



REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Karen Walton, City Attorney's Office

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

DATE: April 10, 2014

ROW #: 2013-0036-08 **SCHEDULE #:** 0229203038000

TITLE: This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Located between W. 38th Ave., W. Clyde Pl., Julian St. and Irving 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. 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 (**Highland Place**)

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. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2013-0036-08-001) HERE.

A map of the area to be dedicated is attached.

RD/AG/BLV

cc: Asset Management, Steve Wirth
City Councilperson & Aides, Susan Shepherd District # 1
City Council Staff, Gretchen Williams
Environmental Services, David Erickson
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Nancy Kuhn
Public Works, Right-of-Way Engineering Services, Rob Duncanson
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Public Works Survey, Ali Gulaid
Public Works Survey, Paul Rogalla
Owner: City and County of Denver
Project file folder 2013-0036-08

ORDINANCE/RESOLUTION REQUEST

Please email requests to Nancy Kuhn at Nancy.Kuhn@Denvergov.org by **NOON 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: April 10, 2014

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, amendment, municipal code change, supplemental request, etc.)*

This request is to dedicate a parcel of land as Public Right of Way as Public Alley.
Located between W. 38th Ave., W. Clyde Pl., Julian St. and Irving St.

3. **Requesting Agency:** PW Right of Way Engineering Services

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:** Nancy Kuhn
- **Phone:** 720-865-8720
- **Email:** Nancy.Kuhn@denvergov.org

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 Public Alley. 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 (Highland Place)

****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.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** Alley between W. 38th Ave., W. Clyde Pl., Julian St. and Irving St
- d. **Affected Council District:** Susan Shepherd Dist. 1
- e. **Benefits:** N/A
- f. **Costs:** 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: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2013-0036-08 Dedication, Highland Place

Description of Proposed Project: Dedicate a parcel of public right of way as 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 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, Highland Place

Public Alley W 38th Ave, W Clyde Pl, Julian St & Irving St.



- Dedicating Ordinances
- Denver County (Boundary)
- Street Centerline
- Interstate
- US Highway
- Other
- Parcels
- Lots/Blocks (Base Map)
- mask
- 2012_Denver.jp2.iri
- Denver County (Shaded)
- Denver County
- Adams County
- Arapahoe County
- Jefferson County

Map generated 4/8/2014 - The City and County of Denver shall not be liable for damages of any kind 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 fitness for a particular use. This is not a legal document.

A PARCEL OF LAND CONVEYED BY WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 12TH OF AUGUST 2013, BY RECEPTION NUMBER 2013118531 (DESCRIBED AS "EXHIBIT B"), IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE, STATE OF COLORADO:

DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 17 THROUGH 24, INCLUSIVE, BLOCK 35, SECOND FILING OF A PORTION OF HIGHLAND PARK, SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF JULIAN ST AND ON THE NORTH RIGHT-OF-WAY LINE OF THE PLATTED ALLEY IN SAID BLOCK;
THENCE N 00°00'04" W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 4.00 FEET;
THENCE N 90°00'00" E PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF SAID ALLEY, A DISTANCE OF 199.90 FEET TO A POINT ON THE EAST LINE OF SAID LOT 17;
THENCE S 00°00'10" W ALONG SAID EAST LINE, A DISTANCE OF 4.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALLEY;
THENCE S 90°00'00" W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 199.89 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 800 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF W. 38TH AVE, ASSUMED TO BEAR S 87°32'41" E.

CITY & COUNTY OF DENVER
ASSET MANAGEMENT
201 W. COLFAX AVE DEPT 1010
DENVER, CO 80202

WARRANTY DEED

THIS DEED, dated 8-1-13, 2013, is between Highlands Place on 38th, LLC a Colorado limited liability company ("Grantor"), and the City and County of Denver, a home rule city and municipal corporation of the State of Colorado ("Grantee"), whose address is 1437 Bannock Street., Denver, CO 80202.

WITNESS, that the 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 is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described as follows:

EXHIBITS "A" and "B" attached hereto and incorporated herein

Assessor's schedule or parcel number: Vacant Land
Address: Vacant Land

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, 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 above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor covenants, grants, bargains, and agrees to and with the Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, except for all matters of record.

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, except for all matters of record.

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

Highlands Place on 38th, LLC

By: [Signature]

Title: owner

STATE OF Colorado

COUNTY OF Denver

The foregoing instrument was acknowledged before me this day 1st of August, 2013 by Daren Schmidt as owner of Highlands Place at 38th, LLC.

Witness my hand and official seal.
My commission expires: 6/6/15

[Signature]
Notary Public

KATHRYN KWIATKOSKI
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 08/06/2015

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

Asset Mgmt. # 13-101
Asset Management: [Signature]
Date: 8-12-13
Approved: [Signature]
Project Description: Row & Julian St.

EXHIBIT "A"

ROW DEDICATION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 3 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 17 THROUGH 24, INCLUSIVE, BLOCK 35, SECOND FILING OF A PORTION OF HIGHLAND PARK, SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 35, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF W 38TH AVE AND ON THE EAST RIGHT-OF-WAY LINE OF JULIAN ST;
THENCE S 87°32'41" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 200.09 FEET TO THE NORTHEAST CORNER OF SAID LOT 17;
THENCE S 00°00'10" W ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 7.01 FEET;
THENCE N 87°32'41" W PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID W 38TH AVE, A DISTANCE OF 195.09 FEET;
THENCE S 46°13'37" W, A DISTANCE OF 6.92 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID JULIAN ST;
THENCE N 00°00'04" W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 12.01 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,413 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF W 38TH AVE, ASSUMED TO BEAR S 87°32'41" E.

PREPARED BY: AARON MURPHY, PLS 38162
ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



PLS 38162 - P 1120 LINCOLN STREET, SUITE 1000, DENVER, CO 80203
NO. 38162
PRINTED: MON 04/29/13 12:49:07P BY: GIM HOLDINGS

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 04-04-13		38TH & JULIAN	DESCRIPTION	 1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303-623-6300 F: 303-623-6311 HarrisKocherSmith.com	CHKD BY: AWM
DATE	REVISION COMMENTS				DRAWN BY: KDW
04-23-13	PER COMMENTS				JOB NUM: 121114
04-29-13	PER COMMENTS				SHEET NO:
					1
		1 OF 2			

EXHIBIT

SITUATED IN THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 3 SOUTH,
 RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

BOULEVARD PLACE
 SUBDIVISION

JULIAN ST
 (66' R.O.W.)

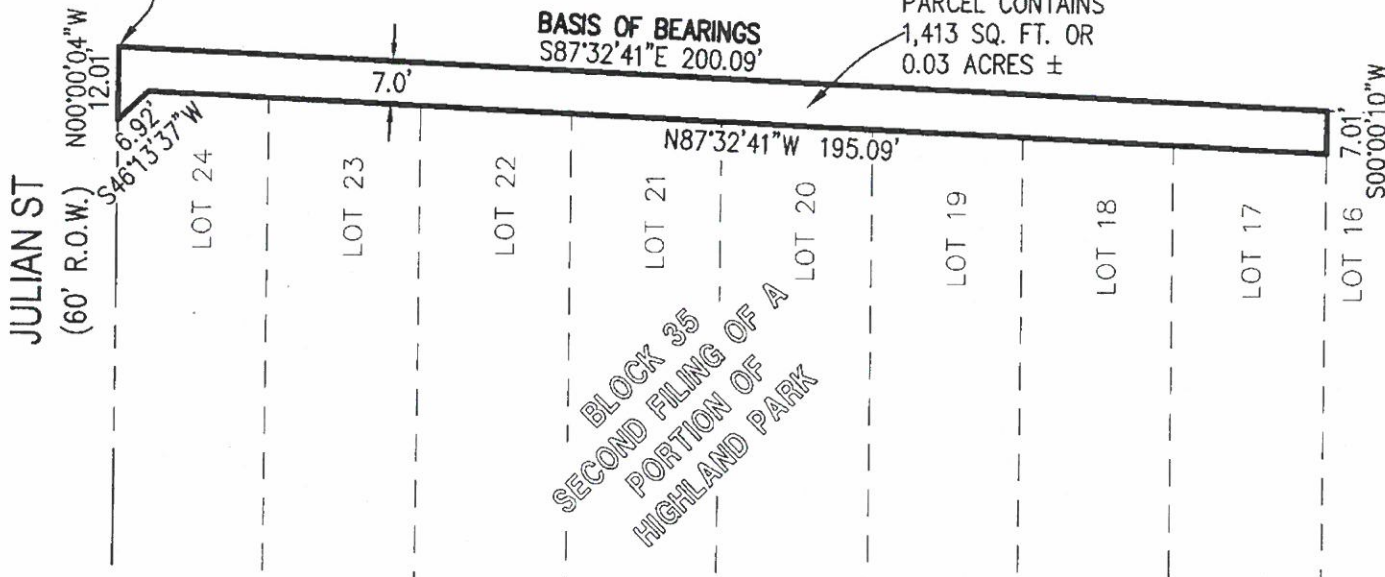


W 38TH AVE
 (80' R.O.W.)

POINT OF BEGINNING

BASIS OF BEARINGS
 S87°32'41"E 200.09'

PARCEL CONTAINS
 1,413 SQ. FT. OR
 0.03 ACRES ±



BLOCK 35
 SECOND FILING OF A
 PORTION OF A
 HIGHLAND PARK

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

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

DATE PLOTTED: 04/29/13 12:46:17 PM BY: KDW

DATE	REVISION COMMENTS
04-23-13	PER COMMENTS
04-29-13	PER COMMENTS

38TH & JULIAN

EXHIBIT

HKS HARRIS KOCHER SMITH
 1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303-623-6300 F: 303-623-6311
 HarrisKocherSmith.com

CHKD BY: AWM
DRAWN BY: KDW
JOB NUM: 121114
SHEET NO.
2
2 OF 3

ALLEY DEDICATION

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PREPARED BY: AARON MURPHY, PLS 38162
ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



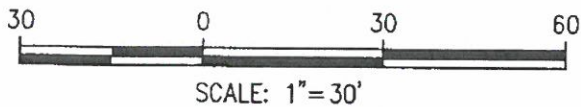
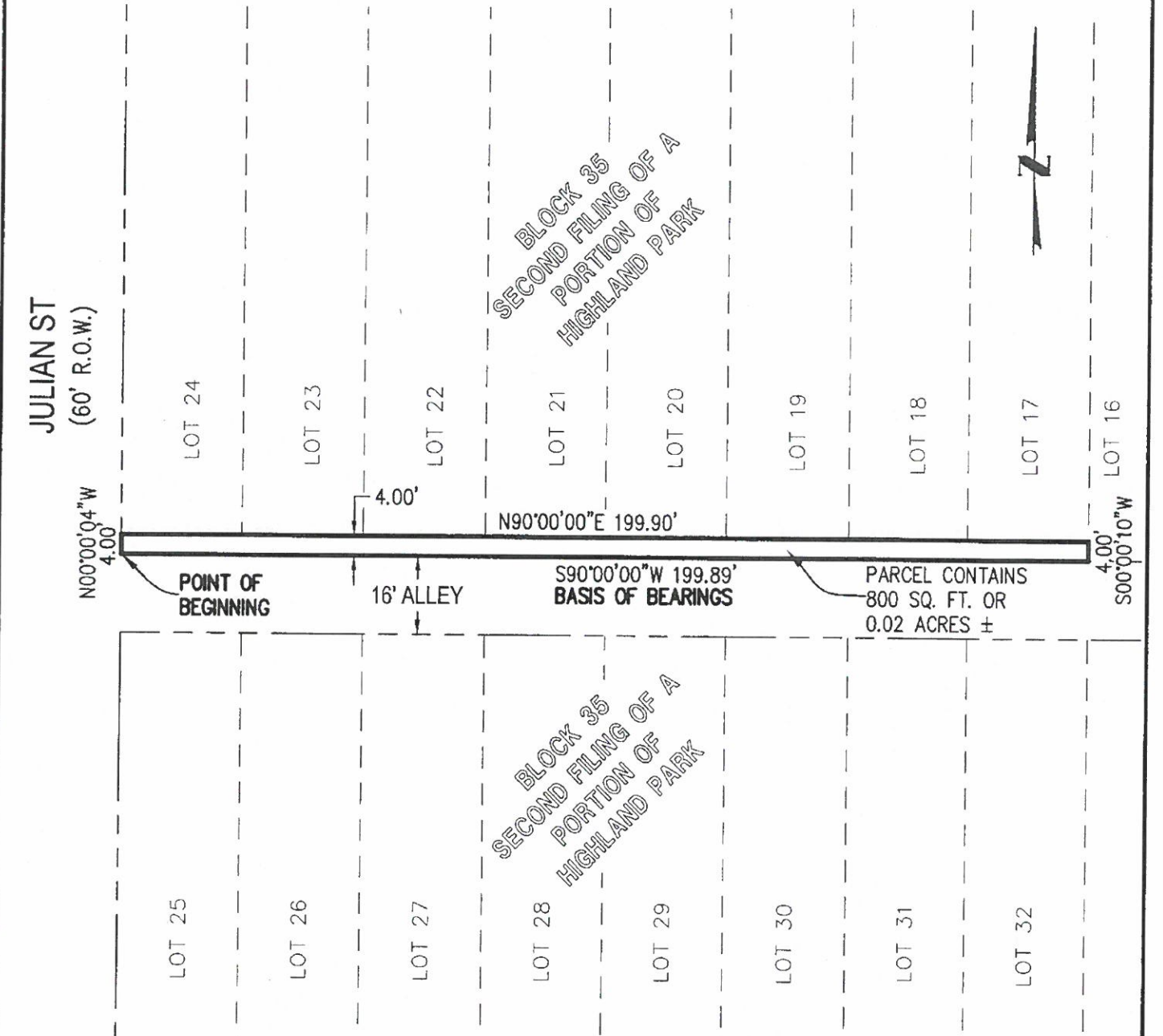
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PC: 1004
PLOTTER: THE 04/29/13 9:32:24 BY: KIM WOLFEBAK

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

ISSUE DATE: 04-04-13		38TH & JULIAN	DESCRIPTION	 1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303-623-6300 F: 303-623-6311 HarrisKocherSmith.com	CHKD BY: AWM
DATE	REVISION COMMENTS				DRAWN BY: KDW
04-23-13	PER COMMENTS				JOB NUM: 121114
04-29-13	PER COMMENTS				SHEET NO. 1
					1 OF 2

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REVISION: P:\21114\38TH\38TH\38TH ALLEY LAYOUT ALLEY
 PL 04-29-13 04/26/13 9:22:16A BY: KDW 00133402

DATE	REVISION COMMENTS
04-23-13	PER COMMENTS
04-29-13	PER COMMENTS

38TH & JULIAN

ALLEY DEDICATION
 EXHIBIT

HKS HARRIS KOCHER SMITH
 1120 Lincoln Street, Suite 1000
 Denver, Colorado 80203
 P: 303-623-6300 F: 303-623-6311
 HarrisKocherSmith.com

CHK'D BY: AWM DRAWN BY: KDW JOB NUM: 121114
SHEET NO. 2
2 OF 2

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER, SMITH