


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

**TO:** Ivone Avila-Ponce, City Attorney's Office

**FROM:** Glen D. Blackburn, P.E., Director, Right-of-Way Services 

**DATE:** November 3, 2023

**ROW #:** 2023-DEDICATION-0000014 **SCHEDULE #:** 0506300183000 and adjacent to 0506300180000

**TITLE:** This request is to dedicate a City-owned parcel of land as West 11<sup>th</sup> Avenue, located near the intersection of West 11<sup>th</sup> Avenue and North Xavier Street.

**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 West 11<sup>th</sup> Avenue. This parcel(s) of land is being dedicated by the City and County of Denver for Public Right-of-Way, as part of the development project, "AHRT – 5035 W 10<sup>th</sup> Ave."

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 West 11<sup>th</sup> Avenue. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW #(2023-DEDICATION-0000014-001) HERE.**

A map of the area to be dedicated is attached.

MB/DS /DG

cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)  
City Councilperson, Jamie Torres District # 3  
Councilperson Aide, Daisy Rocha Vasquez  
Councilperson Aide, Angelina Gurule  
Councilperson Aide, Ayn Tougaard Slavis  
City Council Staff, Luke Palmisano  
Environmental Services, Andrew Ross  
DOTI, Manager's Office, Alba Castro  
DOTI, Manager's Office, Jason Gallardo  
DOTI, Director, Right-of-Way Services, Glen Blackburn  
Department of Law, Johna Varty  
Department of Law, Martin Plate  
Department of Law, Deanne Durfee  
Department of Law, Ivone Avila-Ponce  
Department of Law, Joann Tristani  
DOTI Survey, Dana Sperling  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder 2023-DEDICATION-0000014

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services  
201 W. Colfax Ave. | Denver, CO 80215  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-913-1311

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo  
at [Jason.Gallardo@DenverGov.org](mailto:Jason.Gallardo@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 3, 2023

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:** This request is to dedicate a City-owned parcel of land as West 11th Avenue, located near the intersection of West 11th Avenue and North Xavier Street.

3. **Requesting Agency:** DOTI, Right-of-Way Services  
**Agency Section:** Survey

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

- **Name:** Dalila Gutierrez
- **Phone:** 720-865-3207
- **Email:** [Dalila.Gutierrez@denvergov.org](mailto:Dalila.Gutierrez@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:** Jason Gallardo
- **Phone:** 720-865-8723
- **Email:** [Jason.Gallardo@denvergov.org](mailto:Jason.Gallardo@denvergov.org)

6. **General description/background of proposed resolution including contract scope of work if applicable:** This project proposes the demolition of an existing single-family structure, a parcel reconfiguration and build one new apartment building and two new townhomes called, "AHRT – 5035 W 10th Ave." The developer was asked to dedicate a parcel as West 11th Avenue.

**\*\*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 intersection of W. 11<sup>th</sup> Ave and N. Xavier St
- d. **Affected Council District:** Jamie Torres, District #3
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. **Is there any controversy surrounding this resolution?** (Groups or individuals who may have concerns about it?) **Please explain.**

None.

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To be completed by Mayor's Legislative Team:

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## EXECUTIVE SUMMARY

**Project Title:** 2023-DEDICATION-0000014

**Description of Proposed Project:** This project proposes the demolition of an existing single-family structure, a parcel reconfiguration and build one new apartment building and two new townhomes called, "AHRT – 5035 W 10th Ave." The developer was asked to dedicate a parcel as West 11th Avenue.

**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 be dedicated as West 11<sup>TH</sup> Avenue.

**Has a Temp MEP been issued, and if so, what work is underway:** N/A

**What is the known duration of a 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 West 11<sup>th</sup> Avenue, as part of a development project called, "AHRT – 5035 W 10th Ave."



Parcel to be dedicated

### Legend

- Streets
- Alleys
- Rail Transit Stations**
  - Existing
  - Planned
- ▭ County Boundary
- ▭ Parcels
- ▭ Lots/Blocks



**PARCEL DESCRIPTION ROW NO. 2023-DEDICATION-0000014-001****LAND DESCRIPTION – STREET PARCEL**

A parcel of land conveyed by Special Warranty Deed to the City and County of Denver, recorded on the 24th day of October, 2023, at Reception Number 2023102144 in the City and County of Denver Clerk and Recorder's Office, State of Colorado, described as follows:

A portion of the Northwest Quarter of Section 6, Township 4 South, Range 68 West of the 6th P.M. and also being a portion of the land described in Deed recorded on October 14, 1953 under Reception No. 1953271434 and in Deed recorded October 13, 2021 under Reception No. 2021192767, being more particularly described as follows:

The Basis of Bearings of this legal description is the south line of the North Half of Section 6, monumented by a by a 3-1/4" aluminum cap in range box, PLS 28286, on the west end and by a 3-1 / 4" aluminum cap in range box, PLS 20699, on the east end. Said line is assumed to bear North 89 degrees 39 minutes 43 seconds West.

Commencing at the West Quarter Corner of Section 6, Township 4 South, Range 68 West of the 6th P.M., being monumented by a 3-1 / 4" aluminum cap in range box, PLS 28286, thence South 89 degrees 39 minutes 43 seconds East along the south line of the north half of Section 6, 470.80 feet to a point; thence North 0 degrees 20 minutes 17 seconds East, 30.00 feet to a point on the north right-of-way line of W. 10th Ave. being monumented by a No. 5 rebar with pink cap, PLS 38556; thence North 0 degrees 05 minutes 24 seconds West, 271.91 feet along the west line of a parcel of land described in Deed recorded on October 14, 1953 under Reception No. 1953271434 also being the east line of a parcel of land described in Deed recorded April 3, 2020 under Reception No. 2020046842 to the Point of Beginning:

Thence North 0 degrees 05 minutes 21 seconds West, 57.00 feet along the west line of a parcel of land described in Deed recorded on October 14, 1953 under Reception No. 1953271434 also being the east line of a parcel of land described in Deed recorded December 4, 2015 under Reception No. 2015168055 to a No. 5 rebar with yellow cap, PLS 15321; thence South 89 degrees 38 minutes 45 seconds East, 138.22 feet along the south line of a parcel of land described in Deed recorded on July 5, 2012 under Reception No. 2012088497 to a point on the northerly right-of-way line of W. 11th Ave. established by City of Denver Ordinance 1972-0174 and monumented with a No. 5 rebar with pink cap, PLS 38556; thence South 0 degrees 11 minutes 44 seconds East, 56.96 feet along the east line of a parcel of land described in Deed recorded on October 14, 1953 under Reception No. 1953271434; thence North 89 degrees 39 minutes 47 seconds West, 138.32 feet to the Point of Beginning.

Containing a calculated area of 7,877 square feet or 0.1808 acres, more or less.



10/24/2023 05:02 PM  
City & County of Denver  
Electronically Recorded

R \$0.00

WD

D \$0.00

Return to:  
Division of Real Estate  
City and County of Denver  
201 West Colfax Avenue, Dept. 1010  
Denver, Colorado 80202  
**Project Description: 2023-DEDICATION-0000014**  
**Asset Mgmt No.: 23-258**

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** (“Deed”), made as of this 4th day of October, 2023, by **YATES INVESTMENT PARTNERS LLC**, a Colorado limited liability company, having a principal address of 2724 Federal Blvd Unit 1, Denver, CO 80211, United States (“Grantor”) to the **CITY AND COUNTY OF DENVER**, a Colorado municipal corporation of the State of Colorado and home rule city, whose address is 1437 Bannock Street, Denver, Colorado 80202 (“Grantee”).

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and by these presents does hereby grant, bargain, sell, convey and confirm, unto Grantee, and its successors and assigns forever the real property described below, together with all improvements thereon, owned by Grantor situate, lying and being in the City and County of Denver, State of Colorado, and being more particularly described on the attached Exhibit(s) hereto and incorporated herein (“Property”);

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 of the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in, and to the above-bargained Property, together with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the Property above bargained and described with the appurtenances, unto Grantee, and its successors and assigns forever. Grantor, for itself and its successors and assigns does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained Property in the quiet and peaceable possession of Grantee, and its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor.

No separate bill of sale with respect to improvements on the Property will be executed.

IN WITNESS WHEREOF, Grantor has executed this Deed on the date set forth above.

ATTEST:

YATES INVESTMENT PARTNERS LLC, a Colorado limited liability company

By: [Signature]

Name: Ben Greene

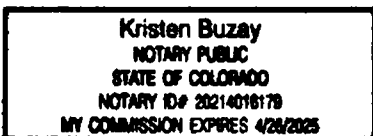
Its: Member

STATE OF Colorado )  
COUNTY OF Jefferson ) ss.

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of October, 2023  
by Ben Greene, as member of Yates Investment Partners, a Colorado  
limited liability company.

Witness my hand and official seal.

My commission expires: 4/26/2025



[Signature]  
Notary Public

## EXHIBIT A SHEET 1 OF 2

### LAND DESCRIPTION:

A portion of the Northwest Quarter of Section 6, Township 4 South, Range 68 West of the 6th P.M. and also being a portion of the land described in Deed recorded on October 14, 1953 under Reception No. 1953271434 and in Deed recorded October 13, 2021 under Reception No. 2021192767, being more particularly described as follows:

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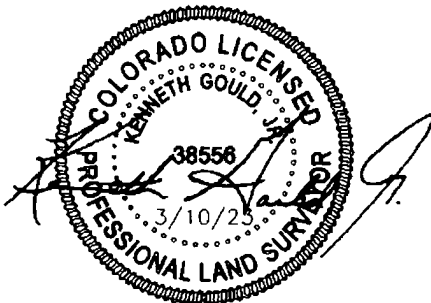
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Containing a calculated area of 7,877 square feet or 0.1808 acres, more or less.

This land description and exhibit was prepared by me or under my direct supervision and checking and is true and correct to the best of my knowledge, information and belief.

The above statement is neither a warranty or guarantee, either expressed or implied



Kenneth Gould, Jr., PLS  
Colorado Professional Land Surveyor No. 38556  
For and on behalf of Gould Land Surveying, LLC.

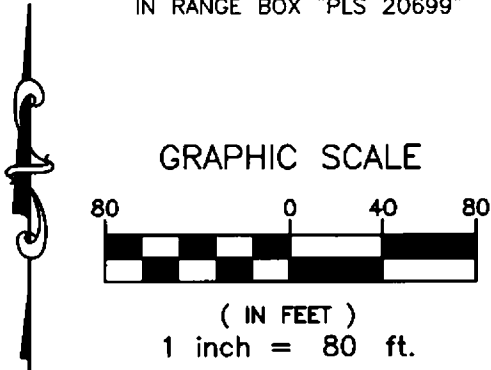
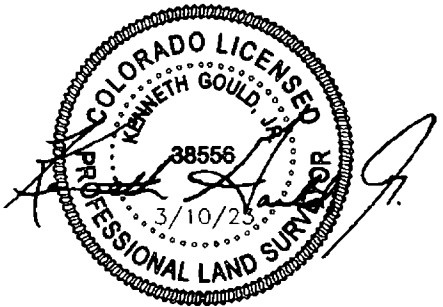
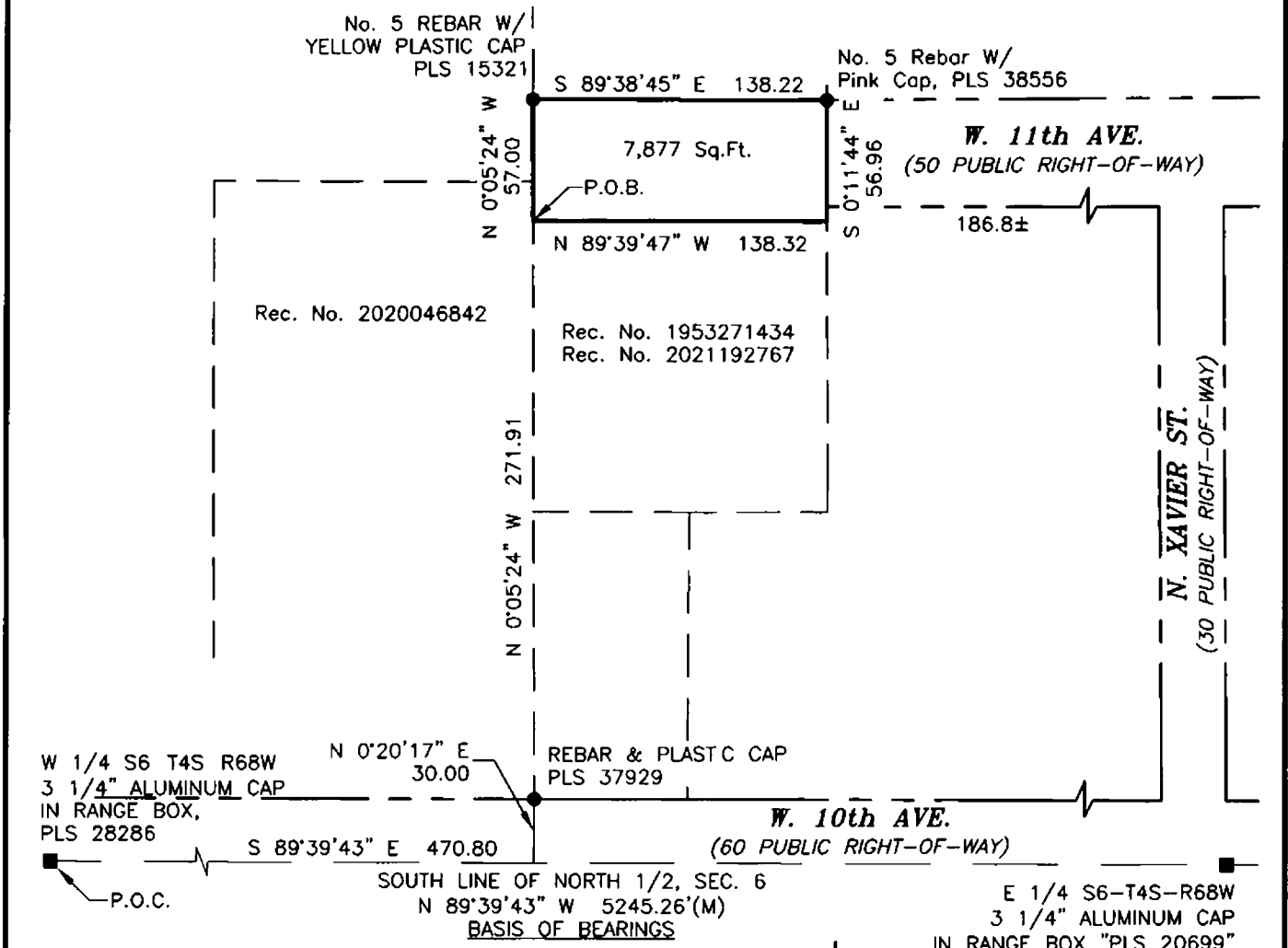


P.O. Box 7123  
Woodland Park, CO 80863  
(719) 687-8385  
info@gouldls.com  
www.GouldLandSurveying.com

Project No.: 21085  
March 10, 2023



# EXHIBIT A SHEET 2 OF 2



P.O. Box 7123  
Woodland Park, CO 80863  
(719) 687-8385  
info@gouldls.com  
www.GouldLandSurveying.com

Project No.: 21085  
March 10, 2023