



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

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

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

**DATE:** May 1, 2018

**ROW #:** 2018-Dedication-0000063      **SCHEDULE #:** Adjacent to 50227123015000

**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as 33<sup>rd</sup> St. and Festival St. Located near the intersection of 31<sup>st</sup> St. and Brighton 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 33<sup>rd</sup> St. and Festival St. 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 (**Festival Park**)

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 33<sup>rd</sup> St. and Festival St. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2018-Dedication-0000063-001 & 002)) HERE.**

A map of the area to be dedicated is attached.

MB/PR/BV

cc: Asset Management, Curtis Anthony  
City Councilperson & Aides, Albus Brooks District # 9  
Council Aide Chy Montoya  
Council Aide Emily Brown  
Council Aide Evelyn Barnes  
City Council Staff, Zach Rothmier  
Environmental Services, David Erickson  
Public Works, Manager's Office, Alba Castro  
Public Works, Manager's Office, Sarah Stanek  
Public Works, Right-of-Way Engineering Services, Matt Bryner  
Department of Law, Brent Eisen  
Department of Law, Shaun Sullivan  
Department of Law, Caroline Martin  
Department of Law, Stan Lechman  
Department of Law, Cynthia Devereaux  
Public Works Survey, Paul Rogalla  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder 2018-Dedication-0000063

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Sarah Stanek  
at [sarah.stanek@DenverGov.org](mailto:sarah.stanek@DenverGov.org) by **12:00 pm on Monday.**

***\*All fields must be completed.\****  
***Incomplete request forms will be returned to sender which may cause a delay in processing.***

Date of Request: May 1, 2018

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 33<sup>rd</sup> St. and Festival St.  
Located near the intersection of 31<sup>st</sup> St. and Brighton Blvd.

**3. Requesting Agency:** Public Works-Right-of-Way Services  
**Agency Division:** 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:** Sarah Stanek
- **Phone:** 720-865-8713
- **Email:** Sarah.stanek@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 33<sup>rd</sup> St. and Festival St. 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 (**Festival Park**)

**\*\*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:** Near 31<sup>st</sup> St. and Brighton Blvd
- d. **Affected Council District:** Albus Brooks Dist. #9
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

**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: 2018-Dedication-0000063, Festival Park**

**Description of Proposed Project: Dedicate a parcel of land as public right of way as 33<sup>rd</sup> St. and Festival St.**

**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, Festival Park.**



# 33rd Street and Festival Street Parcels



## PARCEL DESCRIPTION

A parcel of land situated in the NE ¼ of Section 27 and the SE ¼ of Section 22, Township 3 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

**COMMENCING** at the Northwest corner of the NE ¼ of said Section 27, thence S89°57'39"E along the North line of the NE ¼ of Section 27 a distance of 1479.44 feet to the intersection of said North line of Section 27 and the southeast line of East Arkins Court;  
Thence continuing S89°57'39"E along said North line of the NE ¼ of Section 27 a distance of 121.62 feet to the **POINT OF BEGINNING**;  
Thence departing said North line N45°07'03"W a distance of 10.38 feet;  
Thence N44°58'59"E a distance of 306.96 feet to the Northeasterly line of that parcel described as "Parcel Two" in a warranty deed recorded with the City and County of Denver Clerk and Recorder 9/11/2014, at reception number 2014110700;  
Thence S45°01'01"E along said Northeasterly line of said Parcel Two a distance of 25.00 feet to the easternmost corner of said Parcel Two;  
Thence S44°58'59"W along the Southeasterly line of said Parcel Two and the Northwesterly line of that parcel described as "Exhibit B" in a warranty deed recorded with the City and County of Denver Clerk and Recorder 11/5/2014, at reception number 2014135101, a distance of 292.35 feet to the North line of said NE ¼ of Section 27, said point also being the southwesternmost point of said Exhibit B parcel;  
Thence departing said Northwesterly line S89°57'39"E along the said North line of the NE ¼ of Section 27 and the South line of said Exhibit B parcel a distance of 5.65 feet to the southeasternmost point of said Exhibit B parcel;  
Thence S44°58'59"W along a prolongation to the southwest of the Southeasterly line of said Exhibit B parcel a distance of 18.55 feet ,  
Thence N45°07'03"W a distance of 18.62 feet to the **POINT OF BEGINNING**.

Said parcel contains 7,740 square feet, or 0.178 acres, more or less.

The **BASIS OF BEARINGS** for this description is the bearing of the North line of the NE ¼ of Section 27, Township 3 South, Range 68 West of the 6<sup>th</sup> Principal Meridian. The bearing for said North line is S89°57'39"E between a 3.25" aluminum cap stamped "AZTEC LS 33204" at the Northwest corner of the NE ¼ of said Section 27, and a 6" stone with a chiseled cross at the Northeast corner of said Section 27.

Prepared for and on behalf of  
The City and County of Denver  
201 W. Colfax Ave., Suite 507  
Denver, Colorado 80202  
By Paul R. Rogalla, PLS 38249  
November 10, 2015

## PARCEL DESCRIPTION

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Thence continuing S89°57'39"E along said North line of the NE ¼ of Section 27 a distance of 121.62 feet to the **POINT OF BEGINNING**;  
Thence departing said North line S45°07'03"E a distance of 309.32 feet to the Northwesterly line of Brighton Boulevard as dedicated by Ordinance 63 of 1922 and Ordinance 177 of 1924;  
Thence along said Northwesterly line of Brighton Boulevard S44°52'59"W a distance of 57.00 feet;  
Thence departing said Northwesterly line of Brighton Boulevard N45°07'03"W a distance of 319.80 feet;  
Thence N44°58'59"E a distance of 57.00 feet;  
Thence S45°07'03"E a distance of 10.38 feet to the **POINT OF BEGINNING**.

Said parcel contains 18,226 square feet, or 0.418 acres, more or less.

The **BASIS OF BEARINGS** for this description is the bearing of the North line of the NE ¼ of Section 27, Township 3 South, Range 68 West of the 6<sup>th</sup> Principal Meridian. The bearing for said North line is S89°57'39"E between a 3.25" aluminum cap stamped "AZTEC LS 33204" at the Northwest corner of the NE ¼ of said Section 27, and a 6" stone with a chiseled cross at the Northeast corner of said Section 27.

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2016159639

Page: 1 of 10

11/15/2016 11:48 AM  
City & County of Denver

R \$0.00

ODR

D \$0.00

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	
Plaintiff(s) C AND C OF DENVER et al.	DATE FILED: November 10, 2016 2:25 PM
v.	CASE NUMBER: 2015CV31614
Defendant(s) ISELO INV PARTNERS LLC et al.	
<b>△ COURT USE ONLY △</b>	
Case Number: 2015CV31614	
Division: 209	Courtroom:
<b>Order: (Proposed) Final Rule and Order</b>	

The motion/proposed order attached hereto: APPROVED.

Issue Date: 11/10/2016

JAY SUTHERLAND GRANT  
District Court Judge



DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202	▲ COURT USE ONLY ▲
Petitioner: CITY AND COUNTY OF DENVER, a Colorado home rule city and municipal corporation,  v.  Respondents: ISELO INVESTMENT PARTNERS, LLC, a Colorado limited liability company; <i>et al.</i>	
	Case No. 2015CV031614 Div.: 209  Combined with: Case No. 2015CV034394
<b>FINAL RULE AND ORDER</b>	

THIS MATTER comes before the Court on the Stipulated Motion for Entry of Final Rule and Order filed by Petitioner, City and County of Denver ("City") and Respondent Iselo Investment Partners, LLC.

THE COURT, having reviewed said Motion and the other pleadings and documents filed in this action, and otherwise being fully advised in the premises, and it appearing to the Court that all persons interested in the Subject Property as owners and otherwise have been joined as respondents in this action,

**THEREFORE, FINDS:**

1. Petitioner the City commenced this action by filing its Petition in Condemnation ("Petition") for the 33rd Street Outfall storm drainage project ("Outfall Project") on May 7, 2015, and also by filing its Petition for the 33<sup>rd</sup> Avenue and Festival Road street construction project ("Roads Project") on December 14, 2015 (the "Projects"). These two actions were consolidated by the Court on January 26, 2016 into Case No. 2015CV031614. This is a special statutory proceeding in eminent domain brought pursuant to Colo. Rev. Stat. § 38-1-101 *et seq.*

2. An accurate description of the Takings Property for the Roads Project and the Permanent Easement and Temporary Easement for the Outfall Project being acquired by Petitioner the City is set forth in the Exhibits to both Petitions in Condemnation, attached hereto as **Exhibits A, B and C** (collectively, the "City Takings").



3. The property is located in Denver County, Colorado. Venue in this Court is proper pursuant to Colo. R. Civ. P. 98.

4. All interested parties named in the Petitions in Condemnation have been served or have submitted to the jurisdiction of this Court, as required by Colo. Rev. Stat. § 38-1-103. All such parties have either consented to entry of this Final Rule and Order, filed a disclaimer of interest, were dismissed by the Court, or have failed to respond to the Petitions in Condemnation or otherwise assert their interests in these proceedings.

5. Immediate possession of the property interests was stipulated to between Petitioner and Respondent, Iselo Investment Partners, LLC. On June 30, 2015, the Court issued its Order Granting Immediate Possession and Disbursing Deposit for the Outfall Project and the City deposited \$804,950.00 into the Court Registry. On January 26, 2016, the Court issued its Order Granting Stipulated Motion for Immediate Possession and Disbursement of Funds for the Roads Project and the City deposited \$1,762,900.00 into the Court Registry.

6. These matters then came before the Court on October 24 – 28, 2016 for a five-day valuation trial to a Commission. Trial proceeded in front of the Commission and both the Petitioner and Respondent Iselo appeared at trial.

7. In the Commission's Certificate of Ascertainment filed on October 28, 2016, the Commission awarded compensation of \$1,625,674.05 for the permanent easement for the Outfall Takings; \$13,486.88 for the temporary easement and damages to the residue for the Outfall Takings of \$277,500.00. The Commission further awarded \$1,438,690.50 for the Taking for the Roads Project and damages to the residue of \$751,929.75.

8. The Court has caused the commissioners' certificate to be entered upon the records of the Court, as per C.R.S. § 38-1-116.

**NOW THEREFORE**, based upon these findings and other matters in the Court record, along with the Commissioners' Certificate of Ascertainment, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that, upon the additional deposits by the City as provided for below, the City Takings more fully described in **Exhibits A and B** attached hereto are and have been duly and lawfully taken and condemned by Petitioner pursuant to the statutes and the Constitution of the State of Colorado, that the interests of all Respondents in the Subject Property have been acquired by Petitioner, and that Subject Property is hereby conveyed to Petitioner free and clear of same. The temporary easement described in Exhibit C has already been used by Petitioner and is now expired.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the amount of \$1,916,660.93 represents total compensation to be paid by the Petitioner for the taking of the permanent and temporary easements for the Outfall Project. In addition, pre-judgment interest in the amount of \$120,778.71 is owed pursuant to C.R.S. § 38-1-116. Petitioner therefore must

deposit an additional \$1,232,489.64 in addition to the prior \$804,950.00 immediate possession deposit. Post-judgment interest will accrue at \$270.13 per day from October 28, 2016 until the additional deposit is made.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the amount of \$2,190,620.25 represents total compensation to be paid by the Petitioner for the taking of the fee interests for the Roads Project. In addition, pre-judgment interest in the amount of \$25,874.15 is owed pursuant to C.R.S. § 38-1-116. Petitioner therefore must deposit an additional \$453,594.40 in addition to the prior \$1,762,900 immediate possession deposit. Post-judgment interest will accrue at \$99.42 per day from October 28, 2016 until the additional deposit is made.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Court clerk is hereby instructed to take and receive additional deposit amounts from the Petitioner in order to satisfy the compensation and interest hereby awarded.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that a certified copy of this Final Rule and Order may be recorded and indexed in the office of the Clerk and Recorder of Denver County, Colorado, in the like manner and in the like effect as if it were a deed of conveyance of Outfall Easement and Road's Taking, as shown on the attached **Exhibits A and B** from the owners and parties interested therein to the Petitioner, The City and County of Denver. Upon recording of this Final Rule and Order, the *Lis Pendens* recorded on May 7, 2015 at Reception No. 2015059186 and on December 15, 2016, 2016 at Reception Nos. 2015172928, 2015172929 with the Clerk and Recorder of Denver County, Colorado, shall be released and of no further effect.

So ORDERED, this \_\_\_\_\_ day of November 2016.

\_\_\_\_\_  
Denver District Court Judge

Gordon PE Exhibit A - Legal May 6, 2015

## Permanent Easement Legal Description

BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED AS EXHIBIT A IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED AUGUST 28, 2007 AT RECEPTION No. 20071364206, TOGETHER WITH A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED AS EXHIBIT A IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED AUGUST 28, 2007 AT RECEPTION No. 20071364203, LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 22 AND WITHIN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 22, FROM WHENCE THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER (NE 1/4) BEARS NORTH 89°40'38" EAST A DISTANCE OF 2645.63 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE 1/4), NORTH 89°40'38" EAST, 1479.44 FEET TO A POINT ON THE BOUNDARY OF SAID REAL PROPERTY;

THENCE ALONG SAID BOUNDARY, NORTH 31°13'51" EAST, 29.55 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID BOUNDARY, CONTINUING NORTH 31°13'51" EAST, 58.57 FEET TO A POINT;

THENCE LEAVING SAID BOUNDARY, SOUTH 45°28'46" EAST, 415.81 FEET TO A POINT ON SAID BOUNDARY;

THENCE ALONG SAID BOUNDARY, SOUTH 44°31'14" WEST, 52.00 FEET TO A POINT;

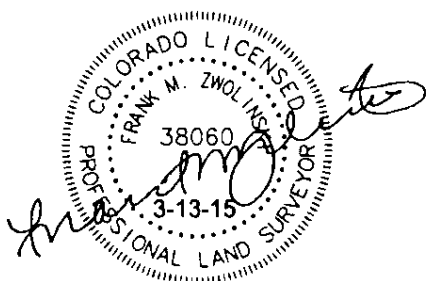
THENCE LEAVING SAID BOUNDARY, NORTH 45°28'46" WEST, 243.28 FEET TO A POINT;

THENCE NORTH 61°24'11" WEST, 18.22 FEET TO A POINT;

THENCE NORTH 45°28'46" WEST, 140.96 FEET TO THE POINT OF BEGINNING.

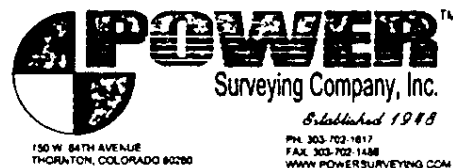
Containing 22,055 Square Feet or 0.506 Acres of Land, more or less.

End of Legal Description.



## Exhibit A

Frank M. Zwolinski, P.L.S.  
Colorado License #38060  
For and on behalf of Power Surveying Company, Inc.  
303-702-1617

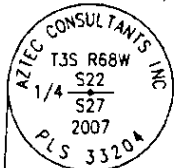


DRAWING BY: FMZ      DATE: 3-13-2015  
PROJECT NO. 501-14-050

Gordon PE Exhibit A - Legal May 6, 2015

Permanent Easement  
Legal Description Exhibit

POINT OF COMMENCEMENT  
FOUND REBAR & 3-1/4" DIAM. ALUM.  
CAP IN ASPHALT, MARKED AS SHOWN  
(ACCEPTED AS N 1/4 CORNER OF SEC.  
27, T. 3S., R. 68W.)



ARKINS COURT  
Public Right-of-Way per Ord. 2, Series 1895;  
Ord. 310 Series 1954; Ord. 125 Series 1961

pt. Schedule #0227100029000  
Owner: Iselo Investment Partners LLC  
NOT A PART

Address: 3403 Brighton Blvd.  
Owner: Arapahoe LLC  
NOT A PART

POINT OF BEGINNING

"BASIS OF BEARINGS"  
N89°40'38"E

1479.44'(C)

2645.63'(M)  
891.94'(C)

FOUND 6"x6" STONE WITH CUT +  
IN TOP; DESCRIPTION MATCHES  
MONUMENT RECORDS (ACCEPTED  
AS NE CORNER OF SEC. 27, T.  
3S., R. 68W.)

N31°13'51"E  
29.55'

N45°28'46"W  
140.96'

N61°24'11"W  
18.22'

N31°13'51"E  
58.57'

57.00'

S45°28'46"E  
415.81'

Address: 3325 Brighton Blvd.  
Owner: Walnut Street LLC  
NOT A PART

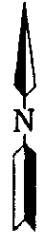
N45°28'46"W  
52.00'

S44°31'14"W  
52.00'

pt. Schedule #0227500057000  
Owner: Iselo Investment Partners LLC  
NOT A PART

N. BRIGHTON BOULEVARD  
80' wide Public Right-of-Way per Ordinance 63, Series 1922

Parcel Area: 22,055 a.f. (0.506 acres)



SCALE: 1" = 100'



100' 0 50' 100'



150 W BATH AVENUE  
THORNTON, COLORADO 80260  
PH 303-702-1817  
FAX 303-702-1488  
WWW.POWERSURVEYING.COM

DRAWING BY: FMZ DATE: 3-13-2015  
PROJECT NO. 501-14-050

Exhibit A

### PARCEL DESCRIPTION

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**COMMENCING** at the Northwest corner of the NE ¼ of said Section 27, thence S89°57'39"E along the North line of the NE ¼ of Section 27 a distance of 1479.44 feet to the intersection of said North line of Section 27 and the southeast line of East Arkins Court;  
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Thence departing said North line N45°07'03"W a distance of 10.38 feet;

Thence N44°58'59"E a distance of 306.96 feet to the Northeasterly line of that parcel described as "Parcel Two" in a warranty deed recorded with the City and County of Denver Clerk and Recorder 9/11/2014, at reception number 2014110700;

Thence S45°01'01"E along said Northeasterly line of said Parcel Two a distance of 25.00 feet to the easternmost corner of said Parcel Two;

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Thence departing said Northwesterly line S89°57'39"E along the said North line of the NE ¼ of Section 27 and the South line of said Exhibit B parcel a distance of 5.65 feet to the southeasternmost point of said Exhibit B parcel;

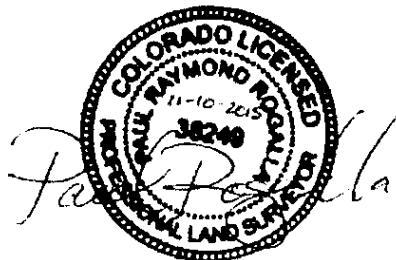
Thence S44°58'59"W along a prolongation to the southwest of the Southeasterly line of said Exhibit B parcel a distance of 18.55 feet ,

Thence N45°07'03"W a distance of 18.62 feet to the **POINT OF BEGINNING**.

Said parcel contains 7,740 square feet, or 0.178 acres, more or less.

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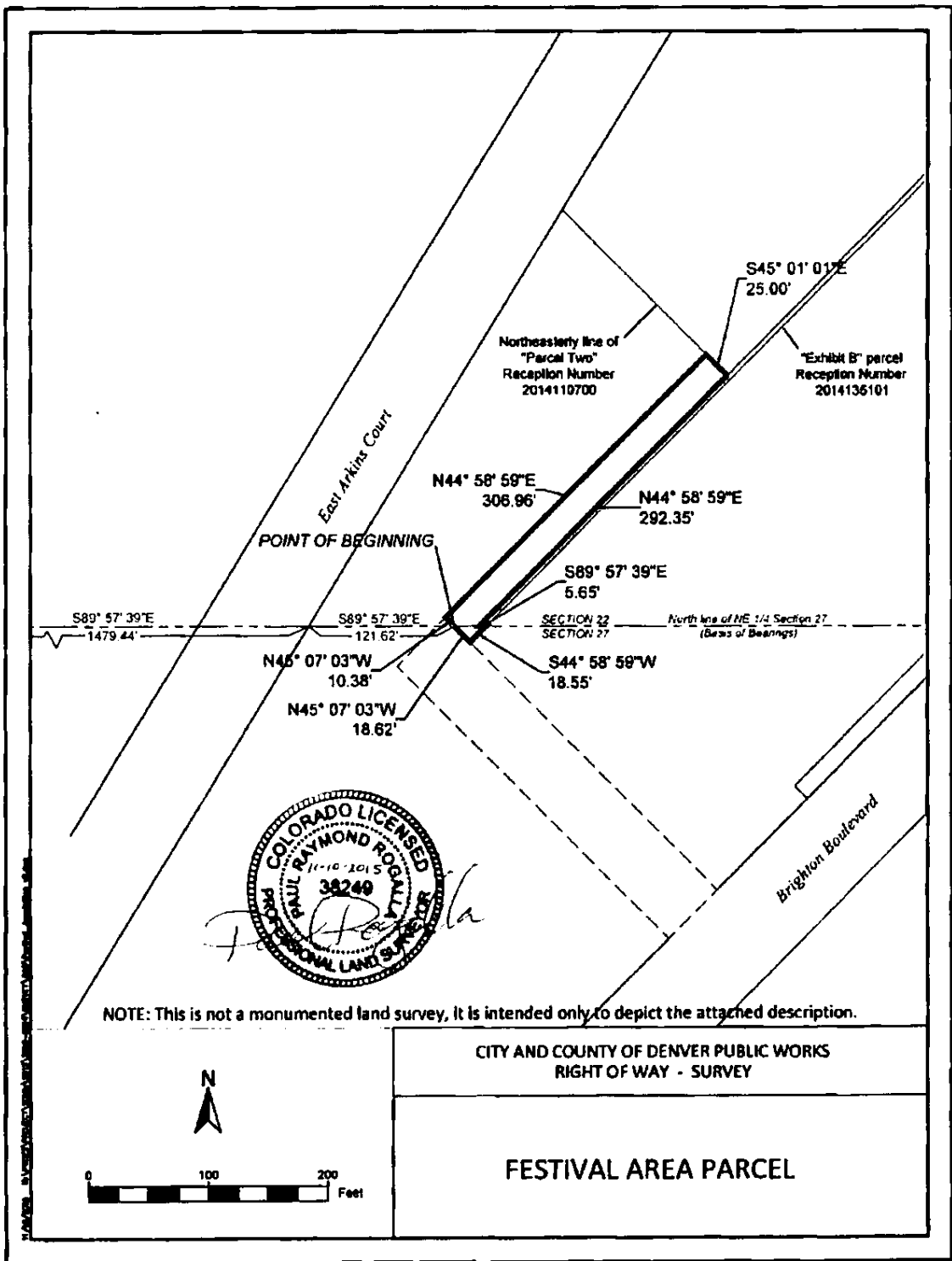


Exhibit B
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**PARCEL DESCRIPTION**

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 Thence along said Northwesterly line of Brighton Boulevard S44°52'59"W a distance of 57.00 feet;  
 Thence departing said Northwesterly line of Brighton Boulevard N45°07'03"W a distance of 319.80 feet;  
 Thence N44°58'59"E a distance of 57.00 feet;  
 Thence S45°07'03"E a distance of 10.38 feet to the **POINT OF BEGINNING**.

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