

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

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

DATE: November 17, 2016

ROW #: 2016-Dedication-0000236 **SCHEDULE #:** Adjacent to 0221329030000

TITLE: This request is to dedicate City owned land as Public Alley.
Located in the alley bounded by Tejon St., Shoshone St., W. 40th Ave. and W. 41st Ave.

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.

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 Public Alley. The land is described as follows:

INSERT PARCEL DESCRIPTION ROW (2016-Dedication-0000236-001) HERE.

A map of the area to be dedicated is attached.

RD/BLV

c: Asset Management, Steve Wirth
City Councilperson & Aides, Rafael Espinoza District # 1
Council Aide Gina Volpe
Council Aide Amanda Sandoval
Council Aide Adriana Magana
Council Aide Jesus Orrantia
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, Rob Duncanson
Department of Law, Brent Eisen
Department of Law, Shaun Sullivan
Department of Law, Caroline Martin
Department of Law, Cindy Cooley
Public Works Survey, Ali Gulaid
Public Works Survey, Paul Rogalla

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 17, 2016

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 City owned land as Public Alley.
Located in the alley bounded by Tejon St., Shoshone St., W. 40th Ave. and W. 41st Ave.

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 Public Alley.

****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. 40th Ave. and Tejon St.
- d. **Affected Council District:** Dist.1 Rafael Espinoza
- 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: 2016-Dedication-0000236, Alley bounded by Tejon St., Shoshone St., W. 40th Ave. and W. 41st Ave.

Description of Proposed Project: This request is to dedicate a City owned land as Public Alley.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Dedicating City owned land to Public Right of Way, from the vacant parcel program approved through City Council.

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

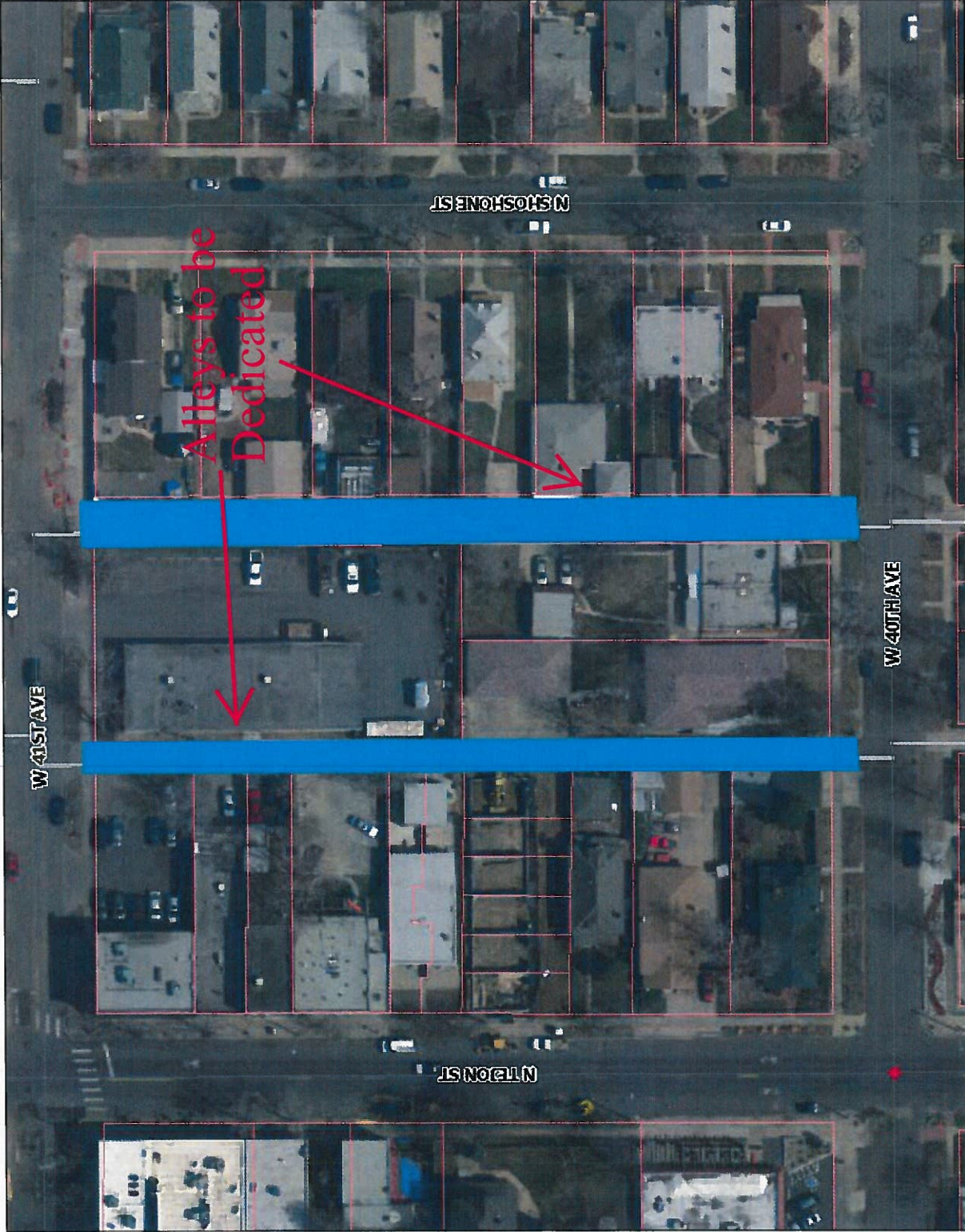
Will an easement be placed over a vacated area, and if so explain: N/A

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.



Public Alley Tejon Shoshone 40th & 41st



Legend

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| | Streams |
| | Irrigation Ditches Reconstruct (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 |



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.

PW Legal Description No. 2016-DEDICATION-0000236

Four parcels of land located in the SW 1/4, Section 21, Township 3 South, Range 68 West of the 6th Principal Meridian, City & County of Denver, State of Colorado,

Parcel 1

A parcel of land conveyed by Quit Claim Deed to the City & County of Denver, recorded on the 20th of August 1908, in Book 1960 Page 611 in the City & County of Denver Clerk & Recorder's Office, State of Colorado. Said parcel of land is being more particularly described as follows:

The west fifteen (15) feet of the east one hundred forty (140) feet of Lot numbered Four (4), in Block numbered Three (3), Sunnyside Addition to the City of Denver. To be used for alley purposes.

Parcel 2

A parcel of land conveyed by Quit Claim Deed to the City & County of Denver, recorded on the 19th of May 1905, in Book 1705 Page 153 in the City & County of Denver Clerk & Recorder's Office, State of Colorado. Said parcel of land is being more particularly described as follows:

Beginning at a point on the south line of Lot numbered Three (3) in Block numbered Three (3) in Sunnyside Addition to the City of Denver, that is one hundred twenty five (125) feet east of the east line of Goss Street (Tejon St.); thence north and parallel with the east line of Goss Street (Tejon St.), one hundred and eighty seven and one half (187.5) feet more or less to the north line of said Lot Three (3); thence east fifteen (15) ; thence south and parallel with the east line of Goss Street (Tejon St.), one hundred and eighty seven and one half (187.5) feet, more or less to the south line of said Lot Three (3); thence west fifteen (15) feet to the point of beginning. The same to be used for alley purposes.

Parcels 3 & 4

Two parcels of land conveyed by Warranty Deed to the City of Denver (Arapahoe County), recorded on the 9th of February 1893, in Book 869 Page 367 in the City of Denver, Arapahoe County Clerk & Recorder's Office, State of Colorado. Said parcel of land is being more particularly described as follows:

A strip of land fifteen (15) feet wide & running north and south through Lot numbered One (1) in Block numbered Three (3) Sunny Side Addition to the City of Denver. From the south line of said Lot numbered One (1) to Humphrey Avenue (W. 41st Ave.). The east line of said land herein conveyed being one hundred and twenty five (125) feet distant from Arlington Street (Shoshone St.) and running parallel with said Arlington Street (Shoshone St.), Also a strip of land fifteen (15) feet wide and running north south through Lot numbered Two (2) Block numbered Three (3) Sunnyside Addition to the City of Denver from the south line of said Lot numbered Two (2) to Humphrey Avenue (W. 41st Ave.). The west line of said land herein conveyed being one hundred and twenty five (125) feet distant from Gross Street (Tejon St.) and running parallel with said Gross Street (Tejon St.). Both of the above described pieces of land being in said City of Denver and hereby conveyed to said City for the purpose and use of public alley.

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This Deed, Made this 11th day of August

in the year of our Lord one thousand nine hundred and eight

QUIT-CLAIM DEED.

The City of Denver and Investment Company of the City and County of Denver

between The City of Denver and Investment Company of the City and County of Denver, and the City and County of Denver

of the City and County of Denver, and State of Colorado, of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of One Dollars,

to the said party of the first part, in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, hath remised, released, sold, conveyed and quit-claimed, and by these presents doth remise, release, sell, convey and quit-claim unto the said party of the second part, its heirs and assigns forever, all the right, title, interest, claim and demand which the said party of the first part hath in and to the following described real estate

Miled for record at 2:35 o'clock P.M., August 20, A.D. 1902 Henry C. Smiley Notary

The West 1/2 floor (15) feet of the East One hundred forty (140) of Lot numbered four (4) in Block numbered three (3) in the addition to the City of Denver, to be used for alley purposes.

To Have and to Hold the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, its heirs and assigns forever.

In Witness Whereof, The said party of the first part hath hereunto set hand and seal the day and year first above written, and its corporate seal is by these presents subscribed by its President, and its corporate seal is hereunto affixed, attested by its Secretary, the documents given first above written.

Signed, Sealed and Delivered in Presence of

H. C. Sipes Secretary

The City of Denver and Investment Company



O.K. as to form and execution to the Secretary City Attorney per Thos. H. Arndt

J. W. Olmstead President



STATE OF COLORADO, ss. I, Henry C. Smiley, a Notary Public in and for said City and County, in the State aforesaid, do hereby certify that J. W. Olmstead President and H. C. Sipes Secretary

personally known to me to be the person whose name was subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 11th day of August, A. D. 1902 My commission expires



Notary Public

As Secretary executing the same, respectively as President and Secretary of The City of Denver and Investment Company, a corporation, and this are known to me to be such officers, respectively, appeared before me this day in person and severally acknowledged that the seal affixed to the foregoing instrument in the corporate seal of said corporation, that the name and authority applied by the authority of said corporation; that said instrument was by the authority subscribed with its corporate name; that the said J. W. Olmstead is the President of said corporation, and the said H. C. Sipes is the Secretary thereof; that by the authority of said corporation they respectively authorized, more and more, in presence and Secretary, and that they, respectively, did not, and will not, be bound by the said instrument of writing as their free and voluntary act and deed, and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 11th day of August A.D. 1902. My Commission expires August 14th 1903. Name C. Smiley Notary Public

Witness Seal

of our Lord one thousand... of the sum... of the said part... of the interest, claim and demand... of the said part...

of the sum... of the said part... of the interest, claim and demand... of the said part...

Be, which... in his life

thereunto appertaining... first above written.



and for said City and County...

this day in person, and for the uses and purposes...

A. D. 1902 Notary Public

BK 1705
PG 153

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This Deed, Made this seventeenth (17th) day of May
nine hundred and five (1905)

In the year of our Lord one thousand
between William H. Davis

QUIT-CLAIM DEED.

William H. Davis

To

The City and County
of Denver

Filed for record at 305'clock P. M.,

May 19 1905

R. J. Byrne
Recorder.

of the City and County of Denver, and State of Colorado, of the first part, and The City and
County of Denver

of the City and County of Denver, and State of Colorado, of the second part;

Witnesseth, That the said part 1st of the first part, for and in consideration of the sum of One
dollar and other good and valuable considerations Dollars,
to the said part 2d of the first part, in hand paid by the said part 2d of the second part, the receipt
whereof is hereby confessed and acknowledged, he 2d remised, released, sold, conveyed and quit-claimed,
and by these presents do 2d remise, release, sell, convey and quit-claim unto the said part 2d of the second
part, its successors and assigns forever, all the right, title, interest, claim and demand, which
the said part 1st of the first part had in and to the following described real estate,
situate, lying and being in the City and County of Denver, and State of Colorado, to wit:

Beginning at a point in the south line of lot number three (3) in block
numbered three (3) in Summit side Addition to the City of Denver, that is
one hundred and twenty five (125) feet east of the east line of Cross Street,
thence north and parallel to the east line of Cross Street, one hundred and
eighty seven and one half (187.5) feet, more or less to the north line of said
lot three (3), thence east fifteen (15) feet, thence south, and parallel to
the east line of Cross Street, one hundred and eighty seven and one half
(187.5) feet, more or less to the south line of said lot three (3), thence west
fifteen (15) feet to the point of beginning, The same to be used for
alley purposes.

To Have and to Hold the same, together with all and singular the appurtenances and privileges thereto belonging or in any wise thereto appertaining,
and all the estate, right, title, interest and claim whatsoever of the said part 1st of the first part, either in law or equity, to the only proper use, benefit and behoof
of the said part 2d of the second part, its successors and assigns forever.

In Witness Whereof, The said part 1st of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

William H. Davis



STATE OF COLORADO, } ss.
CITY AND COUNTY OF DENVER, }

Jacob M. Murphy a Notary Public in and for said City and
County, in the State aforesaid, do hereby certify that William H. Davis

personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person, and
acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this seventeenth (17th) day of May A. D. 1905



I further certify that my commission expires February 2nd 1917
Jacob M. Murphy
Notary Public

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and William H. Davis

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William H. Davis

Notary Public.

This Deed, made this second day of March in the year of our Lord one thousand eight hundred and ninety nine between William H. Davis

WARRANTY DEED.

William H. Davis

To The City of Denver

Filed for Record at 11 o'clock A.M. on Feb 9, 1899
W. B. Maffett

of the County of Arapahoe and State of Colorado, of the first part, and The City of Denver as Municipal Corporation organized and existing under the laws of the State of Colorado

Witnesseth, that the said part of the first part, for and in consideration of the sum of \$10000 Dollars,

to the said part of the first part, in hand paid by the said part of the second part, the receipt whereof is hereby confessed and acknowledged, he has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said part of the second part, with and assigns forever, all the following described lot or parcel of land situate, lying and being in the County of Arapahoe and State of Colorado, to-wit:

A strip of land fifteen (15) feet wide and running north and south through lot numbered one (1) Block numbered Three (3) Summit Addition

to City of Denver from the south line of said lot numbered one (1) to Humphrey Avenue. The east line of said land herein conveyed being one hundred and twenty five (125) feet distant from Arlington Street and running parallel with said Arlington Street. Also a strip of land fifteen (15) feet wide and running north and south through lot numbered one (1) in Block numbered Three (3) Summit Addition to City of Denver from the south line of said lot numbered one (1) to Humphrey Avenue. The east line of said land herein conveyed being one hundred and twenty five (125) feet distant from Howe Street and running parallel with said Howe Street. Both of the above described pieces of land being in said City of Denver and is hereby conveyed to said City for the purpose and use of public alleys.

Together with all and singular the hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title and interest, claim and demand whatsoever of the said part of the first part, 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 said part of the second part, his heirs and assigns forever. And the said part of the first part, for himself, his heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said part of the second part, his heirs and assigns, that at the time of the executing and delivery of these presents, he is well settled of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has full power, and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, leases, encumbrances and incumbrances of whatever kind or nature severally...

And the above bargained premises, in quiet and peaceable possession of the said part of the second part, his heirs and assigns, against all and every person in person lawfully claiming or to claim the whole or any part thereof, the said part of the first part shall and will warrant and forever defend.

In Witness Whereof, The said party of the first part has hereunto set hand and seal, the day and year above written.

Signed, Sealed and Delivered in the Presence of

William H. Davis

of our Lord one thousand eight hundred and ninety nine
State of Colorado, of the first part, and
of the second part, the receipt whereof is hereby confessed and acknowledged, he has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said part of the second part, with and assigns forever, all the following described lot or parcel of land situate, lying and being in the County of Arapahoe and State of Colorado, to-wit:
10000 Dollars,
to the said part of the first part, in hand paid by the said part of the second part, the receipt whereof is hereby confessed and acknowledged, he has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said part of the second part, with and assigns forever, all the following described lot or parcel of land situate, lying and being in the County of Arapahoe and State of Colorado, to-wit:
A strip of land fifteen (15) feet wide and running north and south through lot numbered one (1) Block numbered Three (3) Summit Addition to City of Denver from the south line of said lot numbered one (1) to Humphrey Avenue. The east line of said land herein conveyed being one hundred and twenty five (125) feet distant from Arlington Street and running parallel with said Arlington Street. Also a strip of land fifteen (15) feet wide and running north and south through lot numbered one (1) in Block numbered Three (3) Summit Addition to City of Denver from the south line of said lot numbered one (1) to Humphrey Avenue. The east line of said land herein conveyed being one hundred and twenty five (125) feet distant from Howe Street and running parallel with said Howe Street. Both of the above described pieces of land being in said City of Denver and is hereby conveyed to said City for the purpose and use of public alleys.

And the above bargained premises, in quiet and peaceable possession of the said part of the second part, his heirs and assigns, against all and every person in person lawfully claiming or to claim the whole or any part thereof, the said part of the first part shall and will warrant and forever defend.

Signed, Sealed and Delivered in the Presence of

STATE OF COLORADO, }
COUNTY OF ARAPAHOE, }
I, Edward M. Minshall, a Notary Public in and for said County, in the State aforesaid, do hereby certify that William H. Davis personally known to me, the person whose name is subscribed to the annexed Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.
Given under my hand and Notarial Seal, this 18 day of March A. D. 1899
Edward M. Minshall
Notary Public