



## REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Matt Bryner, Senior Engineering Manager  
Right-of-Way Services

**DATE:** May 23, 2017

**ROW #:** 2016-DEDICATION-0000195      **SCHEDULE #:** 0231315038000

**TITLE:** This request is to dedicate a parcel of City owned property as Public Alley.  
Located at the alley bounded by Colfax, Xavier, W. 16<sup>th</sup> and Wolff 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 a Public Alley.

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 an alley. The land is described as follows:

**INSERT PARCEL DESCRIPTION ROW # (2016-DEDICATION-0000195-001) HERE.**

A map of the area to be dedicated is attached.

MB/JS/BLV

cc: Asset Management, Robert Koehler  
City Councilperson & Aides, Rafael Espinoza District # 1  
Council Aide Gina Volpe  
Council Aide Amanda Sandoval  
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, Stan Lechman  
Department of Law, Shaun Sullivan  
Department of Law, Caroline Martin  
Department of Law, Cynthia Devereaux  
Public Works Survey, Jon Spirk  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder: 2016-Dedication-0000055

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias  
at [angela.casias@DenverGov.org](mailto: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: May 23, 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 alley bounded by Colfax, Xavier, W. 16<sup>th</sup>, and Wolff St.

**3. Requesting Agency:** Public Works – Right-of-Way Services / 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 a 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 project development project **(1516 N Xavier Street Townhomes)**.

**\*\*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:** Alley bounded by Colfax, Xavier, W. 16<sup>th</sup>, and Wolff St.
- d. **Affected Council District:** Rafael Espinoza Dist. 1
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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: \_\_\_\_\_



**DENVER**  
THE MILE HIGH CITY

## EXECUTIVE SUMMARY

**Project Title: 2016-DEDICATION-0000195, 1516 N Xavier Street Townhomes**

**Description of Proposed Project: Dedicate a parcel for right-of-way as a 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**

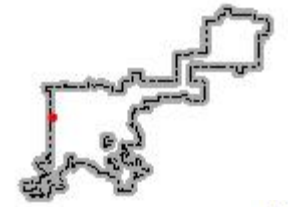
**Will an easement be placed over a vacated area, and if so explain: N/A**

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

**Additional information: The land was deeded ot the City and County of Denver for the purpose to dedicate it as an alley for Public Right-of-Way, as part of a development project called 1516 N Xavier Street Townhomes.**

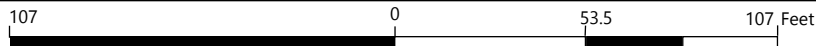
A parcel of land conveyed by Warranty Deed to the City and County of Denver, recorded on the 20th day of December, 2016, at Reception No. 2016177953 in the City and County of Denver Clerk and Recorder's Office, State of Colorado, being more particularly described as follows:

THE EAST 2 FEET OF LOTS 14 THRU 18 INCLUSIVE, BLOCK 11, TABOR & KINDEL'S SUBDIVISION OF BLOCKS 10 & 11, SLOAN LAKE SUBDIVISION, CITY & COUNTY OF DENVER, STATE OF COLORADO, CONTAINING AN AREA OF 250 SQ. FT., +/-.



### Legend

- Benchmarks
- Range Points
- Active Addresses
  - Associated
  - Land
  - Structure
  - Utility
- Streams
- Irrigation Ditches Reconstructe  
Gardeners)
- Irrigation Ditches
- Streets
- Alleys
- Railroads
  - + Main
  - + Yard
  - + Spur
  - + Siding
  - + Interchange track
  - + Other
- Bridges
- Rail Transit Stations
  - Existing
  - Planned
- ▲ Park-N-Ride Locations
- Lakes
- County Boundary
- Parcels
- Parks
  - All Other Parks; Linear
  - Mountain Parks



WARRANTY DEED

THIS DEED, dated DECEMBER 10, 2010, is between Xavier Suites, LLC, a Colorado limited liability company ("Grantor"), and the City and County of Denver, a home rule city and municipal corporation of the State of Colorado ("Grantee"), whose address is 1437 Bannock Street, Denver, CO 80202.

WITNESS, that the 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 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:

EXHIBIT "A" attached hereto and incorporated herein

Assessor's schedule or parcel number: Vacant Land  
Address: Vacant Land

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 sealing 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 whatsoever, except for all matters of record.

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, except for all matters of record.

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

Xavier Suites, LLC, a Colorado limited liability company

By: [Signature]

Title: manager

STATE OF COLORADO

COUNTY OF DENVER

The foregoing instrument was acknowledged before me this day 10 of DECEMBER, 2010 by IAN HALBERG as MANAGER of Xavier Suites, LLC, a Colorado limited liability company.

Witness my hand and official seal.  
My commission expires: 12/24/2019

[Signature]  
Notary Public

JENICA CARLOS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID # 20154049063  
MY COMMISSION EXPIRES DECEMBER 24, 2019

Name and Address of Person Creating Newly Created Legal Description (§38-35-106 5, C.R.S.)

212-91  
Asset Mgmt. #:  
Approved  
Asset Management LLC  
Date: 12-22-10  
R/C

WD  
Xavier Suites, LLC

12/20/2016 11:38 AM  
City & County of Denver  
R \$0.00  
WD  
D \$0.00  
2016177953  
Page: 1 of 3

**"DESCRIPTION"**

RIGHT-OF-WAY ACQUISITION  
OF A PORTION OF

TABOR & KINDEL'S SUBDIVISION OF BLOCKS 10 & 11  
SLOAN LAKE SUBDIVISION  
SITUATE

IN THE SW 1/4 OF SECTION 31, T.3.S, R.68.W. OF THE SIXTH P.M.  
CITY & COUNTY OF DENVER, STATE OF COLORADO

**PROPERTY DESCRIPTION:**

THE EAST 2 FEET OF LOTS 14 THRU 18 INCLUSIVE, BLOCK 11, TABOR & KINDEL'S SUBDIVISION OF  
BLOCKS 10 & 11, SLOAN LAKE SUBDIVISION, CITY & COUNTY OF DENVER, STATE OF COLORADO,  
CONTAINING AN AREA OF 250 SQ. FT., +/-

**NOTES:**

**RECORD INFORMATION:** THE FORE STATED DESCRIPTION IS BASED UPON 08 DECEMBER 2015  
"IMPROVEMENT SURVEY PLAT" OF THE SUBJECT PROPERTY BY TRISTATE SURVEYING, INC.

**BASIS OF BEARINGS:** AN ASSUMED BEARING OF N00°11'15"E FOR THE RANGE LINE 29.24 FEET  
EAST OF THE EAST LINE OF THE SUBJECT PROPERTY BLOCK.

**SURVEYOR'S STATEMENT:**

I, BRADLEY D. PETERSON, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF  
COLORADO, DO HEREBY STATE THAT THIS DESCRIPTION AND THE SURVEY OF RECORD ON WHICH IT  
IS BASED WERE GENERATED BY ME AND ARE CORRECT TO THE BEST OF MY PROFESSIONAL  
KNOWLEDGE, BELIEF AND OPINION.

*Bradley D. Peterson*  
BRADLEY D. PETERSON, P.L.S. NO. 28660  
FOR & ON BEHALF OF TRISTATE SURVEYING, INC.  
26 Oct 16  
DATE

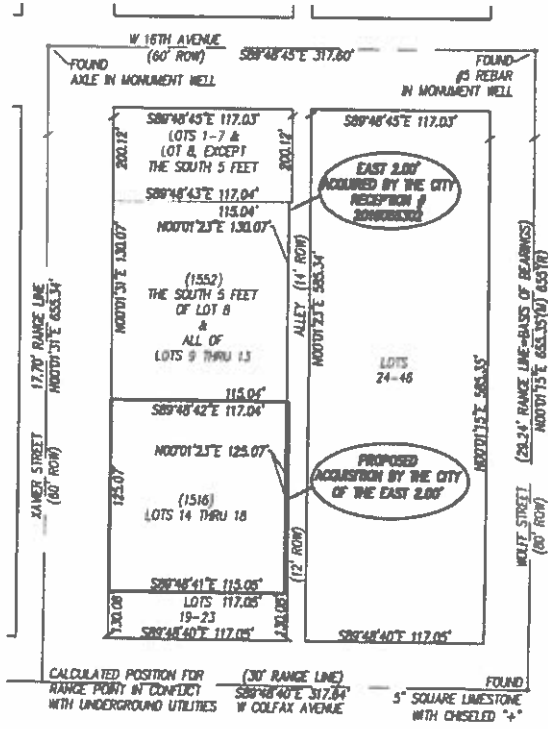
**TRISTATE SURVEYING, INC.**  
Bradley D. Peterson, PLS  
7371 S. DELAWARE STREET  
LITTLETON, CO 80120  
PH: 303-995-9077  
FX: 303-703-3830  
brad@tristatesurveying.com

NOTICE 13-80-105(3)(a) ACCORDING TO COLORADO LAW YOU MUST  
COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY  
WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT IN NO EVENT  
MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED  
MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON

DRAWN BY:	BDP	DATE:	12 SEPT 16
CHECKED BY:	JLT	DRAWING NO.:	201412_DESC_2
JOB NO.:	201412	SHEET:	2 OF 2

**EXHIBIT**

RIGHT-OF-WAY ACQUISITION  
 OF A PORTION OF  
 TABOR & KIRDELS SUBDIVISION OF BLOCKS 10 & 11  
 SLOAN LAKE SUBDIVISION  
 SITUATE  
 IN THE SW 1/4 OF SECTION 31, T.3S., R.68 W OF THE SIXTH P.M.  
 CITY & COUNTY OF DENVER, STATE OF COLORADO



SCALE: 1"=100'

**NOTES:**

CALCULATED POSITION FOR RANGE POINT IN CONFLICT WITH UNDERGROUND UTILITIES (30' RANGE LINE) S89°48'40"E 317.84' W COLFAX AVENUE FOUND 5" SQUARE LIMESTONE WITH CHISELED "+"

**RECORD INFORMATION:** THE EXHIBIT AS SHOWN HEREON IS BASED UPON AN 08 DECEMBER 2015 "IMPROVEMENT SURVEY PLAT" OF THE SUBJECT PROPERTY BY TRISTATE SURVEYING, INC.

**BASIS OF BEARINGS:** AN ASSUMED BEARING OF N00°01'15"E FOR THE RANGE LINE 29.24 FEET EAST OF THE EAST LINE OF THE SUBJECT PROPERTY BLOCK, MONUMENTED AS SHOWN HEREON.

**SURVEYORS STATEMENT**

I, BRADLEY D. PETERSON, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT AND THE SURVEY OF RECORD ON WHICH IT IS BASED WERE GENERATED BY ME AND ARE CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND OPINION.

*Bradley D. Peterson*  
 BRADLEY D. PETERSON, P.L.S., NO. 28660  
 FOR & ON BEHALF OF TRISTATE SURVEYING, INC.  
 26 Dec 16  
 DATE

NOTICE 13-BQ-105(3)(a). ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON

**TRISTATE SURVEYING, INC.**  
 Bradley D. Peterson, PLS

7371 S. DELAWARE STREET  
 LITTLETON, CO 80120  
 303-995-9077  
 303-703-2850  
 trada@tristatesurveying.com

DRAWN BY: BDP	DATE: 12 SEPT 16
CHECKED BY: J.T	DRAWING NO.: 201412_EXH_2
DWG NO.: 201412	SHEET: 1 OF 2