



**DENVER**  
THE MILE HIGH CITY

**Department of Public Works**  
Capital Projects Management  
Permit Operations and Right of Way Enforcement  
Infrastructure Planning & Programming  
Traffic Engineering Services  
201 W. Colfax Avenue  
Denver, CO 80202  
www.denvergov.org

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

**TO:** Karen Walton, City Attorney's Office  
**FROM:** Robert J. Duncanson P.E., Engineering Manager II  
Right-of-Way Services

**DATE:** March 13, 2012

**ROW #:** 2011-0631-01    **SCHEDULE #:** Parcel #1- 0012100124000  
Parcel #2- 0009100125000  
Parcel #3- 0010200178000  
Parcel #4- 0010200159000  
Parcel #5- 0015200161000

**TITLE:** This request is to dedicate City owned land as Tower Rd.  
Located along Tower Rd. between approximately 52<sup>nd</sup> Ave. to approximately 60<sup>th</sup> 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 Tower Rd.

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 Tower Rd. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW (# 2011-0632-01-001) HERE.**

A map of the area to be dedicated is attached.

RD/JL/GG

- cc: Asset Management, Steve Wirth
- City Councilperson & Aides, Chris Herndon, District #11
- City Council Staff, Gretchen Williams
- Environmental Services, David Erickson
- Public Works, Manager's Office, Alba Castro
- Public Works, Manager's Office, Christine Downs
- Public Works, Manager's Office, Stacie Loucks
- Public Works, Right-of-Way Engineering Services, Rob Duncanson
- Department of Law, Karen Aviles
- Department of Law, Karen Walton
- Department of Law, Arlene Dykstra
- Public Works Survey, Peter Kent
- Public Works Survey, John Lautenschlager
- Owner: City and County of Denver
- Project file folder 2011-0632-01



for City Services  
Denver gets it done!

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Stacie Loucks at  
Stacie.Loucks@denvergov.org by **NOON 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: March 13, 2012**

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, amendment, municipal code change, supplemental request, etc.)

This request is to dedicate City owned land as Public Right of Way as Tower Rd. Located along Tower Rd. from approximately 52<sup>nd</sup> Ave to approximately 60<sup>th</sup> Ave.

3. Requesting Agency: PW Right of Way Engineering Services

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

- Name: Adrienne Lorantos
- Phone: 720-865-3119
- Email: Adrienne.Lorantos@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: Stacie Loucks
- Phone: 720-865-8720
- Email: Stacie.Loucks@denvergov.org

6. General description 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 the system of thoroughfares of the municipality; i.e. as Tower Rd.

**\*\*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.)**

- a. Contract Control Number: N/A
- b. Duration: Permanent
- c. Location: Tower Rd., 52<sup>nd</sup> Ave to 60<sup>th</sup> Ave
- d. Affected Council District: Dist. # 11 Christopher Herndon
- e. Benefits: N/A
- f. Costs: 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: 2011-0632-01, Dedication, Tower Road and 60<sup>th</sup> Avenue.**

**Description of Proposed Project:**This request is to dedicate a parcel(s) of land as Public Right of Way as Tower Rd. Located along Tower Rd. from approximately 52<sup>nd</sup> Ave to approximately 60<sup>th</sup> Ave.

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project:**This is city owned land being dedicated 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 is a project from the vacant parcel program. It is City and County owned land being dedicated as Public Right-of-Way.

# Tower Rd. Parcel 1



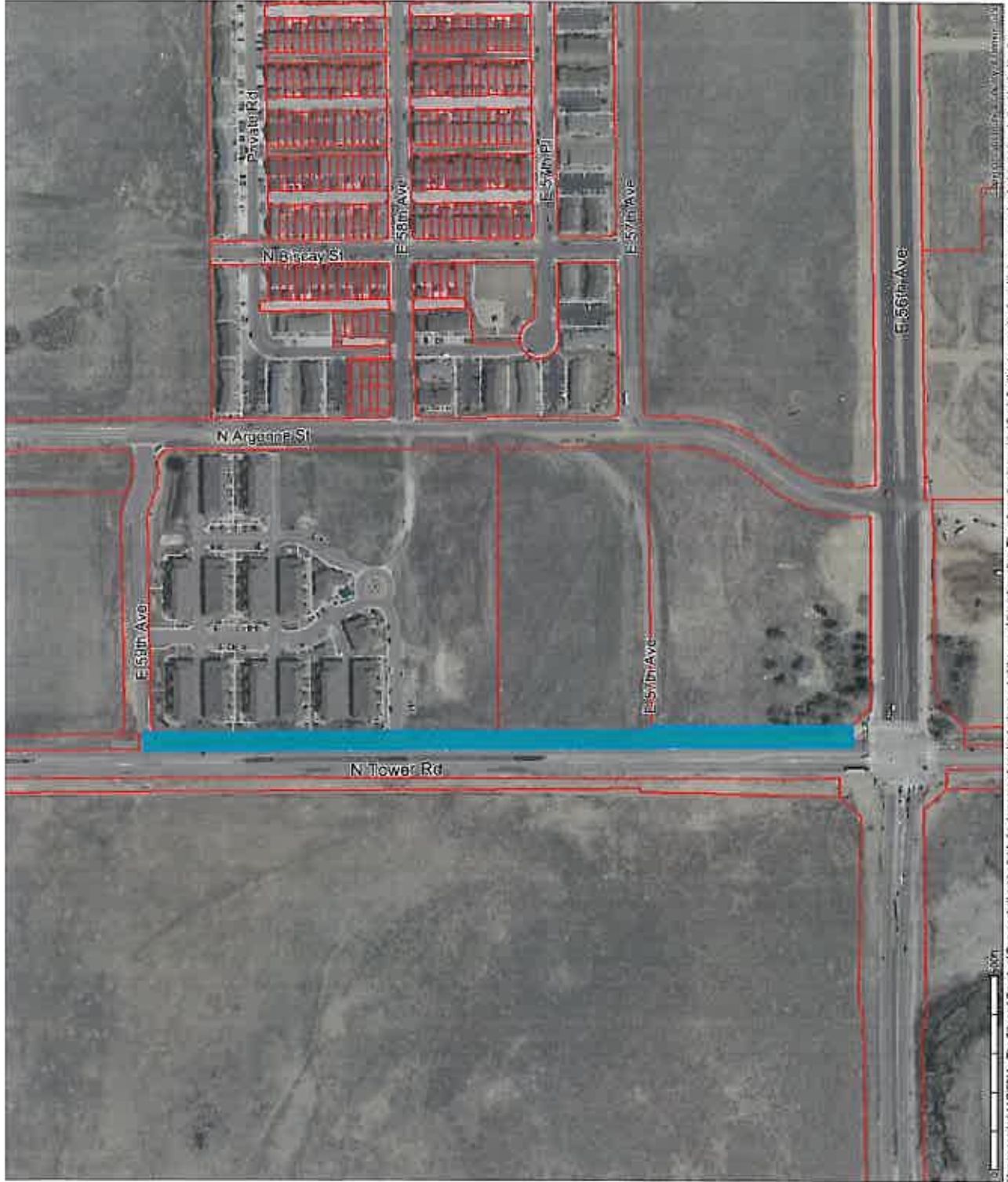
# Tower Rd. Parcel 2

- Street Centerline
- Denver County (Boundary)
- Parcels
- 2010 Color
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

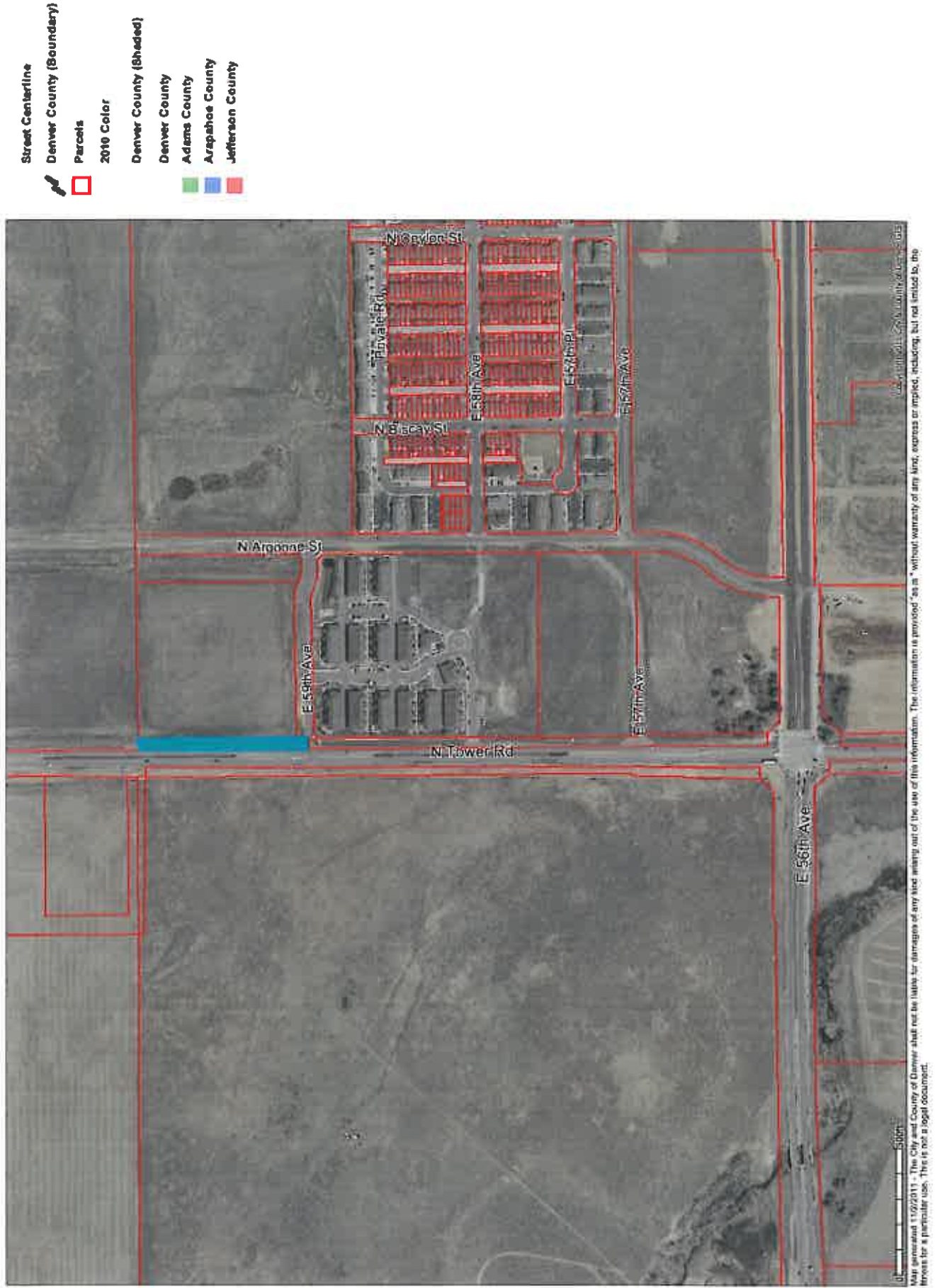


# Tower Rd. Parcel 3

- Street Centerline
- Denver County (Boundary)
- Parcels
- 2010 Color
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County



# Tower Rd. Parcel 4



# Tower Rd. Parcel 5



- Street Centerline
- Denver County (Boundary)
- Parcels
- 2010 Color
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 11/22/2011. 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.



**Legal Description Parcel 1:**

**A portion of land conveyed to the City & County of Denver by Special Warranty Deed recorded 3/19/1999 Reception # 9900049978 in the Clerk & Records Office, City & County of Denver. Said parcel of land is located in the Northeast 1/4 of Section 16, Township 3 South, Range 66 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.**

**Commencing at the northeast corner of said Northeast 1/4 of said Section 16; Thence N 89° 57' 19" W along the north line of said Northeast 1/4 Section 16, a distance of 30.00 feet. Thence S 00°00'13" E along a line 30.00 feet west of and parallel with the east line of said Northeast 1/4 Section 16 a distance of 101.08 feet to the Point of Beginning.**

**Thence S 00°00'13" E along a line being 30.00 feet west of and parallel with the easterly line of said Northeast 1/4 Section 16, a distance of 2557.87 feet;**

**Thence S 89°56'19" W along the south line of said Northeast 1/4 Section 16 a distance of 40.00 feet;**

**Thence N 00°00'13" W along a line 70.00 feet west of and parallel with the east line of said Northeast 1/4 Section 16 a distance of 1989.03 feet;**

**Thence N 89°57'19" W a distance of 10.00 feet;**

**Thence N 00°00'13" W along a line 80.00 feet west of and parallel with the east line of the said Northeast 1/4 Section 16 a distance of 568.87 feet;**

**Thence N 89°59'47" E a distance of 50.00 feet to the Point of Beginning.**

**Contains 2.48 acres more or less.**

**Legal Description Parcel 2:**

**A portion of land conveyed to the City & County of Denver by Special Warranty Deed recorded 8/28/1998 Reception # 9800143405 in the Clerk & Records Office, City & County of Denver. Said parcel of land is located in the Southeast 1/4 of Section 9, Township 3 South, Range 66 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.**

**Commencing at the northeast corner of said Southeast 1/4 of said Section 9; Thence N 89° 43' 32" W along the north line of said Southeast 1/4 Section 9, a distance of 30.00 feet to the Point of Beginning.**

**Thence S 00°02'49" W along a line being 30.00 feet west of and parallel with the easterly line of said Southeast 1/4 Section 9, a distance of 2468.94 feet;**

**Thence N 89°57'11" W a distance of 50.00 feet;**

**Thence N 00°02'49" E along a line 80.00 feet west of and parallel with the east line of said Southeast 1/4 Section 9 a distance of 508.85 feet;**

Thence S 89°57'19" E a distance of 10.00 feet;

Thence N 00°02'49" E along a line 70.00 feet west of and parallel with the east line of the said Southeast 1/4 Section 9 a distance of 1960.25 feet;

Thence S 89°43'32" E a distance of 40.00 feet to the Point of Beginning.

Contains 2.38 acres more or less.

**Legal Description Parcel 3:**

A portion of land conveyed to the City & County of Denver by Special Warranty Deed recorded 8/28/1998 Reception # 9800143407 in the Clerk & Records Office, City & County of Denver. Said parcel of land is located in the Southwest 1/4 of Section 10, Township 3 South, Range 66 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

Commencing at the southwest corner of said Southwest 1/4 of said Section 10; Thence N 89° 41' 47" E along the south line of said Southwest 1/4 Section 10, a distance of 30.00 feet. Thence N 00°02'49" E along a line 30.00 feet east of and parallel with the west line of said Southwest 1/4 Section 10 a distance of 155.31 feet to the Point of Beginning.

Thence N 00°02'49" E along a line being 30.00 feet east of and parallel with the west line of said Southwest 1/4 Section 10, a distance of 1814.75 feet;

Thence N 89°28'11" E a distance of 40.00 feet;

Thence S 00°02'49" W along a line 70.00 feet east of and parallel with the west line of said Southwest 1/4 Section 10 a distance of 1300.20 feet;

Thence N 89°41'47" E a distance of 10.00 feet;

Thence S 00°02'49" W along a line 80.00 feet east of and parallel with the west line of the said Southwest 1/4 Section 10 a distance of 515.01 feet;

Thence N 89°57'11" W a distance of 50.00 feet to the Point of Beginning.

Contains 1.78 acres more or less.

**Legal Description Parcel 4:**

A portion of land conveyed to the City & County of Denver by Special Warranty Deed recorded 8/18/1998 Reception # 9800135121 in the Clerk & Records Office, City & County of Denver. Said parcel of land is located in the Southwest 1/4 of Section 10, Township 3 South, Range 66 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

Commencing at the northwest corner of said Southwest 1/4 of said Section 10; Thence N 89° 28' 11" E along the north line of said Southwest 1/4 Section 10, a distance of 30.00 feet to the Point of Beginning.

11-10-2011 14:00:00 10-0632-01-001

Thence continuing N 89°28'11" E along said north line of said Southwest 1/4 Section 10, a distance of 40.00 feet;

Thence S 00°02'49" W along a line 70.00 feet east of and parallel with the west line of said Southwest 1/4 Section 10 a distance of 660.00 feet;

Thence S 89°28'11" W along a line 660.00 feet south of and parallel with the north line of said Southwest 1/4 Section 10 a distance of 40.00 feet;

Thence N 00°02'49" E along a line 30.00 feet east of and parallel with the west line of the said Southwest 1/4 Section 10 a distance of 660.00 feet to the Point of Beginning.

Contains 0.60 acres more or less.

#### Legal Description Parcel 5:

A portion of land conveyed to the City & County of Denver by Special Warranty Deed recorded 8/28/1998 Reception # 9800143407 & by deed recorded 7/29/1992 Reception # 9200085827 in the Clerk & Records Office, City & County of Denver. Said parcel of land is located in the Northwest 1/4 of Section 15, Township 3 South, Range 66 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

Commencing at the northwest corner of said Northwest 1/4 of said Section 15; Thence S 00° 27' 45" E along the west line of said Northwest 1/4 Section 15, a distance of 564.09 feet. Thence N 89°32'14" E a distance of 30.00 feet to the easterly right-of-way line of Tower Rd being the Point of Beginning. Said point being the common angle point of said deeds.

Thence S 00°27'45" E along a line being 30.00 feet east of and parallel with the westerly line of said Northwest 1/4 Section 15, a distance of 100.48 feet;

Thence N 89°14'55" E a distance of 50.00 feet;

Thence N 00°27'45" W along a line 80.00 feet east of and parallel with the west line of said Northwest 1/4 Section 15 a distance of 509.74 feet;

Thence S 89°32'14" W a distance of 50.00 feet to the easterly right-of-way line of Tower Rd;

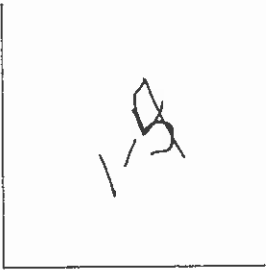
Thence S 00°27'45" E along a line 30.00 feet east of and parallel with the west line of the said Northwest 1/4 Section 15 a distance of 409.52 feet to the Point of Beginning.

Contains 0.59 acres more or less.

PARCEL 1

SPECIAL WARRANTY DEED

THIS DEED, made this 27th day of February . 19 98 .  
between  
B&R Properties, LLC, a Colorado Limited Liability  
Company  
of the City and County of Denver and State of  
Colorado, grantor(s) and City and County of  
Denver, a Colorado Municipal Corporation



whose legal address is 1437 Bannock Street, Denver, CO 80202

of the City and County of Denver and State of Colorado, grantee(s):  
WITNESS, that the grantor(s), for and in consideration of the sum of \*Ten and NO/100ths\*-----

----- DOLLARS,  
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(s), its heirs 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:  
See Exhibit "A" attached hereto and incorporated herein.  
Parcel TK-00161-00-101-000

also known by street and number as: Tower Road, Denver, Colorado  
assessor's schedule or parcel number:

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(s), 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(s),  
its heirs and assigns forever. The grantor(s), for its self, its heirs, personal representatives,  
successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the  
above bargained premises in the quiet and peaceable possession of the grantee(s), its heirs and assigns, against all and every  
person or persons claiming the whole or any part thereof, by, through or under the grantor(s). Except those items listed  
IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above. in Exhibit "B"  
attached hereto\*

\*and incorporated herein  
B&R Properties, LLC, a Limited Liability Company

\_\_\_\_\_  
Gregory W. Berger, Manager

\_\_\_\_\_  
Clifford F. Bautsch, Manager

STATE OF COLORADO

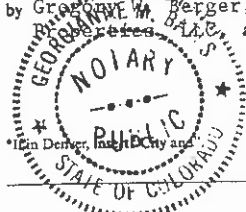
County of Denver

The foregoing instrument was acknowledged before me this 10th day of November . 19 98.  
by Gregory W. Berger, Manager and Clifford F. Bautsch, Manager of B&R  
Properties, LLC, a Limited Liability Company

Witness my hand and official seal.

My commission expires: 10-1-2000

\_\_\_\_\_  
Notary Public



Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.3, C.R.S.)

EXHIBIT A

PROPERTY DESCRIPTION  
PARCEL TK-00161-00-101-000  
December 15, 1997  
Sheet 1 of 3

A parcel of land located in the NE 1/4 Section 16 ,Township 3 South, Range 66 West of the 6th P.M., City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of said NE 1/4 Section 16;  
Thence N89°57'19"W along the north line of said NE 1/4 Section 16 a distance of 30.00 feet; Thence S00°00'13"E along a line 30.00 feet west of and parallel with the east line of said NE 1/4 Section 16 a distance of 30.00 feet to the Point of Beginning;

Thence S00°00'13"E along a line 30.00 feet west of and parallel with the east line of said NE 1/4 Section 16 a distance of 2628.95 feet;

Thence S89°56'19"W along the south line of said NE 1/4 Section 16 a distance of 40.00 feet;

Thence N00°00'13"W along a line 70.00 feet west of and parallel with the east line of said NE 1/4 Section 16 a distance of 1989.03 feet;

Thence N89°57'19"W a distance of 10.00 feet;

Thence N00°00'13"W along a line 80.00 feet west of and parallel with the east line of the said NE 1/4 Section 16 a distance of 568.87 feet;

Thence N42°55'24"W a distance of 74.80 feet;

Thence N89°57'19"W along a line 46.40 feet south of and parallel with the north line of said NE 1/4 Section 16 a distance of 539.06 feet;

Thence N00°00'13"W a distance of 10.00 feet;

Thence N89°57'19"W along a line 36.40 feet south of and parallel with the north line of said NE 1/4 Section 16 a distance of 661.33 feet;

PARCEL 1

PARCEL TK-00161-00-101-000  
Sheet 2 of 3

Thence S88°00'24"W a distance of 944.82 feet;

Thence N89°57'19"W along a line 70.00 feet south of and parallel with the north line of said NE 1/4 Section 16 a distance of 353.04 feet;

Thence N00°11'15"E along the west line of said NE 1/4 Section 16 a distance of 40.00 feet;

Thence S89°57'19"E along a line 30.00 feet south of and parallel with the north line of said NE 1/4 Section 16 a distance of 2598.49 feet to the Point of Beginning.

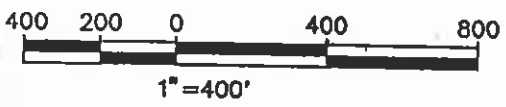
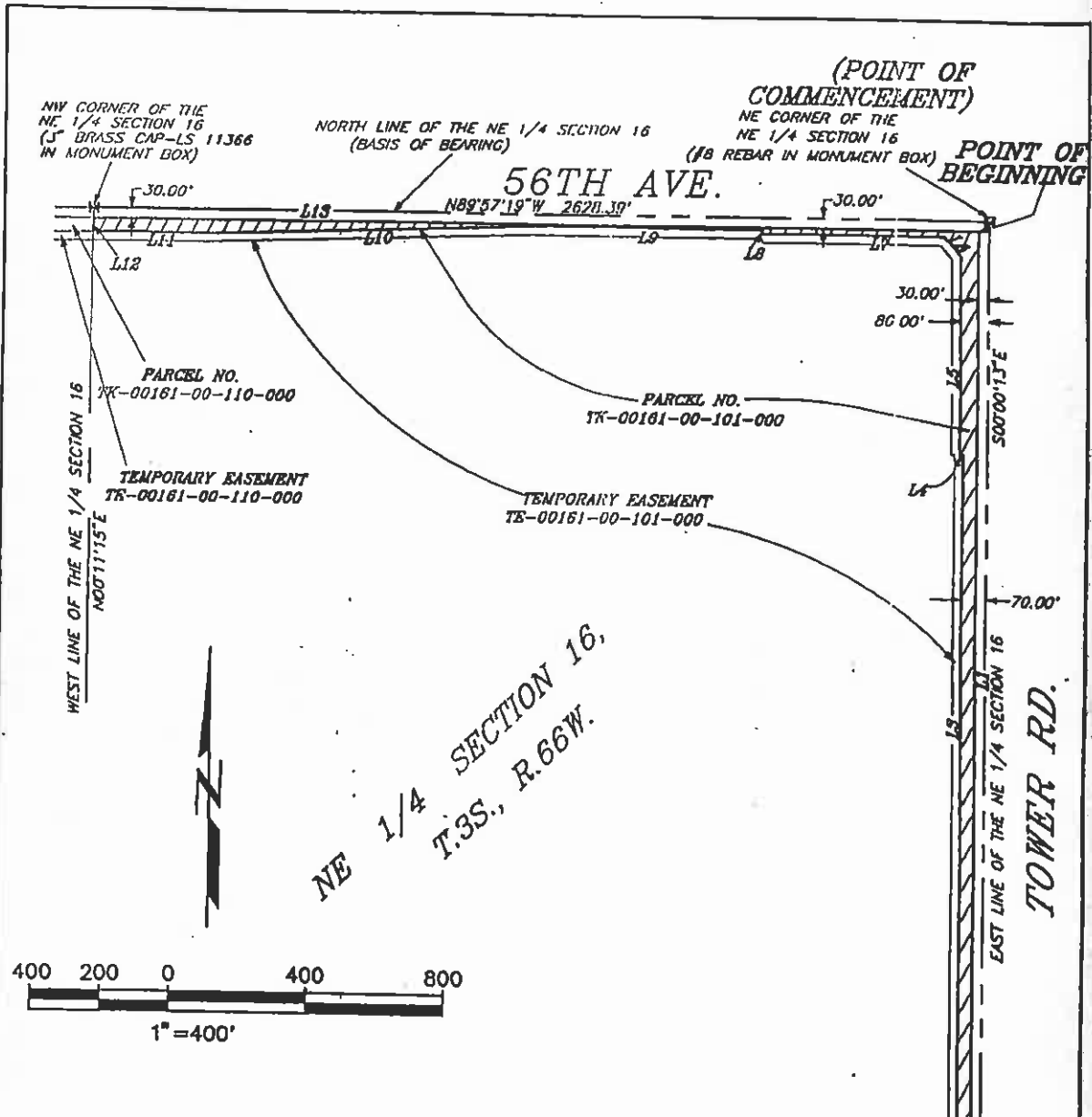
Said parcel of land contains 162,888 square feet or 3.739 acres, more or less.

The basis of bearing for this description is the north line of said NE 1/4 Section 16 bearing N89°57'19"W. The northwest corner of said NE 1/4 Section 16 is a 3" brass cap (LS 11366) in a monument box and the northeast corner of said NE 1/4 Section 16 is a #8 rebar in a monument box.

For and on behalf of: City and County of Denver  
Diane M. Kelly, PLS 25951  
Kelly Surveying Associates, Inc.  
14 Inverness Drive East H-144  
Englewood, CO 80112



PARCEL 1



LINE	BEARING	DISTANCE
L1	S00°00'13"E	2628.95'
L2	S89°56'19"W	40.00'
L3	N00°00'13"W	1989.03'
L4	N89°57'19"W	10.00'
L5	N00°00'13"W	569.87'
L6	N42°55'24"W	74.80'
L7	N89°57'19"W	539.06'
L8	N00°00'13"W	10.00'
L9	N89°57'19"W	661.33'
L10	S89°00'24"W	944.82'
L11	N89°57'19"W	353.04'
L12	N00°11'15"E	40.00'
L13	S89°57'19"E	2598.49'

NE 1/4 SEC. 16, T.3S., R.66W.

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

Contains 162,888 square feet or 3.739 acres,  
less

	PREPARED FOR:
	CITY AND COUNTY OF DENVER DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION
PREPARED BY:	PARCEL NO.
KELLY SURVEYING ASSOCIATES, INC. 14 WARENESS DRIVE, EAST DENVER, COLORADO 80231 (303) 737-5137 FAX (303) 790-1875	TK-00161-00-101-000
Scale: 1" = 400'	Drawn By: MCB
	Checked: Dr. DMK
	Sheet No. 3
	Date:

EXHIBIT "B"

Taxes for the current year, a lien, but not yet due or payable.

Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

Easements, or claims of easements, not shown by public records.

Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the land would disclose, and which are not shown by the public records.

Any water rights or claims or title to water, in, on or under the land.

Unpatented mining claims, reservations or exceptions in patents or in Acts authorizing the issuance thereof.

Terms, conditions, provisions, agreements and obligations specified under the Intergovernmental Agreement of Annexation by and between the City and County of Denver and the County of Adams recorded May 26, 1988 in Book 3450 at Page 751.

Terms, conditions, provisions, agreements and obligations specified under the Intergovernmental Agreement on Annexation by and between the City and County of Denver and the City of Aurora recorded January 6, 1990 in Book 3639 at Page 318.

Terms, conditions, provisions, agreements and obligations specified under the Corporate Easement Agreement by and between B & R Properties, Inc. and U.S. West Communications, Inc. recorded October 17, 1991 at Reception No. 91-0101957.



PARCEL 2

9800143405 1998/08/28 15:44:48 1/ 5 WD  
DENVER COUNTY CLERK AND RECORDER 26.00

.00 BRL

SPECIAL WARRANTY DEED

THIS DEED, Made this 27<sup>th</sup> day of February, 1998,  
between  
Karl D. Smith

of the City and County of Denver and State of Colorado  
grantor(s), and City and County of Denver, a Colorado  
municipal corporation

whose legal address is 1437 Bannock Street, Denver, Colorado 80202

of the City and County of Denver and State of Colorado, grantee(s):

WITNESSETH, That the grantor(s), for and in consideration of the sum of TEN AND NO/100-----  
-----DOLLARS, (\$10.00),

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(s), his heirs 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:

See Exhibit "A" attached hereto and incorporated herein-Parcel TK-0091-00-088

NO DOC FEE REQUIRED- DONATION OF LAND

also known by street and number as Tower Road, Denver, Colorado

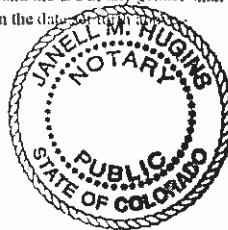
TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and  
the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest,  
claim and demand whatsoever of the grantor(s), 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(s), his  
heirs and assigns forever. The grantor(s), for himself, his heirs and personal representatives or successors, does covenant and  
agree that he shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable  
possession of the grantee(s), his heirs and assigns, against all and every person or persons claiming the whole or any part thereof,  
by, through or under the grantor(s), except those items listed in Exhibit "B" attached hereto.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.  
IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date of this day of 1998.

\*and incorporated herein

*Karl Smith*  
Karl Smith



My Commission Expires 02/03/2000

STATE OF COLORADO )  
COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 11th day of May, 1998, by  
Karl Smith

My Commission expires 02/03/00

Witness my hand and official seal.

FIRST AMERICAN

*Janell M. Hugins*  
Notary Public

PARCEL 2

EXHIBIT A

PROPERTY DESCRIPTION  
PARCEL TK-0091-00-088  
December 12, 1997  
Sheet 1 of 3

A parcel of land located in the SE 1/4 of Section 9, Township 3 South, Range 66 West of the 6th P.M., City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of said SE 1/4 Section 9;  
Thence N89°43'32"W along the north line of said SE 1/4 Section 9 a distance of 30.00 feet to the Point of Beginning;

Thence S00°02'49"W along a line 30.00 feet west of and parallel with the east line of said SE 1/4 Section 9 a distance of 2580.09 feet;

Thence N89°57'19"W along a line 50.00 feet north of and parallel with the south line of said SE 1/4 Section 9 a distance of 2247.92 feet;

Thence N00°12'53"W a distance of 20.00 feet;

Thence N88°00'24"E a distance of 944.82 feet;

Thence S89°57'19"E along a line 103.60 feet north of and parallel with the south line of said SE 1/4 Section 9 a distance of 663.79 feet;

Thence N00°02'49"E a distance of 10.00 feet;

Thence S89°57'19"E along a line 113.60 feet north of and parallel with the south line of said SE 1/4 Section 9 a distance of 539.10 feet;

Thence N46°59'49"E a distance of 69.66 feet;

Thence N00°02'49"E along a line 80.00 feet west of and parallel with the east line of said SE 1/4 Section 9 a distance of 508.85 feet;

Thence S89°57'19"E a distance of 10.00 feet;

Thence N00°02'49"E along a line 70.00 feet west of and parallel with the east line of said SE 1/4 Section 9 a distance of 1960.25 feet;

PARCEL 2

PARCEL TK-0091-00-088

Sheet 2 of 3

Thence S89°43'32"E a distance of 40.00 feet to the Point of Beginning.

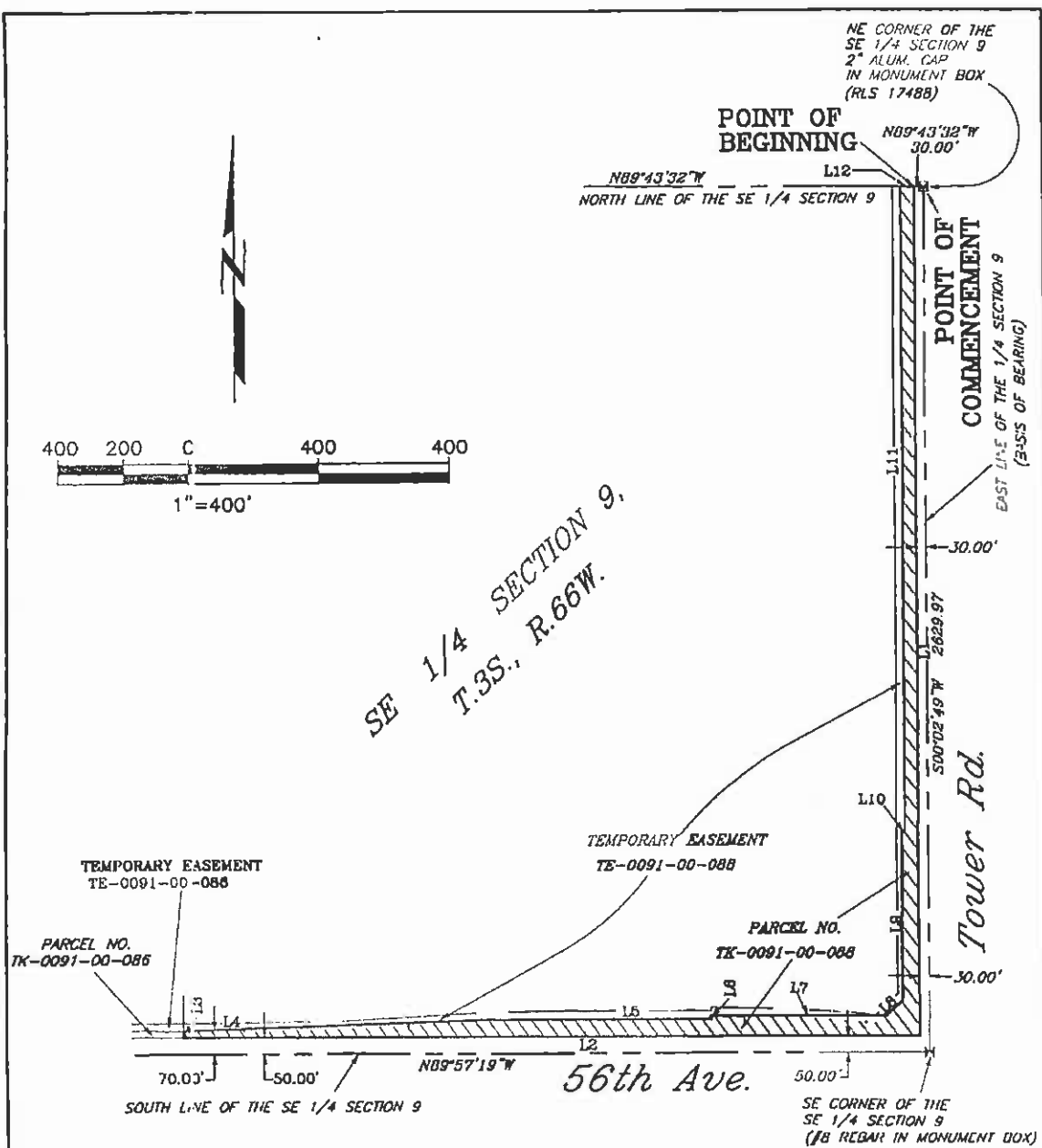
Said parcel of land contains 218,470 square feet or 5.015 acres, more or less.

The basis of bearing for this description is the east line of said SE 1/4 Section 9 bearing S00°02'49"W. The southeast corner of said SE 1/4 Section 9 is a #8 rebar in a monument box. The northeast corner of said SE 1/4 Section 9 is a 2" aluminum cap (LS 17488) in a monument box.

For and on behalf of: City and County of Denver  
Diane M. Kelly, PLS 25951  
Kelly Surveying Associates, Inc.  
14 Inverness Drive East H-144  
Englewood, Co 80112



PARCEL 2



LINE	BEARING	DISTANCE
L1	S00°01'49"W	2580.00'
L2	N89°57'19"W	2247.92'
L3	N00°12'53"W	20.00'
L4	S88°01'24"E	944.82'
L5	S89°5'19"E	683.79'
L6	N00°01'49"E	10.00'
L7	S89°5'19"E	538.10'
L8	N48°01'49"E	89.68'
L9	N00°01'49"E	508.86'
L10	S89°5'19"E	10.00'
L11	N00°02'49"E	1880.23'
L12	S89°41'32"E	10.00'

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

Contains 218,470 square feet or 5.015 acres, more or less.

**KSA**

PREPARED BY:  
KELLY SURVEYING ASSOCIATES, INC.  
14 INDIANESS DRIVE EAST  
BLDG R SUITE 144  
DENVEN, COLORADO 80112  
(303)792-5257 FAX(303)790-1529

PREPARED FOR:  
CITY AND COUNTY OF DENVER  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

PARCEL NO.  
TK-0091-00-088

Scale: 1"=400'  
Drawn By: MGB  
Checked By: DMK  
Sheet No. 3 of 3 Sheets  
Date: 12/09/97

SE 1/4 SEC.9, T.3S., R.66W.

EXHIBIT "D"

Taxes for the current year, a lien, but not yet due or payable.

Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

Easements, or claims of easements, not shown by public records.

Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the land would disclose, and which are not shown by the public records.

Any water rights or claims or title to water, in, on or under the land.

Coal reservation as contained in Deed from Platte Land Company recorded October 25, 1884 in Book A11 at Page 297 (Adams County).

An undivided one-half interest in all oil, gas and other minerals as reserved in Deed recorded in Book 201 at Page 578 (Adams County).

Terms, conditions, provisions, agreements and obligations specified under the Right of Way Agreement by and between Karl D. Smith and the City and County of Denver recorded March 20, 1981 in Book 2540 at Page 10. (Adams County).

Terms, conditions, provisions, agreements and obligations specified under the Intergovernmental Agreement of Annexation by and between the City and County of Denver and Adams County recorded May 26, 1988 in Book 3540 at Page 751.

Terms, conditions, provisions, agreements and obligations specified under the Intergovernmental Agreement of Annexation by and between the City and County of Denver and the City of Aurora recorded January 16, 1990 in Book 3639 at Page 318 (Adams County).

An easement for utilities and incidental purposes granted to U S West Communications, Inc. by the instrument recorded September 19, 1981 at Reception No. R-0090595.

Assignment of Prescriptive Rights and Uses to Public Service Company of Colorado recorded February 19, 1992 at Reception No. R-92-0015457.

Terms, conditions, provisions, agreements and obligations specified under the Tower Road Sewer Line Agreement by and between the City and County of Denver and Karl Smith, et al recorded March 26, 1992 at Reception No. R-92-0029382.

Terms, conditions, provisions, agreements and obligations specified under the Sanitary Sewer Line Easement Agreement by and between Karl D. Smith and the City and County of Denver recorded January 19, 1993 at Reception No. R-93-00075777.

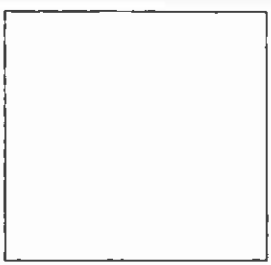
PARCEL 3  
PARCEL 5

9800143407 1998/08/28 15:47:16 1/ 19 WD  
DENVER COUNTY CLERK AND RECORDER 96.00 .00 BRL

1019  
96

**SPECIAL WARRANTY DEED**

THIS DEED, Made this 27th day of February, 1998, between Gordon W. Eatherton, John M. Fahrenkrog, Fuller Trust Holding Company, a limited partnership, the Joseph J. Harrington Trust, Connie L. Hlib Living Trust, Thomas J. Hlib, Jack and Gordon Partnership, Lou Ann Begg-James, Scott C. Kalevik, Donald L. Kortz, 720 Investors, a Colorado general partnership, Stanley Shapiro and Albert I. Strauch of the City and County of Denver and State of Colorado grantor(s), and



CITY AND COUNTY OF DENVER,  
A Colorado Municipal Corporation  
whose legal address is 1437 Bannock Street, Denver, CO 80202

of the City and County of Denver and State of Colorado . grantee(s).

WITNESSETH, That the grantor(s), for and in consideration of the sum of \*Ten dollars and 00/100ths\*\*\*\*

\*\*\*\*\* DOLLARS. (\*\*\*\$10.00\*\*\*\*\*) .

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(s), his heirs 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:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN AS TO PARCEL TK-00102-00-138-000

SEE EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN AS TO PARCEL TK-00152-00-129-000

NO DOC FEE REQUIRED - DONATION OF LAND

also known by street and number as Tower Road, Denver, Colorado

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 the estate, right, title, interest, claim and demand whatsoever of the grantor(s), 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(s), his heirs and assigns forever. The grantor(s), for himself, his heirs and personal representatives or successors, does covenant and agree that he shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), his heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s), except those items listed in Exhibit "C" attached hereto\*

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above  
\*and incorporated herein

\*\*\*\*\*SEE SIGNATURE ADDENDUMS ATTACHED\*\*\*\*\*

STATE OF )  
COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

My Commission expires \_\_\_\_\_



Witness my hand and official seal

\_\_\_\_\_  
Notary Public

KL49588B97

PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM

Gordon W. Eatherton  
Gordon W. Eatherton

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 19 98 by Gordon W. Eatherton

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99



Judith A. Menching  
Notary Public

PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM

  
\_\_\_\_\_  
John M. Fahrenkrog

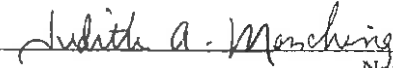
STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 1998 by John M. Fahrenkrog

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99



  
\_\_\_\_\_  
Notary Public



PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM

Fuller Trust Holding Company  
A Limited Partnership

by *Albert I. Strauch*

as *V.P. of F&S of Colorado Inc., Gen. Partner*

STATE OF *COLORADO* )  
County of *DENVER* ) ss

The foregoing instrument was acknowledged before me this *27<sup>th</sup>* day  
of *April*, 19*98* by Albert I. Strauch as \*  
Fuller Trust Holding Company, a Limited Partnership

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: *6/13/99*



*Judith A. Mesching*  
Notary Public

\* Vice President of F&S of Colorado, Inc., General Partner

PARCEL 3  
PARCLES

SIGNATURE ADDENDUM

The Joseph J. Harrington Trust

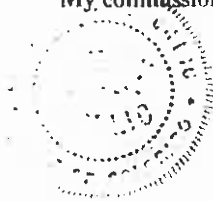
by: Joseph J. Harrington  
as Trustee

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day  
of April, 1998 by JOSEPH J. HARRINGTON as Trustee of The Joseph J.  
Harrington Trust

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99



Judith A. Menching  
Notary Public

PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM

Connie L. Hilb Living Trust

by: T. J. Hilb Trustee  
Thomas J. Hilb  
as Trustee

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 1998 by Thomas J. Hilb as Trustee of the Connie L. Hilb  
Living Trust

WITNESS MY HAND AND OFFICIAL SEAL


My commission expires: 6/13/99



Judith A. Menching  
Notary Public

PARCEL 3  
PARCELS

SIGNATURE ADDENDUM


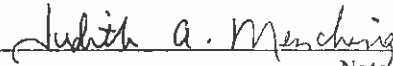
  
Thomas J. Hill

STATE OF COLOPADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 1998 by Thomas J. Hill

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99

  
  
Notary Public

PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM

Jack and Gordon Partnership

by: *John J. Houlihan, IV*  
John J. Houlihan, IV, as Partner

by: *Gordon Friednash*  
Gordon Friednash, as Partner

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 1998 by GORDON FRIEDNASH and JOHN J.  
HOULIHAN, Partners of Jack and Gordon Partnerships.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99



*Judith A. Menching*  
Notary Public

PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM

720 Investors  
A Colorado General Partnership

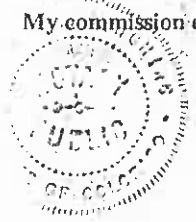
by: Gerald G. Rehow  
Gerald G. Rehow, as General Partner

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 21st day  
of April, 1998 by Gerald G. Rehow, as General Partner of  
720 Investors, a Colorado general Partnership

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99



Judith A. Manching  
Notary Public

PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM



Scott O. Kalevik

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 1998 by Scott O. Kalevik

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires:

6/13/99



Judith A. Manching  
Notary Public

PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM

Lou Ann Begg-James  
Lou Ann Begg-James

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day  
of April, 1998 by Lou Ann Begg-James

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99

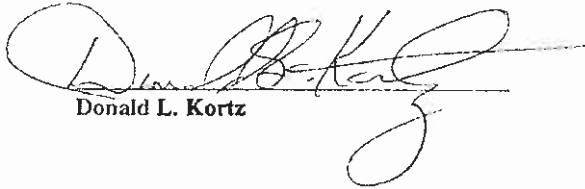


Judith A. Manching  
Notary Public



PALCQL 3  
PALCQL 5

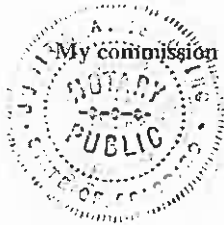
SIGNATURE ADDENDUM

  
Donald L. Kortz

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 1998 by Donald L. Kortz

WITNESS MY HAND AND OFFICIAL SEAL



My commission expires: 6/13/99

Judith A. Manching  
Notary Public

Parcel 3  
Parcel 5

SIGNATURE ADDENDUM

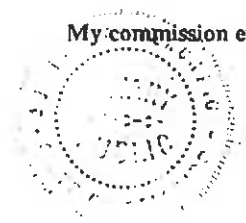
Stanley Shapiro  
Stanley Shapiro

STATE OF Colorado )  
County of Denver ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 1998 by Stanley Shapiro

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99



Judith A. Menching  
Notary Public

PARCEL 3  
PARCEL 5

SIGNATURE ADDENDUM

  
Albert I. Strauch

STATE OF COLORADO )  
County of DENVER ) ss

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day  
of April, 1998 by Albert I. Strauch

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 6/13/99



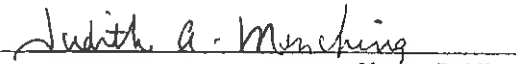
  
Notary Public

EXHIBIT "A"

PARCEL 3  
PARCEL 5

PROPERTY DESCRIPTION  
PARCEL TK-00102-00-138-000  
December 15, 1997  
Sheet 1 of 3

A parcel of land located in the SW 1/4 Section 10, Township 3 South, Range 66 West of the 6th P.M., City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the southwest corner of said SW 1/4 Section 10; Thence N89°41'47"E along the south line of said SW 1/4 Section 10 a distance of 30.00 feet; Thence N00°02'49"E along a line 30.00 feet east of and parallel with the west line of said SW 1/4 Section 10 a distance of 50.00 feet to the Point of Beginning;

Thence N00°02'49"E along a line 30.00 feet east of and parallel with the west line of said SW 1/4 Section 10 a distance of 1920.06 feet;

Thence N89°28'11"E a distance of 40.00 feet;

Thence S00°02'49"W along a line 70.00 feet east of and parallel with the west line of said SW 1/4 Section 10 a distance of 1300.20 feet;

Thence N89°41'47"E a distance of 10.00 feet;

Thence S00°02'49"W along a line 80.00 feet east of and parallel with the west line of said SW 1/4 Section 10 a distance of 515.01 feet;

Thence S45°07'42"E a distance of 105.74 feet;

Thence N89°41'47"E along a line 80.00 feet north of and parallel with the south line of said SW 1/4 Section 10 a distance of 545.01 feet;

Thence S00°02'49"W a distance of 10.00 feet;

Thence N89°41'47"E along a line 70.00 feet north of and parallel with the south line of said SW 1/4 Section 10 a distance of 1287.41 feet to a point on the west line of the SE 1/4 of the SE 1/4 of the SW 1/4 Section 10.

Thence S00°04'54"W along the west line of the SE 1/4 of the SE 1/4 of the SW 1/4 Section 10 a distance of 6.50 feet;

Thence S89°41'47"W along a line 63.50 feet north of and parallel with the south line of SW 1/4 Section 10 a distance of 37.52 feet;

Thence S00°04'54"W a distance of 13.50 feet;

Thence S89°41'47"W along a line 50.00 feet north of and parallel with the south line of the SW 1/4 Section 10 a distance of 1919.89 feet to the Point of Beginning.

Said parcel of land contains 129,662 square feet or 2.977 acres, more or less.

The basis of bearing for this description is the west line of said SW 1/4 Section 10 bearing N00°02'49"E. The northwest corner of said SW 1/4 Section 10 is a 2" aluminum cap (PLS 17488) in a monument box and the southwest corner of said SW 1/4 Section 10 is a #8 rebar in a monument box.

For and on behalf of: City and County of Denver  
Diana M. Kelly, PLS 23951  
Vally Surveying & Mapping, Inc.



EXHIBIT "A"

PARCEL 3  
PARCEL 5

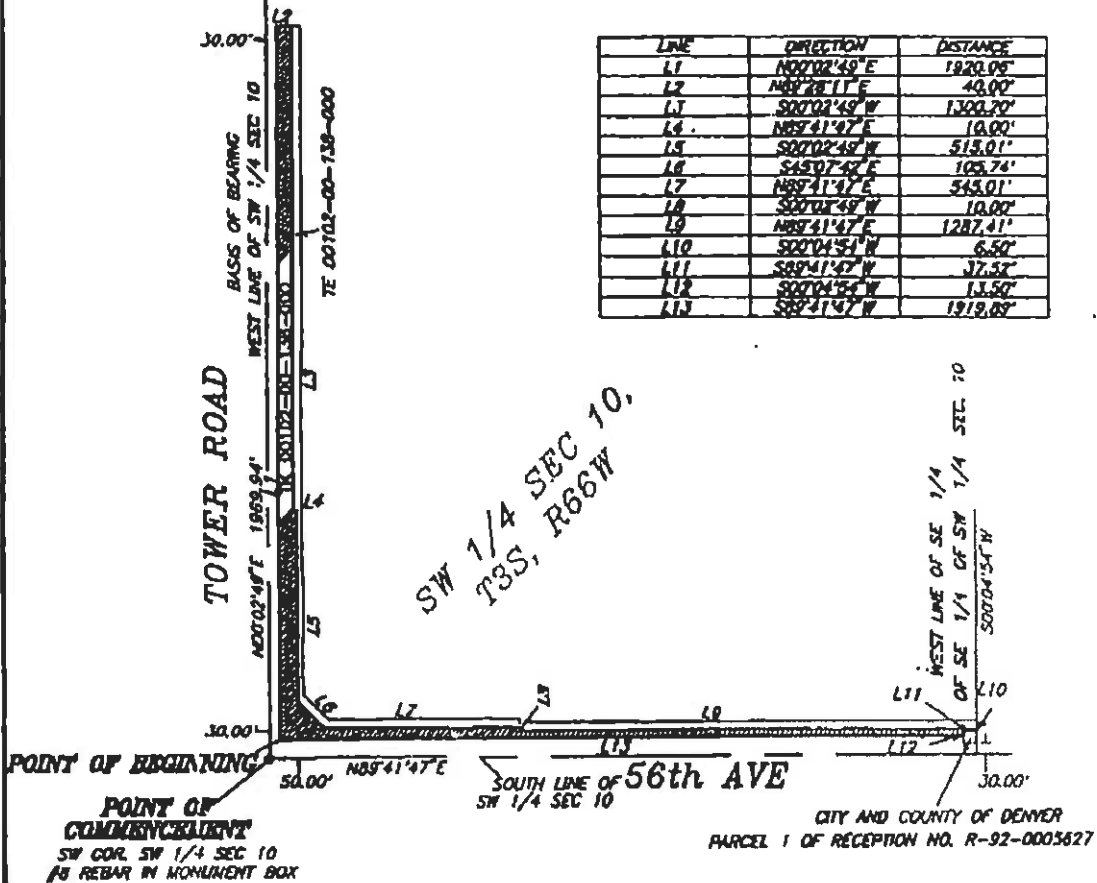
HW COR. SW 1/4 SEC 10  
1" ALUM CAP PLS 17488  
IN MONUMENT BOX

NORTH LINE OF SW 1/4 SEC 10  
N89°28'11"E



SCALE 1" = 400'

LINE	DIRECTION	DISTANCE
L1	N00°02'49"E	1920.05'
L2	N89°28'11"E	40.00'
L3	S00°02'49"W	1300.20'
L4	N89°41'47"E	10.00'
L5	S00°02'48"W	515.01'
L6	S45°02'42"E	105.74'
L7	N89°41'47"E	545.01'
L8	S00°02'48"W	10.00'
L9	N89°41'47"E	1287.41'
L10	S00°04'51"W	6.50'
L11	S89°41'47"W	37.52'
L12	S00°04'51"W	13.50'
L13	S89°41'47"W	1919.89'



SW 1/4 SEC. 10, T.3S., R.66W.

NOTE:  
This does not represent a monumented survey, it is intended only to depict the attached description.

Contains 120,443 square feet or 2.977 acres, more or less.



PREPARED BY  
KELLY SURVEYING ASSOCIATES, INC.  
14 WASHINGTON DRIVE SUITE  
PLS. N. SUITE 104  
DALLAS, TEXAS 75248 98112  
(214)782-0257 FAX(214)782-1028

PREPARED FOR:  
CITY AND COUNTY OF DENVER  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

PARCEL NO.

TK-00102-00-138-000

Scale: 1"=400' Drawn By: MSP Checked By: DK Sheet No. 3 of 3 Sheets Date: 01/16/97

PARCEL 3  
PARCEL 5

EXHIBIT "B"

PROPERTY DESCRIPTION  
PARCEL TK-00152-00-129-000  
December 15, 1997  
Sheet 1 of 3

A parcel of land located in the NW 1/4 of Section 15, Township 3 South, Range 66 West of the 6th P.M., City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the northwest corner of said NW 1/4 Section 15; Thence  $500^{\circ}00'13''$ E along the west line of said NW 1/4 Section 15 a distance of 30.00 feet; Thence  $N89^{\circ}41'47''$ E along a line 30.00 feet south of and parallel with the north line of said NW 1/4 Section 15 a distance of 176.22 feet to the Point of Beginning;

Thence  $N89^{\circ}41'47''$ E along a line 30.00 feet south of and parallel with the north line of said NW 1/4 Section 15 a distance of 486.23 feet to a point on the east line of the NW 1/4 of the NW 1/4 of the NW 1/4 Section 15;

Thence  $500^{\circ}01'04''$ W along the east line of the said NW 1/4 of the NW 1/4 of the NW 1/4 Section 15 a distance of 50.00 feet;

Thence  $S89^{\circ}41'47''$ W along a line 50.00 feet south of and parallel with the north line of said NW 1/4 Section 15 a distance of 507.43 feet;

Thence  $S44^{\circ}50'46''$ W a distance of 106.43 feet;

Thence  $800^{\circ}00'13''$ E along a line 80.00 feet east of and parallel with the west line of said NW 1/4 Section 15 a distance of 509.74 feet to a point on the south line of the NW 1/4 of the NW 1/4 of the NW 1/4 Section 15;

Thence  $S89^{\circ}42'27''$ W along the south line of said NW 1/4 of the NW 1/4 of the NW 1/4 Section 15 a distance of 50.00 feet;

Thence  $N00^{\circ}00'13''$ W along a line 30.00 feet east of and parallel with the west line of said NW 1/4 Section 15 a distance of 100.48 feet;

Thence  $N04^{\circ}00'15''$ E a distance of 372.00 feet;

Thence  $N00^{\circ}00'13''$ W along a line 56.00 feet east of and parallel with the west line of said NW 1/4 Section 15 a distance of 119.00 feet to a point of curvature;

Thence along an arc of a curve to the right having a central angle of  $83^{\circ}51'46''$ , a radius of 30.00 feet, a chord bearing of  $N41^{\circ}55'40''$ E, a chord distance of 40.09 feet and an arc distance of 43.91 feet;

Thence  $N80^{\circ}49'02''$ E along a non-tangent line a distance of 94.64 feet to the Point of Beginning.

Said parcel of land contains 53,343 square feet or 1.225 acre, more or less.

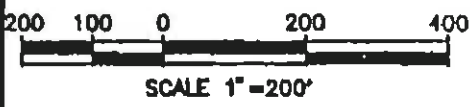
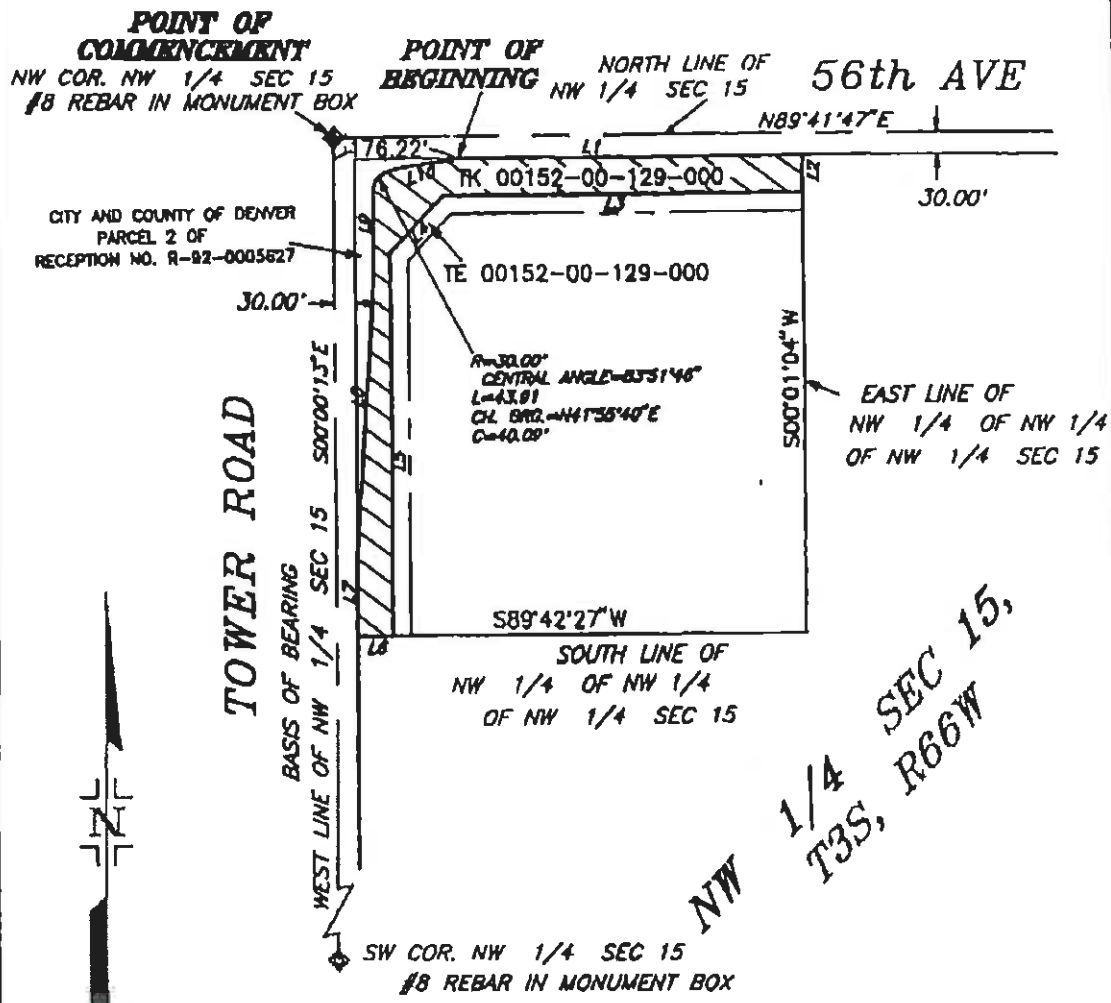
The basis of bearing for this description is the west line of the said NW 1/4 Section 15 bearing  $500^{\circ}00'13''$ E. The northwest corner of said NW 1/4 Section 15 is a #8 rebar in a monument box and the southwest corner of the said NW 1/4 Section 15 is a #8 rebar in a monument box.

For and on behalf of: City and County of Denver  
Diane M. Kelly, PLS 25951  
Kelly Surveying Associates, Inc.  
14 Inverness Drive East H-144  
Englewood, CO. 80112



PARCEL 3  
PARCELS

EXHIBIT "B"



LINE	DIRECTION	DISTANCE
L1	N89°41'47"E	486.23'
L2	S00°01'04"W	50.00'
L3	S89°41'47"W	507.43'
L4	S44°50'46"W	106.34'
L5	S00°00'13"E	509.74'
L6	S89°42'27"W	50.00'
L7	N00°00'13"W	100.48'
L8	N04°00'15"E	372.00'
L9	N00°00'13"W	119.00'
L10	N80°49'02"E	94.64'

NW 1/4 SEC. 15, T.3S., R.66W.

NOTE:  
This does not represent a monumented survey, it is intended only to depict the attached description.

Contains 53,243 square feet or 1.228 acres, more or less.

	PREPARED FOR: CITY AND COUNTY OF DENVER DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION		
	PARCEL NO. TK-00152-00-129-000		
PROVIDED BY: KELLY SURVEYING ASSOCIATES, INC. 14 SHERWOOD DRIVE, EAST WALKER, CO. 80152 (303)782-8387 FAX (303)782-1889	Scale: 1"=200'	Drawn By: MSP Checked By: IJK	Sheet No. 3 of 3 Sheets
		Date:	12/18/07

EXHIBIT "C"

PARCEL  
3  
PARCEL 5

Taxes for the current year, a lien, but not yet due or payable.

Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

Easements, or claims of easements, not shown by public records.

Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the land would disclose, and which are not shown by the public records.

Any water rights or claims or title to water, in, on or under the land.

Unpatented mining claims, reservations or exceptions in patents or in Acts authorizing the issuance thereof.

An undivided 100% interest in all oil, gas and other minerals conveyed to First Creek Company, a general partnership by Mineral Deed, recorded May 31, 1984 in Book 2878 at Page 305, and any und all assignments thereof or interests therein.

The effect of First Creek Farms Preliminary PUD Plan recorded April 9, 1984 in Book 2858 at Reception No. B496370 (Adams County).

Unrecorded Operating Agreement dated December 26, 1985 by and between the owners of the subject property as evidenced by Special Power of Attorney recorded January 29, 1986 in Book 3104 at Page 141 (Adams County) and recorded July 29, 1992 at Reception No. R-92-0085818 and recorded July 29, 1992 at Reception No. R-92-0085819 and recorded July 29, 1992 at Reception No. R-92-0085820 and recorded July 29, 1992 at Reception No. R-92-0085821 and recorded July 29, 1992 at Reception No. R-92-0085822 and recorded May 24, 1994 in Book 4324 at Page 64 (Adams County).

Terms, conditions, provisions, agreements and obligations specified under the Intergovernmental Agreement of Annexation by and between the City and County of Denver and The county of Adams recorded May 26, 1988 in Book 3450 at Page

751.

Terms, conditions, provisions, agreements and obligations specified under the Easement Agreement by and between Gordon W. Eatherton, et al and the City and County of Denver recorded March 6, 1990 in Book 3653 at Page 172 (Adams County).

An easement for utilities and incidental purposes granted to U.S. West Communications, Inc. by the instrument recorded June 10, 1991 at Reception No. R-91-0050253.

Terms, conditions, provisions, agreements and obligations specified under the Intergovernmental Agreement of Annexation by and between the City and County of Denver and the City of Aurora recorded January 16, 1990 in Book 3639 at Page 318 (Adams County).

Assignment of Prescriptive Rights and Uses to Public Service Company of Colorado recorded February 19, 1992 at Reception No. 92-0015457

Terms, conditions, provisions, agreements and obligations specified under the Tower Road Sewer Line Agreement by and between the City and County of Denver and Gordon W. Eatherton, et al recorded March 6, 1992 at Reception No. 92-0029382.

Terms, conditions, provisions, agreements and obligations specified under the Easement Agreement by and between Gordon W. Eatherton, et al and the City and County of Denver recorded August 6, 1993 at Reception No. 9300103979.

Grantors herein are not warranting the accuracy of the legal description



PARCEL 4

.00 SMD

SPECIAL WARRANTY DEED

THIS DEED, made this \_\_\_\_\_ day of June, 19 98,  
between Robert R. Moffitt, Jr.

of the City and County of Denver and State of Colorado,  
grantor(s) and City and County of Denver, a Colorado municipal corporation  
whose legal address is 1437 Bannock Street, Denver, CO 80202

of the City and County of Denver and State of Colorado, grantee(s):  
WITNESS, that the grantor(s), for and in consideration of the sum of TEN AND NO/100

-----DOLLARS,  
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(s), its heirs 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:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.  
TK 00102-00-130-000

also known by street and number as: Tower Road, Denver, Colorado  
assessor's schedule or parcel number: 00120-00-130

TOGETHER with all and singular the hereditaments and appurtenances therunto 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(s), 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(s), its heirs and assigns forever. The grantor(s), for himself, his heirs, personal representatives, successors and assigns, do es covenant and agree that he shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), its heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s), except those items listed\*

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.  
\*in Exhibit "B" attached hereto and incorporated herein.

Robert R. Moffitt, Jr.

*Robert R. Moffitt Jr.*

STATE OF COLORADO

County of DENVER

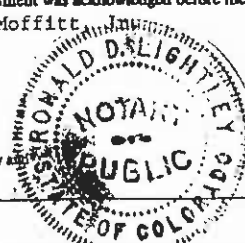
The foregoing instrument was acknowledged before me this  
by Robert R. Moffitt, Jr.

} ss.  
30<sup>th</sup> day of June, 1998

Witness my hand and official seal.

My commission expires: 3-10-2002

*Ronald D. Lightley*  
Notary Public



\*If in Denver, insert "City and County of Denver"

Name and Address of Person Creating Newly Created Legal Description (I 38-35-106.3, C.R.S.)

EXHIBIT A

PROPERTY DESCRIPTION  
 PARCEL TK-00102-00-130-000  
 April 29, 1998  
 Sheet 1 of 2

A parcel of land located in the SW 1/4 of Section 10, Township 3 South, Range 66 West of the 6th P.M., City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the northwest corner of said SW 1/4 Section 10; Thence N89°28'11"E along the north line of said SW 1/4 Section 10 a distance of 30.00 feet to the Point of Beginning;

Thence continuing N89°28'11"E along said north line of the SW 1/4 Section 10 a distance of 40.00 feet;

Thence S00°02'49"W along a line 70.00 feet east of and parallel with the west line of said SW 1/4 Section 10 a distance of 660.00 feet;

Thence S89°28'11"W along a line 660.00 feet south of and parallel with the north line of said SW 1/4 Section 10 a distance of 40.00 feet;

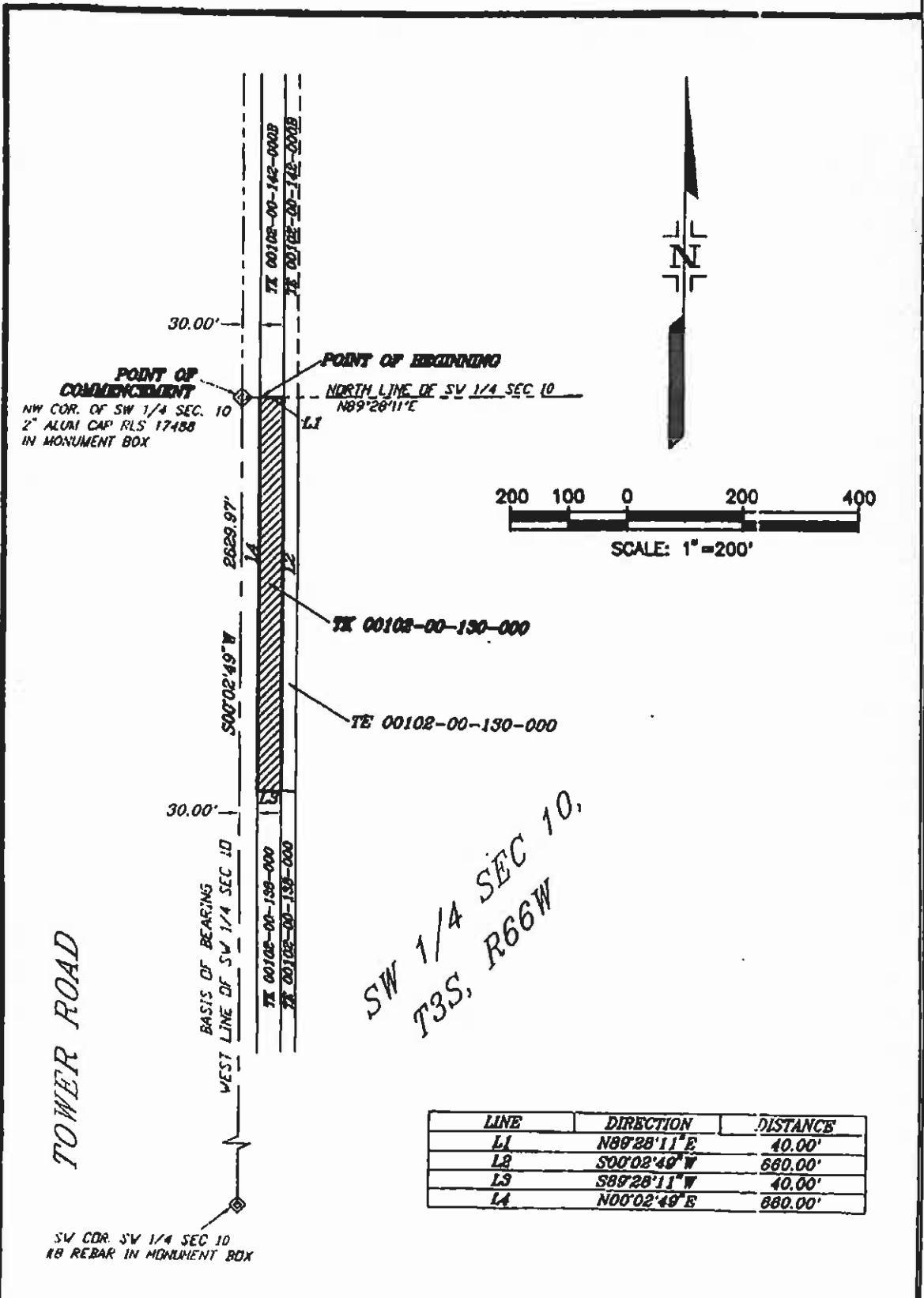
Thence N00°02'49"E along a line 30.00 feet east of and parallel with the west line of said SW 1/4 Section 10 a distance of 660.00 feet to the Point of Beginning.

Said parcel of land contains 26,399 square feet or 0.606 acres, more or less.

The basis of bearing for this description is the west line of said SW 1/4 Section 10 bearing S00°02'49"W. The northwest corner of said SW 1/4 Section 10 is a 2" aluminum cap (PLS 17488) in a monument box and the southwest corner of said SW 1/4 Section 10 is a #8 rebar in a monument box.

For and on behalf of: City and County of Denver  
 Diane M. Kelly, PLS 25951  
 Kelly Surveying Associates, Inc.  
 14 Inverness Drive East H-14  
 Englewood, CO 80112





LINE	DIRECTION	DISTANCE
L1	N89°28'11"E	40.00'
L2	S00°02'49"W	660.00'
L3	S89°28'11"W	40.00'
L4	N00°02'49"E	660.00'

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

Contains 26,399 square feet or 0.606  
acres, more or less.

SW 1/4 SEC. 10, T.3S., R.66W.

	CITY AND COUNTY OF DENVER DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION		
	PARCEL NO. TK-00102-00-130-000		
PROVIDED BY: KYLE SURVEYING ASSOCIATES, INC. 14 BUSINESS CENTER DR SUITE 141 DOLGOCEN, COLORADO 80112 (303)762-2257 FAX(303)762-1229	Scale: 1" = 200'	Drawn By: MB Checked By: DK	Sheet No. 2 of 2 Sheets
		Date: 04/29/88	

**EXHIBIT "B"**

- 1) Terms, conditions, provisions, agreements and obligations specified under the Easement Agreement by and between Robert R. Moffitt, Jr. and the City and County of Denver recorded April 27, 1989 at Reception No. R-89-0037631.
- 2) Terms, conditions, provisions, agreements and obligations specified under the Intergovernmental Agreement of Annexation by and between the City and County of Denver and Adams County recorded May 26, 1988 in Book 3540 at Page 751 (Adams County).
- 3) Terms, conditions, provisions, agreements and obligations specified under the Intergovernmental Agreement of Annexation by and between the City and County of Denver and the City of Aurora recorded January 16, 1990 in Book 3639 at Page 318 (Adams County).
- 4) Assignment of Prescriptive Rights and Uses to Public Service Company of Colorado recorded February 19, 1992 at Reception No. R-92-0015457.