




REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, P.E., Director, Right-of-Way Services 

DATE: July 1st, 2021

ROW #: 2018-DEDICATION-0000004 **SCHEDULE #:** 0634100017000 (S. Havana St.) & adjacent to 0634100016000 (E. Yale Ave.).

TITLE: This request is to dedicate two City-owned parcels of land as Public Right-of-Way as 1) S. Havana St., located at the intersection of S. Havana St. and E. Yale Ave. and 2) E. Yale Ave., located at the intersection of S. Havana St. and E. Yale Ave.

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) S. Havana St., and 2) E. Yale Ave. 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, "LHM Cherry Creek Dodge Expansion."

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 Right-of-Way. The land is described as follows.

INSERT PARCEL DESCRIPTION ROW # (2018-DEDICATION-0000004-001-002) HERE.

A map of the area to be dedicated is attached.

MB/TB/RL

cc: Dept. of Real Estate, Katherine Rinehart
City Councilperson, Kendra Black District # 4
Councilperson Aide, Taylor Cohn
Councilperson Aide, Genevieve Kline
Councilperson Aide, Kathy Gile
City Council Staff, Zach Rothmier
Environmental Services, Andrew Ross
DOTI, Manager's Office, Alba Castro
DOTI, Manager's Office, Jason Gallardo
DOTI, Director, Right-of-Way Engineering Services, Matt Bryner
Department of Law, Maureen McGuire
Department of Law, Martin Plate
Department of Law, Deanne Durfee
Department of Law, Caroline Martin
Department of Law, Rachonda Dixon
DOTI Survey, Tom Breitnauer
DOTI Ordinance
Owner: City and County of Denver
Project file folder 2018-DEDICATION-0000004

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: July 1st, 2021

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) S. Havana St., located at the intersection of S. Havana St. and E. Yale Ave. and 2) E. Yale Ave., located at the intersection of S. Havana St. and E. Yale Ave.

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

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

- **Name:** Rebecca Long
- **Phone:** 720-547-5344
- **Email:** Rebecca.Long@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:** 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) S. Havana St., and 2) E. Yale Ave. 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, "LHM Cherry Creek Dodge Expansion."

****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:** At the intersection of S. Havana St. and E. Yale Ave.
- d. **Affected Council District:** Kendra Black District # 4
- 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: 2018-DEDICATION-0000004

Description of Proposed Project: Dedication of two parcels of land as Public Right-of-Way as 1) S. Havana St., and 2) E. Yale Ave.

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) S. Havana St., and 2) E. Yale Ave.

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) S. Havana St., and 2) E. Yale Ave., as part of a development project called, "LHM Cherry Creek Dodge Expansion."



Legend

- ▲ Well Restrictions
- Barrier Restrictions
- Area Restrictions
- Liner
- Sheet Pile Wall Area
- 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
- Parks
- All Other Parks; Linear
- Mountain Parks

400 0 200 400 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City and County of Denver

1:3,120

Map Generated 7/1/2021

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.

PARCEL DESCRIPTION ROW NO. 2018-DEDICATION-0000004-001:**LAND DESCRIPTION – STREET PARCEL#1:**

EXHIBIT A OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 1ST DAY OF DECEMBER, 2020, AT RECEPTION NUMBER 2020199713 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

AN UNPLATTED PARCEL OF LAND LOCATED IN A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 34, BEING MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 34 BY AN ILLEGIBLE 3-1/4 INCH BRASS CAP IN A MONUMENT BOX AND AT THE NORTH QUARTER CORNER OF SAID SECTION 34 BY A 3 INCH BRASS CAP STAMPED "DWD 1988 PLS 16398" IN MONUMENT BOX IS ASSUMED TO BEAR S 89°49'01" W A DISTANCE OF 2645.04 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT SAID NORTHEAST CORNER OF SECTION 34:

THENCE S 89°49'01" W ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 116.20 FEET;

THENCE S 00°46'45" W A DISTANCE OF 35.01 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF EAST YALE AVENUE AND THE WEST RIGHT-OF-WAY OF SOUTH HAVANA STREET AND THE **POINT OF BEGINNING**;

THENCE S 00°46'45" W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 447.06 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY S 89°49'01" W A DISTANCE OF 1.00 FEET;

THENCE N 00°46'45" W ALONG A LINE PARALLEL TO AND 1.00 FOOT WEST OF SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 447.06 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF EAST YALE AVENUE SAID LINE BEING 35.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34;

THENCE N 89°49'01" E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1.00 FEET TO THE **POINT OF BEGINNING**.

SAID DESCRIBED PARCEL OF LAND CONTAINS 447 SQ. FT. MORE OR LESS.

PARCEL DESCRIPTION ROW NO. 2018-DEDICATION-0000004-002:**LAND DESCRIPTION – STREET PARCEL#2:**

EXHIBIT B OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 1ST DAY OF DECEMBER, 2020, AT RECEPTION NUMBER 2020199713 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

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THENCE S 89°49'01" W ALONG SAID PARALLEL LINE A DISTANCE OF 501.67 FEET;

THENCE N 00°13'28" W TO SAID SOUTH RIGHT-OF-WAY LINE OF EAST YALE AVENUE A DISTANCE OF 1.00 FEET SAID LINE BEING 35.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34;

THENCE N 89°49'01" E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 501.69 FEET TO THE **POINT OF BEGINNING**.

SAID DESCRIBED PARCEL OF LAND CONTAINS 502 SQ. FT. MORE OR LESS.



12/01/2020 09:33 AM
City & County of Denver

R \$0.00

WD

2020199713

Page: 1 of 6

D \$0.00

After recording, return to:
Division of Real Estate
City and County of Denver
201 West Colfax Avenue, Dept. 1010
Denver, Colorado 80202
Project Description: 2018-Dedication-0000004
Asset Mgmt No.: 20-177

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (“Deed”), made as of this 24th day of November 2020, by **MILLER FAMILY REAL ESTATE LLC**, a Utah limited liability company, whose address is 9350 S. 150th E., Suite 900, Sandy, UT 84070, 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:

MILLER FAMILY REAL ESTATE LLC, a Utah limited liability company

By: [Signature]

Name: Brad Holmes

Its: President

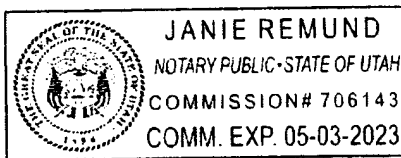
STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 24th day of November, 2020 by Brad Holmes, as President of **MILLER FAMILY REAL ESTATE LLC**, a Utah limited liability company.

Witness my hand and official seal.

My commission expires: 05-03-2023

[Signature]
Notary Public



2017-PROJMSTR-0000358-ROW-001

EXHIBIT A

AN UNPLATTED PARCEL OF LAND LOCATED IN A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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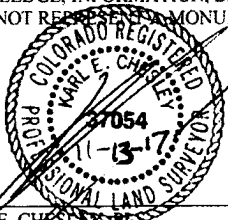
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SAID DESCRIBED PARCEL OF LAND CONTAINS 447 SQ. FT. MORE OR LESS.

SURVEYOR'S STATEMENT

I, KARL E. CHESLEY, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PARCEL DESCRIPTION WAS PREPARED UNDER MY DIRECT SUPERVISION AND CHECKING, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF, AND IN MY PROFESSIONAL OPINION. THIS DESCRIPTION DOES NOT REPRESENT A MONUMENTED LAND SURVEY.



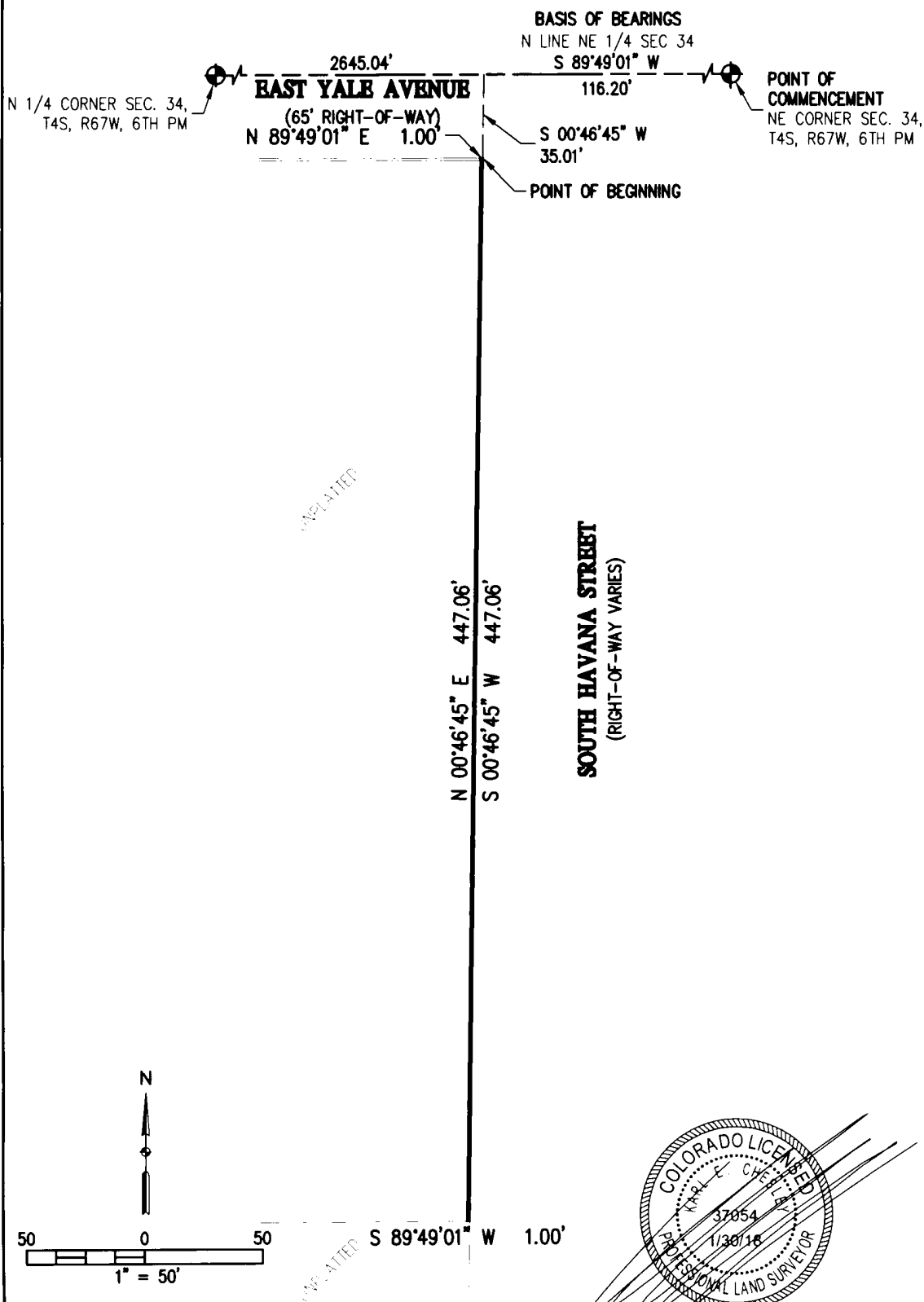
KARL E. CHESLEY
 COLORADO PROFESSIONAL LAND SURVEYOR NO. 37054
 FOR AND ON BEHALF OF BASELINE ENGINEERING CORP.

BASELINE ENGINEERING CORP.
 4007 SOUTH LINCOLN AVE., SUITE 405
 LOVELAND, COLORADO 80537
 (970) 353-7600

M:\cs\152551-LHM-Cherry Creek Dodge Drawings-HAVANA ROW.dwg, 1/30/2018 2:52:07 PM David Wilson

2017-PROJMSTR-0000358-ROW-001

EXHIBIT A



THE ABOVE DESCRIBED PARCEL CONTAINS 447 SQUARE FEET OR MORE OR LESS.
This illustration does not represent a monumented survey. It is intended only to depict the attached description.

<p>BASELINE Engineering · Planning · Surveying</p> <p>4007 S LINCOLN AVENUE, SUITE 405 • LOVELAND, COLORADO 80537 P: 303.263.7800 • F: 303.872.4664 • www.baselinerecs.com</p>	LARRY H. MILLER		REVIEWED BY KEK	DETAIL SUBMITTAL DRAWING SIZE: 8.5" x 11" SURVEY FIRM: SURVEY DATE:	
	CITY OF DENVER		COUNTY OF DENVER	DRAWN BY DEW	
	2727 S. HAVANA ST			CHECKED BY KEK	JOB NO.: CO15265A DRAWING NAME: HAVANA ROW.dwg SHEET 2 OF 2

2017-PROJMSTR-0000358-ROW-002

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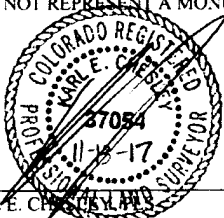
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KARL E. CHESLEY, P.L.S.
 COLORADO PROFESSIONAL LAND SURVEYOR NO. 37054
 FOR AND ON BEHALF OF BASELINE ENGINEERING CORP.

BASELINE ENGINEERING CORP.
 4007 SOUTH LINCOLN AVE., SUITE 405
 LOVELAND, COLORADO 80537
 (970) 353-7600

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2017-PROJMSTR-0000358-ROW-002

EXHIBIT B

POINT OF COMMENCEMENT
NE CORNER SEC. 34,
T4S, R67W, 6TH PM

SOUTH HAVANA STREET
(RIGHT-OF-WAY VARIES)

S 00°46'45" W 35.01'

POINT OF BEGINNING

S 00°46'45" W 1.00'

S 89°49'01" W 117.20'

EAST YALB AVENUE
(65' VARIES)

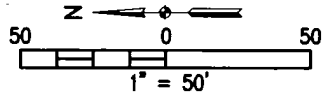
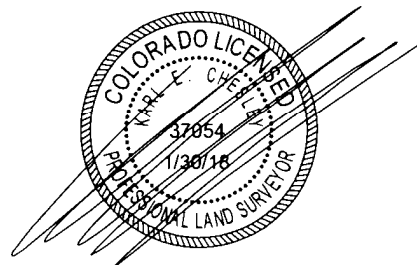
BASIS OF BEARINGS
N LINE NE 1/4 SEC. 34
S 89°49'01" W 2645.04'

N 89°49'01" E 501.69'

S 89°49'01" W 501.67'

N 00°13'28" W 1.00'

N 1/4 CORNER SEC. 34,
T4S, R67W, 6TH PM



THE ABOVE DESCRIBED PARCEL CONTAINS 502 SQUARE FEET OR MORE OR LESS.

This illustration does not represent a monumented survey. It is intended only to depict the attached description.



4007 S LINCOLN AVENUE, SUITE 405 - LOVELAND, COLORADO 80537
P. 970.363.7800 - F. 986.673.4864 - www.baselinerecs.com

LARRY H. MILLER

CITY OF DENVER

COUNTY OF DENVER

2727 S. HAVANA ST

DESIGNED BY	KEC	CHECKED BY	KEC
DRAWN BY	DEW	DATE	1/30/16
CHECKED BY	KEC	SHEET	2 of 2