



DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR ORDINANCE FOR A PARTIAL RELEASE OF RIGHT OF REENTRY

****UNIQUE****

TO: Melinda Olivarez, City Attorney's Office
FROM: *Robert J. Duncanson*
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services
PROJECT NO: 1999-0238-03
DATE: April 5, 2010
SUBJECT: Request for an Ordinance approving a Partial Release of Right of Reentry from the City and County of Denver to the Metropolitan Football Stadium District to accommodate RTD's West Corridor FasTracks program.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Nancy Clodfelter of Hogan & Hartson, on behalf of Metropolitan Football Stadium District for granting of the above requested Partial Release for Right of Reentry.

By Property Deed recorded in the real property records of the City and County of Denver, State of Colorado on June 12, 2002 at Reception No. 2002105109, the City conveyed to the District that certain real property described therein located in the City and County of Denver, State of Colorado and commonly known as Stadium Parcels B6, B7 and B8 subject to restrictions on use and a right of reentry in favor of the City upon the happening of certain events.

As a result of the investigations, it has been determined that there is no objection to the Partial Release of Right of Reentry.

Therefore, you are requested to initiate Council action to approve the Partial Release for Right of Reentry in the following parcels:

INSERT PARCEL DESCRIPTION ROW 286A REV, 286B REV, 286C REV HERE

A map is attached showing the area(s) in which the subject Partial Release is to be approved.

Attachments

RJD:VLH

cc: Council Dist #1 and Aides
Councilperson Montero Dist #9 and Aides
Gretchen Williams, City Council
Melinda Olivarez, Department of Law
Debra Baca, Public Works
Karen Aviles, Department of Law
Arlene Dykstra, Department of Law
Public Works Survey-Ali Gulaid
Project File 1999-0238-03

Property Owner Or Agent:

Hogan & Hartson LLP
c/o Nancy Clodfelter
1200 17th St Suite 500
Denver, Co 80202



for City Services
Denver gets it done!

ORDINANCE/RESOLUTION REQUEST

1. **Title:** *(Include a one sentence description that clearly indicates the type of request – grant acceptance, contract execution, municipal code change, supplemental request, etc.)*

Request for an Ordinance approving a Partial Release of Right of Reentry from the City and County of Denver to the Metropolitan Football Stadium District to accommodate RTD's West Corridor FasTracks program.

2. **Requesting Agency:**

PW Right of Way Engineering

3. **Contact Person with actual knowledge of proposed ordinance**

Name: Ali Gulaid
Phone: 720-865-3132
Email: ali.gulaid@denvergov.org

4. **Contact Person with actual knowledge of proposed ordinance who will present the item at Mayor Council**

Name: Revekka Balancier
Phone: 720-865-8720
Email: Revekka.Balancier@denvergov.org

5. **Describe the proposed ordinance, including what the proposed ordinance is intended to accomplish, who's involved, scope of work, duration, location, affected Council district, benefits, and costs. (This is intended to give a brief overview of the ordinance. For additional background and history, please attach an executive summary.)**

Request for an Ordinance approving a Partial Release of Right of Reentry from the City and County of Denver to the Metropolitan Football Stadium District to accommodate RTD's West Corridor FasTracks program: This process type was requested by Nancy Clodfelter on behalf of Metropolitan Football Stadium District. This is located in Council District #1; Councilperson Garcia and in Council District # 9; Councilperson Montero.

6. **Is there any controversy surrounding this ordinance, groups or individuals who may have concerns about it? Please explain.**

None

(Completed by Mayor's Office): Ordinance Request Number:

Date:

After Recording Return To:
Hogan & Hartson LLP (NAC)
1200 17th Street, Suite 1500
Denver, CO 80202

**PARTIAL RELEASE
OF
USE RESTRICTION AND RIGHT OF REENTRY**

THIS PARTIAL RELEASE OF USE RESTRICTION AND RIGHT OF REENTRY dated this ____ day of _____, 2010 is from THE CITY AND COUNTY OF DENVER, a Colorado municipal corporation and home rule city (the "City"), for the benefit of the METROPOLITAN FOOTBALL STADIUM DISTRICT, a Colorado special district organized and existing by virtue of the Metropolitan Football Stadium District Act, C.R.S. §32-15-101 et seq. (the "District").

RECITALS

1. By Property Deed (Statutory Bargain and Sale) recorded in the real property records of the City and County of Denver, State of Colorado on June 12, 2002 at Reception No. 2002105109 (the "Subject Deed"), the City conveyed to the District that certain real property described therein located in the City and County of Denver, State of Colorado and commonly known as Stadium Parcels B6, B7 and B8.
2. The second paragraph of the Subject Deed contains restrictions on use and a right of reentry in favor of the City upon the happening of certain events.
3. The District has agreed to sell to the Regional Transportation District ("RTD"), and RTD has agreed to purchase from the District, those portions of Parcel B6 and that portion of Parcel B7 described in Exhibit A attached hereto (the "RTD Parcels") in connection with RTD's FasTracks West Corridor project.
4. The City has agreed to release such restriction and right of reentry as to the RTD Parcels upon their conveyance to RTD pursuant to Ordinance No. _____, Series of 2010.

RELEASE

The City hereby releases the RTD Parcels from the use restriction and right of reentry contained in the Subject Deed and agrees that the second paragraph (which is also the last paragraph) of the Subject Deed no longer applies in any way to the RTD Parcels.

Except as modified hereby the provisions and rights contained in the Subject Deed shall remain in full force and effect.

EXECUTED as of date first set forth above.

ATTEST:

CITY AND COUNTY OF DENVER,
a Colorado municipal corporation

STEPHANIE Y. O'MALLEY,
Clerk and Recorder, Ex-Officio Clerk
of the City and County of Denver

By: _____
Mayor

APPROVED AS TO FORM:

DAVID R. FINE., Attorney
for the City and County of Denver

By: _____
Assistant City Attorney

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2010, by _____, as Mayor of the City and County of Denver.

Witness my hand and official seal.

My commission expires: _____

Notary Public

[SEAL]

EXHIBIT A
LEGAL DESCRIPTION OF THE RTD PARCELS

See Attached

EXHIBIT "A-1"

PARCEL NUMBER: 286A REV

Date: January 21, 2010

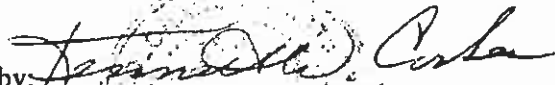
DESCRIPTION

Parcel No. 286A REV of the RTD West Corridor Light Rail Project, containing 3,355 square feet, being part of a parcel of land described in Reception No. 2002105109 in the records of the City and County of Denver Clerk and Recorder's Office and being part of Jacobs' Addition to Highland as originally recorded in Plat Book 1 at Page 31 in the records of the Arapahoe County Clerk and Recorder's Office, and located in the Northwest Quarter of the Northeast Quarter of Section 5, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado and being more particularly described as follows:

BEGINNING at the intersection of the centerline of vacated West 14th Avenue with the westerly right-of-way line of Morrison Road;
Thence South 86°25'50" West along said centerline, a distance of 28.35 feet;
Thence North 24°34'13" East, a distance of 110.00 feet;
Thence North 08°01'24" East, a distance of 98.20 feet to the intersection with the westerly line of Mile High Stadium West Circle as established by Resolution No. 95, Series of 2006 of the City and County of Denver;
Thence South 02°47'43" East along said westerly line, a distance of 104.88 feet;
Thence South 21°18'58" West continuing along said westerly line, a distance of 57.66 feet to the intersection with said westerly right-of-way line of Morrison Road;
Thence South 22°26'46" West along said westerly right-of-way line, a distance of 40.08 feet to the **POINT OF BEGINNING**;

Said Parcel No. 286A REV containing 3,355 square feet or 0.077 acre(s) of land, more or less.

Basis Of Bearing: All bearings are based on the line connecting "Hard" to "Alameda" being a grid bearing of S87°54'44"E as obtained from a Global Positioning System (GPS) Survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD '83 (1992) Colorado State Plane (Central Zone). "Hard" (PID DE7958) is a Cooperative Base Network Control Station "A" Order Horizontal Mark monumented with a steel rod in access cover. "Alameda" (PID KK1393) is a National Geodetic Survey (NGS) First Order Horizontal Mark monumented with a 3.5" diameter brass cap set flush in concrete, cap stamped in part "Alameda 1977".

Prepared by: 
Kenneth W. Carlson RES 249322/12/10
For and on behalf of Jacobs Engineering Group, Inc.
707 17th Street #2300
Denver, CO 80202
303.820.5240

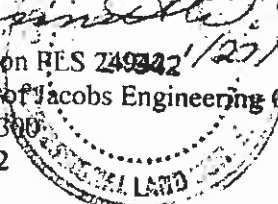
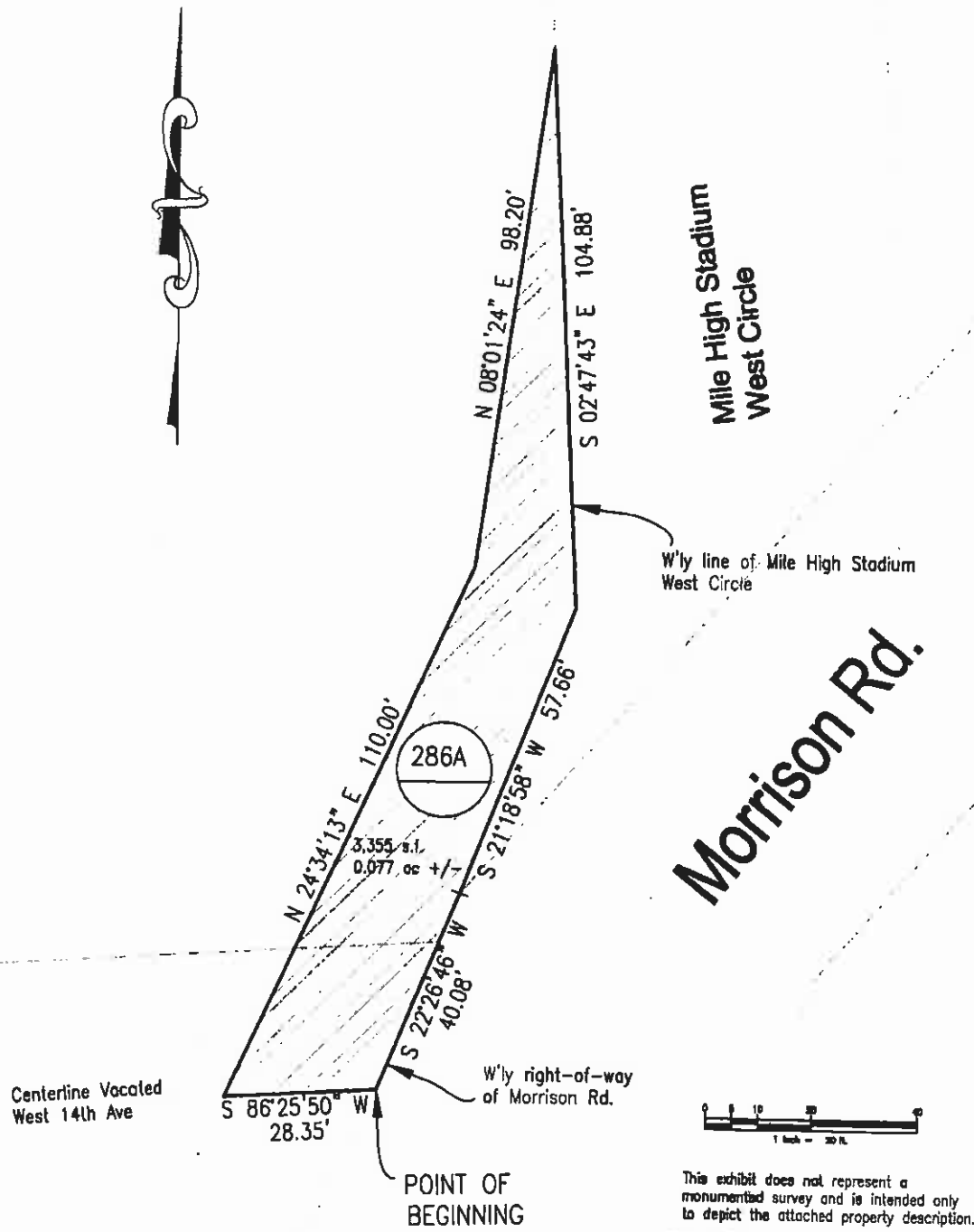


EXHIBIT PARCEL 286A REV



JACOBS PROJECT NO.	CS-PROJ.LND
CLIENT PROJECT NO.	CS-PROJ.LND
REVISION DESCRIPTION	REV. DESCRPT
DRAWN	JES DATE 1-18-2010 SCALE 1"=20'
JACOBS	
CORPORATES	
ONE WASHINGTON SQUARE, SUITE 2000, WASHINGTON, DC 20004	
FOR FEDERAL AND ALL AGENCIES REGULATED BY THE FEDERAL ACQUISITION REGULATION ACT, THE PROPERTY DESCRIBED AND SHOWN ON THIS DRAWING HEREBY IS HEREBY ACCEPTED BY THE PROPERTY ACQUISITION ACT AND SHALL BE AT THE SOLE RISK OF THE USER.	

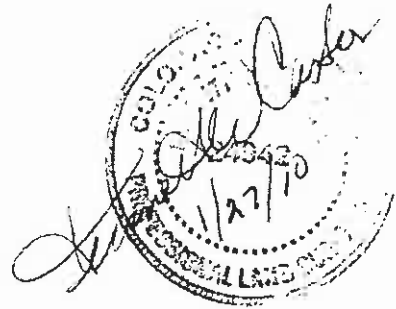
FASTRACKS WEST_CORRIDOR NW1/4NE1/4_SEC5_T4SR68W_6TH_PM		
TITLE EXHIBIT PARCEL_286A_REV		
REVISION:	DRAWING NO. 286A-TK.DWG	SHEET NO. 2_OF_2

EXHIBIT "A-2"

PARCEL NUMBER: 286B REV

Date: January 25, 2010

DESCRIPTION



Parcel No. 286B REV of the RTD West Corridor Light Rail Project, containing 9,393 square feet, being part of a parcel of land described in Reception No. 2002105109, and Reception No. 2006069231 in the records of the City and County of Denver Clerk and Recorder's Office and being part of the Northwest Quarter of the Northeast Quarter of Section 5, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado and being more particularly described as follows:

COMMENCING at the southwest corner of a parcel of land described in Reception No. 2007012649 in said Records, said point also being on the northerly right-of-way line of West Howard Place as dedicated and described in Resolution No. 62, Series of 2008 of the City and County of Denver;

Thence along said northerly right-of-way line the following four (4) courses:

1. Along a curve to the left, having a radius of 55.00 feet, a central angle of $40^{\circ}11'44''$, an arc length of 38.58 feet, and a chord which bears South $73^{\circ}53'49''$ East, a distance of 37.80 feet;
2. North $86^{\circ}00'20''$ East, a distance of 30.50 feet;
3. North $40^{\circ}59'53''$ East, a distance of 4.23 feet;
4. North $85^{\circ}59'53''$ East, a distance of 365.16 feet to the **POINT OF BEGINNING**;

Thence 177.24 feet along the arc of a curve to the left, with a central angle of $10^{\circ}38'41''$, a radius of 954.00 feet, and whose chord bears North $78^{\circ}13'12''$ East, a distance of 176.99 feet to a point of tangency;

Thence North $72^{\circ}53'52''$ East, a distance of 174.73 feet, more or less to the westerly line of the parcel described in Reception No. 2009039936 in said records;

Thence South $03^{\circ}33'43''$ East, a distance of 1.82 feet more or less to the northerly boundary line of a parcel of land described in reception No. 2006069231 in said records;

Thence North $89^{\circ}26'16''$ East, a distance of 1.26 feet to the northeast corner of said parcel of land described in Reception No. 2006069231 in said records;

Thence South $03^{\circ}07'59''$ East along the easterly line of said parcel, a distance of 51.36 feet;

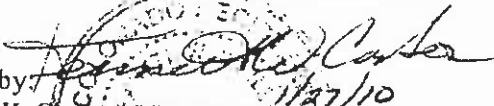
Thence North $85^{\circ}44'25''$ East along the southerly line of a parcel of land described as Parcel 2 in Reception No. 2009039936 in said records and continuing along said parcel of land described in Reception No. 2006069231, a distance of 32.58 feet more or less to a point on a curve on the westerly line of said right-of-way parcel dedicated and described in said Resolution No. 62, Series 2008;

Thence 15.64 feet along said westerly line of said right-of-way parcel and the arc of a curve to the right, non-tangent with the previous course, with a central angle of $14^{\circ}20'13''$, a radius of 62.50 feet, and whose chord bears South $43^{\circ}54'56''$ West, a distance of 15.60 feet to a point on said northerly right-of-way line;

Thence South 85°59'53" West along said northerly right-of-way line, non-tangent with the previous course, a distance of 367.01 feet to the **POINT OF BEGINNING**.

Said Parcel No. 286B REV containing 9,393 square feet or 0.216 acre(s) of land, more or less.

Basis Of Bearing: All bearings are based on the line connecting "Hard" to "Alameda" being a grid bearing of S87°54'44"E as obtained from a Global Positioning System (GPS) Survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD '83 (1992) Colorado State Plane (Central Zone). "Hard" (PID DE7958) is a Cooperative Base Network Control Station "A" Order Horizontal Mark monumented with a steel rod in access cover. "Alameda" (PID KK1393) is a National Geodetic Survey (NGS) First Order Horizontal Mark monumented with a 3.5" diameter brass cap set flush in concrete, cap stamped in part "Alameda 1977".

Prepared by 
Kenneth W. Carlson PLS 34942
For and on behalf of Jacobs Engineering Group, Inc.
707 17th Street
Denver, CO 80202
303.820.5240

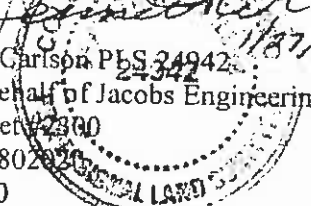


EXHIBIT "A-3"

PARCEL NUMBER: 286C REV1

Date: January 21, 2010

DESCRIPTION

Parcel No. 286C REV1 of the RTD West Corridor Light Rail Project, containing 32,673 square feet, being part of a parcel of land described in Reception No.2002105109 in the records of the City and County of Denver Clerk and Recorder's Office and also being part of Block 1, Fairview as originally recorded in Plat Book 1 at Page 42 in the records of the Arapahoe County Clerk and Recorder's Office, and located in the Northwest Quarter of the Northeast Quarter of Section 5, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, and being more particularly described as follows:

COMMENCING at the northeast corner of Lot 13, said Block 1;
Thence South 89°23'33" West along the northerly line of said Block 1, a distance of 36.82 feet to the **POINT OF BEGINNING**:

THENCE S36°55'51"W non-tangent with the following described curve a distance of 72.73 feet;
THENCE along the arc of a curve to the right, having a central angle of 34°42'01", a radius of 378.90 feet, a chord bearing of S54°27'42"W a distance of 225.98 feet, and an arc distance of 229.47 feet;

THENCE S71°48'43"W tangent with the last described curve a distance of 35.29 feet to a point on the easterly line of Decatur Street;

THENCE N00°26'20"W along said easterly line of Decatur Street a distance of 185.75 feet;

THENCE N75°56'01"E a distance of 51.45 feet to the intersection with said northerly line of Block 1;

THENCE N89°23'33"E along said northerly line a distance of 212.64 feet to the **POINT OF BEGINNING**.

Said Parcel 286C REV1 containing 32,673 square feet or 0.750 acre(s) of land, more or less.

Basis Of Bearing: All bearings are based on the line connecting "Hard" to "Alameda" being a grid bearing of S87°54'44"E as obtained from a Global Positioning System (GPS) Survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD '83 (1992) Colorado State Plane (Central Zone). "Hard" (PID DE7958) is a Cooperative Base Network Control Station "A" Order Horizontal Mark monumented with a steel rod in access cover. "Alameda" (PID KK1393) is a National Geodetic Survey (NGS) First Order Horizontal Mark monumented with a 3.5" diameter brass cap set flush in concrete, cap stamped in part "Alameda 1927".

Prepared by:
Kenneth W. Carlson PLS 24942
For and on behalf of Jacobs Engineering Group, Inc.
707 17th Street
Denver, CO 80202
303.820.5240

