



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

**TO:** Stan Lechman, City Attorney's Office

**FROM:** Robert J. Duncanson P.E., Engineering Manager II  
Right-of-Way Services

**DATE:** November 10, 2015

**ROW #:** 2015-Dedication-0000094      **SCHEDULE #:** Adjacent to 0234518033000, 0234518034000 and 0234518036000

**TITLE:** This request is to dedicate a parcel of land as Public Right of Way as Public Alley and also 18<sup>th</sup> St. Located at the intersection of 18<sup>th</sup> St. and Curtis 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 Public Alley and also 18<sup>th</sup> St. These 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 (999 17<sup>th</sup> St.)

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 Alley and also 18<sup>th</sup> St. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2015-Dedication-0000094-001 and 002) HERE.**

A map of the area to be dedicated is attached.

RD/PR/BLV

cc: Asset Management, Steve Wirth  
City Councilperson & Aides, Albus Brooks District # 9  
Council Aide Chy Montoya  
Council Aide Brande Micheau  
City Council Staff, Shelley Smith  
Environmental Services, David Erickson  
Public Works, Manager's Office, Alba Castro  
Public Works, Manager's Office, Angela Casias  
Public Works, Right-of-Way Engineering Services, Rob Duncanson  
Department of Law, Brent Eisen  
Department of Law, Charlene Thompson  
Department of Law, Adam Hernandez  
Department of Law, Angela Garcia  
Public Works Survey, Paul Rogalla  
Public Works Survey, Paul Rogalla  
Owner: City and County of Denver  
Project file folder 2014-Dedication-0000094

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Angela Casias  
at [angela.casias@DenverGov.org](mailto:angela.casias@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 10, 2015

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 Public Alley and also 18<sup>th</sup> St.  
Located at the intersection of 18<sup>th</sup> St. and Curtis St.

3. **Requesting Agency:** Public Works – Right-of-Way Services / 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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** Angela.Casias@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 Public Alley and also 18<sup>th</sup> 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 (999 17<sup>th</sup> St.)

**\*\*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:** 18<sup>th</sup> and Curtis St.
- d. **Affected Council District:** Albus Brooks Dist. 9
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** 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: 2014-Dedication-0000094, 999 17<sup>th</sup> St.**

**Description of Proposed Project: Dedicate a parcel of public right of way as Public Alley and also 18<sup>th</sup> 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**

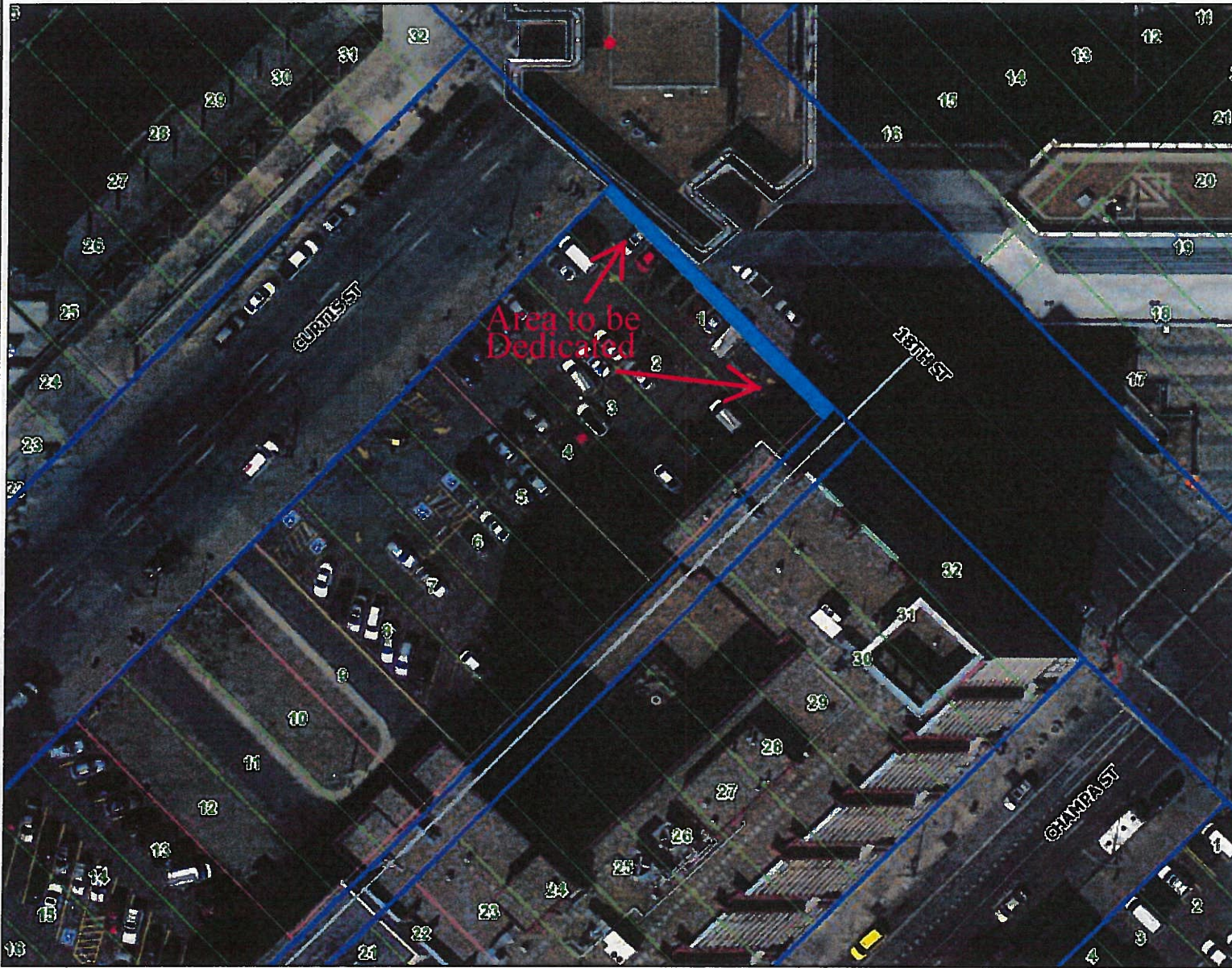
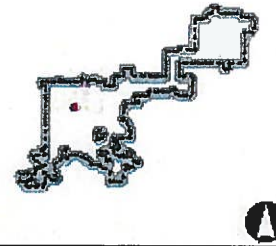
**What is the known duration of an MEP: N/A**

**Will land be dedicated to the City if the vacation goes through: N/A**

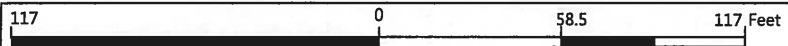
**Will an easement be placed over a vacated area, and if so explain: N/A**

**Will an easement relinquishment be submitted at a later date: N/A**

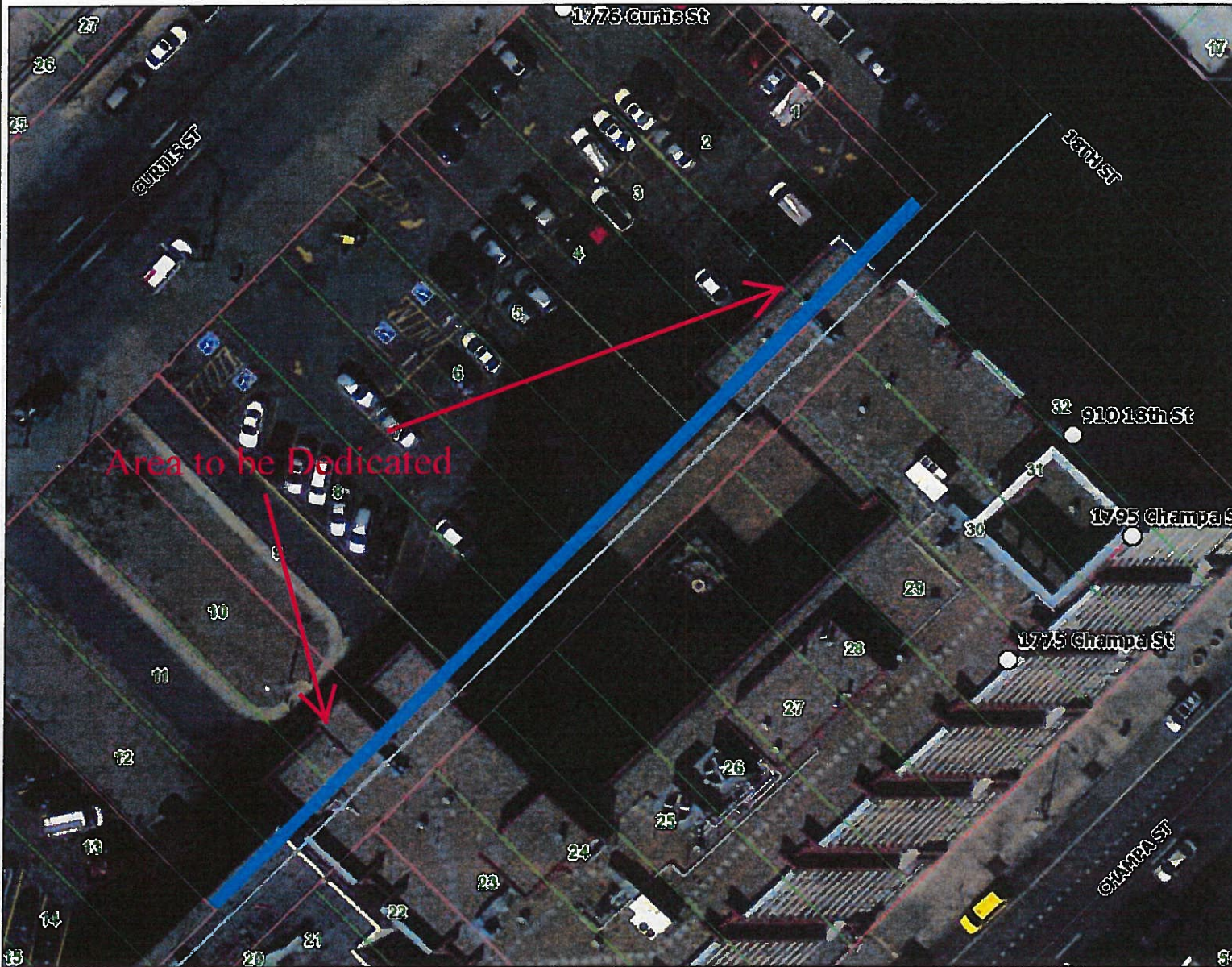
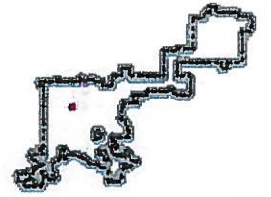
**Additional information: This land was deeded to the City and County of Denver for the purpose to dedicate it as Public Right-of-Way, as a part of a development project called, 999 17<sup>th</sup> St.**



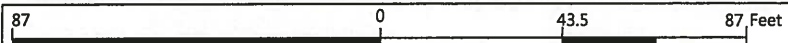
- ### Legend
- Right-of-Way (Detail)
  - Streams
  - Irrigation Ditches Reconstruct (Gardener's)
  - Irrigation Ditches
  - Streets
  - Alleys
  - Railroads**
    - + Main
    - + Yard
    - + Spur
    - + Siding
    - + Interchange track
    - + Other
  - Bridges
  - Rail Transit Stations**
    - Existing
    - Planned
  - ▲ Park-N-Ride Locations
  - Lakes
  - County Boundary
  - Parcels
  - Lots/Blocks
  - Parks**
    - Mountain Parks
    - All Other Parks



# Alley (2015-Dedication-0000094-002)



- ### Legend
- Active Addresses**
    - Associated
    - Land
    - Structure
    - Utility
  - Streams
  - Irrigation Ditches Reconstruct (Gardeners)
  - 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
  - Lots/Blocks
  - Parks**
    - Mountain Parks
    - All Other Parks



PW Legal Description 2015-Dedication-0000094-001

**(18<sup>th</sup> STREET)**

THE NORTHEASTERLY 5.00 FEET OF LOT 1, BLOCK 109, CONTIGUOUS TO 18<sup>TH</sup> STREET (FORMERLY KNOWN AS "J" STREET), ALL AS SHOWN ON THE MAP OF DENVER CITY (BOYDS), ALSO KNOWN AS EAST DENVER, RECORDED FEBRUARY 26, 1876 IN BOOK 1 OF MAPS, AT PAGE 14, IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO, SITUATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING AN AREA OF 0.014 ACRE, (628 SQUARE FEET), MORE OR LESS.

**(PUBLIC ALLEY)**

THE SOUTHEASTERLY 2.00 FEET OF LOTS 1 THORUGH 12, INCLUSIVE, BLOCK 109, CONTIGUOUS TO THE 16 FOOT WIDE PUBLIC ALLEY, ALL AS SHOWN ON THE MAP OF DENVER CITY (BOYDS), ALSO KNOWN AS EAST DENVER, RECORDED FEBRUARY 26, 1876 IN BOOK 1 OF MAPS, AT PAGE 14, IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO, SITUATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, EXCEPT THE NORTHEASTERLY 5.00 FEET OF LOT 1 CONTIGUOUS TO 18<sup>TH</sup> STREET (FORMERLY KNOWN AS "J" STREET).

CONTAINING AN AREA OF 0.014 ACRE, (591 SQUARE FEET), MORE OR LESS.



10/20/2015 02:20 PM  
City & County of Denver

R \$0.00  
WD

2015148039

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D \$0.00

Project Number 2014D00456

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED, made this 15 day of OCT, 2015, between Shea 999A 17<sup>th</sup> Street, LLC, a Colorado limited liability company ("Grantor"), whose address is 6380 S. Fiddlers Green Circle, Suite 400, Greenwood Village, Colorado 80111 and CITY AND COUNTY OF DENVER, a Colorado municipal corporation and home rule city ("Grantee"), whose address is 1437 Bannock Street, Denver, Colorado 80202.

WITNESSETH, THAT, Grantor, for and in consideration of TEN and 00/100ths Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver, State of Colorado, legally described as follows (the "Property"):

See Exhibits "A" and "B", attached hereto and incorporated herein by this reference.

TOGETHER with all and singular the hereditaments and appurtenances thereto 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, either in law or equity, of, in and to the Property, and the hereditaments and appurtenances;

TO HAVE AND TO HOLD the Property with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself, its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming by through or under Grantor, subject to those matters set forth in Exhibit "C", attached hereto and incorporated herein by this reference.

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

GRANTOR:

Shea 999A 17<sup>th</sup> Street, LLC,  
a Colorado limited liability company

By: Shea Properties Management Company, Inc.,  
a Delaware corporation, its manager

By: [Signature]  
Name: Peter A. Culshaw  
Title: Assistant Secretary

By: [Signature]  
Name: John Kilow  
Title: Assistant Secretary

Asset Management: 51-91-01  
Date: 10-19-15

Project Description: 999-17th St



STATE OF Colorado )  
 ) ss.  
COUNTY OF Arapahoe )

The foregoing instrument was acknowledged before me this 15 day of October, 2015, by Peter Culshaw as Assistant Secretary and John Kilrow as Assistant Secretary of Shea Properties Management Company, Inc., a Delaware corporation, as Manager of Shea 999A 17<sup>th</sup> Street, LLC, a Colorado limited liability company.

Witness my hand and official seal. Kathleen A. Earl

My commission expires: 5/09/2018

**KATHLEEN A EARL  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20024017522  
MY COMMISSION EXPIRES 05/09/2018**

Notary Public

(SEAL)

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THE NORTHEASTERLY 5.00 FEET OF LOT 1, BLOCK 109, CONTIGUOUS TO 18<sup>TH</sup> STREET (FORMERLY KNOWN AS "J" STREET), ALL AS SHOWN ON THE MAP OF DENVER CITY (BOYDS), ALSO KNOWN AS EAST DENVER, RECORDED FEBRUARY 26, 1876 IN BOOK 1 OF MAPS, AT PAGE 14, IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO, SITUATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 88 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

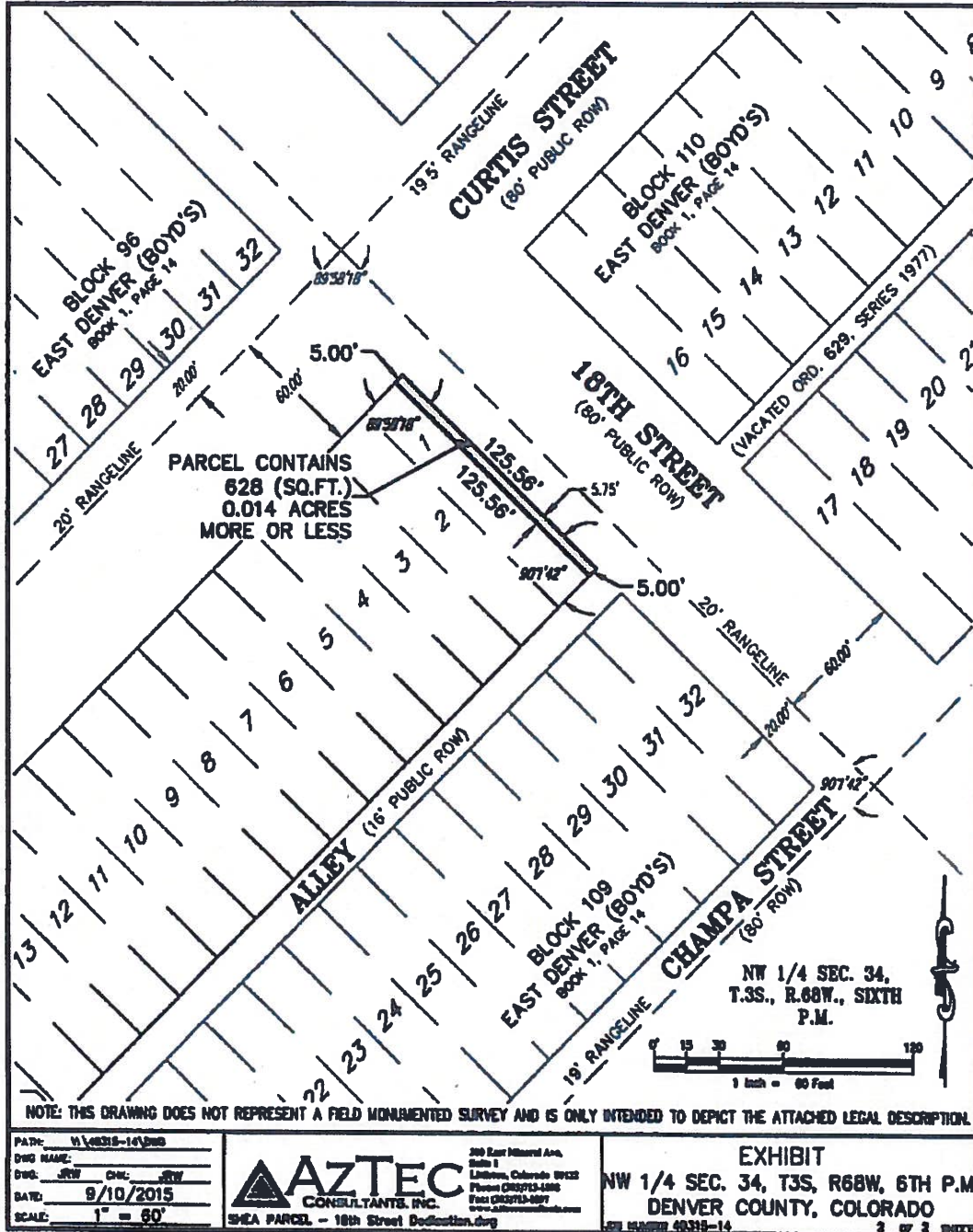
CONTAINING AN AREA OF 0.014 ACRE, (628 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST, JR. PLS NO. 25645  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 EAST MINERAL AVENUE, SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO EXHIBIT A



**EXHIBIT "B"**

**LEGAL DESCRIPTION**

THE SOUTHEASTERLY 2.00 FEET OF LOTS 1 THROUGH 12, INCLUSIVE, BLOCK 109, CONTIGUOUS TO THE 16 FOOT WIDE PUBLIC ALLEY, ALL AS SHOWN ON THE MAP OF DENVER CITY (BOYDS), ALSO KNOWN AS EAST DENVER, RECORDED FEBRUARY 28, 1876 IN BOOK 1 OF MAPS, AT PAGE 14, IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO, SITUATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, EXCEPT THE NORTHEASTERLY 5.00 FEET OF LOT 1 CONTIGUOUS TO 18<sup>TH</sup> STREET (FORMERLY KNOWN AS "J" STREET).

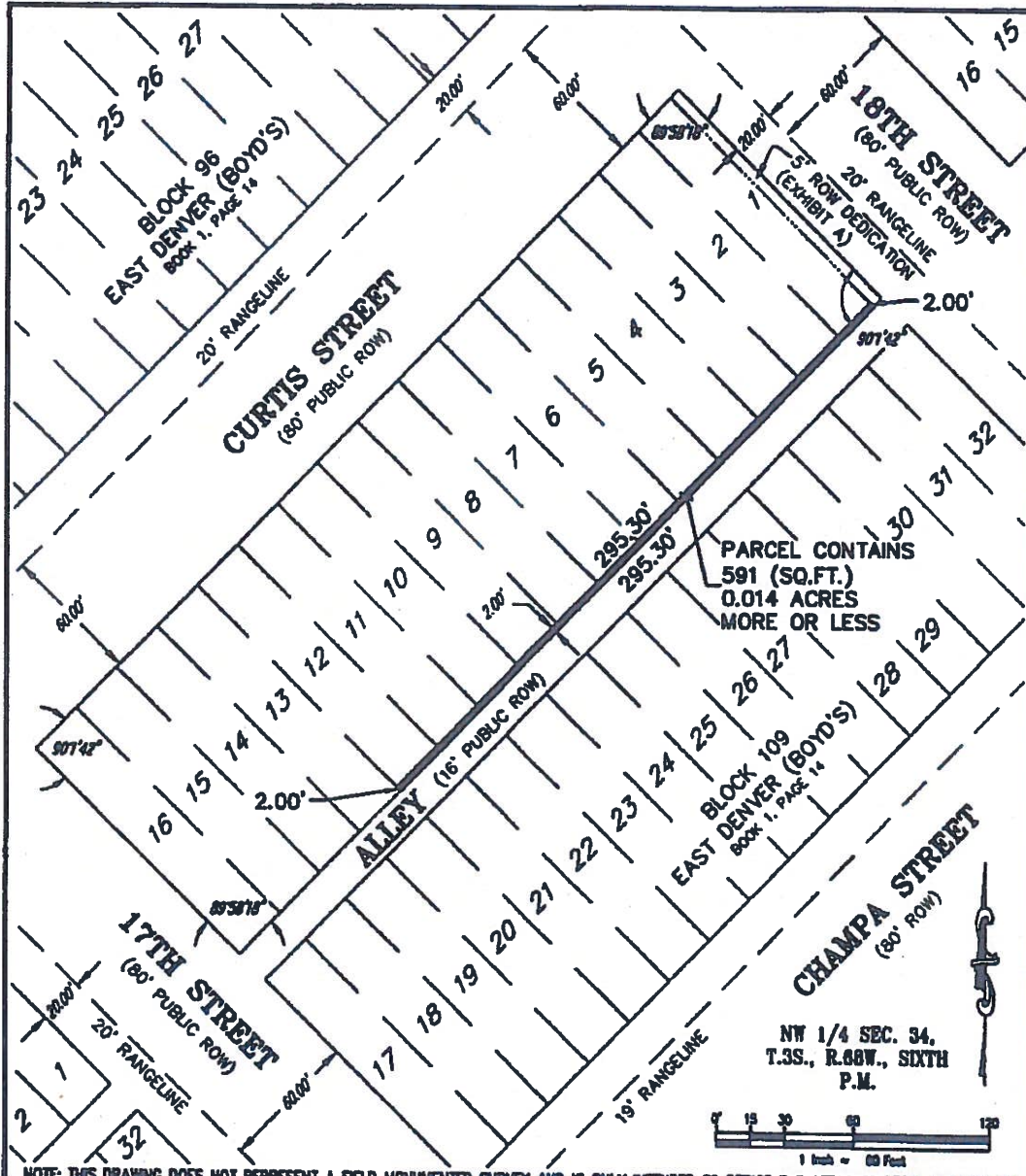
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300 EAST MINERAL AVENUE, SUITE 1, LITTLETON, CO 80122  
303-713-1898

# ILLUSTRATION TO EXHIBIT B



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PART: V 14315-14 P23  
 DWG NAME: ALLEY ESBY NE  
 DWG: B.M. CHK: J.W.  
 DATE: 9/10/2015  
 SCALE: 1" = 60'

288 East Colfax Ave.  
 Suite 1  
 Littleton, Colorado 80120  
 Phone (303)715-1431  
 Fax (303)715-4597  
 www.aztecconsultants.com

EXHIBIT  
 NW 1/4 SEC. 34, T3S, R68W, 6TH P.M.  
 DENVER COUNTY, COLORADO  
 2 OF 2 PAGES

**EXHIBIT C**  
**EXCEPTIONS TO TITLE**

1. **Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
2. **Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
3. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **(a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
6. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
7. **EXISTING LEASES AND TENANCIES, IF ANY.**
8. **ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE DENVER BUSINESS IMPROVEMENT DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED AUGUST 05, 1992, UNDER RECEPTION NO. R-92-0089656.**
9. **TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DECLARATION OF RESTRICTIONS RECORDED AUGUST 15, 2007 UNDER RECEPTION NO. 2007129028.**
10. **TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN WARRANTY DEEDS RECORDED MAY 28, 1943 IN BOOK 5681 AT PAGES 137 AND 187.**
11. **TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AMENDED AND RESTATED TENANCY-IN-COMMON AGREEMENT RECORDED JUNE 09, 2009 UNDER RECEPTION NO. 2009071305.**