



DENVER
THE MILE HIGH CITY

Department of Public Works
Capital Projects Management
Permit Operations and Right of Way Enforcement
Infrastructure Planning & Programming
Traffic Engineering Services
201 W. Colfax Avenue
Denver, CO 80202
www.denvergov.org

REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Melinda Olivarez, City Attorney's Office
FROM: Robert J. Duncanson, P.E., Engineering Manager II
Right-of-Way Services

DATE: July 27, 2010

ROW #: 2010-0165-02 **SCHEDULE #:** a part of Parcel # 0522302022000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as W. Mississippi Ave
Located at the intersection of W. Mississippi Ave and S. Bannock 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 W. Mississippi 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 this parcel for Public Right-of-Way purposes as W.
Mississippi Ave. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW (# 2010-0165-001) HERE.

A map of the area to be dedicated is attached.

RD/JS/VLH

- cc: Asset Management, Steve Wirth
- City Councilperson, Nevitt, District #7
- City Council Staff, Gretchen Williams
- Department of Law, Karen Aviles
- Department of Law, Melinda Olivarez
- Department of Law, Arlene Dykstra
- Environmental Services, David Erickson
- Mayor's Office, City Council Liaison, R. D. Sewald
- Mayor's Office, Heather Barry
- Public Works, Manager's Office, Christine Downs
- Public Works, Manager's Office, Daelene Mix
- Public Works, Right-of-Way Engineering Services, Rob Duncanson
- Public Works, Right-of-Way Engineering Services, Area surveyor Joel Schmidt
- Public Works Survey-Paul Rogalla
- Owner: City and County of Denver
- Project file folder 2010-0165-02



ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at [MileHighOrdinance@DenverGov.org](mailto: MileHighOrdinance@DenverGov.org) by NOON on Wednesday.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: July 27, 2010

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 one sentence description that clearly indicates the type of request – grant acceptance, contract execution, municipal code change, supplemental request, etc.)

This request is to dedicate a parcel of land as Public Right of Way as W. Mississippi Ave
Located at the intersection of W. Mississippi Ave and S. Bannock St.

3. Requesting Agency:

4. Contact Person: (with actual knowledge of proposed ordinance)

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: vanessa.herman@denvergov.org

5. Contact Person: (with actual knowledge of proposed ordinance who will present the item at Mayor Council and who will be available for first and second reading, if necessary)

- Name:
- Phone:
- Email:

6. General description 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 W. Mississippi Ave.

Please include the following:

- a. Duration:
- b. Location: W. Mississippi Ave and S. Bannock St
- c. Affected Council District: Nevitt 7
- d. Benefits:
- e. Costs:

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: _____

Ordinance Request Number: _____

Date: _____

A parcel of land known as Parcel 8 as described in that rule and decree in Civil Action No. 83CV002636, recorded at reception number 086446 on March 8, 1985, in the records of the Clerk and Recorder, City and County of Denver, described in said document as follows:

Parcel No. 8

A tract or parcel of land No. 8 of the City and County of Denver, State of Colorado, Project No. IXM 1266(1) containing 1,257 sq. ft., more or less, in Lots 23 and 24, Block 3, WEST BROADWAY ADDITION, a subdivision in the N ½ of the NW ¼ of Section 22, Township 4 South, Range 68 West of the Sixth Principal Meridian, in Denver, County Colorado, more commonly known as 1101 South Bannock St., Denver, Colorado, said tract or parcel being more particularly described as follows:

Beginning at at point on the west line of Lot 24, Block 3, WEST BROADWAY ADDITION, which is 17.0 feet Northerly from the SW corner of the said lot and 52.0 feet south of the north line of Section 22, T. 4 S., R. 68 W., 6th P.M.;

1. Thence along the west line of the said Lot 24, Northerly a distance of 8.0 feet to the NW corner of Lot 24, which is the south right of way line of W. Mississippi Ave. (Sept. 1980);
2. Thence along the said right of way line which is the north line of Lot 24 Easterly a distance of 125.0 feet to the NE corner of the said lot;
3. Thence along the east line of Lots 24 and 23, Block 3 Southerly a distance of 28.9 feet to a point which is 72.0 feet South of the said North line of Section 22
4. Thence Northwesterly a distance of 28.2 feet to a point 52.0 feet South of the said North line;
5. Thence on a line 52.0 feet South of and parallel with the said north line Westerly a distance of 105.0 feet, more or less, to the point of beginning.

2010-0165-001

Mississippi_2010-0165

Approximate area of indication



- Name Change Ordinances
- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- 2008 Denver
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map provided for informational purposes only. The City and County of Denver do not warrant the accuracy of any data arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, including but not limited to the accuracy, completeness, or suitability for any purpose. This is not a legal document.

17985

CT. FILED FEB 13 1985

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DISTRICT COURT, STATE OF COLORADO, CITY AND COUNTY OF DENVER
Civil Action No. 83CV002636, Courtroom 18

880416
08 6 44 P

**RULE AND DECREE IN CONDEMNATION (Relating to Parcels
No. 8 and 8 T.E.)**

CITY AND COUNTY OF DENVER, a municipal corporation,
Petitioner,

v.

TONY A. DURISKA; THOMPSON D. MOORE; THOMAS J. CARNEY; HARRY M. STERLING; MURRAY HAYUTIN; PHYLLIS HAYUTIN; FELICIA HUFTIC, or successor in office, Public Trustee for the City and County of Denver; THOMAS P. BRIGGS, or his successor in office, Manager Revenue of the City and County of Denver; ALL UNKNOWN OWNERS OF THE PROPERTY SOUGHT TO BE CONDEMNED HEREIN and ALL UNKNOWN PERSONS WHO CLAIM ANY INTEREST IN THE SUBJECT MATTER OF THIS ACTION,

DENVER COUNTY
COUNTY CLERK
FELICIA HUFTIC

03-8-85 AM 11:53

Respondents.

THIS MATTER having come on to be heard on the Petition of the City and County of Denver, a municipal corporation, for the taking of certain property described in said Petition as Parcel No. 8 and for the obtaining of a temporary easement for the purpose of roadway construction with respect to the property described in said Petition as Parcel No. 8 T.E., and for the ascertainment of the compensation to be paid therefore and by reason thereof and the time now being at hand for the entry of a Rule and Decree, the Court,

DOTH FILED:

1. That the Petitioner is authorized by eminent domain proceeding to appropriate property for its local and municipal purposes, and, in particular, is authorized to appropriate the properties which are the subject matter of this action.

MINUTE DESK
FEB 22 1985

INDEXED 7-7-87 RC
PLATED SW 43

086446

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2. That the Court has jurisdiction of the parties herein and of the subject matter of this action.

3. That the parties have agreed on a disposition of this matter, and that this matter has been resolved without the necessity of a trial.

4. That the record owner of the properties which are described in the Petition herein as Parcels Nos. 8 and 8 T.E. is the Respondent Tony A. Duriska, he being owner by virtue of certain instruments recorded among the records of the Clerk and Recorder of the City and County of Denver and State of Colorado, and that said Respondent has appeared herein.

5. That Thomas P. Briggs is the duly appointed qualified and acting Manager of Revenue of the City and County of Denver and is the successor to the Respondent Carl H. Gustafson who was the duly appointed, qualified and acting Manager of Revenue of the City and County of Denver, and who as such has appeared herein asserting a claim for any and all outstanding tax liens covering general taxes, Moffat Tunnel assessments and local public improvement district assessments, including interest on all outstanding taxes as the same have accrued on the properties described in the Petition herein as Parcels Nos. 8 and 8 T.E.; that the Petitioner has been in possession of said properties since May 26, 1983; and that since these proceedings involve the acquisition of only a portion of the property owned by the Respondent Tony A. Duriska, the Respondent Thomas P. Briggs is satisfied that there is sufficient taxable property after the taking here involved to satisfy any lien for the amount of taxes payable for the taking here involved.

6. That other than the persons aforesaid no other person, firm or corporation has appeared herein or has any claim or claims to, any interest or interests in, or any lien or liens, encumbrance or encumbrances pertaining to the properties which are described in the Petition herein as Parcels Nos. 8 and 8 T.E.

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7. That an accurate description of the property taken and described in the Petition herein as parcel No. 8, together with all improvements situate and being thereon, which property is situate in the City and County of Denver and State of Colorado, is as follows:

Parcel No. 8

A tract or parcel of land No. 8 of the City and County of Denver, State of Colorado, Project No. IX 1266(1) containing 1,257 sq. ft., more or less, in Lots 23 and 24, Block 3, WEST BROADWAY ADDITION, a subdivision in the N 1/4 of the NW 1/4 of Section 22, Township 4 South, Range 68 West of the Sixth Principal Meridian, in Denver, County, Colorado, more commonly known as 1101 South Bannock St., Denver, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the west line of Lot 24, Block 3, WEST BROADWAY ADDITION which is 17.0 feet Northerly from the SW corner of the said lot and 52.0 feet south of the north line of Section 22, T. 4 S., R. 68 W., 6th P.M.;

1. Thence along the west line of the said Lot 24, Northerly a distance of 8.0 feet to the NW corner of Lot 24, which is the south right of way line of W. Mississippi Ave. (Sept. 1980);
2. Thence along the said right of way line which is the north line of Lot 24 Easterly a distance of 125.0 feet to the NE corner of the said lot;
3. Thence along the east line of Lots 24 and 23, Block 3 Southerly a distance of 28.9 feet to a point which is 72.0 feet South of the said North line of Section 22;
4. Thence Northwesterly a distance of 28.2 feet to a point 52.0 feet South of the said North line;
5. Thence on a line 52.0 feet South of and parallel with the said north line Westerly a distance of 105.0 feet, more or less, to the point of beginning.

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The above described parcel contains 1,257 sq. ft., more or less.

8. That an accurate description of the property used by the Petitioner for a temporary easement for the purpose of roadway construction and described in the Petition herein as Parcel No. 8 T.E., which property is situate in the City and County of Denver and State of Colorado, is as follows:

Parcel No. 8 T.E.

A tract or parcel of land No. TE-8 of the City and County of Denver, State of Colorado, Project No. IEM 1266(1) containing 538 sq. ft., more or less, in Lot 24, Block 3, WEST BROADWAY ADDITION, a subdivision in the N. $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 22, Township 4 South, Range 68 West, of the Sixth Principal Meridian, in Denver County, Colorado, more commonly known as 1101 South Bannock St., Denver, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the west line of Lot 24, Block 3, WEST BROADWAY ADDITION which is 17.0 feet Northerly of the SW corner of the said lot and 52.0 feet South of the North line of Section 22, T. 4 S., R. 68 W., 6th P.M.;

1. Thence on a line 52.0 feet South of and parallel with the said North line of Section 22, Easterly a distance of 105.0 feet;
2. Thence Southeasterly a distance of 7.0 feet to a point 57.0 feet South of the said North line;
3. Thence on a line 57.0 feet South of and parallel with the said North line Westerly a distance of 110.0 feet to the West line of Lot 24;
4. Thence along the said West line Northerly a distance of 5.0 feet, more or less, to the point of beginning.

The above described temporary easement contains 538 sq. ft., more or less for the purpose of roadway construction.

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9. That the total compensation due the Respondent Tony A. Duriska for the taking of the property described in the Petition herein as Parcel No. 8 and hereinabove described in paragraph 7 hereof, together with all improvements situate and being thereon, and that the total compensation due said Respondent for the property used by the Petitioner for a temporary easement for the purpose of roadway construction described in the Petition herein as Parcel No. 8 T.E. and hereinabove described in paragraph 8 hereof, including, but not necessarily limited to, the value of said properties, damages to the residue of property not taken and any and all interest and costs, is \$40,500.00; all of the foregoing being pursuant to and in accordance with the stipulation as hereinafter set forth.

10. That Petitioner has heretofore deposited into the Registry of the Court the sum of \$11,000.00; that on May 27, 1983, an Order was entered by the Court allowing the Respondent Tony A. Duriska to withdraw from the Registry of the Court the said sum of \$11,000.00; and that said Respondent has withdrawn said sum; wherefore,

IT IS ORDERED, ADJUDGED AND DECREED:

1. That upon deposit into the Registry of the Court or direct payment to Respondent Duriska of the further and additional sum of \$29,500.00, Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder and owner in unconditional fee simple absolute, free of all rights of reversion and reversionary interests, including, but not limited to, possibility of reverter and right of entry for condition broken, in and to the property described in the Petition herein as Parcel No. 8 and hereinabove described in paragraph 7 hereof, together with all improvements situate and being thereon, and it be and it hereby is authorized to take possession of and to hold the same for all purposes, free of all rights, titles, interest or interests, claims or equities of all Respondents to said property and free and clear of all

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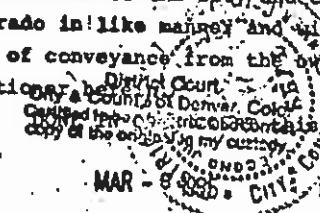
liens and claims; and that the use of the property described in the Petition herein as Parcel No. 8 T. E. and hereinabove described in the Petition herein as Parcel No. 8 T.E. and hereinabove described in paragraph 8 hereof for a temporary easement for the purpose of roadway construction by the Petitioner be and is hereby adjudged to be proper in all respects.

2. That the sum of \$40,500.00 be and is hereby determined to be in full, total and complete payment for the taking of the property described in the Petition herein as parcel No. 8 and hereinabove described in paragraph 7 hereof, together with all improvements situate and being thereon, and for the property used by the Petitioner for a temporary easement for the purpose of roadway construction described in the petition herein as parcel No. 8 T. E. and hereinabove described in paragraph 8 hereof, including, but not necessarily limited to, the value of said properties, damages to the residue of property not taken and any and all interest and costs.

3. That, if Petitioner elects to deposit the additional amount of \$29,500.00, as aforesaid, the Clerk of this Court is hereby authorized, ordered and directed to pay said \$29,500.00 to the Respondent Tony A. Duriska by forwarding said sum to the attorney for said Tony A. Duriska, George L. Zoellner, 14221 East 4th Avenue, Suite 122, Aurora, Colorado 80011.

4. That a certified copy of the Rule and Decree in Condemnation be recorded and indexed in the office of the Clerk and Recorder of the City and County of Denver and State of Colorado in like manner and with like effect as if it were a deed of conveyance from the owner and parties interested to the

Petitioner, District Court, City and County of Denver, Colorado, this 1st day of February 1985.



BY THE COURT:
Court James F. Adams
Clerk of the District Court
By _____ JUDGE
Deputy Clerk

086446

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IT IS HEREBY STIPULATED BY AND
AMONG THE PARTIES HERETO THAT
THE ABOVE RULE AND DECREE IN
CONDEMNATION MAY BE ENTERED
HEREIN:

STEPHEN H. KAPLAN - #7826
City Attorney

ROBERT M. KELLY - #3935
Assistant City Attorney

By Robert M. Kelly
Robert H. Kelly
Attorneys for Petitioner,
City and County of Denver,
a municipal corporation
353 City and County Building
Denver, Colorado 80202
Telephone: (303) 575-2665

George A. Zoellner
George A. Zoellner - #3567
Attorney for Respondent
Tony A. Duriska
14221 East 4th Avenue, #122
Aurora, Colorado 80011
Telephone: (303) 344-0555

Tony A. Duriska
Tony A. Duriska

080446

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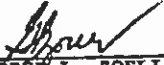
DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO
Case No. 83CV002636, Courtroom 18

RECEIPT

CITY AND COUNTY OF DENVER, a municipal
corporation,
Petitioner,
v.
TONY A. DURISKA, et al.
Respondents.

Receipt is hereby acknowledged of check in the
amount of \$29,500.00 from the Colorado Division of Highways
payable to Tony A. Duriska.

Dated this 8th day of February, 1985.


GEORGE L. ZOELLNER
Attorney for Tony A. Duriska
14221 E. 4th Ave., #122
Aurora, Colorado 80011
344-0555