

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: December 13, 2023

ROW #: 2021-DEDICATION-0000185 **SCHEDULE #:** 1) 0511403194000 and 2) 0511403195000

TITLE: This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) East 1st Avenue, located at the intersection of North Emerson Street and East 1st Avenue, and 2) Public Alley, bounded by East 1st Avenue, North Ogden Street, East Ellsworth Avenue, and North Emerson 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 1) East 1st Avenue, and 2) Public Alley. 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, "MorningStar at Cherry Creek."

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 1) East 1st Avenue, and 2) Public Alley. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2021-DEDICATION-0000185-001, 002) HERE.

A map of the area to be dedicated is attached.

GB/TB/BVS

cc: Dept. of Real Estate, RealEstate@denvergov.org
City Councilperson, Flor Alvidrez District # 7
Councilperson Aide, Yvonne Miranda
Councilperson Aide, Jacky Jimenez
Councilperson Aide, Semper Harkness
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, Thomas Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2021-DEDICATION-0000185

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

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 13, 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 two City-owned parcels of land as Public Right-of-Way as 1) East 1st Avenue, located at the intersection of North Emerson Street and East 1st Avenue, and 2) Public Alley, bounded by East 1st Avenue, North Ogden Street, East Ellsworth Avenue, and North Emerson Street.

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

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

- **Name:** Beverly Van Slyke
- **Phone:** 720-865-3125
- **Email:** Beverly.VanSlyke@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:** Demolition of existing structures in lots 1 thru 10 and build a new 5-story assisted living and memory care building called, "MorningStar at Cherry Creek." The developer was asked to dedicate two parcels as 1) East 1st Avenue, and 2) Public Alley.

****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:** Bounded by East 1st Avenue, North Ogden Street, East Ellsworth Avenue, and North Emerson Street
- d. **Affected Council District:** Flor Alvidrez, District #7
- 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-0000185

Description of Proposed Project: Demolition of existing structures in lots 1 thru 5 and build a new 5-story assisted living and memory care building called, "MorningStar at Cherry Creek." The developer was asked to dedicate two parcels as 1) East 1st Avenue, and 2) Public Alley.

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) East 1st Avenue, and 2) Public Alley.

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

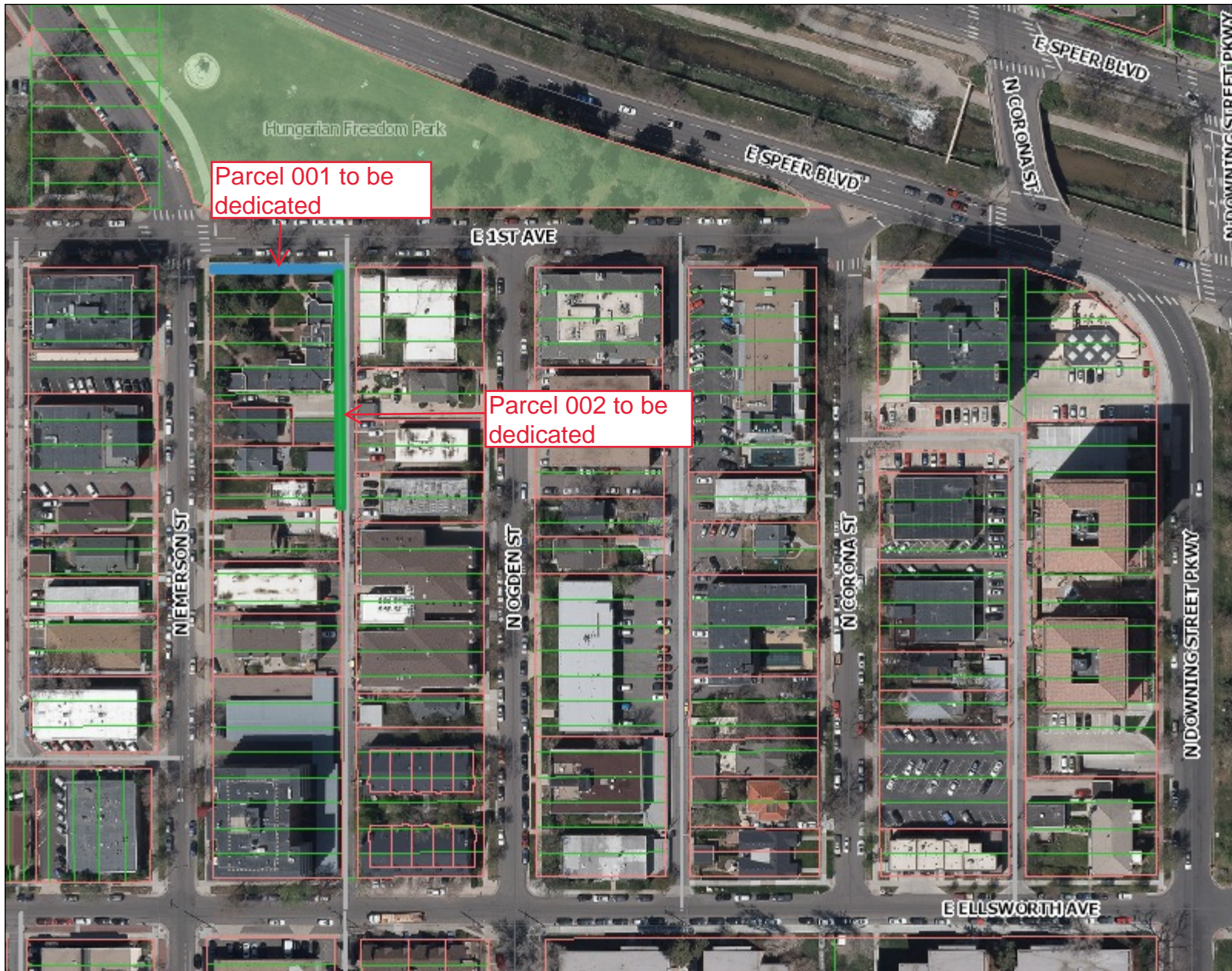
What is the known duration of a MEP: N/A

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) East 1st Avenue, and 2) Public Alley, as part of a development project called, "MorningStar at Cherry Creek."



Legend

- Streets
- Alleys
- ▭ County Boundary
- ▭ Parcels
- ▭ Lots/Blocks
- Parks
 - ▭ All Other Parks; Linear
 - ▭ Mountain Parks



PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000185-001:

LAND DESCRIPTION - STREET PARCEL #1:

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 10TH DAY OF AUGUST, 2022, AT RECEPTION NUMBER 2022105888 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

PARCEL A

A PARCEL OF LAND BEING THE NORTHERLY 2.45 FEET OF LOT 1, BLOCK 2, RILEY'S SUBDIVISION OF LOT 2, SHACKELTON PLACE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL CONTAINS 0.007 ACRES (306 SQUARE FEET), MORE OR LESS

PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000185-002:

LAND DESCRIPTION - ALLEY PARCEL #2:

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 10TH DAY OF AUGUST, 2022, AT RECEPTION NUMBER 2022105888 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

PARCEL B

A PARCEL OF LAND BEING THE EASTERLY 2.50 FEET OF LOTS 1 THROUGH 9 TOGETHER WITH THE EASTERLY 2.50 FEET OF THE NORTHERLY 9.82 FEET OF LOT 10 OF RILEY'S SUBDIVISION OF LOT 2 SHACKELTON PLACE, EXCEPT THE NORTHERLY 2.45 FEET OF SAID LOT 1, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

PARCEL CONTAINS 0.013 ACRES (576 SQUARE FEET), MORE OR LESS

After signing, return to:
Division of Real Estate
Attn: Jason Clements
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202
Project Description: 2021-Dedication-0000185
Asset Mgmt No.: 22-020



2022105888
Page: 1 of 4
D \$0.00

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 5th day of AUGUST, 2022, by **HM SL CHERRY CREEK CO OWNER LLC**, a Delaware limited liability company, whose address is 2800 Post Oak Blvd., Suite 4800, Houston, TX 77056-6123, 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:

HM SL CHERRY CREEK CO OWNER LLC, a Delaware limited liability company

By: *[Signature]* A&D

Name: CHRIS R. CRAWFORD

Its: SENIOR MANAGING DIRECTOR

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 5TH day of AUGUST, 2022
by CHRIS R. CRAWFORD, as SENIOR MANAGING DIRECTOR of HM SL CHERRY CREEK
CO OWNER LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: MAY 22, 2026

MEGAN POMINVILLE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184021770
MY COMMISSION EXPIRES MAY 22, 2026

[Signature]
Notary Public

EXHIBIT A
SHEET 1 OF 2

LAND DESCRIPTION

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PARCEL CONTAINS 0.013 ACRES (576 SQUARE FEET), MORE OR LESS

PREPARED BY MATTHEW CHAPA
REVIEWED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
(303) 431-6100
MARCH 21, 2022



EXHIBIT A
SHEET 2 OF 2

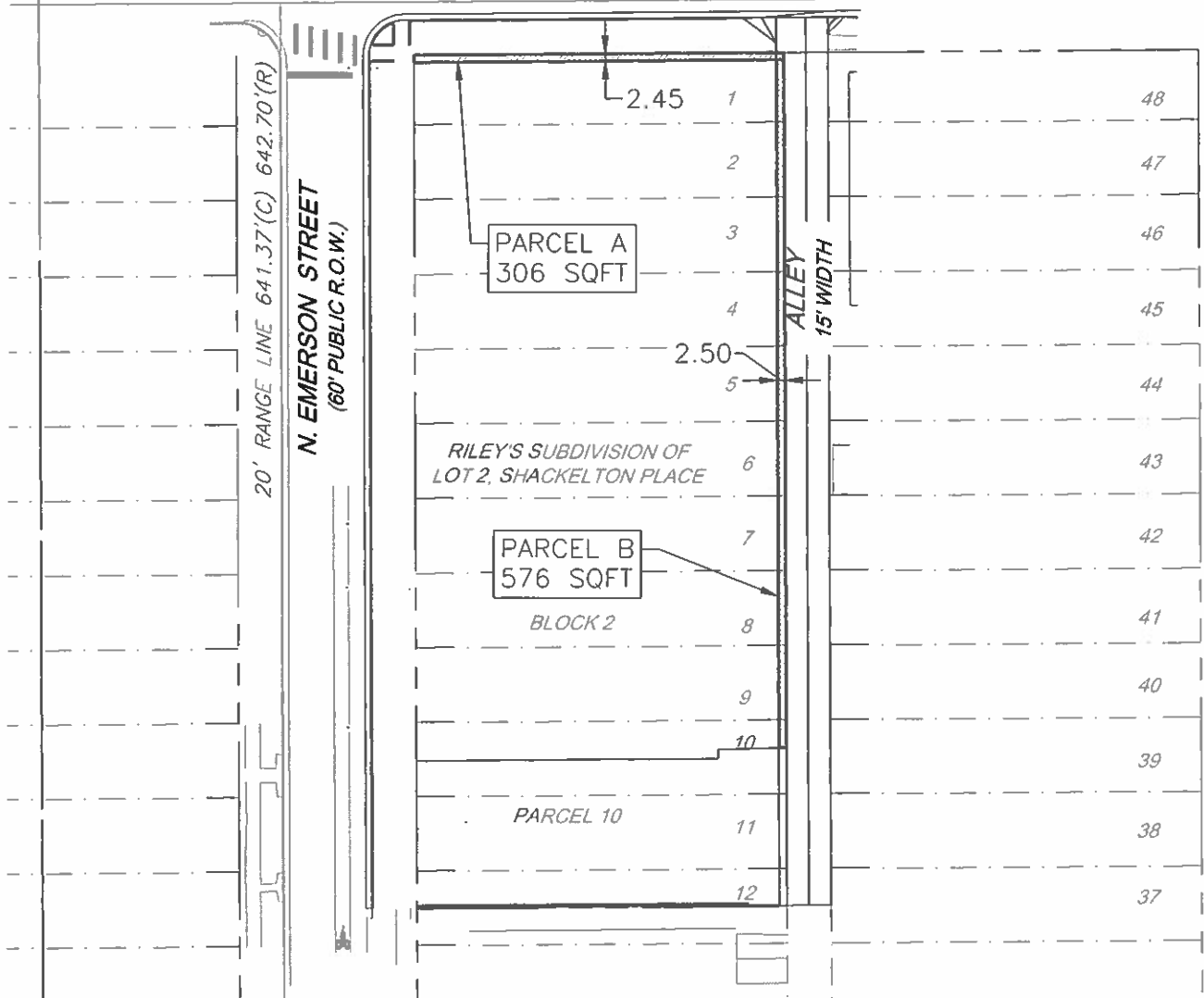
W/4 COR SEC. 11,
T4S, R68W 6TH P.M.
A FOUND 3-1/4"
ALUM. CAP PLS 16398
IN RANGE BOX

NE COR NW/4 SW/4 SEC. 11,
T4S, R68W 6TH P.M.
ESTABLISHED AT MIDPOINT

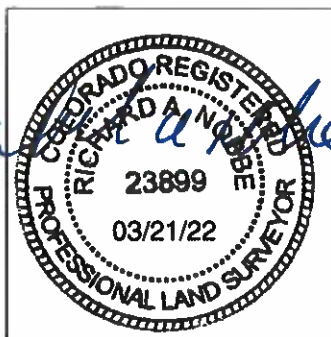
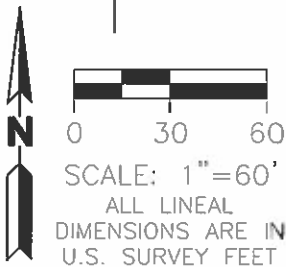
N LINE SW/4 SEC 11 N89°31'08"E 1320.99' 1320.72'(R)

E. 1ST AVENUE
(60' PUBLIC R.O.W.)

18' RANGE LINE 329.75'(C) 329.68'(R)



DRAWING LOCATION: G:\PALING\20.0358-900 East 1st Avenue_Sentor Living\PLANS\EXHIBITS\Right of Way_Dedication Exhibit_A.dwg



MARCH 21, 2022

MARTIN/MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

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