

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, P.E., Director, Right-of-Way Services 

DATE: June 15th, 2021

ROW #: 2019-DEDICATION-0000152 **SCHEDULE #:** 0513103055000 (street) & 0513103056000 (alley)

TITLE: This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) E. Dakota Ave., located at the intersection of S. Garfield St. and E. Dakota Ave., and 2) Public Alley, bounded by E. Dakota Ave., S. Garfield St., E. Alameda Ave., and S. Jackson 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 1) E. Dakota Ave., 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, "AC Hotel by Marriott."

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 two parcels of land for Public Right-of-Way purposes as Public Right-of-Way & Public Alley. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2019-DEDICATION-0000152-001-002) HERE.

A map of the area to be dedicated is attached.

MB//TB/RL

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson, Chris Hinds District # 10
Councilperson Aide, Teresa St. Peter
City Council Staff, Zach Rothmier
Environmental Services, Andrew Ross
DOTI, Manager's Office, Alba Castro
DOTI, Manager's Office, Jason Gallardo
DOTI, Director, 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, Rachonda Dixon
DOTI Survey, Tom Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2019-DEDICATION-0000152

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: June 15th, 2021

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:** This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) E. Dakota Ave., located at the intersection of S. Garfield St. and E. Dakota Ave., and 2) Public Alley, bounded by E. Dakota Ave., S. Garfield St., E. Alameda Ave., and S. Jackson St.

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

4. **Contact Person:** (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Rebecca Long
- **Phone:** 720-547-5344
- **Email:** Rebecca.Long@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:** 720-865-8723
- **Email:** Jason.Gallardo@denvergov.org

6. **General description/background of proposed resolution 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 1) E. Dakota Ave., 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, "AC Hotel by Marriott."

****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:** Located at the intersection of S. Garfield St. and E. Dakota Ave and bounded by E. Dakota Ave., S. Garfield St., E. Alameda Ave., and S. Jackson St.
- d. **Affected Council District:** Chris Hinds District # 10
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. **Is there any controversy surrounding this resolution?** (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

Project Title: 2019-DEDICATION-0000152

Description of Proposed Project: Dedication of a parcel of land as Public Right-of-Way as 1) E. Dakota Ave., 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) E. Dakota Ave., and 2) Public Alley.

Has a Temp MEP been issued, and if so, what work is underway: N/A

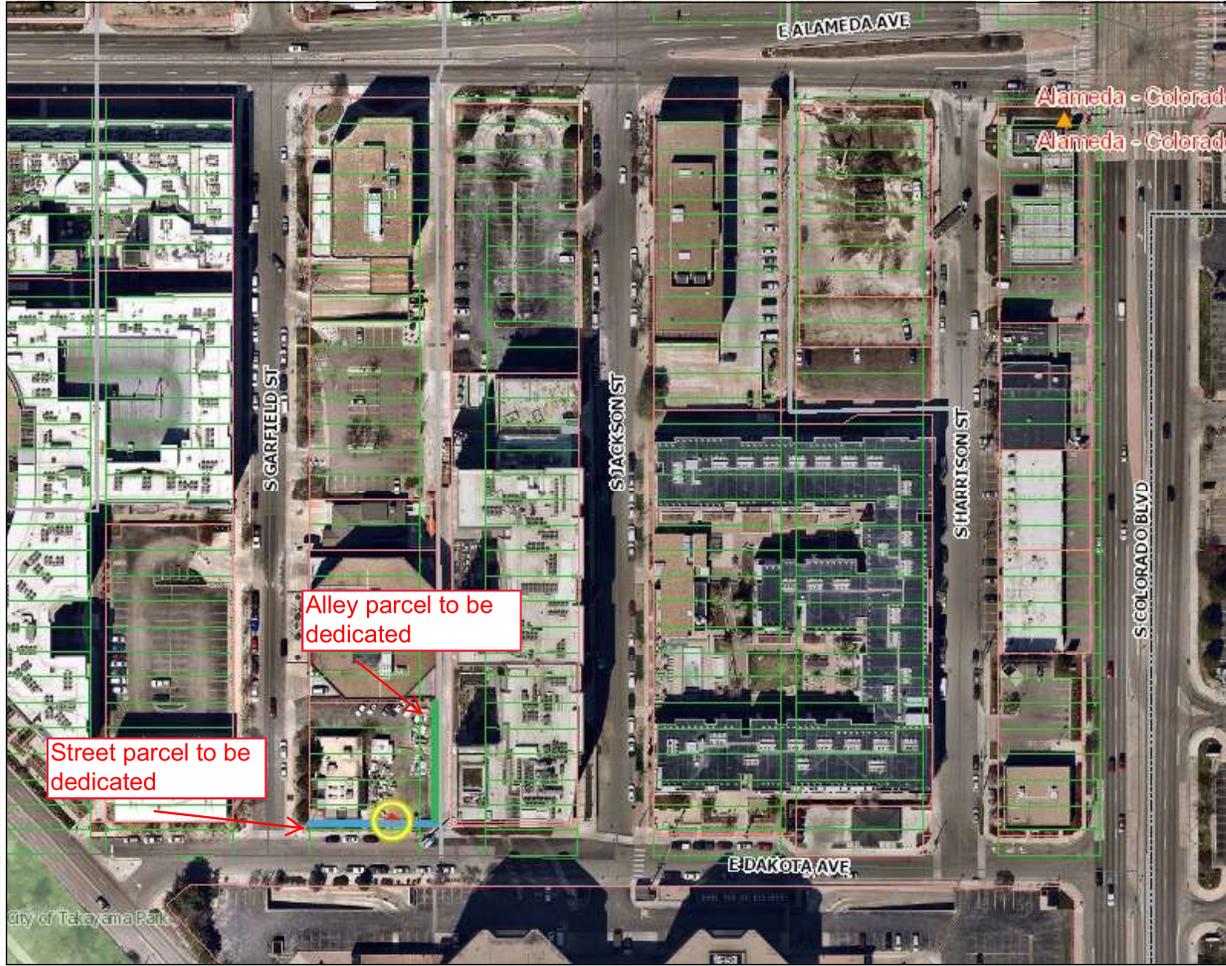
What is the known duration of a MEP: N/A

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) E. Dakota Ave., and 2) Public Alley., as part of a development project called, "AC Hotel by Marriott."



Legend

- ▲ Well Restrictions
- Barrier Restrictions
- Area Restrictions
- Liner
- Sheet Pile Wall Area
- Streams
- Irrigation Ditches Reconstruct (Gardeners)
- Irrigation Ditches
- 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; Liner
- Mountain Parks

289 0 144.5 289 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City and County of Denver

1: 2,257

Map Generated 6/15/2021

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.

PARCEL DESCRIPTION ROW NO. 2019-DEDICATION-0000152-001:**LAND DESCRIPTION – STREET PARCEL**

PARCEL 1 OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 3RD DAY OF SEPTEMBER, 2020, AT RECEPTION NUMBER 2020142615 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND BEING PORTIONS OF LOT 24, BLOCK 3, BURNSDALE SUBDIVISION AS RECORDED ON MARCH 28, 1925 IN PAGE 10 OF BOOK 23 AT THE OFFICE OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER AND THE UNPLATTED LAND WEST OF THE ALLEY DESCRIBED IN ORDINANCE NO. 77 SERIES OF 1955 AND ABUTTING SAID BLOCK 3, SITUATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 25 OF SAID BLOCK 3, SAID SOUTHWEST CORNER LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH GARFIELD STREET;
 THENCE NORTH 00°00'37" EAST, COINCIDENT WITH THE WESTERLY BOUNDARY OF SAID LOT 25 AND SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH GARFIELD STREET, A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY BOUNDARY OF LOT 24 OF SAID BURNSDALE SUBDIVISION AND THE NORTHERLY RIGHT-OF-WAY LINE OF EAST DAKOTA AVENUE, AND THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 00°00'37" EAST, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, AND COINCIDENT WITH SAID EASTERLY RIGHT-OF-WAY LINE AND SAID WESTERLY BOUNDARY OF LOT 24, A DISTANCE OF 2.00 FEET;
 THENCE DEPARTING SAID WESTERLY BOUNDARY OF LOT 24 AND EASTERLY RIGHT-OF-WAY LINE OF SOUTH GARFIELD STREET SOUTH 89°59'50" EAST, 2.00 FEET NORTHERLY OF AND PARALLEL WITH SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST DAKOTA AVENUE, A DISTANCE OF 124.88 FEET TO POINT ON THE WESTERLY BOUNDARY OF THE ALLEY DESCRIBED IN ORDINANCE NO. 77 SERIES OF 1955 AND ABUTTING SAID BLOCK 3;
 THENCE SOUTH 00°01'16" WEST, COINCIDENT WITH THE WESTERLY BOUNDARY OF SAID ALLEY, A DISTANCE OF 2.00 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST DAKOTA AVENUE;
 THENCE DEPARTING SAID WESTERLY BOUNDARY, NORTH 89°59'50" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 124.88 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 250 SQUARE FEET, OR 0.006 ACRES, MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 20.4' RANGE LINE IN SOUTH GARFIELD STREET RUNNING BETWEEN EAST ALAMEDA AVENUE AND EAST DAKOTA AVENUE ASSUMED TO BEAR NORTH 00°00'37" EAST.

PARCEL DESCRIPTION ROW NO. 2019-DEDICATION-0000152-002:

LAND DESCRIPTION – ALLEY PARCEL:

PARCEL 2 OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 3RD DAY OF SEPTEMBER, 2020, AT RECEPTION NUMBER 2020142615 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

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 THENCE DEPARTING SAID WESTERLY BOUNDARY OF LOT 24 AND EASTERLY RIGHT-OF-WAY LINE OF SOUTH GARFIELD STREET, SOUTH 89°59'50" EAST, 2.00 FEET NORTHERLY OF AND PARALLEL WITH SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST DAKOTA AVENUE, A DISTANCE OF 122.38 FEET TO A POINT 2.50 FEET WESTERLY OF THE WESTERLY BOUNDARY OF THE ALLEY OF SAID BLOCK 3, AND THE **POINT OF BEGINNING**;

THENCE NORTH 00°01'16" EAST, 2.50 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY BOUNDARY OF THE ALLEY, A DISTANCE OF 118.00 FEET;
 THENCE SOUTH 89°59'31" EAST A DISTANCE OF 2.50 FEET TO A POINT ON SAID WESTERLY BOUNDARY;
 THENCE SOUTH 00°01'16" WEST, COINCIDENT WITH SAID WESTERLY BOUNDARY, A DISTANCE OF 118.00 FEET TO A POINT 2.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST DAKOTA AVENUE;
 THENCE DEPARTING SAID WESTERLY BOUNDARY, NORTH 89°59'50" WEST, 2.00 NORTHERLY OF AND PARALLEL WITH SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2.50 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 295 SQUARE FEET, OR 0.007 ACRES, MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 20.4' RANGE LINE IN SOUTH GARFIELD STREET RUNNING BETWEEN EAST ALAMEDA AVENUE AND EAST DAKOTA AVENUE ASSUMED TO BEAR NORTH 00°00'37" EAST.



City & County of Denver

R \$0.00

WD

2020142615

Page: 1 of 5

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: 2019-Dedication-0000152
Asset Mgmt No.: 20-129

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 2nd day of September, 2020, by **CHERRY CREEK HOTEL GROUP, LLC**, an Arizona limited liability company, whose address is 370 S. Garfield St., Denver, CO 80209, 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:

CHERRY CREEK HOTEL GROUP, LLC, an Arizona limited liability company

By: Brian Walker

Name: BRIAN WALKER

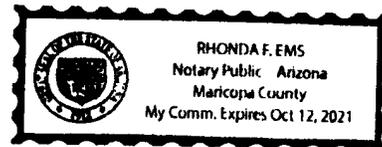
Its: Member

STATE OF Arizona)
) ss.
COUNTY OF Maricopa)

The foregoing instrument was acknowledged before me this 2nd day of September, 2020
by Brian Walker, as member of **CHERRY CREEK HOTEL
GROUP, LLC**, an Arizona limited liability company.

Witness my hand and official seal.

My commission expires: October 12, 2021



Rhonda F. EMS
Notary Public

2019-PROJMSTR-0000288-ROW

**EXHIBIT "A"
LAND DESCRIPTION****PARCEL 1**

A PARCEL OF LAND BEING PORTIONS OF LOT 24, BLOCK 3, BURNSDALE SUBDIVISION AS RECORDED ON MARCH 28, 1925 IN PAGE 10 OF BOOK 23 AT THE OFFICE OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER AND THE UNPLATTED LAND WEST OF THE ALLEY DESCRIBED IN ORDINANCE NO. 77 SERIES OF 1955 AND ABUTTING SAID BLOCK 3, SITUATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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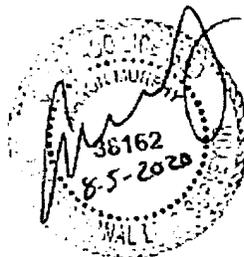
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PREPARED BY: AARON MURPHY
PLS 38162
ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



2019-PROJMSTR-0000288-ROW

EXHIBIT "A"
LAND DESCRIPTION

PARCEL 2

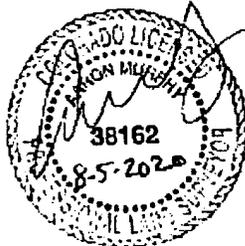
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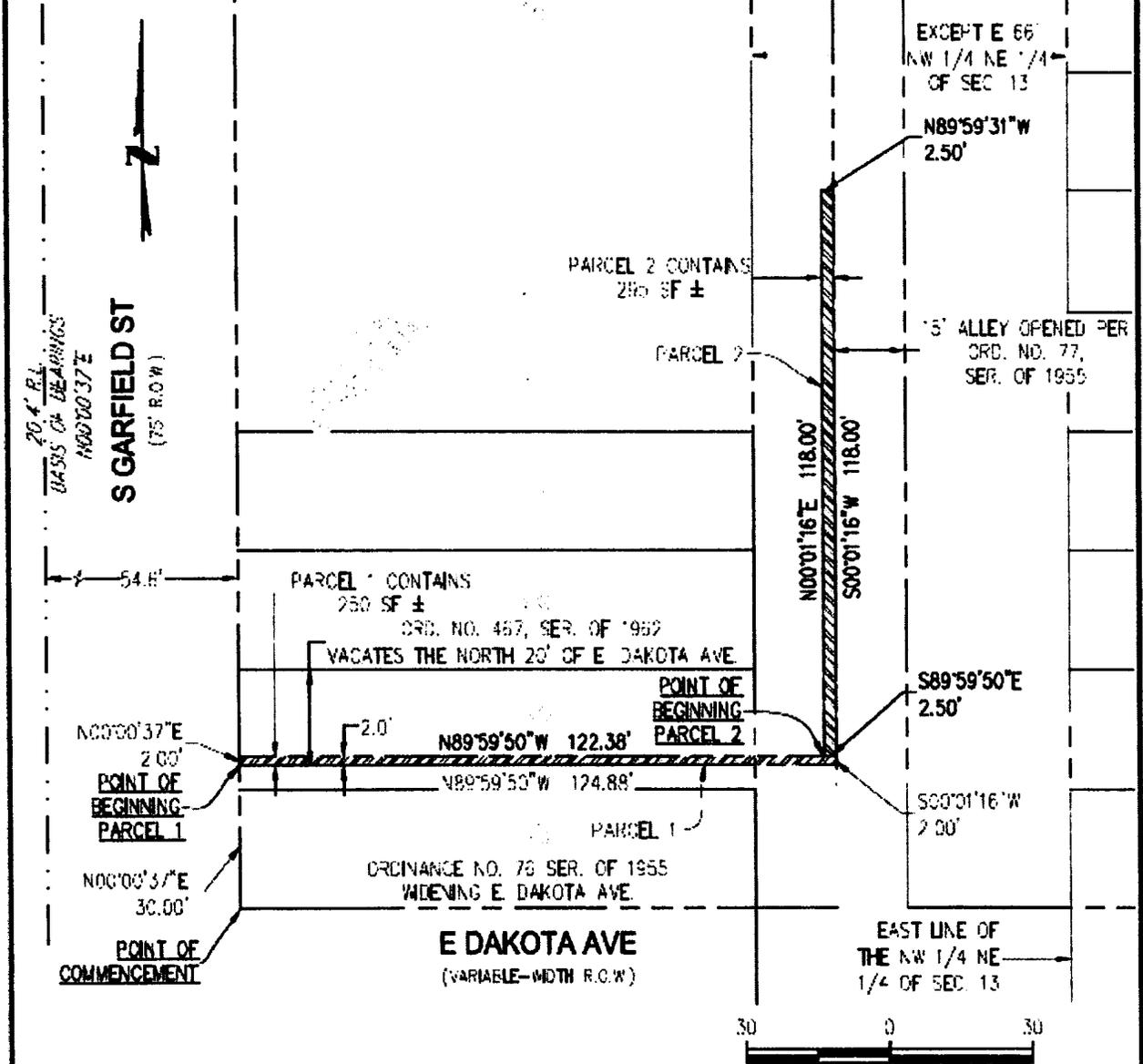
PREPARED BY: AARON MURPHY
 PLS 38162
 ON BEHALF OF: HARRIS KOCHER SMITH
 1120 LINCOLN STREET, SUITE 1000
 DENVER, CO 80203
 303.623.6300

**BASIS OF BEARING**

BEARINGS ARE BASED ON THE 20.4' RANGE LINE IN SOUTH GARFIELD STREET RUNNING BETWEEN EAST ALAMEDA AVENUE AND EAST DAKOTA AVENUE ASSUMED TO BEAR NORTH 00°00'37" EAST.

2019-PROJMSTR-0000288-ROW

ILLUSTRATION TO EXHIBIT A
 SITUATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH,
 RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



NOTE: SCALE: 1" = 30'
 THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

DATE: 8-9-2019	PROJECT: 2888

ILLUSTRATION

HKS HARMS
 KOCHER
 SMITH
 1750 Lincoln Street, Suite 1000
 Denver, Colorado 80202
 P. 303.455.4000 F. 303.455.4011
 HarmsKocherSmith.com

CHECK BY: ANW
 DRAWN BY: PTM
 SHEETS:
 3
 1 of 1