



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt Bryner, P.E. Senior Engineering Manager
Right-of-Way Services

DATE: November 20, 2017

ROW #: 2017-Dedication-00000136 **SCHEDULE #:** 0515104033000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Located at the intersection of E. Alameda and S. Pennsylvania 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 Public Alley. 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 Penn Lofts**)

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 # (2017-Dedication-0000136-001) HERE.

A map of the area to be dedicated is attached.

MB/KL/BV

cc: Asset Management, Robert Koehler
City Councilperson & Aides, Jolon Clark District # 7
Council Aide Maggie Thompson
Council Aide Anita Banuelos
City Council Staff, Zach Rothmier
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Angela Casias
Public Works, Right-of-Way Engineering Services, Matt Bryner
Department of Law, Brent Eisen
Department of Law, Shaun Sullivan
Department of Law, Caroline Martin
Department of Law, Stan Lechman
Department of Law, Cynthia Devereaux
Public Works Survey, Keith Luttrell
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2017-Dedication-0000136

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm on Monday**.

All fields must be completed.

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: November 20, 2017

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. Title: (Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: **grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.**)

This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Located at the intersection of E. Alameda and S. Pennsylvania St.

3. Requesting Agency: Public Works-Right-of-Way Services
Agency Division: Survey

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

- **Name:** Barbara Valdez
- **Phone:** 720-865-3153
- **Email:** Barbara.valdez@denvergov.org

5. Contact Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

- **Name:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@denvergov.org

6. General description/background of proposed ordinance including contract scope of work if applicable:

Request for a Resolution for laying out, opening and establishing certain real property as part of the system of thoroughfares of the municipality; i.e. as Public Alley. 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 Penn Lofts**)

****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:** E. Alameda and S. Pennsylvania St.
- d. **Affected Council District:** Jolon Clark Dist. #7
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2017-Dedication-0000136, South Penn Lofts

Description of Proposed Project: Dedicate a parcel of public right of way 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 dedicate as Public Right of Way

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

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

Will land be dedicated to the City if the vacation goes through: N/A

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

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

Additional information: This land was deeded to the City and County of Denver for the purpose to dedicate it as Public Right-of-Way, as a part of a development project called, South Penn Lofts



Legend

- Public Schools
- Non-Public Schools
- Streams
- Buildings
- Streets
- Alleys
- Railroads
 - + Main
 - + Yard
 - + Spur
 - + Siding
 - + Interchange track
 - + Other
- Bridges
- Rail Transit Stations
 - Existing
 - Planned
- ▲ Park-N-Ride Locations
- Lakes
- County Boundary
- Parcels
- Lots/Blocks
- Parks
 - All Other Parks; Linear
 - Mountain Parks



PW Legal Description No. 2017-Dedication-0000136-001

Land Description:

A parcel of land described in deed recorded 11/14/2017 at Reception Number 2017149395 in the records of the City and County of Denver and being described as follows:

A parcel of land located in the Northeast $\frac{1}{4}$ of Section 15, Township 4 South, Range 68 West of the 6th P.M. Being the West 1.0 foot of Lots 45 and 46, Block 103, Byers East Subdivision, City and County of Denver, State of Colorado.



City & County of Denver

R \$0.00

WD

2017149395

Page: 1 of 4

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

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this 14 day of NOVEMBER, 2017, by 311 S Pennsylvania St, LLC, a Colorado limited liability company, whose address is 2899 N. Speer Blvd. Suite 102, Denver, CO 80211 ("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.

Asset Mgmt. #: 17-113

Asset Management: Date: 11/14/17

Approved: [Signature]

Project Description: SWP

311 S Pennsylvania St LLC

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

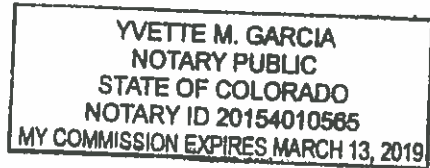
ATTEST:

311 S Pennsylvania St, LLC, a Colorado Limited Liability Company

By: [Signature]

Name: DAVID L. BERTON

Its: Manager



STATE OF CO)
) ss.
COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 14 day of November, 2017 by David L. Berton, as manager of 311 S Pennsylvania St, LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.

My commission expires: March 13, 2019

Yvette M. Garcia
Notary Public

EXHIBIT A

Page 1 of 2

Land Description:

A parcel of land located in the Northeast $\frac{1}{4}$ of Section 15, Township 4 South, Range 68 West of the 6th P.M. Being the West 1.0 foot of Lots 45 and 46, Block 103, Byers East Subdivision, City and County of Denver, State of Colorado.



Prepared By:
Altitude Land Consultants, Inc
Karl W. Franklin, PE-PLS-EXW
Colorado PLS 37969

Date: 08/28/17
Job No. 16-140

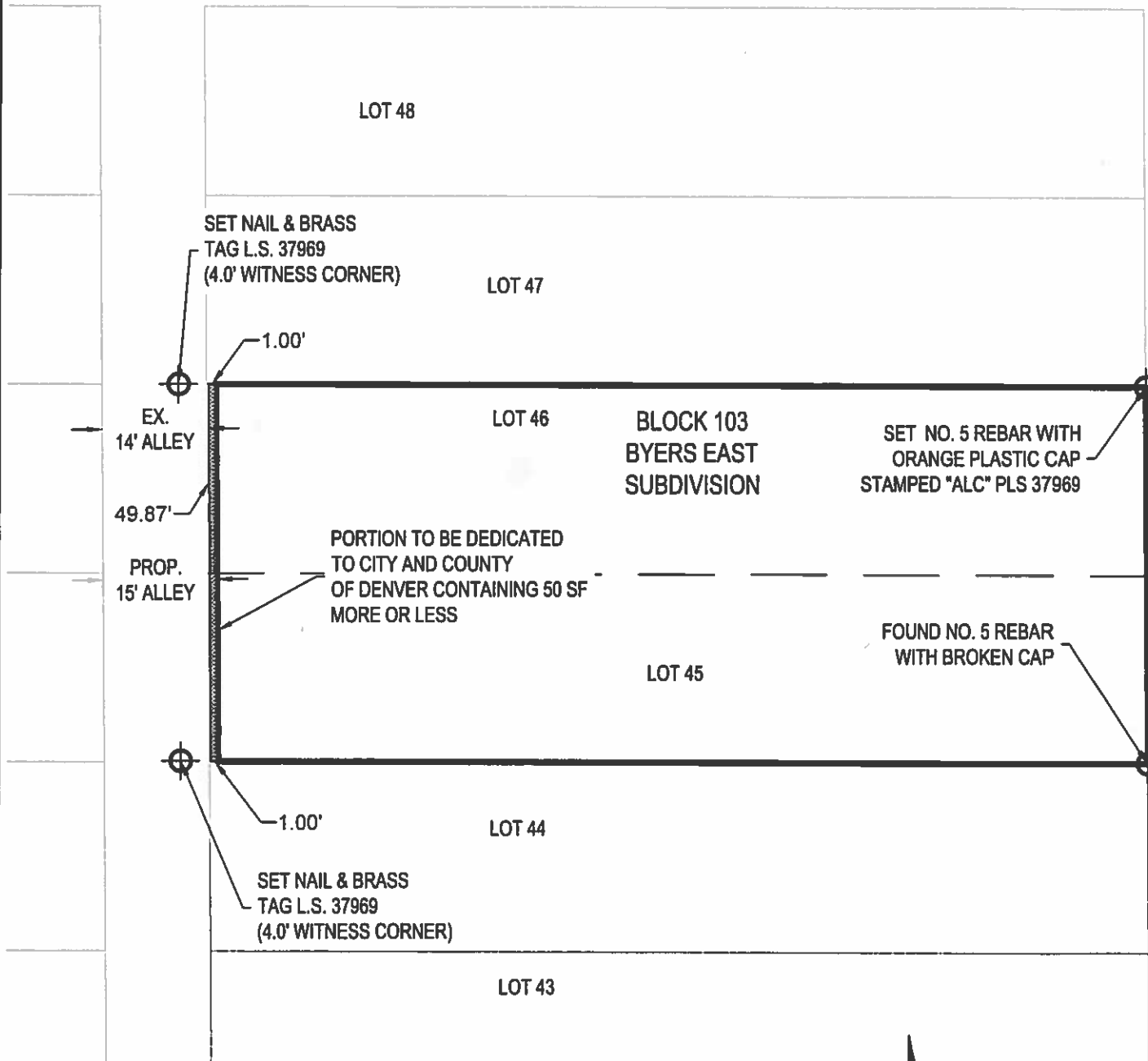
3461 Ringsby Ct, Suite 125
Denver, CO 80216

2727 N. Cascade, #160
Colorado Springs, CO 80907

info@altitudelandco.com
AltitudeLandCo.com

EXHIBIT A

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NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.



SCALE 1"=20'



Date: 08/28/17
Job No. 16-140



3461 Ringsby Ct, Suite 125
Denver, CO 80216

201 E. Las Animas, #113
Colorado Springs, CO 80903

info@altitudelandco.com
AltitudeLandCo.com



11/14/2017 03:56 PM
City & County of Denver

R \$0.00

PRDT

2017149394

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D \$0.00

Returned Orig. to:
COLLEGIATE PEAKS BANK
COLORADO BOULEVARD
885 S. COLO. BLVD.
DENVER, CO 80248-2905

Asset Mgmt #: 17-114

REQUEST FOR FULL PARTIAL RELEASE OF DEED OF TRUST AND RELEASE BY HOLDER OF THE EVIDENCE OF DEBT WITHOUT PRODUCTION OF EVIDENCE OF DEBT PURSUANT TO § 38-39-102(1)(a) AND (3), COLORADO REVISED STATUTES

November 06, 2017 Date
311 S Pennsylvania St LLC, a Colorado Limited Liability Company Original Grantor (Borrower)
6279 W. 38th Ave., Unit 9 Current Address of Original Grantor, Assuming Party or Current Owner
Wheat Ridge, CO 80033
 Check here if current address is unknown
Collegiate Peaks Bank Original Beneficiary (Lender)
Loan No. 570162001
May 23, 2016 Date of Deed of Trust
May 24, 2016 Date of Recording and/or Re-Recording of Deed of Trust
2016067670 Recording Information
County Reception No and or Film No and or Book/Page No and or Tract/Reg No

TO THE PUBLIC TRUSTEE OF Denver COUNTY (The County of the Public Trustee who is the appropriate grantee to whom the above Deed of Trust should grant an interest in the property described in the Deed of Trust)
PLEASE EXECUTE AND RECORD A RELEASE OF THE DEED OF TRUST DESCRIBED ABOVE. The indebtedness secured by the Deed of Trust has been fully or partially paid and or the purpose of the Deed of Trust has been fully or partially satisfied in regard to the property encumbered by the Deed of Trust as described therein as to a full release or, in the event of a partial release, only that portion of the real property described as: A parcel of land located in the Northeast 1/4 of Section 15, Township 4 South, Range 68 West of the 6th P.M. Being the West 1.0 foot of Lots 45 and 46, Block 103, Byers East Subdivision, City and County of Denver, State of Colorado.

(IF NO LEGAL DESCRIPTION IS LISTED THIS WILL BE DEEMED A FULL RELEASE)
Pursuant to § 38-39-102(3), C.R.S., in support of this Request for Release of Deed of Trust, the undersigned, as the holder of the evidence of debt secured by the Deed of Trust described above, or as a title insurance company authorized to request the release of a Deed of Trust pursuant to § 38-39-102(3)(c) C.R.S., in lieu of the production or exhibition of the original evidence of debt with this Request for Release certifies as follows:

- 1 The purpose of the Deed of Trust has been fully or partially satisfied
- 2 The original evidence of debt is not being exhibited or produced herewith
- 3 It is one of the following entities (check applicable box)
 - a The holder of the original evidence of debt that is a qualified holder as specified in § 38-39-102(3)(a), C.R.S., that agrees that it is obligated to indemnify the Public Trustee for any and all damages, costs, liabilities, and reasonable attorney fees incurred as a result of the action of the Public Trustee taken in accordance with this Request for Release.
 - b The holder of the evidence of debt requesting the release of a Deed of Trust without producing or exhibiting the original evidence of debt that delivers to the Public Trustee a corporate surety bond as specified in § 38-39-102(3)(b), C.R.S., or
 - c A title insurance company licensed and qualified in Colorado, as specified in § 38-39-102(3)(c), C.R.S., that agrees that it is obligated to indemnify the Public Trustee pursuant to statute as a result of the action of the Public Trustee taken in accordance with this Request for Release and that has caused the indebtedness secured by the Deed of Trust to be satisfied in full, or in the case of a partial release, to the extent required by the holder of the indebtedness

Collegiate Peaks Bank, PO Box 1226, Salida, CO 81201

Name and Address of the Current Holder of the Evidence of Debt Secured by Deed of Trust (Lender) or Name and Address of the Title Insurance Company Authorized to Request the Release of a Deed of Trust

Stacey Deuel, Executive Vice President-Lending, 885 South Colorado Blvd., Denver, CO 80246

Name, Title, and Address of Officer, Agent, or Attorney of the Holder

Signature: *[Signature]*
State of Colorado County of Denver

The foregoing Request for Release was acknowledged before me on November 6, 2017 (date), by Stacey Deuel, Executive Vice President-Lending, Collegiate Peaks Bank

6/24/19 Date Commission Expires
*If applicable, insert title of officer and name of current holder

TOY HENDRICKS
Notary Public
State of Colorado
Witness my hand and seal this 6th day of November, 2017
Notary ID 19934013758
My Commission Expires Jun 24, 2019
[Signature]
Notary Public

RELEASE OF DEED OF TRUST

WHEREAS, the Grantor(s) named above, by Deed of Trust, granted certain real property described in the Deed of Trust to the Public Trustee of the County referenced above, in the State of Colorado, to be held in trust to secure the payment of the indebtedness referred to therein, and

WHEREAS, the indebtedness secured by the Deed of Trust has been fully or partially paid and or the purpose of the Deed of Trust has been fully or partially satisfied according to the written request of the holder of the evidence of debt or Title Insurance Company authorized to request the release of the Deed of Trust,

NOW THEREFORE, in consideration of the premises and the payment of the statutory sum, receipt of which is hereby acknowledged, the Public Trustee in the County named above do hereby fully and absolutely release, cancel and forever discharge the grantor or that portion of the real property described above in the Deed of Trust, together with all interests therein, hereto belonging:



DEPUTY PUBLIC TRUSTEE
Debra Johnson
Public Trustee Date: 11.13.2017
[Signature]
Deputy Public Trustee Date: 11.13.2017

Approved: *[Signature]* Asset Manager Date: 11/14/17

Project Description: PKDT

311 S. Pennsylvania St. LLC