OF 2

S89° 37' 33"W
9.00'