




**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:** August 28, 2024

**ROW #:** 2021-DEDICATION-0000083 **SCHEDULE #:** Adjacent to 0222327017000

**TITLE:** This request is to dedicate a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by West 40<sup>th</sup> Avenue, North Fox Street, West 39<sup>th</sup> Avenue, & North Galapago 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 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, "3965 N Fox St."

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 Public Alley. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2021-DEDICATED-0000083-001) HERE.**

A map of the area to be dedicated is attached.

GB/TB/BVS

cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)  
City Councilperson, Darrell Watson District # 9  
Councilperson Aide, Bonnie Guillen  
Councilperson Aide, Darius Shelby  
Councilperson Aide, Lynn Lombard  
City Council Staff, Luke Palmisano  
Environmental Services, Andrew Ross  
DOTI, Manager's Office, Alba Castro  
DOTI, Manager's Office, Alaina McWhorter  
DOTI, Director, Right-of-Way Services, Glen Blackburn  
Department of Law, Johna Varty  
Department of Law, Martin Plate  
Department of Law, Kwali Farbes  
Department of Law, Ivone Avila-Ponce  
Department of Law, Katherine Ehlers  
Department of Law, Mar'quasa Maes  
DOTI Survey, Thomas Breitnauer  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder DES # 2021-DEDICATION-0000083

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services  
201 W. Colfax Ave. | Denver, CO 80215  
[www.denvergov.org/doti](http://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](mailto:MileHighOrdinance@DenverGov.org) by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: August 28, 2024

Please mark one:  Bill Request or  Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

Yes  No

## 1. Type of Request:

Contract/Grant Agreement  Intergovernmental Agreement (IGA)  Rezoning/Text Amendment

Dedication/Vacation  Appropriation/Supplemental  DRMC Change

Other:

2. **Title:** Dedicate a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by West 40th Avenue, North Fox Street, West 39th Avenue, & North Galapago 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: Beverly Van Slyke  | Name: Alaina McWhorter  |
| Email: <a href="mailto:Beverly.VanSlyke@Denvergov.org">Beverly.VanSlyke@Denvergov.org</a>    | Email: <a href="mailto:Alaina.McWhorter@denvergov.org">Alaina.McWhorter@denvergov.org</a> |

5. **General description or background of proposed request. Attach executive summary if more space needed:**  
Proposing to build a multi-family structure on vacant land. The developer was asked to dedicate a parcel of land as Public Alley.

6. **City Attorney assigned to this request (if applicable):**

7. **City Council District:** Darrell Watson, District #9

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<br/>(A)</i> | <i>Additional Funds<br/>(B)</i> | <i>Total Contract Amount<br/>(A+B)</i> |
|--|---------------------------------|--|
|  |                                 |  |
| <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:** 2021-DEDICATION-0000083

**Description of Proposed Project:** Proposing to build a multi-family structure on vacant land. The developer was asked to dedicate a parcel of land as 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 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 Public Alley, as part of the development project called, "3965 N Fox St."

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

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



### Legend

- Streets
- Alleys
- ▭ County Boundary
- ▭ Parcels
- ▭ Lots/Blocks

289 0 144.5 289 Feet

**PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000083-001:**

**LAND DESCRIPTION - ALLEY PARCEL:**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 18TH DAY OF AUGUST, 2021, AT RECEPTION NUMBER 2021156925 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND SITUATE IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; BEING ALL OF THE EASTERLY HALF OF THE 16' ALLEY VACATED BY ORDINANCE NO. 400 SERIES 1978, LYING ADJACENT TO LOTS 20 THROUGH 30, EXCEPT FOR THE SOUTHERLY 11.00 FEET OF LOT 20, BLOCK 38, VIADUCT ADDITION TO DENVER, AND THE WESTERLY 2.00 FEET OF LOTS 20 THROUGH 30, EXCEPT FOR THE SOUTHERLY 11.00 FEET OF LOT 20, BLOCK 38, VIADUCT ADDITION TO DENVER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID VACATED 16' ALLEY, WHENCE A FOUND AXLE IN RANGE BOX, ACCEPTED AS THE RANGE LINE FOR THE INTERSECTION OF W. 39<sup>TH</sup> AVE AND GALAPAGO STREET, BEARS S26°11'26"W, 439.31 FEET;

THENCE S89°54'38"E, 10.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 30, BEING 2.00 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 30;

THENCE ALONG A LINE PARALLEL WITH AND 2.00 FEET EAST OF THE WEST LINE OF SAID LOTS 20 THROUGH 30, S00°10'22"W, 263.95 FEET;

THENCE N89°52'02"W, 10.00 FEET TO A POINT IN THE CENTER OF SAID VACATED 16' ALLEY;

THENCE ALONG THE CENTERLINE OF SAID VACATED 16' ALLEY, N00°10'22"E, 263.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,639 SQUARE FEET OR 0.061 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE 20' RANGE LINE ALONG WEST 39TH AVE. BETWEEN SOUTH GALAPAGO STREET AND ELATI STREET., BEING S89°48'47"E USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AS MONUMENTED ON THE WEST AT S. GALAPAGO STREET BY A FOUND AXLE IN RANGE BOX. AND AS MONUMENTED ON THE EAST AT ELATI STREET BY A FOUND ILLEGIBLE 3.25 INCH ALUMINUM CAP IN RANGE BOX.

After recording, return to:  
Division of Real Estate  
City and County of Denver  
201 West Colfax Avenue, Dept. 1010  
Denver, Colorado 80202  
**Project Description: 2021-Dedication-0000083**  
**Asset Mgmt No.: 21-118**



**2021156925**  
Page: 1 of 4  
D \$0.00

### SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** (“Deed”), made as of this 12 day of August, 2021, by **HOUSING AUTHORITY OF THE CITY AND COUNTY OF DENVER COLORADO, A PUBLIC BODY CORPORATE AND POLITIC**, whose address is 1055 Osage Street, Denver, Colorado 80204 (“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.





2021-PROJMSTR-0000261-ROW

**EXHIBIT A  
LAND DESCRIPTION**

A PARCEL OF LAND SITUATE IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; BEING ALL OF THE EASTERLY HALF OF THE 16' ALLEY VACATED BY ORDINANCE NO. 400 SERIES 1978, LYING ADJACENT TO LOTS 20 THROUGH 30, EXCEPT FOR THE SOUTHERLY 11.00 FEET OF LOT 20, BLOCK 38, VIADUCT ADDITION TO DENVER, AND THE WESTERLY 2.00 FEET OF LOTS 20 THROUGH 30, EXCEPT FOR THE SOUTHERLY 11.00 FEET OF LOT 20, BLOCK 38, VIADUCT ADDITION TO DENVER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID VACATED 16' ALLEY, WHENCE A FOUND AXLE IN RANGE BOX, ACCEPTED AS THE RANGE LINE FOR THE INTERSECTION OF W. 39<sup>TH</sup> AVE AND GALAPAGO STREET, BEARS S26°11'26"W, 439.31 FEET;

THENCE S89°54'38"E, 10.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 30, BEING 2.00 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 30;

THENCE ALONG A LINE PARALLEL WITH AND 2.00 FEET EAST OF THE WEST LINE OF SAID LOTS 20 THROUGH 30, S00°10'22"W, 263.95 FEET;

THENCE N89°52'02"W, 10.00 FEET TO A POINT IN THE CENTER OF SAID VACATED 16' ALLEY;

THENCE ALONG THE CENTERLINE OF SAID VACATED 16' ALLEY, N00°10'22"E, 263.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,639 SQUARE FEET OR 0.061 ACRES, MORE OR LESS.

**BASIS OF BEARINGS:** BEARINGS USED HEREIN ARE BASED ON THE 20' RANGE LINE ALONG WEST 39TH AVE. BETWEEN SOUTH GALAPAGO STREET AND ELATI STREET., BEING S89°48'47"E USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AS MONUMENTED ON THE WEST AT S. GALAPAGO STREET BY A FOUND AXLE IN RANGE BOX. AND AS MONUMENTED ON THE EAST AT ELATI STREET BY A FOUND ILLEGIBLE 3.25 INCH ALUMINUM CAP IN RANGE BOX.

**LAND DESCRIPTION STATEMENT:**

I, DOUGLAS H. ORT III, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

DOUGLAS H. ORT III, COLORADO PLS 37066  
WILSON & COMPANY  
1675 BROADWAY, SUITE 200  
DENVER, CO 80202  
DHORTIII@WILSONCO.COM  
PH 303-501-1221  
FAX 303-297-2693

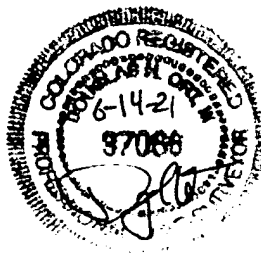
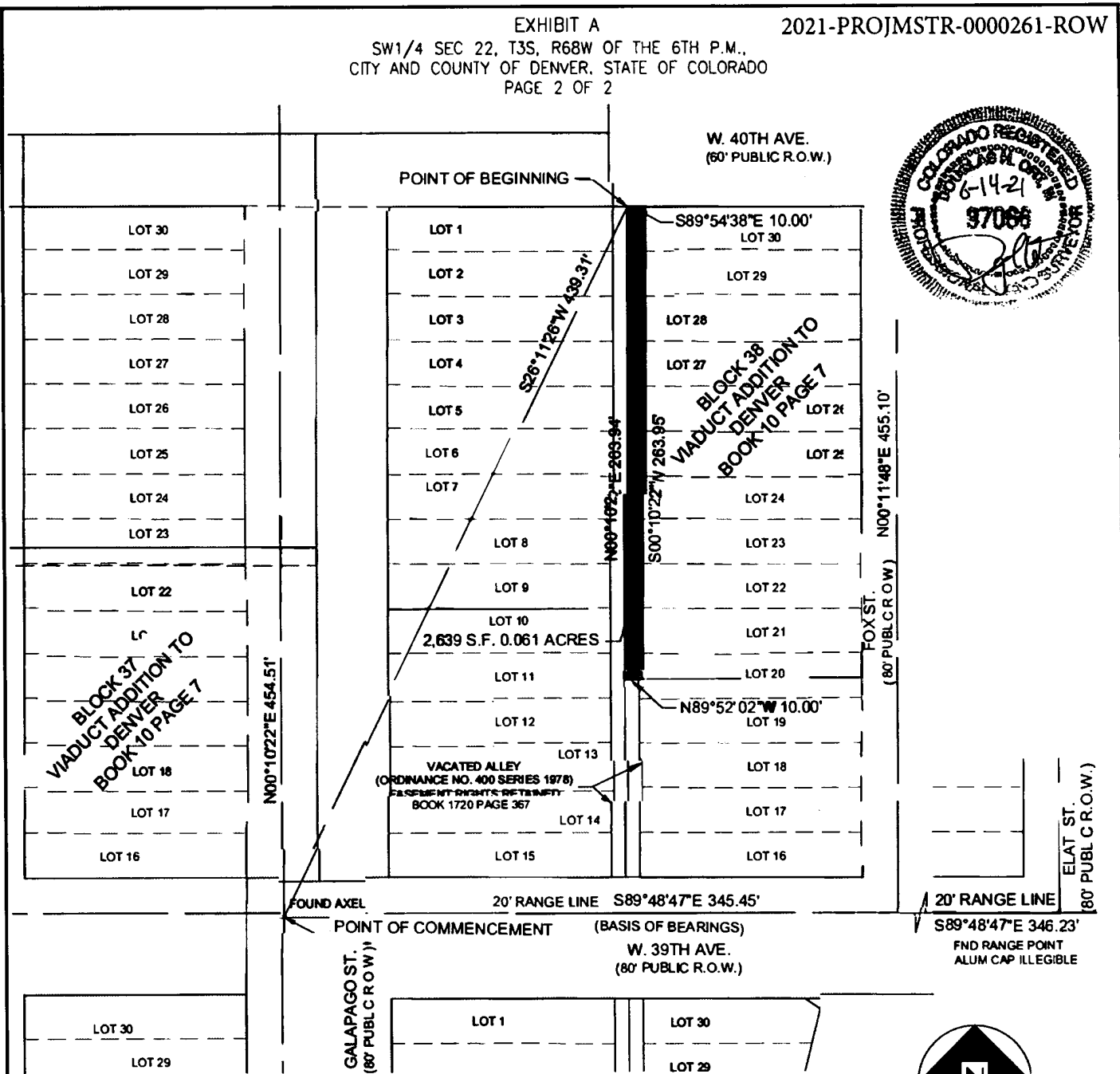


EXHIBIT A  
 SW1/4 SEC 22, T3S, R68W OF THE 6TH P.M.,  
 CITY AND COUNTY OF DENVER, STATE OF COLORADO  
 PAGE 2 OF 2

2021-PROJMSTR-0000261-ROW

W. 40TH AVE.  
 (60' PUBLIC R.O.W.)



BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE 20' RANGE LINE ALONG WEST 39TH AVE. BETWEEN SOUTH GALAPAGO STREET AND ELATI STREET., BEING S89°48'47"E USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AS MONUMENTED ON THE WEST AT S. GALAPAGO STREET BY A FOUND AXLE IN RANGE BOX. AND AS MONUMENTED ON THE EAST AT ELATI STREET BY A FOUND ILLEGIBLE 3.25 INCH ALUMINUM CAP IN RANGE BOX.



SCALE: 1" = 80'  
 (US SURVEY FEET)  
 19-600-412-08

NOTE:  
 THIS DRAWING IS MEANT TO DEPICT THE ATTACHED LEGAL DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

|    |                      |    |      |      |                    |                    |   |
|----|----------------------|----|------|------|--------------------|--------------------|---|
|    |                      |    |      |      | SHT NO:<br>2 OF 2  |                    | 1675 Broadway Suite 200<br>Denver, CO 80202<br>Phone: 303-297-2976<br>Fax: 303-297-2693 |
|    |                      |    |      |      | SCALE:<br>1" = 80' |                    |   |
|    |                      |    |      |      | DWN BY:<br>TJB     | DATE:<br>4-29-2021 |   |
|    |                      |    |      |      | CHK BY:            |                    |   |
|    |                      |    |      |      | PROJ MGR:<br>DHO   | 4-29-2021          |   |
| NO | REVISION DESCRIPTION | BY | DATE | CHKD | APPD               | CLIENT APP         | 3965 N. FOX STREET<br>DENVER CO 80216<br>CITY AND COUNTY OF DENVER<br>STATE OF COLORADO |