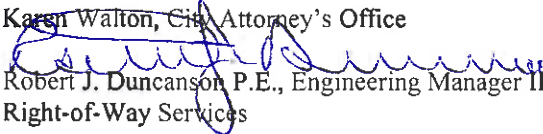




DENVER
THE MILE HIGH CITY

Department of Public Works
Capital Projects Management
Permit Operations and Right of Way Enforcement
Infrastructure Planning & Programming
Traffic Engineering Services
201 W. Colfax Avenue
Denver, CO 80202
www.denvergov.org

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Kargn Walton, City Attorney's Office
FROM:  Robert J. Duncanson P.E., Engineering Manager II
Right-of-Way Services
DATE: March 13, 2012
ROW #: 2011-0633-01 **SCHEDULE#:** Parcel#1- 0527214028000
Parcel#2- 0527214027000
Parcel#3- 0527213034000
Parcel#4- 0527213048000
Parcel#5- a portion of 0527213050000.

TITLE: This request is to dedicate City owned land as W. Evans Ave.
Located at the intersection of W. Evans Ave and S. Broadway.

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 W. Evans Ave. 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, South Broadway reconstruction Iowa Ave. to Wesley Ave.

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 existing City owned land for Public Right-of-Way purposes as W. Evans Ave. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW (# 2011-0633-01-001) HERE.

A map of the area to be dedicated is attached.

RD/JL/GG 



cc: Asset Management, Steve Wirth
City Councilperson & Aides, Chris Nevitt, District #7
City Council Staff, Gretchen Williams
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Christine Downs
Public Works, Manager's Office, Stacie Loucks
Public Works, Right-of-Way Engineering Services, Rob Duncanson
Department of Law, Karen Aviles
Department of Law, Karen Walton
Department of Law, Arlene Dykstra
Public Works Survey, Peter Kent
Public Works Survey, Paul Rogalla
Project file folder 2011-0633-01

ORDINANCE/RESOLUTION REQUEST

Please email requests to Stacie Loucks at Stacie.Loucks@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: March 13, 2012

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 city owned land as Public Right of Way as W. Evans Ave. Located at the intersection of W. Evans Ave and S. Broadway.

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

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

- **Name:** Adrienne Lorantos
- **Phone:** 720-865-3119
- **Email:** Adrienne.Lorantos@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:** Stacie Loucks
- **Phone:** 720-865-8720
- **Email:** Stacie.Loucks@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 the system of thoroughfares of the municipality; i.e. as W. Evans Ave. These parcels of land are being dedicated to the City and County of Denver for the Public Right-of-Way as part of the development project South Broadway Reconstruction Iowa Ave to Wesley Ave.

***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:** CE#12015
- b. **Duration:** Permanent
- c. **Location:** W. Evans Ave and S. Broadway
- d. **Affected Council District:** Dist. # 7 Chris Nevitt
- 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: 2011-0633-01, Dedication, South Broadway and West Evans Ave.

Description of Proposed Project: This request is to dedicate a parcel of land as Public Right of Way as Evans Ave.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This is private property being dedicated as 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

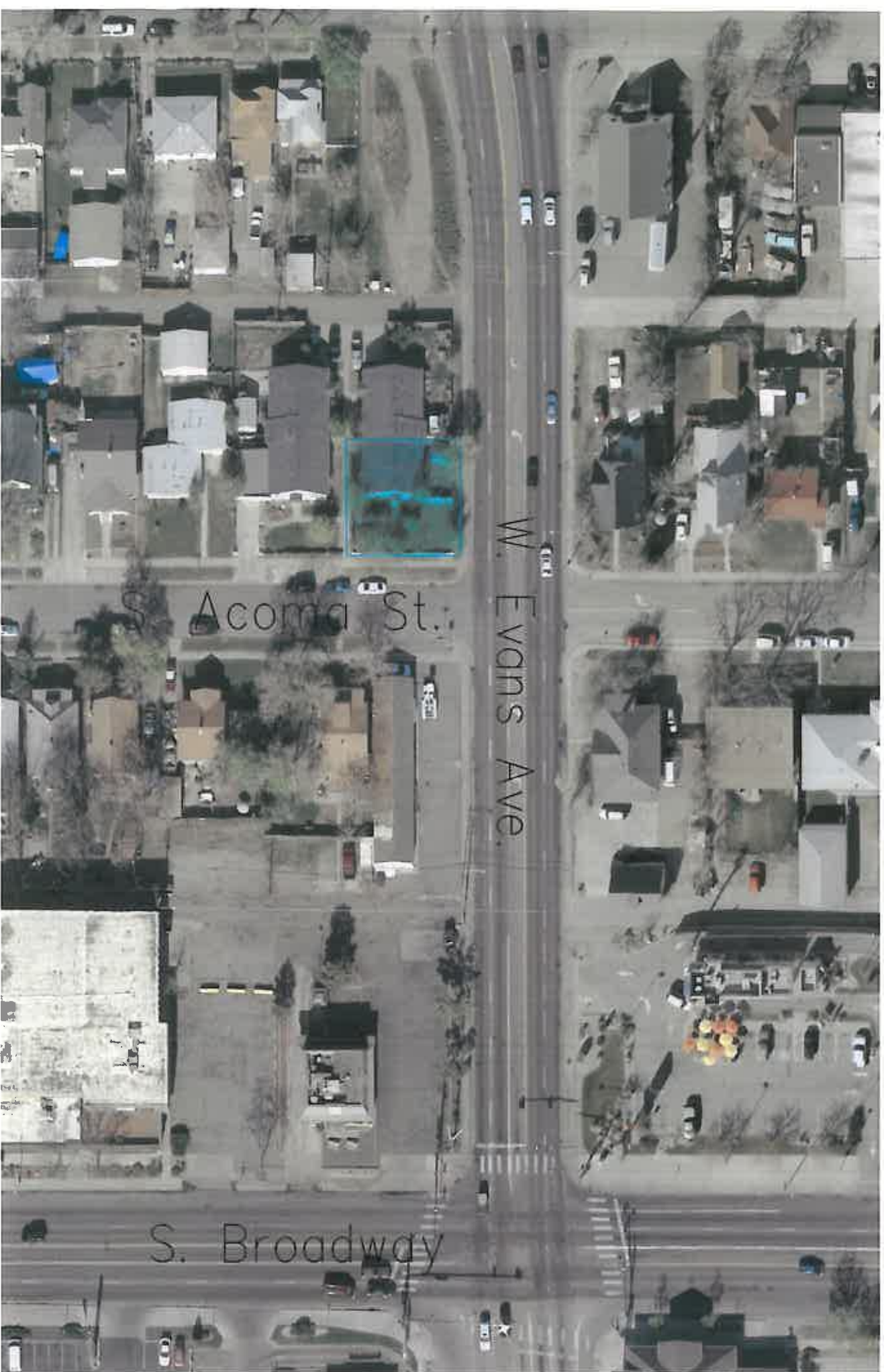
Will an easement relinquishment be submitted at a later date: N/A

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, South Broadway reconstruction Iowa Ave to Wesley Ave.

PARCEL 1
W. EVANS AVE.



PARCEL 2
W. EVANS AVE



S. Acoma St.

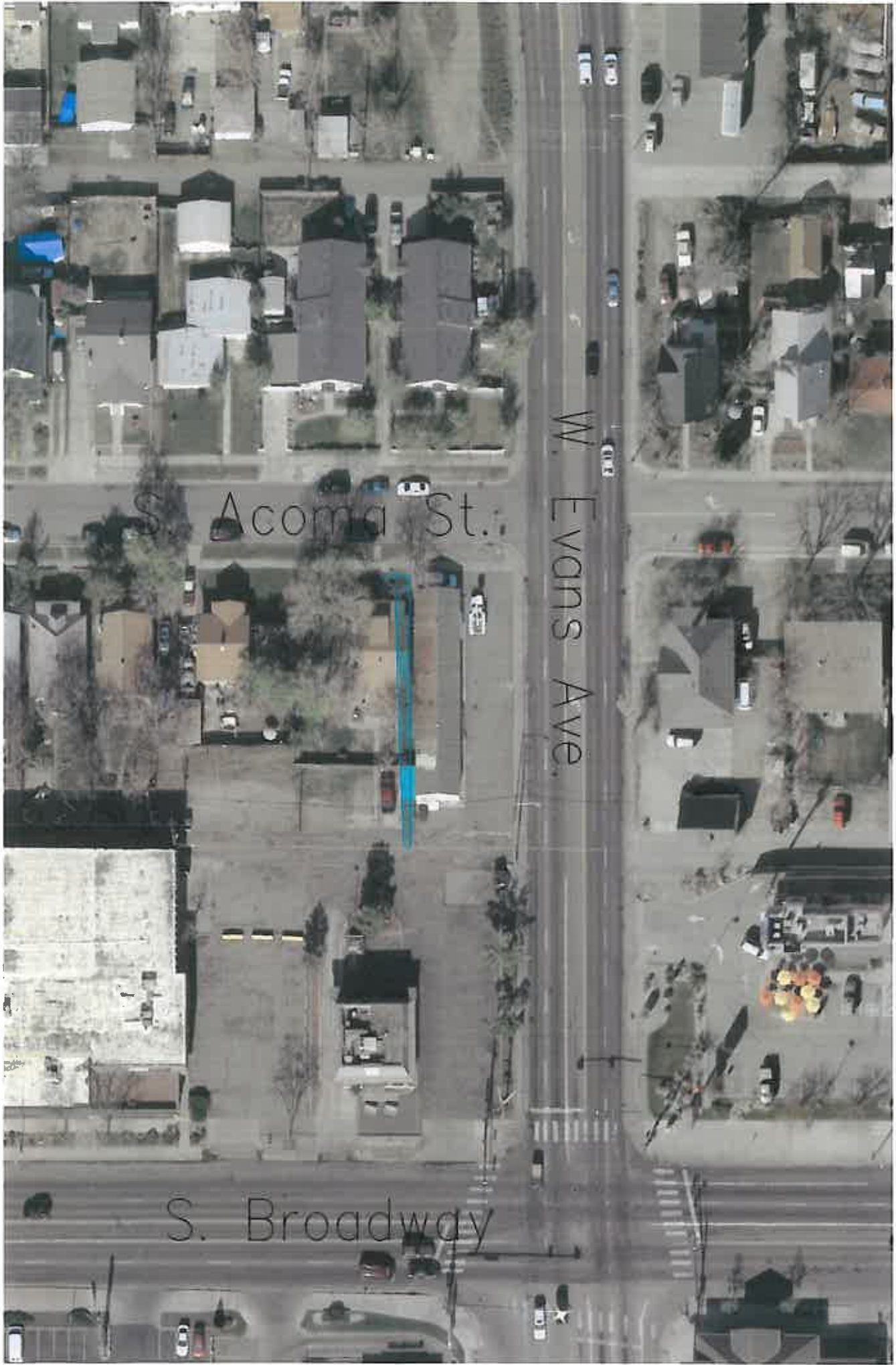
W. Evans Ave.

S. Broadway

PARCEL 3
W. EVANS AVE



PARCEL 4
W. EVANS AVE.



PARCEL 5
W. EVANS AVE.



S. Acoma St.

W. EVANS AVE.

S. Broadway

Five Parcels of land located in the Northwest 1/4 of Section 27, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

Parcel 1 (Described as Parcel 1 on the deed.)

A parcel of land conveyed by Warranty Deed to the City & County of Denver, recorded on the 29th of November 2010 by Reception Number 2010138284 in the City and County of Denver Clerk & Recorders Office being more particularly described as follows:

A tract or parcel of land No.1 of the City of Denver, State of Colorado, Contract No.CE95002, Project No. STU C 010-093 (PC 16947) containing 3,860 sq. ft. (0.089 acres) of land, more or less, being all of the West 61.80 feet of Lots 47, 48, and the North half of Lot 46, Block 10, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2636.96 feet); Thence S. 19°14'53" W., a distance of 1500.45 feet to the S.W. corner of the north half of lot 46 and the **TRUE POINT OF BEGINNING**;

1. Thence along the west line of lots 46, 47 and 48, N. 00°15'27" W., a distance of 62.50 feet to the N.W. corner of lot 48;
2. Thence along the north line of lot 48, N. 89°33'33" E., a distance of 61.80 feet;
3. Thence S. 00°15'27" E., a distance of 62.42 feet to the south line of the north half of lot 46;
4. Thence along said south line, S. 89°29'14" W., a distance of 61.80 feet, more or less, to the **TRUE POINT OF BEGINNING**.

Parcel 2 (Described as Parcel 3 on the deed.)

A parcel of land conveyed by Warranty Deed to the City & County of Denver, recorded on the 20th of January 2011 by Reception Number 2011007699 in the City and County of Denver Clerk & Recorders Office being more particularly described as follows:

A tract or parcel of land No.3 of the City of Denver, State of Colorado, Contract No.CE95002, Project No. STU C 010-093 (PC 16947) containing 3,943 sq. ft. (0.091 acres) of land, more or less, being all of the East 63.20 feet of Lots 47, 48, and the North half of Lot 46, Block 10, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2636.96 feet); Thence S. 14°38'08" W., a distance of 1462.93 feet to the S.E. corner of the north half of lot 46 and the **TRUE POINT OF BEGINNING**;

1. Thence along the south line of the north half of lot 46, S. 89°29'14" W., a distance of 63.20 feet to the S.W. corner of the east 63.20 feet of the north half of lot 46;
2. Thence along the west line of the east 63.20 feet of lots 46, 47 and 48, N. 00°15'27" W., a distance of 62.42 feet to the north line of lot 48;
3. Thence along the north line of lot 48, N. 89°33'33" E., a distance of 63.20 feet to the N.E. corner of lot 48;
4. Thence along the east line of lots 48, 47 and 46, S. 00°15'44" E., a distance of 62.34 feet, more or less, to the **TRUE POINT OF BEGINNING**.

Parcel 3 (Described as Parcel 5 on the deed.)

A parcel of land conveyed to the City & County of Denver by Combined Rule & Order, Case No. 10CV8768 in the Denver County District Court 2nd JD, and recorded on the 6th of January 2011 by Reception Number 2011016186 in the City and County of Denver Clerk & Records Office being more particularly described as follows:

A tract or parcel of land No.5 of the City of Denver, State of Colorado, Contract No. CE95002, Project No. STU C 010-093 (PC 16947) containing 6,442 sq. ft. (0.148 acres) of land, more or less, being a all of Lots 1 and 2, Block 9, and the west half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2636.96 feet); Thence S. 12°54'18" W., a distance of 1387.71 feet to the N.W. corner of lot 1 and the **TRUE POINT OF BEGINNING**;

1. Thence along the north line of lot 1, N. 89°33'33" E., a distance of 125.00 feet to the N.E. corner of lot 1;
2. Thence along the east line of lots 1 and 2, S. 00°15'36" E., a distance of 26.00 feet to the N.W. corner of the adjoining vacated alley described in Ordinance No. 370 Series of 1991;
3. Thence along the north line of the adjoining vacated alley, N. 89°33'33" E., a distance of 8.00 feet to the N.E. corner of the west half of the adjoining vacated alley;
4. Thence along the east line of the west half of the adjoining vacated alley, S. 00°15'36" E., a distance of 24.00 feet;
5. Thence along the south line extended and the south line of lot 2, S. 89°33'33" W., a distance of 133.00 feet to the S.W. corner of lot 2;
6. Thence along the west line of lots 2 and 1, N. 00°15'44" W., a distance of 50.00 feet, more or less, to the **TRUE POINT OF BEGINNING**.

Parcel 4 (Described as Parcel 6 on the deed.)

A parcel of land conveyed to the City & County of Denver by Combined Rule & Order, Case No. 10CV8768 in the Denver County District Court 2nd JD, and recorded on the 6th of January 2011 by Reception Number 2011016186 in the City and County of Denver Clerk & Records Office being more particularly described as follows:

A tract or parcel of land No. 6 of the City of Denver, State of Colorado, Contract No. CE95002, Project No. STU C 010-093 (PC 16947) containing 775 sq. ft. (0.018 acres) of land, more or less, being a portion of Lot 3, Block 9, and the west half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2636.96 feet); Thence S. 12°19'41" W., a distance of 1450.19 feet to a point on the west line of lot 3 and the **TRUE POINT OF BEGINNING**;

1. Thence along the west line of lot 3, N. 00°15'44" W., a distance of 14.10 feet to the N.W. corner of lot 3;
2. Thence along the north line of lot 3, N. 89°33'33" E., a distance of 133.00 feet to the east line of the west half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991;
3. Thence along the east line of the west half of the adjoining vacated alley, S. 00°15'36" E., a distance of 3.29 feet;
4. Thence S. 87°15'39" W., a distance of 75.35 feet;

5. Thence S. $88^{\circ}41'34''$ W., a distance of 50.68 feet;
6. Thence S. $44^{\circ}44'16''$ W., a distance of 9.96 feet, more or less, to the **TRUE POINT OF BEGINNING**.

Parcel 5 (A portion of the deed described as Parcel 7.)

A parcel of land conveyed to the City & County of Denver by Combined Rule & Order, Case No. 10CV8768 in the Denver County District Court 2nd JD, and recorded on the 6th of January 2011 by Reception Number 2011016186 in the City and County of Denver Clerk & Records Office being more particularly described as follows:

All that part of Parcel 5 (Described as Parcel 7 on the deed) except the Easterly 20 feet thereof.

A tract or parcel of land No.7 of the City of Denver, State of Colorado, Contract No. CE95002, Project No. STU C 010-093 (PC 16947) containing 7,223 sq. ft. (0.166 acres) of land, more or less, being a portion of Lots 45 through 48, Block 9 and the east half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. $00^{\circ}15'27''$ E., a distance of 2636.96 feet); Thence S. $01^{\circ}58'24''$ W., a distance of 1451.52 feet to a point on the south line of said lot 45 and the **TRUE POINT OF BEGINNING**;

1. Thence along the south line of lot 45, S. $89^{\circ}33'33''$ W., a distance of 6.50 feet;
2. Thence 13 feet west of and parallel with the west right-of-way line of S. Broadway (September, 2009) which was established as being 50 feet west of and parallel with the east line of the N.W. 1/4 of section 27, N. $00^{\circ}15'27''$ W., a distance of 44.22 feet;
3. Thence N. $45^{\circ}15'27''$ W., a distance of 9.91 feet;
4. Thence S. $87^{\circ}15'39''$ W., a distance of 113.10 feet to the west line of the east half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991;
5. Thence along the said west line of the east half of the adjoining vacated alley, N. $00^{\circ}15'36''$ W., a distance of 27.29 feet to the north line of said adjoining vacated alley;
6. Thence along the north line of said adjoining vacated alley, N. $89^{\circ}33'33''$ E., a distance of 8.00 feet to the west line of lot 47;
7. Thence along the west line of lots 47 and 48, N. $00^{\circ}15'36''$ W., a distance of 26.00 feet to the N.W. corner of lot 48;
8. Thence along the north line of lot 48, N. $89^{\circ}33'33''$ E., a distance of 125.00 feet to the N.E. corner of lot 48;
9. Thence along the east lines of lots 48 to 45, also being the west right-of-way line of S. Broadway (September, 2009) which was established as being 50 feet west of and parallel with the east line of the N.W. 1/4 of section 27, S. $00^{\circ}15'27''$ E., a distance of 100.00 feet to the S.E. corner of lot 45;
10. Thence along the south line of lot 45, S. $89^{\circ}33'33''$ W., a distance of 6.50 feet, more or less, to the **TRUE POINT OF BEGINNING**.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 27, T. 4 S., R. 68 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1993") and the C 1/4 Corner of said Section 27, (being a found 3 1/4" alum. cap in range box stamped in part " PLS 22571 1993"), being a grid bearing of S. $00^{\circ}15'27''$ E., (2636.96') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

WARRANTY DEED

THIS DEED, dated November 29, 2010, is between Ranee L. Breckel of the City and County of Denver and State of Colorado, grantor, and the City and County of Denver, a Colorado municipal corporation and home rule city whose address is 1437 Bannock St., Denver, CO 80202 of the City and County of Denver and State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of ONE HUNDRED SEVENTY THOUSAND AND NO DOLLARS (\$170,000.00), 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:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Assessor's schedule or parcel number: 05272-14-028-000
Address: 2103 S. Acoma Street, Denver, CO 80223

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 soever.

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.

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


Ranea L. Breckel

STATE OF COLORADO
CITY AND COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 29th day of November, 2010 by Ranea L. Breckel.

Witness my hand and official seal.
My commission expires:


Michele A. Spencer
Notary Public



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

PARCEL 1

EXHIBIT "A"

PROJECT NUMBER: STU C 010-093
PARCEL NUMBER: 1
PROJECT CODE: 16947
CITY OF DENVER CONTRACT NUMBER: CE95002
DATE: DECEMBER 21, 2009
DESCRIPTION

A tract or parcel of land No.1 of the City of Denver, State of Colorado, Contract No.CE85002, Project No. STU C 010-093 (PC 18947) containing 3,860 sq. ft. (0.089 acres) of land, more or less, being all of the West 61.80 feet of Lots 47, 48, and the North half of Lot 46, Block 10, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 88 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

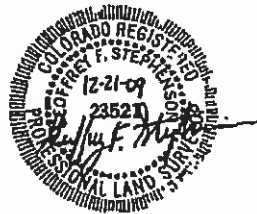
Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2636.96 feet); Thence S. 19°14'53" W., a distance of 1600.45 feet to the S.W. corner of the north half of lot 46 and the TRUE POINT OF BEGINNING;

1. Thence along the west line of lots 46, 47 and 48, N. 00°15'27" W., a distance of 62.50 feet to the N.W. corner of lot 48;
2. Thence along the north line of lot 48, N. 89°33'33" E., a distance of 61.80 feet;
3. Thence S. 00°15'27" E., a distance of 62.42 feet to the south line of the north half of lot 46;
4. Thence along said south line, S. 89°29'14" W., a distance of 61.80 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Parcel contains 3,860 sq. ft. (0.089 acres) of land, more or less.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 27, T. 4 S., R. 88 W., 6th PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1983") and the C 1/4 Corner of said Section 27, (being a found 3 1/4" alum. cap in range box stamped in part " PLS 22571 1993"), being a grid bearing of S. 00°15'27" E., (2636.96') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

Prepared by: Geoffrey F. Stephenson, PLS 23521
 For and on Behalf of
 The Lund Partnership, Inc.
 12265 West Bayaud Avenue, Suite 130
 Lakewood, Colorado 80228



2009-0587-001

PARCEL/

NOTE: THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE PARCEL DESCRIBED ON THE ATTACHED PROPEL DESCRIPTION AND IS NOT INTENDED TO INCLUDE SURVEY PLAT REVISIONS AS DEFINED IN IS 38-51-106.

LINE TABLE

LINE	BEARING	DISTANCE
L34	N00°15'27"W	62.50'
L35	N88°33'33"E	81.80'
L36	S00°15'27"E	62.42'
L37	S88°28'14"W	61.80'

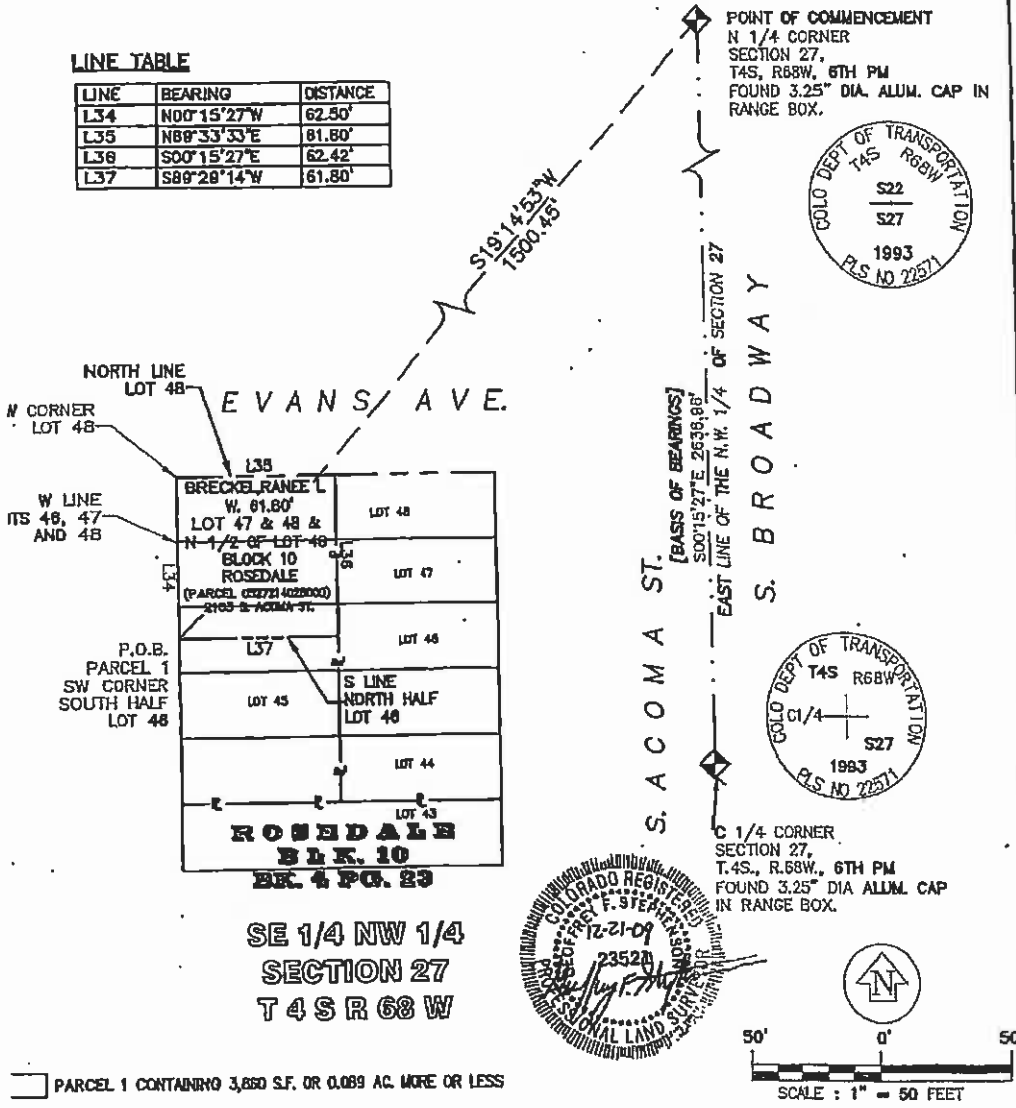


EXHIBIT TO ACCOMPANY PROPERTY DESCRIPTIONS

8 NO.:	505-0103
SCALE:	1" = 50'
DATE:	DECEMBER 21, 2009
SHEET:	2 OF 2
DRAWN BY:	GFB

A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 27,
 TOWNSHIP 4 SOUTH, RANGE 68 WEST, 6TH P.M.
 CITY AND COUNTY OF DENVER COUNTY, COLORADO

LUND
 FABERSTEIN

F-203.003.1401 P; 303.003.4004
 CIVIL ENGINEERING & SURVEYING

PARCEL 2

WARRANTY DEED

THIS DEED, dated January 20, 2011, is between Abraham M. Gesese of the City and County of Denver and State of Colorado, grantor, and the City and County of Denver, a Colorado municipal corporation and home rule city whose address is 1437 Bannock St., Denver, CO 80202 of the City and County of Denver and State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of TWO HUNDRED THOUSAND AND NO DOLLARS (\$200,000.00), 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:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Assessor's schedule or parcel number: 05272-14-027-000
Address: 2101 S. Acoma Street, Denver, CO 80223

TOGETHER with all and singular the hereditaments and appurtenances thereto 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 soever.

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.

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


Abraham M. Gesese

STATE OF COLORADO
CITY AND COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 20th day of January, 2011 by Abraham M. Gesese.

Witness my hand and official seal.
My commission expires: 
Notary Public

MICHELE A SPENCER
NOTARY PUBLIC
STATE OF COLORADO
MY COMM. EXP. 11/2/2014

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

PARCEL 2

EXHIBIT "A"

PROJECT NUMBER: STU C 010-093
PARCEL NUMBER: 3
PROJECT CODE: 16947
CITY OF DENVER CONTRACT NUMBER: CE96002
DATE: DECEMBER 21, 2009
DESCRIPTION

A tract or parcel of land No.3 of the City of Denver, State of Colorado, Contract No.CE96002, Project No. STU C 010-093 (PC 16947) containing 3,943 sq. ft. (0.091 acres) of land, more or less, being all of the East 63.20 feet of Lots 47, 48, and the North half of Lot 48, Block 10, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

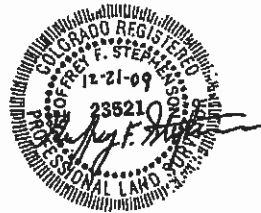
Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2636.96 feet); Thence S. 14°38'08" W., a distance of 1462.93 feet to the S.E. corner of the north half of lot 48 and the **TRUE POINT OF BEGINNING**;

1. Thence along the south line of the north half of lot 48, S. 89°29'14" W., a distance of 63.20 feet to the S.W. corner of the east 63.20 feet of the north half of lot 48;
2. Thence along the west line of the east 63.20 feet of lots 48, 47 and 48, N. 00°15'27" W., a distance of 62.42 feet to the north line of lot 48;
3. Thence along the north line of lot 48, N. 89°33'33" E., a distance of 83.20 feet to the N.E. corner of lot 48;
4. Thence along the east line of lots 48, 47 and 46, S. 00°15'44" E., a distance of 82.34 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Parcel contains 3,943 sq. ft. (0.091 acres) of land, more or less.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 27, T. 4 S., R. 68 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1993") and the C 1/4 Corner of said Section 27, (being a found 3 1/4" alum. cap in range box stamped in part " PLS 22571 1993"), being a grid bearing of S. 00°15'27" E., (2636.96') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1982) Colorado State Plane (Central Zone - 502).

Prepared by: Geoffrey F. Stephenson, PLS 23521
 For and on Behalf of
 The Lund Partnership, Inc.
 12265 West Bayaud Avenue, Suite 130
 Lakewood, Colorado 80226



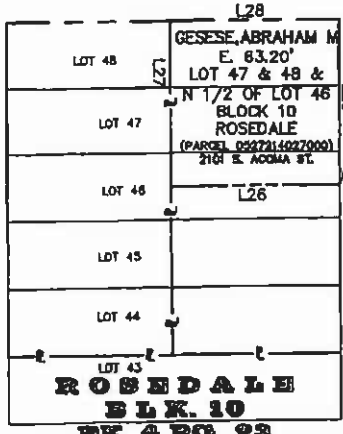
2009 - 0587-003

NOTE: THIS EXHIBIT IS A GRAPHIC DEFINITION OF THE PARCEL DESCRIBED ON THE ATTACHED PROPERTY DESCRIPTION AND IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

LINE TABLE

LINE	BEARING	DISTANCE
L26	S89°29'14"W	63.20'
L27	N00°15'27"W	62.42'
L28	N89°33'33"E	63.20'
L29	S00°15'44"E	62.34'

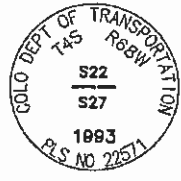
EVANS AVE.



SE 1/4 NW 1/4
 SECTION 27
 T 4 S R 68 W

PARCEL 3 CONTAINING 3,943 S.F. OR 0.091 AC. MORE OR LESS

POINT OF COMMENCEMENT
 N 1/4 CORNER
 SECTION 27,
 T4S, R68W, 6TH PM
 FOUND 3.25" DIA. ALUM. CAP IN
 RANGE BOX.



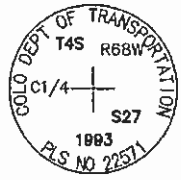
S14°38'08"W
 1462.83'

[BASIS OF BEARINGS]
 S00°15'27"E 2636.96'

S. ACOMA ST.

EAST LINE OF THE N.W. 1/4 OF SECTION 27

S. BROADWAY



C 1/4 CORNER
 SECTION 27,
 T.4S., R.68W., 8TH PM
 FOUND 3.25" DIA. ALUM. CAP
 IN RANGE BOX.

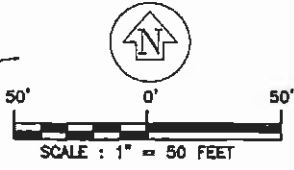
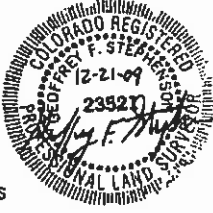


EXHIBIT TO ACCOMPANY PROPERTY DESCRIPTIONS

JOB NO.: 505-0103
 SCALE: 1" = 50'
 DATE: DECEMBER 21, 2009
 PAGE: 2 OF 2
 DRAWN BY: GFS

A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 27,
 TOWNSHIP 4 SOUTH, RANGE 68 WEST, 6TH P.M.
 CITY AND COUNTY OF DENVER COUNTY, COLORADO

LUND
 PARTNERSHIP
 P: 303.559.1481 F: 303.966.4094
 CIVIL ENGINEERING & SURVEYING




GRANTED

Movant shall serve copies of this ORDER on any pro se parties, pursuant to CRCP 5, and file a certificate of service with the Court within 10 days.
Dated: Jan 06, 2011

Brian Whitney
District Court Judge

FILED OR RECORDED ON ATTACHMENT

CO Denver County District Court 2nd JD
Filing Date: Jan 6 2011 12:13PM MST
Filing ID: 35230415
Review Clerk: Tara L Nelson

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202</p>	 <p>COURT USE ONLY CLERK OF THE DISTRICT COURT</p> <p>Case Number: 10CV8768</p> <p>Division: 5</p>
<p>Petitioner: CITY AND COUNTY OF DENVER, a home rule city and municipal corporation of the State of Colorado,</p> <p>v.</p> <p>Respondents: EMW FURNITURE CO., a Colorado corporation; STEPHANIE Y. O'MALLEY, Public Trustee of the City and County of Denver; STEVE ELLINGTON, Acting Treasurer of the City and County of Denver; All Unknown Owners of the Real Properties Sought to be Condemned Herein; and All Unknown Persons Who Claim Any Interest in the Subject Matter of this Action.</p> <p style="text-align: center;">COMBINED RULE AND ORDER</p>	

These matters come before the Court pursuant to the Stipulated Motion for Entry of Combined Rule and Order ("Stipulation") submitted by the City and County of Denver (the "City" or "Petitioner")) and Respondent, EMW FURNITURE CO., a Colorado corporation, and Respondent HELMSTAEDTER PROPERTIES LIMITED, a Colorado limited partnership (individually "Respondent-Landowner" or "EMW" or Helmstaedter" and collectively "Respondents-Landowners"). The Court having reviewed the Stipulation and files and being fully advised hereby FINDS:

1. Petitioner is vested with the power of eminent domain pursuant to Article XX of the Constitution of the State of Colorado, §§ 30-35-201; 38-1-201; 38-1-202; 43-1-217; 43-2-204; and 43-3-107 of the Colorado Revised Statutes, and other applicable law. Pursuant to such laws, Petitioner has the legal authority to acquire and condemn property, including the property that is the subject of this action. Petitioner is authorized under Ordinance No. 137, Series 2010 and Ordinance No. 377, Series 2010 to use its power of eminent domain by condemnation proceedings to appropriate property for its local and municipal purposes.

2. That the Petitioner filed the Petition in Condemnation on November 9, 2010, which Petition was amended on November 17, 2010, in Case No. 10CV8768 and the Petition in Condemnation on November 16, 2010 in Case No. 10CV8964 to acquire certain real properties from Respondents-Landowners EMW and Helmstaedter, respectively.

3. The Court has jurisdiction of the parties herein and of the subject matter of these actions.

2011016186

Page: 1 of 17

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RB 00 DO 00



City & County of Denver

4. The parties hereby stipulate and agree to a final disposition of these matters as they relate to the real property described herein without the necessity of a trial.

5. Respondent EMW is the owner of the real property described in Exhibits A and B attached hereto by virtue of a certain instrument recorded among the records of the Clerk and Recorder of the City and County of Denver and State of Colorado.

6. Respondent Helmstaedter is the owner of the real property described in Exhibits C, D, E, F, and G attached hereto by virtue of a certain instrument recorded among the records of the Clerk and Recorder of the City and County of Denver and State of Colorado.

7. On November 18, 2010, counsel for Respondent-EMW, by Waiver and Acceptance of Service, was served with the Summons, Petition in Condemnation, Motion for Immediate Possession, and Notice of Lis Pendens regarding the EMW Property Interests.

8. On November 18, 2010, counsel for Respondent-Helmstaedter, by Waiver and Acceptance of Service, was served with the Summons, Petition in Condemnation, Motion for Immediate Possession, and Notice of Lis Pendens regarding the Helmstaedter Property Interests.

9. On or about November 18, 2010 Respondent Stephanie Y. O'Malley, as the Public Trustee for the City and County of Denver, ("Public Trustee") filed an Answer disclaiming all right, title and interest in the Property Interests except as to assert an interest in the land that is subject matter to the above-captioned matter to the extent necessary to protect the Public Trustee in her official capacity and responsibilities and to protect and secure the right, title, and interest of the holder or holders for the indebtedness secured by the described Deed(s) of Trust.

10. On or about November 18, 2010 Respondent Steve Ellington, as Acting Treasurer of the City and County of Denver ("Treasurer"), filed an Answer asserting a claim to and for any and all outstanding liens covering general taxes, special assessments, use taxes, local public improvement district assessment, and service or utility charges that were then due or became due with respect to the Property Interests. Respondent Treasurer further asserted priority over Plaintiff's interest and asserted that such liens extend to and include interest and penalties on outstanding taxes and assessments to which it referred as had then accrued and as accrued after such date. Treasurer determined there is sufficient taxable real property remaining after the taking to satisfy any tax lien as to any general taxes, special assessments, use taxes and local public improvement district assessments as the same has accrued on the property hereinafter described.

11. On or about November 21, 2010, Respondent Bear Custom Signs ("BCS") was served with the Summons, Petition in Condemnation, Motion for Immediate Possession, and Notice of Lis Pendens. Respondent BCS has not appeared herein.

12. On or about November 21, 2010 Irene Emila Villaba Sanchez ("Sanchez") was served with the Summons, Petition in Condemnation, Motion for Immediate Possession, and Notice of Lis Pendens. Respondent Sanchez has not appeared herein.

13. On or about November 21, 2010, Respondent Mark Salas ("Salas") was served with the Summons, Petition in Condemnation, Motion for Immediate Possession, and Notice of Lis Pendens. Respondent Salas has not appeared herein.

14. On or about November 22, 2010, Respondent Hog Wild Barbeque, Inc. ("HWB") was served with the Summons, Petition in Condemnation, Motion for Immediate Possession, and Notice of Lis Pendens. Respondent HWB has not appeared herein.

15. That other than the persons aforesaid no other person, firm or corporation has appeared herein or has any claim or claims to, any interest or interests in, or any lien or liens, encumbrance or encumbrances pertaining to the property hereinafter described.

16. That the Petitioner is acquiring the Property Interests for road and sidewalk improvements and the construction thereof, along W. Evans Avenue and S. Broadway pursuant to the Department of Transportation, State of Colorado Project No. STU CO10-093 (the "Project"). There have been good faith negotiations to acquire the Property.

17. That the Petitioner and each Respondent-Landowner have resolved all issues between them in these cases. The settlement reached between the Petitioner and the Respondents-Landowners includes all just compensation for the taking of the Property Interests and for protective rents, costs, all pre- and post-judgment interest, court costs, expert witness fees, survey fees, attorney fees or any litigation costs or expenses to which the Respondents-Landowners may claim entitlement. The Petitioner and Respondents-Landowners have agreed to settlement as follows:

a. Neither EMW nor Helmstaedter contest that Denver has the legal power and authority to condemn the Property Interests, and agree that the Property Interests are being acquired for and in furtherance of a public purpose, and that there is a public need and necessity and it is in the public interest for Denver to acquire the Property Interests.

b. EMW and Helmstaedter release and forever discharge the City and the City does the same from all claims, appeals, rights, demands, obligations, causes of action, costs, attorney fees, losses, expenses, liabilities, and damages of every kind and nature, whether known or unknown, relating to or arising out of the subject matter of these eminent domain proceedings. The releases extend to EMW and Helmstaedter's agents, employees, representatives, insurers, attorneys, and assigns.

c. These settlement terms constitute an integrated agreement, containing the entire terms of the agreement between Denver and each Respondent-Landowner to settle their dispute, and replaces, cancels, and supersedes any and all prior agreements, communications, and understandings of the parties with respect to the matters addressed herein.

d. These settlement terms shall be interpreted under the laws of the State of Colorado and may be enforced in the Denver County District Court, which shall be the sole and exclusive venue for enforcement.

e. This settlement may not be amended, waived, discharged, or terminated other than by means of a written instrument signed by the party against whom enforcement of the amendment, waiver, discharge, or termination is sought.

f. It is acknowledged that Denver, EMW, and Helmstaedter have participated in the drafting of these settlement terms, each with the assistance of counsel, and it is agreed that any claim as to ambiguity shall not be construed for or against either party as a result of such drafting.

g. Denver, EMW, and Helmstaedter acknowledge and warrant that this settlement shall be binding on their respective agents, employees, representatives, officers, and assigns.

Wherefore, it is hereby ORDERED:

1. That Case No. 10CV 8964, the City and County of Denver, Petitioner, vs. Helmstaedter, et al., Respondents, is hereby consolidated into Case No. 10CV8768 for purposes of fully resolving both cases.

2. That upon the City's deposit of One Million Two Hundred Fifty-Four Thousand Two Hundred Fifty Dollars and No Cents (\$1,254,250.00) into the Court's Registry, the Property Interests have been taken and condemned by the Petitioner. At such time, title to the Property set forth in Exhibit A ("P-8"), Exhibit C ("P-5"), Exhibit D ("P-6"), and Exhibit E ("P-7"), including all of the buildings, fixtures, and improvements located thereon, will have been acquired by the Petitioner in fee simple absolute, and the City will have acquired Temporary Easements, which easement shall be governed by paragraph 8. (a. through n.), for the Easement Properties set forth in Exhibit B ("TE-8"), Exhibit F ("TE-6"), and Exhibit G (TE-7) (including all of the buildings, fixtures, and improvements located thereon), all of which the City acquires free and clear of any and all claims, rights, title, interests, easements, liens, encumbrances, reversionary interests and rights of entry of the Respondents-Landowners, except as expressly set forth above.

3. Upon the City's deposit of such funds, Respondents-Landowners may withdraw **One Million Two Hundred Fifty-Four Thousand Two Hundred Fifty Dollars and No Cents (\$1,254,250.00)**, less 2010 taxes due to the City related to Exhibits C, D and E in the total amount of \$12, 862.72, and without further order of this Court, the District Court Registrar shall forthwith disburse these funds to EMW and Helmstaedter, by making checks payable as follows: the sum of \$217,950.00 to EMW Furniture Co. and the sum of \$1,023,437.28 (\$1,036,300.00 less \$12,862.72 in taxes) to Helmstaedter Properties Limited. The Registrar shall mail these checks to counsel for EMW and Helmstaedter: Douglas S. Widlund, Butcher & Widlund, L.L.C., 7400 East Orchard Road, Suite 150-S, Greenwood Village, Colorado 80111. Without further order of this Court, the sum of \$12,862.72 shall be paid by check made payable to the City and County of Denver, and mailed to Charles T. Solomon, Assistant City Attorney, 201 W. Colfax Avenue, Dept. 1207, Denver, CO 80202.

4. Respondents-Landowners are respectively responsible for all taxes, assessments, and service and utility charges due on its Properties up to the stipulated date of possession of

December 31, 2010, and shall pay these on a pro-rated basis up to that date. Specifically, with regard to 2010 real estate taxes due and payable in 2011 for Exhibit A, such taxes shall be paid by EMW as they become due.

5. The above-stated funds include compensation for protective rents. Respondents-Landowners have waived any other protective rent amounts and shall not rent the properties to

6. Petitioner shall have possession of the Property Interests as of December 31, 2010 and shall deposit the above-stated funds into the Court's Registry as soon as possible after entry of the Court's Order, taking into consideration applicable Charter, Denver Revised Municipal Code, Executive Orders, and procedural requirements.

7. The buildings located upon P-5, P-6, TE-6, and TE-7 will be demolished as part of the Project. Petitioner agrees to keep electricity on in the buildings to be demolished until completion of demolition. Until such time, Petitioner shall leave lights on in such buildings at night for purposes of security. Helmstaedter is responsible for paying for the total cost of electricity required to light such buildings at night. Helmstaedter shall remit payment in full to Petitioner upon receipt of request for payment, which shall include documentation evidencing such electricity charges.

8. The terms and conditions governing the Temporary Easements are as follows:

- a. The term of each Temporary Easement will commence thirty (30) days after the City (or the City through its contractor) issues written notice for each of the affected Easement Properties to Respondent-Landowner and will terminate twelve (12) months from the corresponding commencement date ("Term"). Upon expiration of the Term with the latest termination date, the City shall execute a document evidencing termination of the Temporary Easements.
- b. The City shall return the Easement Properties free from all construction debris and in a condition as nearly as practicable to its original condition, taking into consideration the nature of the work being performed. The Temporary Easements allow the City, and its successors and assigns, including their respective contractors, consultants, subcontractors, sub-consultants, materialmen, suppliers, and workers to perform construction and related activities on the Easement Properties. Performance of construction and related activities includes the rights to: (a) perform construction activities for the Project on the Easement Properties, (b) enter on and have access to the Easement Properties, (c) store materials on the Easement Properties, (d) operate construction equipment on the Easement Properties, and (e) perform any other work incidental to the construction of the Project. Incidental work includes removing asphalt and concrete; grading, paving, and landscaping the Easement Properties; and performing utility work.
- c. EMW covenants that as of the date of entry of the Rule and Order that it has good title to Easement Property TE-8 and Helmstaedter covenants that as of the date of

entry of the Rule and Order that that it has good title to the Easement Properties TE-6 and TE-7 and that each has good and lawful right to grant the Temporary Easements.

- d. EMW and Helmstaedter warrant that no building, structure, or other above or below ground obstruction that may interfere with the purposes of the Temporary Easements may be placed, erected, installed or permitted upon the Easement Properties during the Term of the Temporary Easements. In the event the terms of the Temporary Easements are violated, at the City's election, EMW or Helmstaedter or both shall immediately correct or cause to be corrected any violations or the City may correct or cause to be corrected any violations at the corresponding Respondent-Landowner's sole expense. If the City elects to correct, or causes to be corrected, the violation(s), EMW or Helmstaedter or both shall reimburse the City for all costs incurred in enforcing the terms of the Temporary Easements within thirty (30) days of receipt of an invoice.
- e. If certain impediments to accessing EMW or Helmstaedter' property, including without limitation, bumpers, temporary curbs, or cables (the "Access Impediments"), currently exist upon the Easement Properties, the City agrees to cause its contractor to re-install Access Impediments before expiration of the Terms of the Temporary Easements.
- f. EMW and Helmstaedter understand that during the phase(s) of the Project when construction activities are being performed on, or in the vicinity of, the Easement Properties that access to the remainder of their properties from South Broadway may be restricted; provided however, the parties agree that at all times during the construction Project there shall be some reasonable means of vehicular and pedestrian access to the remainder properties.
- g. EMW and Helmstaedter reserve all rights attendant to ownership of their respective Easement Properties, including: (a) the right to the use and enjoyment of the Easement Properties for all purposes insofar as these uses are consistent with and do not impair any grant or provision herein, and (b) the right to sell and convey the Easement Properties or any portion of it subject to the Temporary Easements.
- h. Any obligations of the City under the Temporary Easements whether direct or contingent, extends only to funds appropriated or otherwise lawfully made available by the Denver City Council for the purpose of the Temporary Easements and paid into the Treasury of the City.
- i. All notices provided for herein must be in writing and personally delivered or mailed by registered or certified United States mail, postage prepaid, return-receipt requested, to the respective addresses as set forth below. Notices delivered personally are effective when sent. Notices sent by certified or registered mail are

effective upon receipt. The parties may designate substitute addresses where or persons to whom notices are to be mailed or delivered; however, these substitutions will not become effective until actual receipt of written notification.

If to City: **Manager**
 Department of Public Works
 201 West Colfax Avenue, Department 611
 Denver, Colorado 80202
 Facsimile: 720.865.8795

With copies to: **Director, Division of Real Estate**
 201 West Colfax Avenue, Department 904
 Denver, Colorado 80202

And **City Attorney's Office**
 1437 Bannock Street, Room 353
 Denver, Colorado 80202

If to EMW or Helmstaedter:

Mr. J.C. Helmstaedter
 EMW Carpets & Furniture
 2141 South Broadway
 Denver, Colorado 80210

- j. The terms and conditions of the Temporary Easements are the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other modification has any force or effect, unless embodied in writing in the Rule and Order entered in these matters ("Order"). No subsequent novation, renewal, addition, deletion, or other amendment may have any force or effect unless embodied in a written amendment to this agreement properly executed by the parties. No oral representation of any kind preceding the date of the Order by any officer, employee, or agent of the City at variance with the terms and conditions of the Order may have any force or effect nor bind the City.**
- k. The Temporary Easements are subject to and are to be construed in accordance with the laws of the State of Colorado, the Denver Charter, the Denver Revised Municipal Code, and including all Denver ordinances, rules and regulations and Executive Orders. The aforementioned provisions are incorporated into the Temporary Easements by this reference. Venue for any action arising out of the Temporary Easements will be in the Denver District Court in the City and County of Denver, Colorado.**
- l. The City has the right to assign its rights and obligations set forth in the Agreement, which right the City may exercise based on its sole and absolute**

discretion. If the City so assigns a Temporary Easement, the City will be relieved of all obligations so assigned. The City shall provide Respondents-Landowners with a notice of any assignment.

- m. The Temporary Easements run with the land and the benefits and burdens thereof inure to the benefit of and without further action become binding upon the parties hereto and their respective successors and assigns.
- n. The Temporary Easements are subject to the following rules of construction:
 - i. The words "party" and "parties" refer only to EMW, Helmstaedter, and the City.
 - ii. The words "include," "includes," and "including" are to be read as if they were followed by the phrase "without limitation."
 - iii. Unless otherwise specified, any reference to a law, statute, regulation, charter or code provision, or ordinance means that statute, regulation, charter or code provision, or ordinance as amended or supplemented from time to time and any corresponding provisions of successor statutes, regulations, charter or code provisions, or ordinances.

9. That a certified copy of this Rule and Order may be recorded and indexed in the office of the Clerk and Recorder of the City and County of Denver, Colorado in like manner and with like effect as if for the: Property in **Exhibit A, Exhibit C, and Exhibit D** it was a deed of conveyance from the Respondent-Landowner to the Petitioner; and Easement Properties in **Exhibit B, Exhibit F, and Exhibit G** as if the corresponding Respondent-Landowner sold, conveyed, transferred and delivered the Temporary Easements to the City.

10. That the Notices of Lis Pendens filed in this case have not yet been recorded with the Denver County Clerk and Recorder, and will not be recorded in light of this Order.

11. That duly served Respondents BCS, Sanchez, Salas and HWB have not responded to this action and are currently in default; therefore, the City shall hold the Property Interests free and clear from any claims of such Respondents.

DONE this _____ day of _____, 2011.

BY THE COURT

District Court Judge

Exhibit A

PROJECT NUMBER: STU C 010-093
PARCEL NUMBER: 8
PROJECT CODE: 16947
CITY OF DENVER CONTRACT NUMBER: CE95002
DATE: DECEMBER 21, 2009
DESCRIPTION

A tract or parcel of land No.8 of the City of Denver, State of Colorado, Contract No. CE95002, Project No STU C 010-093 (PC 16947) containing 165 sq. ft. (0.004 acres) of land, more or less, being a portion of Lots 42 through 44 Block 9 and the east half of the adjoining vacated alley described in Ordinance No. 370 Series of 1981, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

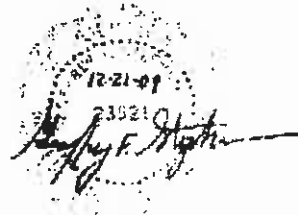
Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S 00°15'27" E., a distance of 2636.96 feet); Thence S. 01°58'24" W., a distance of 1451.52 feet to a point on the north line of said lot 44 and the TRUE POINT OF BEGINNING;

1. Thence along the north line of lot 44, N. 89°33'33" E., a distance of 6.60 feet to the N.E. corner of lot 44 also being the west right-of-way line of S. Broadway (September, 2009) which was established as being 50 feet west of and parallel with the east line of the N.W. 1/4 of section 27,
2. Thence along the west right-of-way line of S. Broadway, S. 00°15'27" E., a distance of 53.00 feet,
3. Thence S. 89°33'33" W., a distance of 2.50 feet,
4. Thence 2.50 feet west of and parallel with the west right-of-way line of S. Broadway (September, 2009), N. 00°15'27" W., a distance of 36.99 feet,
5. Thence N. 14°17'37" W. a distance of 16.49 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Parcel contains 165 sq. ft. (0.004 acres) of land, more or less

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 27, T 4 S. R. 68 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1993") and the C 1/4 Corner of said Section 27, (being a found 3 1/4" alum. cap in range box stamped in part " PLS 22571 1993"), being a grid bearing of S. 00°15'27" E., (2636.96') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502)

Prepared by: Geoffrey F. Stephenson, PLS 23521
For and on behalf of
The Lund Partnership, Inc.
12265 West Bayaud Avenue, Suite 130
Lakewood, Colorado 80228



12-21-09
23521
Geoffrey F. Stephenson

Exhibit B
PROJECT NUMBER: STU C 010-093
TEMPORARY EASEMENT NUMBER: TE-8
PROJECT CODE: 18947
CITY OF DENVER CONTRACT NUMBER: CE95002
DATE: DECEMBER 21, 2009
DESCRIPTION

A Temporary Easement No. TE-8 of the City of Denver, State of Colorado, Contract No. CE95002, Project No. STU C 010-093 (PC 18947) containing 545 sq. ft. (0.013 acres) of land, more or less, being a portion of Lots 42 through 44, Block 9 and the east half of the adjoining vacated alley described in Ordinance No. 37D Series of 1891, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27. (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2638.98 feet); Thence S. 01°58'24" W., a distance of 1481.52 feet to a point on the north line of said lot 44 and the TRUE POINT OF BEGINNING;

1. Thence S. 14°17'37" E., a distance of 16.49 feet to a point 2.50 feet west of the west right-of-way line of S. Broadway (September, 2009) which was established as being 80 feet west of and parallel with the east line of the N.W. 1/4 of section 27;
2. Thence 2.50 feet west of and parallel with the west right-of-way line of S. Broadway (September, 2009), S. 00°15'27" E., a distance of 36.99 feet;
3. Thence N. 89°33'33" E., a distance of 2.50 feet to the west right-of-way line of S. Broadway (September, 2009);
4. Thence along the west right-of-way line of S. Broadway (September, 2009), S. 00°15'27" E., a distance of 9.00 feet;
5. Thence S. 89°44'33" W., a distance of 7.50 feet;
6. Thence 7.50 feet west of and parallel with the west right-of-way line of S. Broadway (September, 2009), N. 00°15'27" W., a distance of 36.98 feet;
7. Thence S. 89°33'33" W., a distance of 9.76 feet;
8. Thence N. 00°26'27" W., a distance of 25.00 feet to the north line of lot 44;
9. Thence along the north line of lot 44, N. 89°33'33" E., a distance of 10.84 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 545 sq. ft. (0.013 acres) of land, more or less,

The purpose of the above-described Temporary Easement is for roadway construction.

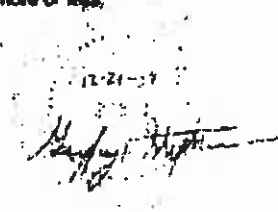
12-21-09


Exhibit C

PROJECT NUMBER: STU C 010-093
PARCEL NUMBER: 5
PROJECT CODE: 16947
CITY OF DENVER CONTRACT NUMBER: CE95002
DATE: DECEMBER 21, 2009
DESCRIPTION

A tract or parcel of land No.5 of the City of Denver, State of Colorado, Contract No. CE95002, Project No STU C 010-093 (PC 16947) containing 6,442 sq. ft. (0.148 acres) of land, more or less, being a sit of Lots 1 and 2, Block 8, and the west half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 88 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S 00°15'27" E., a distance of 2836.96 feet); Thence S. 12°54'18" W., a distance of 1387.71 feet to the N W corner of lot 1 and the TRUE POINT OF BEGINNING;

1. Thence along the north line of lot 1, N. 89°33'33" E., a distance of 125.00 feet to the N.E. corner of lot 1;
2. Thence along the east line of lots 1 and 2, S. 00°15'36" E., a distance of 26.00 feet to the N.W. corner of the adjoining vacated alley described in Ordinance No. 370 Series of 1991;
3. Thence along the north line of the adjoining vacated alley, N. 89°33'33" E., a distance of 8.00 feet to the N.E. corner of the west half of the adjoining vacated alley,
4. Thence along the east line of the west half of the adjoining vacated alley, S. 00°15'36" E., a distance of 24.00 feet;
5. Thence along the south line extended and the south line of lot 2, S. 89°33'33" W., a distance of 133.00 feet to the S.W. corner of lot 2.
6. Thence along the west line of lots 2 and 1, N. 00°16'44" W., a distance of 50.00 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Parcel contains 6,442 sq. ft. (0.148 acres) of land, more or less.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 27, T. 4 S., R. 88 W., 6th PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1993") and the C 1/4 Corner of said Section 27, (being a found 3 1/4" alum. cap in range box stamped in part " PLS 22571 1993"), being a grid bearing of S. 00°16'27" E., (2836.96') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN) Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502)

Prepared by **Geoffrey F. Stephenson, PLS 23821**
For and on Behalf of
The Lund Partnership, Inc.
12288 West Bayaud Avenue, Suite 130
Lakewood, Colorado 80228

11-21-09
Geoffrey F. Stephenson

PARCEL 4

Exhibit D

PROJECT NUMBER: STU C 010-093
PARCEL NUMBER: 8
PROJECT CODE: 16947
CITY OF DENVER CONTRACT NUMBER: CE96002
DATE: DECEMBER 21, 2009
DESCRIPTION

A tract or parcel of land No. 8 of the City of Denver, State of Colorado, Contract No. CE96002, Project No. STU C 010-093 (PC 16947) containing 775 sq. ft. (0.018 acres) of land, more or less, being a portion of Lot 3, Block 9, and the west half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991 "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 66 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

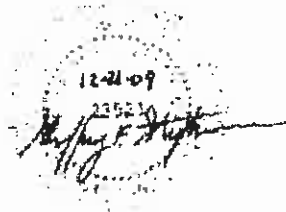
Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2636.96 feet); Thence S. 12°19'41" W., a distance of 1450.19 feet to a point on the west line of lot 3 and the TRUE POINT OF BEGINNING:

- 1 Thence along the west line of lot 3, N. 00°15'44" W., a distance of 14.10 feet to the N.W. corner of lot 3,
- 2 Thence along the north line of lot 3, N. 69°33'33" E., a distance of 133.00 feet to the east line of the west half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991,
- 3 Thence along the east line of the west half of the adjoining vacated alley, S. 00°15'35" E., a distance of 3.26 feet,
- 4 Thence S. 67°15'39" W., a distance of 75.35 feet,
- 5 Thence S. 88°41'34" W., a distance of 50.68 feet,
- 6 Thence S. 44°44'16" W., a distance of 9.96 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Parcel contains 775 sq. ft. (0.018 acres) of land, more or less.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 27, T. 4 S., R. 66 W., 6th PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1993") and the C 1/4 Corner of said Section 27, (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1993"), being a grid bearing of S. 00°15'27" E., (2636.96') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502)

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PARCEL 5

Exhibit E

PROJECT NUMBER: STU C 010-093
PARCEL NUMBER: 7
PROJECT CODE: 16947
CITY OF DENVER CONTRACT NUMBER: CE95002
DATE: DECEMBER 21, 2009
DESCRIPTION

A tract or parcel of land No. 7 of the City of Denver, State of Colorado, Contract No. CE95002, Project No. STU C 010-093 (PC 16947) containing 7,223 sq. ft. (0.165 acres) of land, more or less, being a portion of Lots 45 through 48 Block 8 and the east half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991, "Rosevale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27. (Whence the C 1/4 corner of Section 27 bears S 00°15'27" E, a distance of 2836.96 feet); Thence S. 01°56'24" W., a distance of 1451.52 feet to a point on the south line of said lot 45 and the TRUE POINT OF BEGINNING:

- 1 Thence along the south line of lot 45, S. 89°33'33" W., a distance of 6.50 feet,
- 2 Thence 13 feet west of and parallel with the west right-of-way line of S. Broadway (September, 2009) which was established as being 50 feet west of and parallel with the east line of the N.W. 1/4 of section 27, N. 00°15'27" W., a distance of 44.22 feet;
- 3 Thence N. 45°15'27" W., a distance of 9.91 feet;
- 4 Thence S. 87°15'38" W., a distance of 113.10 feet to the west line of the east half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991;
- 5 Thence along the said west line of the east half of the adjoining vacated alley, N. 00°16'36" W., a distance of 27.28 feet to the north line of said adjoining vacated alley;
- 6 Thence along the north line of said adjoining vacated alley, N. 89°33'33" E., a distance of 8.00 feet to the west line of lot 47;
- 7 Thence along the west line of lots 47 and 48, N. 00°15'36" W., a distance of 26.00 feet to the N.W. corner of lot 48,
- 8 Thence along the north line of lot 48, N. 89°33'33" E., a distance of 125.00 feet to the N.E. corner of lot 48,
- 9 Thence along the east lines of lots 48 to 45, also being the west right-of-way line of S. Broadway (September, 2009) which was established as being 50 feet west of and parallel with the east line of the N.W. 1/4 of section 27, S. 00°15'27" E., a distance of 100.00 feet to the S.E. corner of lot 45,
- 10 Thence along the south line of lot 45, S. 89°33'33" W., a distance of 6.50 feet, more or less, to the TRUE POINT OF BEGINNING.

12-21-09
3352
Shirley F. Smith

Parcel 5

Exhibit E (Continued)

The above described Parcel contains 7,223 sq ft (0.166 acres) of land, more or less.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 27, T 4 S., R. 68 W., 6th PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1993") and the C 1/4 Corner of said Section 27, (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22671 1993"), being a grid bearing of S. 00°15'27" E., (2636.96') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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For and on Behalf of
The Lund Partnership, Inc.
12285 West Bayaud Avenue, Suite 130
Lakewood, Colorado 80228

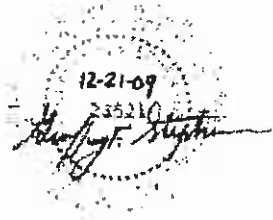


Exhibit F

**PROJECT NUMBER: STU C 010-093
TEMPORARY EASEMENT NUMBER: TE-6
PROJECT CODE: 16947
CITY OF DENVER CONTRACT NUMBER: CE96002
DATE: DECEMBER 21, 2009
DESCRIPTION**

A Temporary Easement No. TE-6 of the City of Denver, State of Colorado, Contract No. CE96002, Project No. STU C 010-093 (PC 16947) containing 6,673 sq. ft. (0.153 acres) of land, more or less, being a portion of Lots 3 and 4, and the North 6 feet of Lot 5, Block 9, and the west half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S 00°15'27" E., a distance of 2636.96 feet); Thence S. 12°19'41" W., a distance of 1450.19 feet to a point on the west line of lot 3 and the TRUE POINT OF BEGINNING;

- 1 Thence N. 44°44'16" E., a distance of 9.96 feet;
- 2 Thence N. 88°41'34" E., a distance of 60.68 feet;
- 3 Thence N. 87°15'36" E., a distance of 75.35 feet to the east line of the west half of the adjoining vacated alley described in Ordinance No. 370 Series of 1991;
- 4 Thence along the east line of the west half of the adjoining vacated alley, S. 00°15'36" E., a distance of 62.72 feet to the south line of the north 6 feet of lot 5 extended easterly to the east line of the west half of the adjoining vacated alley;
- 5 Thence along said south line, S. 89°33'33" W., a distance of 133.00 feet to the S.W. corner of the north 6 feet of lot 5;
- 6 Thence along the west line of lots 5, 4 and 3, N. 00°15'44" W., a distance of 41.90 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 6,673 sq. ft. (0.153 acres) of land, more or less

The purpose of the above-described Temporary Easement is for roadway construction

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 27, T. 4 S., R. 68 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 22571 1993") and the C 1/4 Corner of said Section 27, (being a found 3 1/4" alum. cap in range box stamped in part " PLS 22571 1993"), being a grid bearing of S. 00°15'27" E., (2636.96) as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1982) Colorado State Plane (Central Zone - 502).

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12-21-09
23521
Geoffrey F. Stephenson

Exhibit G

PROJECT NUMBER: STU C 010-093

TEMPORARY EASEMENT NUMBER: TE-7

PROJECT CODE: 16947

CITY OF DENVER CONTRACT NUMBER: CE95002

DATE: DECEMBER 21, 2009

DESCRIPTION

A Temporary Easement No. TE-7 of the City of Denver, State of Colorado, Contract No. CE95002, Project No. STU C 010-093 (PC 16947) containing 6,669 sq. ft. (0.135 acres) of land, more or less, being a portion of Lots 46 through 47, Block 9 and the east half of the vacated alley adjoining Lots 45-46 as described in Ordinance No. 370 Series of 1991, "Rosedale" a subdivision plat recorded in Book 4, Page 23 of the City and County of Denver records located in the S.E. 1/4 of the N.W. 1/4 of Section 27, Township 4 South, Range 68 West, of the 6th Principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 27, (Whence the C 1/4 corner of Section 27 bears S. 00°15'27" E., a distance of 2636.86 feet); Thence S. 06°55'53" W., a distance of 1462.32 feet to a point on the west line of the east half of the vacated alley adjoining Lots 45-47 as described in Ordinance No. 370 Series of 1991 and the TRUE POINT OF BEGINNING;

1. Thence along the said west line of the east half of the adjoining vacated alley, N. 00°15'36" W., a distance of 46.71 feet;
2. Thence N 87°15'39" E., a distance of 113.10 feet;
3. Thence S, 45°15'27" E., a distance of 9.81 feet;
4. Thence S. 00°15'27" E., a distance of 44.22 feet along a line 13.00 feet west of and parallel with the west right-of-way line of S. Broadway (September, 2009) which was established as being 50 feet west of and parallel with the east line of the N.W. 1/4 of section 27, to the south line of Lot 45.
5. Thence along the south line of said Lot 45, S. 89°33'33" W., a distance of 120.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Court: CO Denver County District Court 2nd JD

Judge: Brian R Whitney

File & Serve

Transaction ID: 35227137

Current Date: Jan 06, 2011

Case Number: 2010CV8768

Case Name: C&C OF DENVER and EMW FURNITURE CO et al

Court Authorizer: Brian R Whitney

/s/ Judge Brian R Whitney