




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: March 27, 2024

ROW #: 2020-DEDICATION-0000002 **SCHEDULE #:** 1) 0220329038000, and 2) 0220329039000

TITLE: This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) West 38th Avenue, located at the intersection of West 38th Avenue and North Irving Street, and 2) North Irving Street, located at the intersection of West 38th Avenue and North Irving Street.

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) West 38th Avenue, and 2) North Irving Street. 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, "3301 Mixed Use."

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) West 38th Avenue, and 2) North Irving Street. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2020-DEDICATION-0000002-001, 002) HERE.

A map of the area to be dedicated is attached.

GB/TB /BV

cc: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson, Amanda Sandoval, District # 1
Councilperson Aide, Gina Volpe
Councilperson Aide, Melissa Horn
Councilperson Aide, Alessandra Dominguez
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, Katie Ehlers
Department of Law, Mar'quasa Maes
DOTI Survey, Thomas Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2020-DEDICATION-0000002

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

CONNECT WITH US | 311 | DENVERGOV.ORG | DENVER 8 TV

ORDINANCE/RESOLUTION REQUEST

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

Date of Request: March 27, 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) West 38th Avenue, located at the intersection of West 38th Avenue and North Irving Street, and 2) North Irving Street, located at the intersection of West 38th Avenue and North Irving Street.

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: Barbara.Valdez@denvergov.org	Email: Nicholas.Williams@denvergov.org

5. **General description or background of proposed request. Attach executive summary if more space needed:**
Demolish existing commercial structure and build a new mixed-use structure. The developer was asked to dedicate two parcels of land as 1) West 38th Avenue, and 2) North Irving Street.
6. **City Attorney assigned to this request (if applicable):**
7. **City Council District:** Amanda Sandoval, District #1
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?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

EXECUTIVE SUMMARY

Project Title: 2020-DEDICATION-0000002

Description of Proposed Project: Demolish existing commercial structure and build a new mixed-use structure. The developer was asked to dedicate two parcels of land as 1) West 38th Avenue, and 2) North Irving Street.

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) West 38th Avenue, and 2) North Irving Street.

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

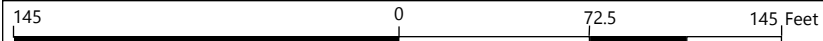
Will an easement be placed over a vacated area, and if so explain: N/A

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) West 38th Avenue, and 2) North Irving Street as part of the development project called, "3301 Mixed Use."



- Legend**
-  Buildings
 -  Streets
 -  Alleys
 -  County Boundary
 -  Parcels
 -  Lots/Blocks



PARCEL DESCRIPTION ROW NO. 2020-DEDICATION-0000002-001:

LAND DESCRIPTION - STREET PARCEL #1:

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 14TH DAY OF JULY, 2021, AT RECEPTION NUMBER 2021132721 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PORTION OF LOTS 8 THROUGH 14 INCLUSIVE OF RESUBDIVISION OF BLOCK 15 OF BOULEVARD PLACE, LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE 20' RANGE LINE OF W. 38TH AVENUE WITH THE 27.65' RANGE LINE OF IRVING STREET, FROM WHENCE THE INTERSECTION OF SAID 20' RANGE LINE OF W. 38TH AVENUE WITH THE 20' RANGE LINE OF JULIAN STREET BEARS NORTH 87°47'53" WEST A DISTANCE OF 443.79 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;
THENCE NORTH 24°09'29" WEST, 66.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14, AND BEING THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH LINE OF SAID LOTS 8 THROUGH 14 INCLUSIVE, NORTH 87°47'53" WEST, 185.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8;
THENCE ALONG THE WEST LINE OF SAID LOT 8, NORTH 00°14'20" EAST, 7.00 FEET TO A POINT;
THENCE LEAVING SAID WEST LINE, PARALLEL WITH SAID SOUTH LINE OF SAID LOTS 8 THROUGH 14 INCLUSIVE, SOUTH 87°47'53" EAST, 185.04 FEET TO EAST LINE OF SAID LOT 14, AND BEING ON THE AFOREMENTIONED WEST LINE OF IRVING STREET;
THENCE ALONG SAID WEST LINE, SOUTH 00°13'49" WEST, 7.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,295 SQUARE FEET OR 0.030 ACRES, MORE OR LESS.

PARCEL DESCRIPTION ROW NO. 2020-DEDICATION-0000002-002:

LAND DESCRIPTION - STREET PARCEL #2:

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THENCE LEAVING SAID EAST LINE, PARALLEL WITH THE SOUTH LINE OF SAID LOT 14, NORTH 87°47'53" WEST, 1.00 FEET TO A POINT;

THENCE PARALLEL WITH SAID EAST LINE, NORTH 00°13'49" EAST, 117.97 FEET TO THE NORTH LINE OF SAID LOT 14;

THENCE ALONG THE BOUNDARY OF SAID LOT 14 THE FOLLOWING TWO (2) COURSES:

1. SOUTH 87°47'43" EAST, 1.00 FEET TO THE AFOREMENTIONED EAST LINE;
2. SOUTH 00°13'49" WEST, 117.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 118 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.



07/14/2021 08:09 AM
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
Project Description: 2020-Dedication-0000002
Asset Mgmt No.: 21-044

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this 12th day of July, 2021, by NYCO HOLDINGS, LTD, a Colorado limited liability company, whose address is 4438 West 29th Ave., Denver, CO 80212, 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.

After recording, return to:
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Denver, Colorado 80202
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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:

NYCO HOLDINGS, LTD., a Colorado limited liability company

By: [Signature]

Name: MICHAEL CARNES

Its: MEMBER

STATE OF Colorado)
) ss.
COUNTY OF Denver)

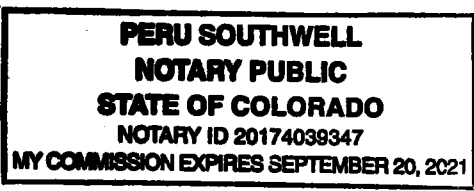
The foregoing instrument was acknowledged before me this 12th day of July, 2021
by Michael Carnes, as a member of NYCO Holdings,
a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: September 20, 2021

[Signature]

Notary Public



**EXHIBIT A
LAND DESCRIPTION
SHEET 1 OF 2**

2018-PROJMSTR-0000702-ROW-001

A PORTION OF LOTS 8 THROUGH 14 INCLUSIVE OF RESUBDIVISION OF BLOCK 15 OF BOULEVARD PLACE, LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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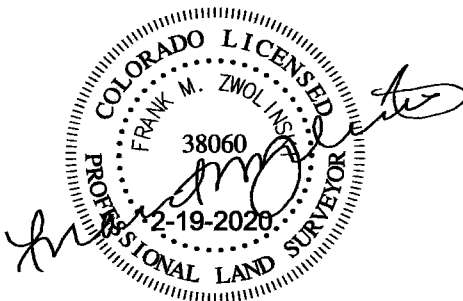
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CONTAINING 1,295 SQUARE FEET OR 0.030 ACRES, MORE OR LESS.

End of Legal Description.



Frank M. Zwolinski, P.L.S.
Colorado License #38060
For and on behalf of Power Surveying Company, Inc.
303-702-1617

2018-PROJMSTR-0000702-ROW-002



720 W. 84TH AVENUE, UNIT 240
THORNTON, COLORADO 80260

PH. 303-702-1617
FAX. 303-702-1488
www.powersurveying.com

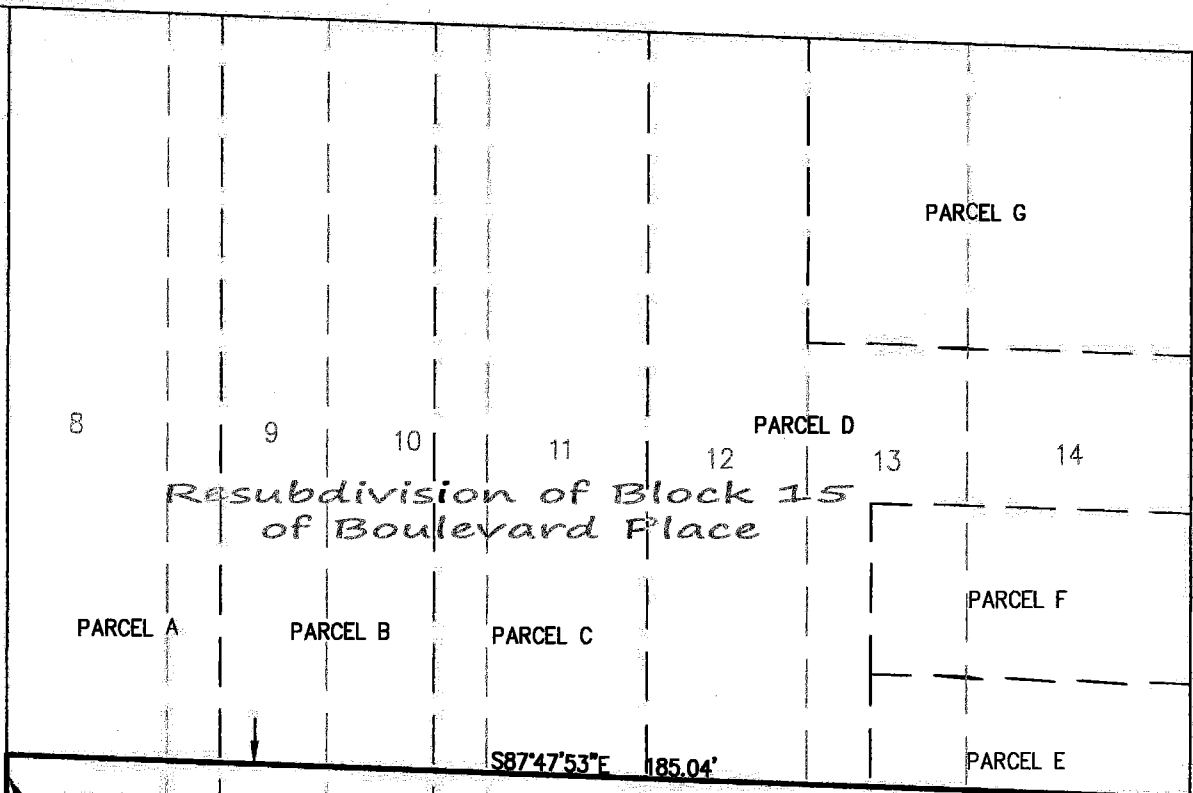
DRAWING BY: FMZ
PROJECT NO.

DATE: 2-19-2020
501-18-319

EXHIBIT A EXHIBIT OF LAND DESCRIPTION SHEET 2 OF 2

15' wide public alley

RANGE LINE INTERSECTION
(FOUND ILLEGIBLE 2" DIAM.
ALUM CAP IN RANGE BOX)



Resubdivision of Block 15
of Boulevard Place

IRVING STREET
66' wide public right-of-way

27.65' RANGE LINE
S00°13'49"W 365.96'(M)

PARCEL A

PARCEL B

PARCEL C

PARCEL D

PARCEL G

PARCEL F

PARCEL E

N00°14'20"E
7.00'

7.00'

N87°47'53"W 185.04'

S00°13'49"W
7.00'

POINT OF BEGINNING
(SE COR LOT 14 OF RESUBDIVISION OF
BLOCK 15 OF BOULEVARD PLACE)

W 38th AVENUE
80' wide public right-of-way

RANGE LINE INTERSECTION (FOUND
2-1/2" DIAM. ALUM CAP IN
RANGE BOX, PLS 9489)

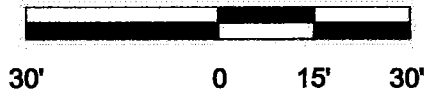
POINT OF COMMENCEMENT
RANGE LINE INTERSECTION
(FOUND CUT 'X' ON STONE
IN RANGE BOX)

20' RANGE LINE
N87°47'53"W 443.79'(M)
BASIS OF BEARINGS

2018-PROJMSTR-0000702-ROW-002



SCALE: 1" = 30'



720 W. 84TH AVENUE, UNIT 240
THORNTON, COLORADO 80260

PH. 303-702-1917
FAX. 303-702-1488
www.powerurveying.com

DRAWING BY: FMZ
PROJECT NO.

DATE: 2-19-2020
501-18-319

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SHEET 1 OF 2**

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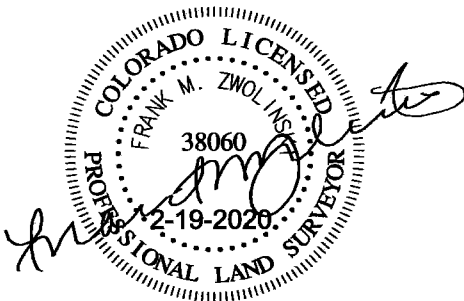
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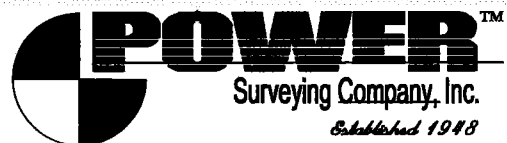
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15' wide public alley

RANGE LINE INTERSECTION
(FOUND ILLEGIBLE 2" DIAM.
ALUM CAP IN RANGE BOX)

S87°47'43"E 1.00'

PARCEL G

27.65'

Resubdivision of Block 15
of Boulevard Place

PARCEL D

9

10

11

12

13

14

N00°13'49"E 117.97'

S00°13'49"W 117.97'

IRVING STREET
66' wide public right-of-way

27.65' RANGE LINE
S00°13'49"W 365.96'(M)

1.00'

PARCEL F

PARCEL A

PARCEL B

PARCEL C

N87°47'53"W 1.00'
PARCEL E

N00°13'49"E 7.00'

POINT OF BEGINNING

(SE COR LOT 14 OF RESUBDIVISION OF
BLOCK 15 OF BOULEVARD PLACE)

W 38th AVENUE
80' wide public right-of-way

N24°06'23"W
66.96'

RANGE LINE INTERSECTION (FOUND
2-1/2" DIAM. ALUM CAP IN
RANGE BOX, PLS 9489)

POINT OF COMMENCEMENT
RANGE LINE INTERSECTION
(FOUND CUT 'X' ON STONE
IN RANGE BOX)

20' RANGE LINE

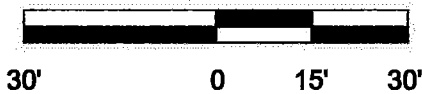
N87°47'53"W 443.79'(M)
BASIS OF BEARINGS

20'

2018-PROJMSTR-0000702-ROW-002



SCALE: 1" = 30'



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THORNTON, COLORADO 80260

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