



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

**TO:** Stan Lechman, City Attorney's Office

**FROM:** Robert J. Duncanson P.E., Engineering Manager II  
Right-of-Way Services

**DATE:** October 1, 2015

**ROW #:** 2014-Dedication-0059606      **SCHEDULE #:** 0229204059000

**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as both W. 38<sup>th</sup> Ave., and Lowell Blvd. Located at the intersection of W. 38<sup>th</sup> and Lowell Blvd.

**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 both W. 38<sup>th</sup> Ave. and Lowell Blvd. 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 (38<sup>th</sup> and Lowell Alexan)

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 both W. 38<sup>th</sup> Ave., and Lowell Blvd . The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2014-Dedication-0059606-001) HERE.**

A map of the area to be dedicated is attached.

RD/AG/BLV

cc: Asset Management, Steve Wirth  
City Councilperson & Aides, Rafael Espinoza District # 1  
Council Aide Rita Contreras  
Council Aide Amanda Sandoval  
City Council Staff, Shelley Smith  
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, Rob Duncanson  
Department of Law, Karen Aviles  
Department of Law, Brent Eisen  
Department of Law, Stan Lechman  
Department of Law, Adam Hernandez  
Department of Law, Angela Garcia  
Public Works Survey, Ali Gulaid  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder 2014-Dedication-0059606

## 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: October 1, 2015

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 both W. 38th Ave., and Lowell Blvd.  
Located at the intersection of W. 38th and Lowell Blvd.

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 both W. 38th Ave. and Lowell Blvd. 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 (38th and Lowell Alexan)

**\*\*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:** W. 38<sup>th</sup> and Lowell Blvd
- 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: \_\_\_\_\_



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2014-Dedication-0059606, 38<sup>th</sup> and Lowell Alexan**

**Description of Proposed Project: Dedicate a parcel of public right of way as both W. 38<sup>th</sup> Ave. and Lowell Blvd.**

**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, 38<sup>th</sup> and Lowell Alexan**

**DESCRIPTION:**

TWO PARCELS OF LAND BEING A PORTION OF LOTS 9 THROUGH 24, INCLUSIVE, BLOCK 36, SECOND FILING OF A PORTION OF HIGHLAND PARK, SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND CONVEYED BY A WARRANTY DEED TO THE CITY AND COUNTY OF DENVER RECORDED ON THE 24<sup>TH</sup> DAY OF MARCH 2015, AT RECEPTION NUMBER 2015036411 IN CITY AND COUNTY OF DENVER CLERK & RECORDER'S OFFICE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL 1:**

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 9;  
THENCE SOUTH 00°00'35" WEST ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 7.01 FEET;  
THENCE NORTH 87°33'21" WEST AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 36, A DISTANCE OF 390.56 FEET TO A POINT ON THE SOUTHEAST LINE OF THAT PARCEL FOR RIGHT OF WAY DESCRIBED IN BOOK 2016 AT PAGE 629;  
THENCE NORTH 51°39'15" EAST ALONG SAID SOUTHEAST LINE, A DISTANCE OF 10.72 FEET TO THE EAST CORNER OF SAID PARCEL AND A POINT ON THE NORTH LINE OF SAID BLOCK 36;  
THENCE SOUTH 87°33'21" EAST ALONG SAID NORTH LINE, A DISTANCE OF 382.15 FEET TO THE **POINT OF BEGINNING.**

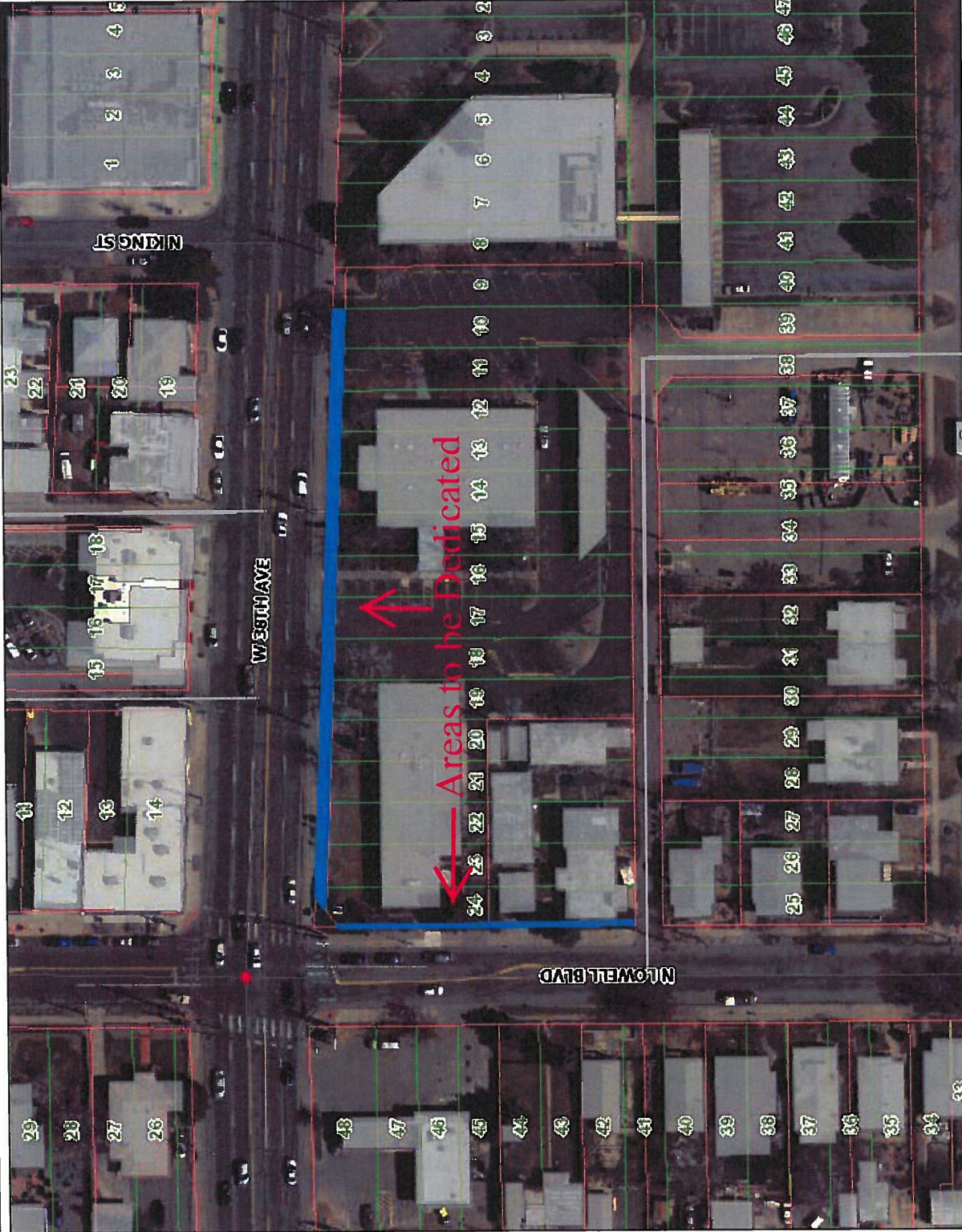
SAID PARCEL CONTAINS 2,704 SQUARE FEET, MORE OR LESS.

**PARCEL 2:**

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24;  
THENCE NORTH 00°01'51" EAST ALONG THE WEST LINE OF SAID LOT 24, A DISTANCE OF 178.19 TO THE SOUTH CORNER OF THAT PARCEL FOR RIGHT OF WAY DESCRIBED IN BOOK 2016 AT PAGE 629;  
THENCE NORTH 51°39'15" EAST ALONG THE SOUTHEAST LINE OF SAID PARCEL, A DISTANCE OF 2.55 FEET;  
THENCE SOUTH 00°01'51" WEST AND PARALLEL WITH THE WEST LINE OF SAID LOT 24, A DISTANCE OF 179.78 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 24;  
THENCE NORTH 89°59'05" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2.00 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 358 SQUARE FEET, MORE OR LESS.

# 38th and Lowell



- Legend**
- Streams
  - Irrigation Ditches Reconstruct
  - Gardens)
  - Irrigation Ditches
  - 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
  - Mountain Parks
  - All Other Parks



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The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including, but not limited to, the fitness for a particular use.

**THIS IS NOT A LEGAL DOCUMENT.**

1:1,381 Map Generated 9/30/2015

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City and County of Denver

# DESCRIPTION

Master Project No. 2014-0596-06  
DS Project No. 2014D00133-06-001

SITUATED IN THE NORTHWEST QUARTER OF SECTION 29,  
TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**DESCRIPTION:**

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SAID PARCEL CONTAINS 358 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF BLOCK 36, SECOND FILING OF A PORTION OF HIGHLAND PARK, ASSUMED TO BEAR SOUTH 87°33'21" EAST.



AARON MURPHY, PLS NO. 38162

FOR AND ON BEHALF OF  
HARRIS KOCHER SMITH

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

FILED IN: P:\38162\MURPHY\CONTR\JOB EDUCATION\JOB LAYOUT SHEET 1  
DATE: 8-1-14  
DRAWN BY: AWM  
CHECKED BY: AWM  
JOB NUM: 131205

ISSUE DATE: 8-1-14	
DATE	REVISION COMMENTS

RIGHT-OF-WAY  
DEDICATION

38TH & LOWELL  
DESCRIPTION

**HKS HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

CHK'D BY: AWM
DRAWN BY: AWM
JOB NUM: 131205
SHEET NO.
1
1 of 2



EXHIBIT "A"

# DESCRIPTION

Master Project No. 2014-0596-06  
DS Project No. 2014D00133-06-001

SITUATED IN THE NORTHWEST QUARTER OF SECTION 29,  
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FOR AND ON BEHALF OF  
HARRIS KOCHER SMITH

REVISIONS TO BE MADE TO THIS DRAWING WITHOUT THE PERMISSION OF HARRIS KOCHER SMITH

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT THE PERMISSION OF HARRIS KOCHER SMITH

DATE	REVISION COMMENTS
ISSUE DATE: 8-1-14	

RIGHT-OF-WAY  
DEDICATION

38TH & LOWELL  
DESCRIPTION

**HKS** HARRIS  
KOCHER  
SMITH  
1470 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocherSmith.com

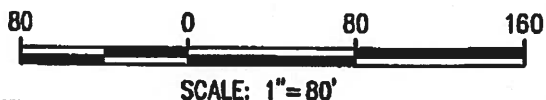
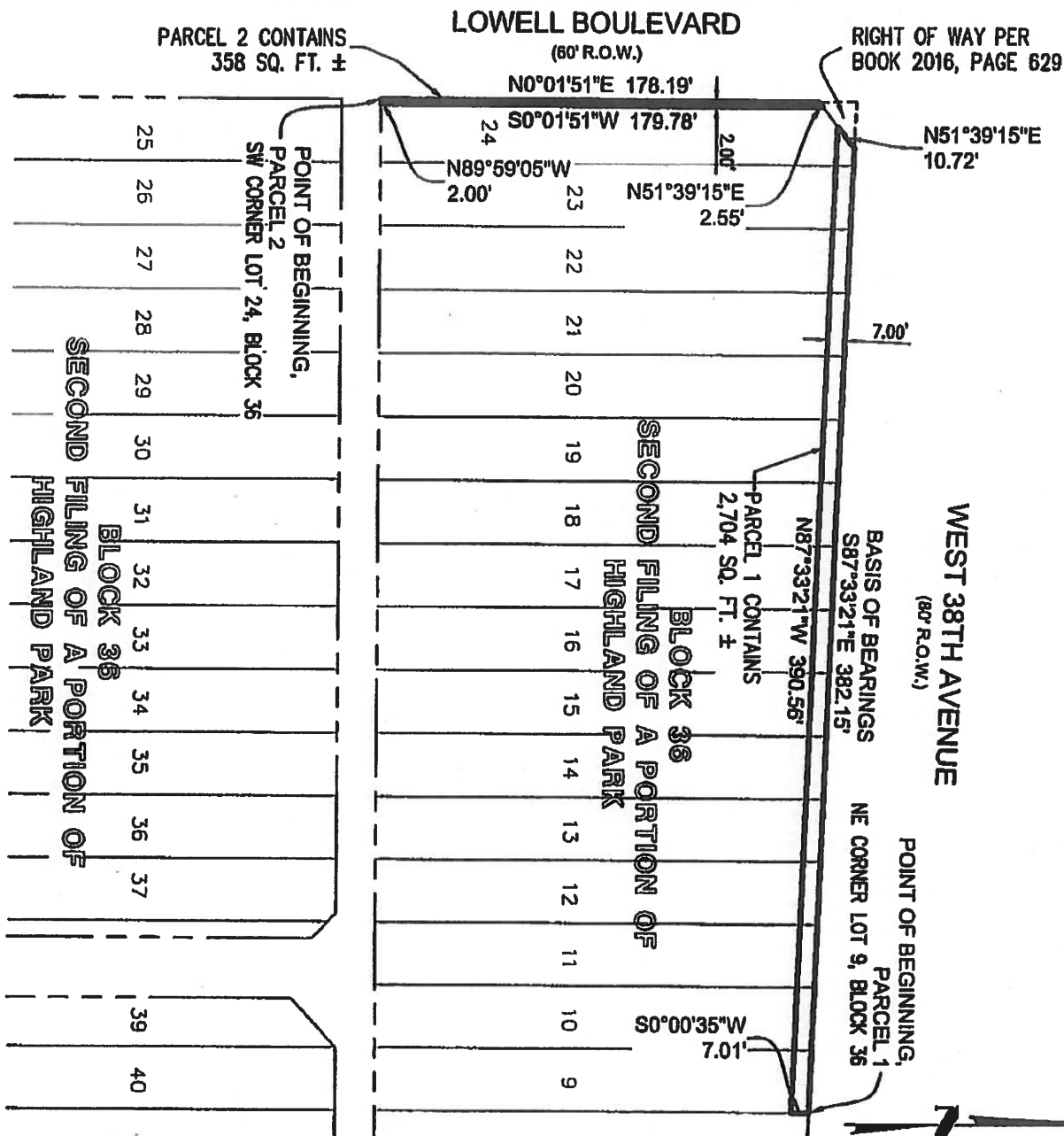
CREATED BY: AAMS	DATE: 8/1/14
DRAWN BY: AAMS	
JOB NAME: 631205	
1	
1 of 2	



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CITY AND COUNTY OF DENVER, STATE OF COLORADO.



**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.  
IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.  
NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

DATE: 8-1-14

DATE	REVISION COMMENTS

RIGHT-OF-WAY  
DEDICATION

38TH & LOWELL  
EXHIBIT

**HKS HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303-623-6300 F: 303-623-6311  
HarrisKocher@hks.com

CHKD BY: AWM  
DRAWN BY: AWM  
JOB NO: 131205

2



03/24/2015 01:22 PM R \$21.00 WD  
City & County of Denver

2015036411  
Page: 1 of 3  
D \$0.00

WARRANTY DEED

THIS DEED, dated March 19, 2015, is between Sonrisa Holding 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

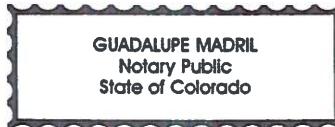
TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either 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 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 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.

Sonrisa Holding LLC  
By: [Signature]  
Title: Member



STATE OF Colorado  
COUNTY OF Denver

The foregoing instrument was acknowledged before me this day 19 of March, 2015 by Eugene R. Lucero as Member of Sonrisa Holding LLC.

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

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