

1 BY AUTHORITY

2 RESOLUTION NO. CR13-0333
3 SERIES OF 2013

COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4
5 A RESOLUTION

6 **Amending Resolution No. 51, Series 2013, to add the legal description to a**
7 **revocable permit for BMC Steele Creek, LLC to encroach into the right-of-way**
8 **at North Steele Street at its intersection with East First Avenue.**

9
10 **WHEREAS**, Resolution No. 51, Series 2013, granting a revocable permit to BMC Steele
11 Creek, LLC, to encroach into the right-of-way with various items on North Steele Street at its
12 intersection with East First Avenue, was adopted by Denver City Council on April 29, 2013; and

13 **WHEREAS**, Resolution No. 51, Series 2013 did not contain a legal description of the
14 Encroachment Area;

15 **NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY**
16 **OF DENVER:**

17 **Section 1.** Section 1 of Resolution No. 51, Series 2013, is hereby amended to add the
18 following described area as the Encroachment Area:

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A permit over and across a portion of the existing public rights-of-way of Steele Street, East First Avenue and Adams Street, Burlington Capitol Hill Addition, recorded at the City and County of Denver Clerk and Recorder's Office, dated March 3, 1888, in Book 5, Page 14; located in the southeast quarter of Section 12, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being described as follows:

Beginning at the southwest corner of Lot 10, Block 17, Burlington Capitol Hill Addition;

Thence N 89°42'08" W, being an extension of the south line of Lot 10, Block 17, a distance of 14.00 feet;

Thence N 00°16' 22" E, parallel with the west line of said Block 17, a distance of 258.50 feet;

Thence S 89°42'08" E, parallel with the north line of said Block 17, a distance of 297.00 feet;

Thence S 00°16' 22" W, parallel with the east line of said Block 17, a distance of 108.20 feet;

Thence N 89°42'08" W, along a line being an extension of the south line of Lot 37, Block 17, a distance of 18.00 feet to the southeast corner of said Lot 37;

Thence N 00°16' 22" E, along the east line of said Block 17, a distance of 100.20 feet to the northeast corner of said Block 17;

Thence N 89°42'08" W, along the north line of said Block 17, a distance of 265.00 feet to the northwest corner of said Block 17;

Thence S 00°16' 22" W, along the west line of said Block 17, a distance of 250.50 feet to the southwest corner of said Lot 10, Block 17, and the point of beginning.

Bearings are based on the 20-foot range line in Adams St., between Ellsworth Avenue and First Avenue, being assumed to bear N 00°16'22" E, between a found aluminum cap "LS 13155" in range box at the intersection of Ellsworth Avenue & Adams Street, and a found plastic cap "LS 19003" in range box at the intersection of E. First Avenue and Adams Street, Burlington Capitol Hill Addition.

Containing 7,687 square feet, or 0.177 acres, more or less.

Exhibit attached and by this reference made a part hereof.

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A permit over and across a portion of the 15-foot wide alley within Block 17, Burlington Capitol Hill Addition, recorded at the City and County of Denver Clerk and Recorder's Office, dated March 3, 1888, in Book 5, Page 14; located in the southeast quarter of Section 12, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being described as follows:

Beginning at the southeast corner of Lot 10, Block 17, Burlington Capitol Hill Addition, Thence N 00°16' 22" E, along the west line of the alley, said Block 17, a distance of 250.50 feet to the northeast corner of Lot 1, Block 17:

Thence S 89°42'08" E, along the extension of the north line of said Lot 1, a distance of 15.00 feet to the northwest corner of Lot 40, Block 17;

Thence S 00°16' 22" W, along the west line of lots 37-40, a distance of 100.20 feet to the southwest corner of Lot 37, Block 17;

Thence N 89°42'08" W, along an extension of the south line of Lot 37, Block 17, a distance of 12.00 feet;

Thence S 00°16' 22" W, parallel with the alley, a distance of 150.30 feet;

Thence N 89°42'08" W, along the extension of the south line of said Lot 10, a distance of 3.00 feet to the southeast corner of said Lot 10, Block 17 and the point of beginning.

Bearings are based on the 20-foot range line in Adams St., between Ellsworth Avenue and First Avenue, being assumed to bear N 00°16'22" E, between a found aluminum cap "LS 13155" in range box at the intersection of Ellsworth Avenue & Adams Street, and a found plastic cap "LS 19003" in range box at the intersection of E. First Avenue and Adams Street, Burlington Capitol Hill Addition.

Containing 1,954 square feet, or 0.045 acres, more or less.

Exhibit attached and by this reference made a part hereof.

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1 COMMITTEE APPROVAL DATE: _____ N/A _____, 2013
2 MAYOR-COUNCIL DATE: _____ N/A _____, 2013
3 PASSED BY THE COUNCIL: _____, 2013
4 _____ - PRESIDENT
5 ATTEST: _____ - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8
9 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 16, 2013
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11 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
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16 Douglas J. Friednash, Denver City Attorney
17 BY: _____, Assistant City Attorney DATE: _____, 2013