

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, P.E., Director, Right-of-Way Services 
Matt R. Bryner (Dec 16, 2021 08:43 MST)

DATE: December 10, 2021

ROW #: 2021-DEDICATION-0000041 **SCHEDULE #:** Parcels 1 & 2 are adjacent to 0630200038000

TITLE: This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) E. Evans Ave., located near the intersection of E. Evans Ave. and S. Dahlia St. and 2) S. Dahlia St., located near the intersection of E. Evans Ave. and S. Dahlia St.

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 1) E. Evans Ave., and 2) S. Dahlia St. 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, "Evans & Dahlia."

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 Public Right-of-Way. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2021-DEDICATION-0000041-001-002) HERE.

A map of the area to be dedicated is attached.

MB/TB/RL

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson, Kendra Black, District # 4
Councilperson Aide, Kathy Gile
Councilperson Aide, Taylor Cohn
City Council Staff, Zach Rothmier
Environmental Services, Andrew Ross
DOTI, Manager's Office, Alba Castro
DOTI, Manager's Office, Jason Gallardo
DOTI, Director, Right-of-Way Engineering Services, Matt Bryner
Department of Law, Maureen McGuire
Department of Law, Martin Plate
Department of Law, Deanne Durfee
Department of Law, Caroline Martin
Department of Law, Rachonda Dixon
DOTI Survey, Tom Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2021-DEDICATION-0000041

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo
at 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: December 10, 2021

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 two City-owned parcels of land as Public Right-of-Way as 1) E. Evans Ave., located near the intersection of E. Evans Ave. and S. Dahlia St. and 2) S. Dahlia St., located near the intersection of E. Evans Ave. and S. Dahlia St.

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

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

- **Name:** Rebecca Long
- **Phone:** 720-547-5344
- **Email:** Rebecca.Long@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

6. **General description/background of proposed resolution 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 1) E. Evans Ave., and 2) S. Dahlia St. 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, "Evans & Dahlia."

****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:** Located near the intersection of E. Evans Ave. and S. Dahlia St.
- d. **Affected Council District:** Kendra Black, District # 4
- 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.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

EXECUTIVE SUMMARY

Project Title: 2021-DEDICATION-0000041

Description of Proposed Project: Dedication of a parcel of land as Public Right-of-Way as 1) E. Evans Ave. and 2) S. Dahlia 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 be dedicated as 1) E. Evans Ave. and 2) S. Dahlia St.

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 1) E. Evans Ave. and 2) S. Dahlia St., as part of a development project called, "Evans & Dahlia."



Legend

-  Well Restrictions
-  Barrier Restrictions
- Area Restrictions**
-  Liner
-  Sheet Pile Wall Area
-  Streams
-  Irrigation Ditches Reconstruct (Gardener's)
-  Irrigation Ditches
-  Streets
-  Alleys
- Railroads**
-  Main
-  Yard
-  Spur
-  Siding
-  Interchange track
-  Other
-  Bridges
- Rail Transit Stations**
-  Existing
-  Planned
-  Park-N-Ride Locations
-  Lakes
-  County Boundary
-  Parcels
- Parks**
-  All Other Parks; Linear
-  Mountain Parks



PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000041-001:

LAND DESCRIPTION – STREET PARCEL NO. 1

PARCEL 1 OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 25TH DAY OF AUGUST 2021, AT RECEPTION NUMBER 2021162000 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A 12 FOOT WIDE STRIP OF LAND BEING A PORTION OF THAT PARCEL DESCRIBED IN DEED AT RECEPTION NUMBER 2014119046, SITUATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ALL BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, BEARING N00°33'18"W, MONUMENTED BY THE NORTH QUARTER CORNER OF SAID SECTION 30, BEING A 2-1/2" ALUMINUM CAP IN RANGE BOX STAMPED "LS 9479", AND MONUMENTED BY THE CENTER QUARTER CORNER OF SAID SECTION 30, BEING A 2-1/2" ALUMINUM CAP STAMPED "LS 28669", WITH ALL BEARINGS HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 30;

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, N00°33'18"W A DISTANCE OF 1,322.42 FEET TO THE CENTER-NORTH SIXTEENTH CORNER OF SAID SECTION 30;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 30, S89°34'32"W A DISTANCE OF 170.32 FEET;

THENCE DEPARTING SAID NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 30, S00°25'28"E A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN DEED AT RECEPTION NUMBER 2014119046, BEING THE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID PARCEL, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF EAST EVANS AVENUE, N89°34'32"E, A DISTANCE OF 322.29 FEET TO THE NORTHEAST CORNER OF SAID PARCEL;

THENCE ALONG THE EAST LINE OF SAID PARCEL, S00°20'44"E, A DISTANCE OF 12.00 FEET;

THENCE PARALLEL TO SAID NORTH LINE OF SAID PARCEL, S89°34'32"W, A DISTANCE OF 322.29 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL;

THENCE ALONG SAID WEST LINE OF SAID PARCEL, N00°20'44"W, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.09 ACRES (3,868 SQUARE FEET), MORE OR LESS.

PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000041-002:

LAND DESCRIPTION – STREET PARCEL NO. 2

PARCEL 2 OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 25TH DAY OF AUGUST 2021, AT RECEPTION NUMBER 2021162000 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A 7 FOOT WIDE STRIP OF LAND BEING A PORTION OF THAT PARCEL DESCRIBED IN DEED AT RECEPTION NUMBER 2014119046, SITUATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 30;

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, N00°33'18"W A DISTANCE OF 1,162.54 FEET;

THENCE DEPARTING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, WITH THE EXTENDED SOUTH LINE OF THAT PUBLIC RIGHT OF WAY DEDICATED PER ORDINANCE 449, SERIES 1976, N89°39'16"E A DISTANCE OF 38.00 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT OF WAY AND THE POINT OF BEGINNING;

THENCE ALONG THE EAST LINE OF SAID RIGHT OF WAY, N02°18'28"E A DISTANCE OF 20.02 FEET TO THE NORTHEAST CORNER OF SAID RIGHT OF WAY.

THENCE ALONG THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED AT RECEPTION NUMBER 2014119046, N89°39'16"E A DISTANCE OF 7.01 FEET;

THENCE DEPARTING SAID NORTH LINE OF SAID PARCEL, PARALLEL TO THE EAST LINE OF SAID RIGHT OF WAY, S02°18'28"W A DISTANCE OF 20.02 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL;

THENCE ALONG THE SOUTH LINE SAID PARCEL, S89°39'16"W A DISTANCE OF 7.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 140 SQUARE FEET, MORE OR LESS.



After recording, return to:
Division of Real Estate
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202
Project Description: 2021-Dedication-0000041
Asset Mgmt No.: 21-102

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this 24th day of August, 2021, by **EVERGREEN-DAHLIA & EVANS, L.L.C.**, an Arizona limited liability company, whose address is 2390 E. Camelback Road, Suite 410, Phoenix, AZ 85016, 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.

EXHIBIT "A"

PARCEL 1

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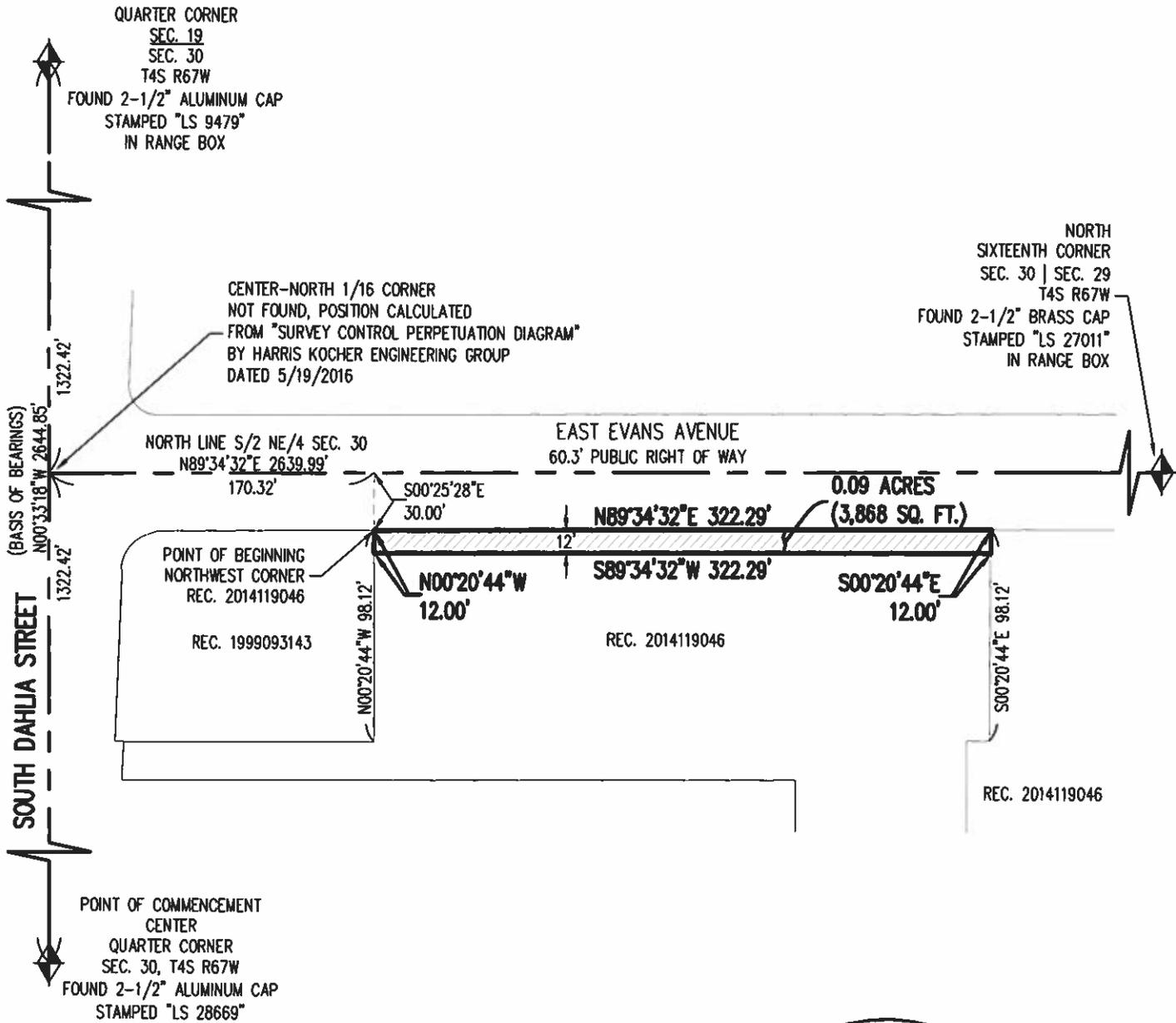
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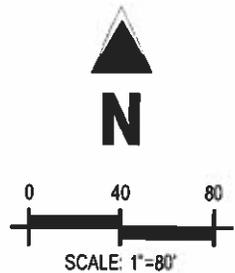
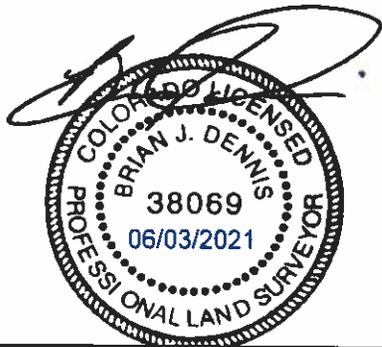
DESCRIPTION PREPARED BY
BRIAN J. DENNIS
PROJECT NO. MOC000054.10
COLORADO PROFESSIONAL LAND SURVEYOR # 38069
FOR AND ON BEHALF OF GALLAGHER & COMPANY, INC.

EXHIBIT "A"
PARCEL 1

2019-PROJMST-0000690-ROW-001



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



EAST EVANS AVENUE
DENVER, COLORADO

Project No:	MOC000054.10
Drawn By:	EMV
Checked By:	BJD
Date:	05/25/21

Galloway

1155 Kelly Johnson Blvd., Suite 305
Colorado Springs, CO 80920
719.900.7220 • GallowayUS.com

EXHIBIT "A"

PARCEL 2

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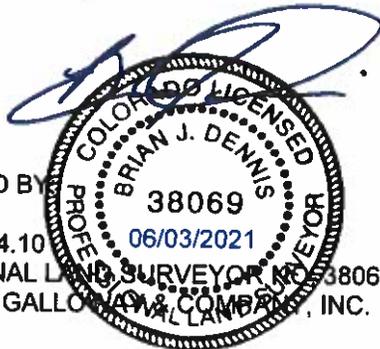
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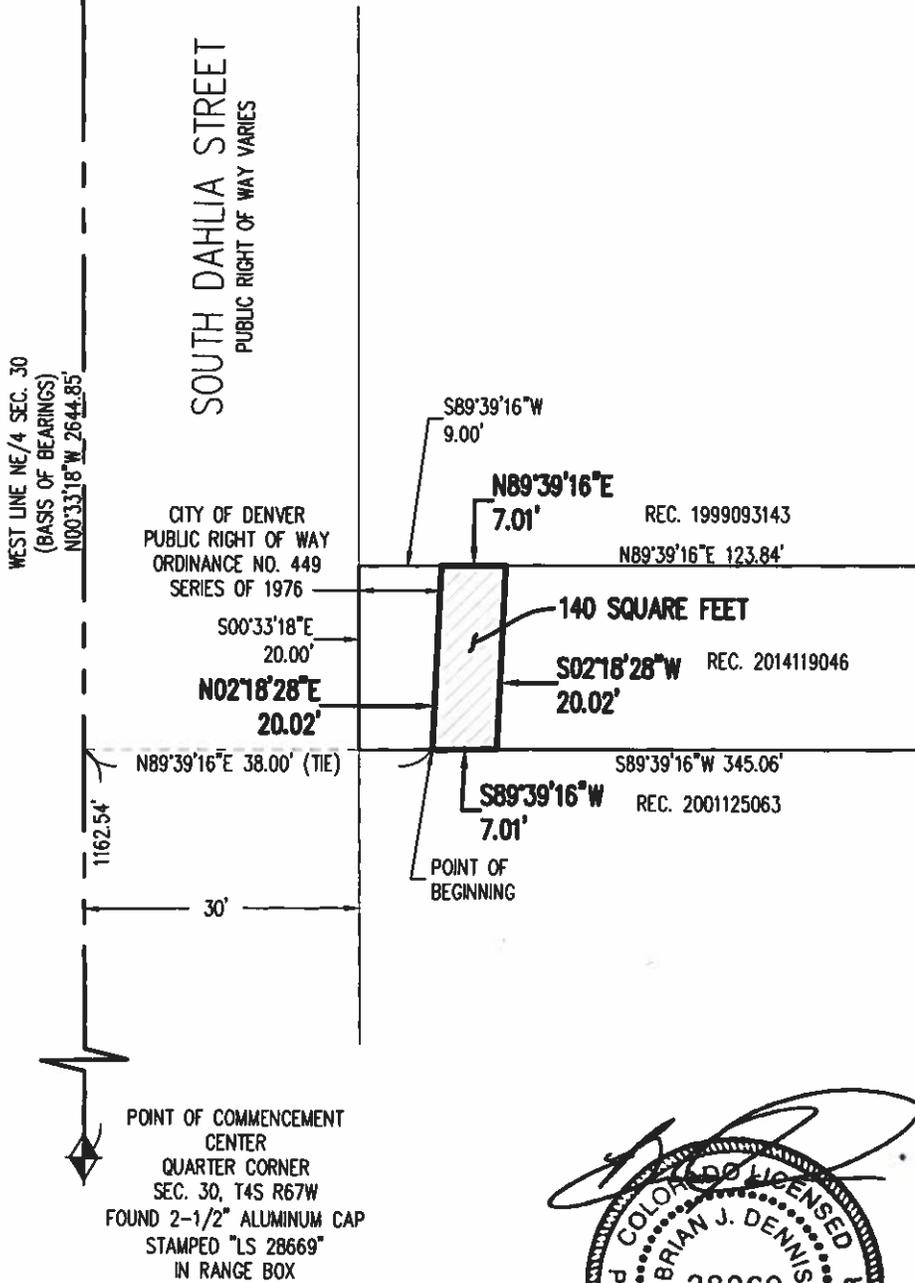
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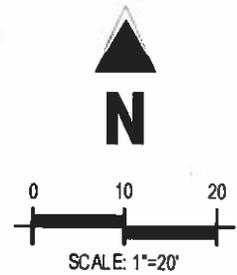
DESCRIPTION PREPARED BY
BRIAN J. DENNIS
PROJECT NO. MOC000054.10
COLORADO PROFESSIONAL LAND SURVEYOR NO. 38069
FOR AND ON BEHALF OF GALLOP & COMPANY, INC.

EXHIBIT "A" PARCEL 2

QUARTER CORNER
SEC. 19
SEC. 30
T4S R67W
FOUND 2-1/2" ALUMINUM CAP
STAMPED "LS 9479"
IN RANGE BOX



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



SOUTH DAHLIA STREET
DENVER, COLORADO

Project No:	MOC000054.10
Drawn By:	EMV
Checked By:	BJD
Date:	04/28/21

Galloway

1155 Kelly Johnson Blvd., Suite 305
Colorado Springs, CO 80920
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