



REQUEST FOR VACATION ORDINANCE

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE
Director, Right of Way Services *Matt R. Bryner*
Matt R. Bryner (Mar 25, 2022 14:16 MDT)

ROW #: 2021-VACA-0000012

DATE: March 22, 2022

SUBJECT: Request for an Ordinance to vacate West Mulberry Place, North Alcott Way, a portion of West 10th Avenue, and a portion of North Bryant Street bounded by West 9th Avenue, West 11th Avenue, and North Decatur Street, with reservations.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Matrix Design Group, dated July 23, 2021, on behalf of Housing Authority of the City & County of Denver for requesting the above requested vacation.

This matter has been coordinated with Asset Management; Colorado Department of Transportation; Comcast; Division of Disability Rights; Community Planning & Development – Building Inspections, Planning and Zoning; Historic Preservation/Landmark; City Councilperson Torres, District #3; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; City Forester; Parks & Recreation; DOTI: Construction Engineering, DES Transportation & Wastewater, Survey, Policy and Planning, TES signing and Striping, Solid Waste, Street Maintenance; CPM Wastewater; CenturyLink; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have indicated no objection.

As a result of these investigations, it has been determined that there is no objection to vacating said area(s) PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, without limitation, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire Easement Area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the Easement Area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver. The property owner shall be liable for all damages to such utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not be liable for any damage to property owner's property due to use of this reserved easement.

Therefore, you are requested to initiate Council action to vacate the following areas:

INSERT PARCEL DESCRIPTION ROW 2021-VACA-0000012-001 HERE
INSERT PARCEL DESCRIPTION ROW 2021-VACA-0000012-002 HERE

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003



MB: je

- cc: City Councilperson & Aides
- City Council Staff – Zach Rothmier
- Department of Law – Bradley Beck
- Department of Law – Deanne Durfee
- Department of Law – Maureen McGuire
- Department of Law – Martin Plate
- DOTI, Manager’s Office – Alba Castro
- DOTI, Legislative Services – Jason Gallardo
- DOTI, Solid Waste – Mike Lutz
- DOTI, Survey – Paul Rogalla
- DOTI, Street Maintenance – Brian Roecker

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ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: March 22, 2022

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
- Dedication/Vacation Appropriation/Supplemental DRMC Change
- Other:

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Request for an Ordinance to vacate West Mulberry Place, North Alcott Way, a portion of West 10th Avenue, and a portion of North Bryant Street bounded by West 9th Avenue, West 11th Avenue, and North Decatur Street, with reservations.

3. Requesting Agency: Department of Transportation and Infrastructure, Engineering and Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Jessica Eusebio	Name: Jason Gallardo
Email: Jessica.Eusebio@denvergov.org	Email: Jason.Gallardo@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for an Ordinance to vacate West Mulberry Place, North Alcott Way, a portion of West 10th Avenue, and a portion of North Bryant Street bounded by West 9th Avenue, West 11th Avenue, and North Decatur Street, with reservations.

6. City Attorney assigned to this request (if applicable): Martin Plate

7. City Council District: District 3, Jamie Torres

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____



VACATION EXECUTIVE SUMMARY

Project Title: 2021-VACA-0000012 Sun Valley Vacation 1087 N Bryant St

Requestor's name: Housing Authority of the City & County of Denver

Description of Proposed Project: Request for an Ordinance to vacate West Mulberry Place, North Alcott Way, a portion of West 10th Avenue, and a portion of North Bryant Street bounded by West 9th Avenue, West 11th Avenue, and North Decatur Street, with reservations.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: This area is being redeveloped. During this process the curvilinear streets are being relocated to match the Denver street grid layout.

Area of proposed right-of-way vacation in square feet: Approximately 100,725 square feet.

Number of buildings adjacent to proposed vacation area: (32) Thirty-Two

Public Notice was posted at the proposed vacation area on: February 25, 2022

Notifications were sent to property owners and Registered Neighborhood Organizations within 200' of the proposed vacation area on: February 25, 2022

The 20-day period for protests expired on: March 17, 2022

Were protests received from the Public and, if so, explain: No objections were received.

Are all protests containing technical merit resolved to the satisfaction of DOTI: N/A

Will land be dedicated to the City if the vacation is approved: Yes

Will an easement be placed over a vacated area and, if so, explain: Yes, the standard easement reservation will be held over the vacation area by the City and County of Denver.

Is a request for an easement relinquishment expected at a later date and, if so, explain: Yes, the easement will need to be relinquished once all utilities have been relocated or abandoned in place in order to redevelop the area.

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/doti
Phone: 720-865-3003

Background: The Sun Valley Homes and Sun Valley Homes Second Filing projects from the 1950's are being redeveloped to bring updated affordable housing options to the Sun Valley neighborhood.

Location Map:

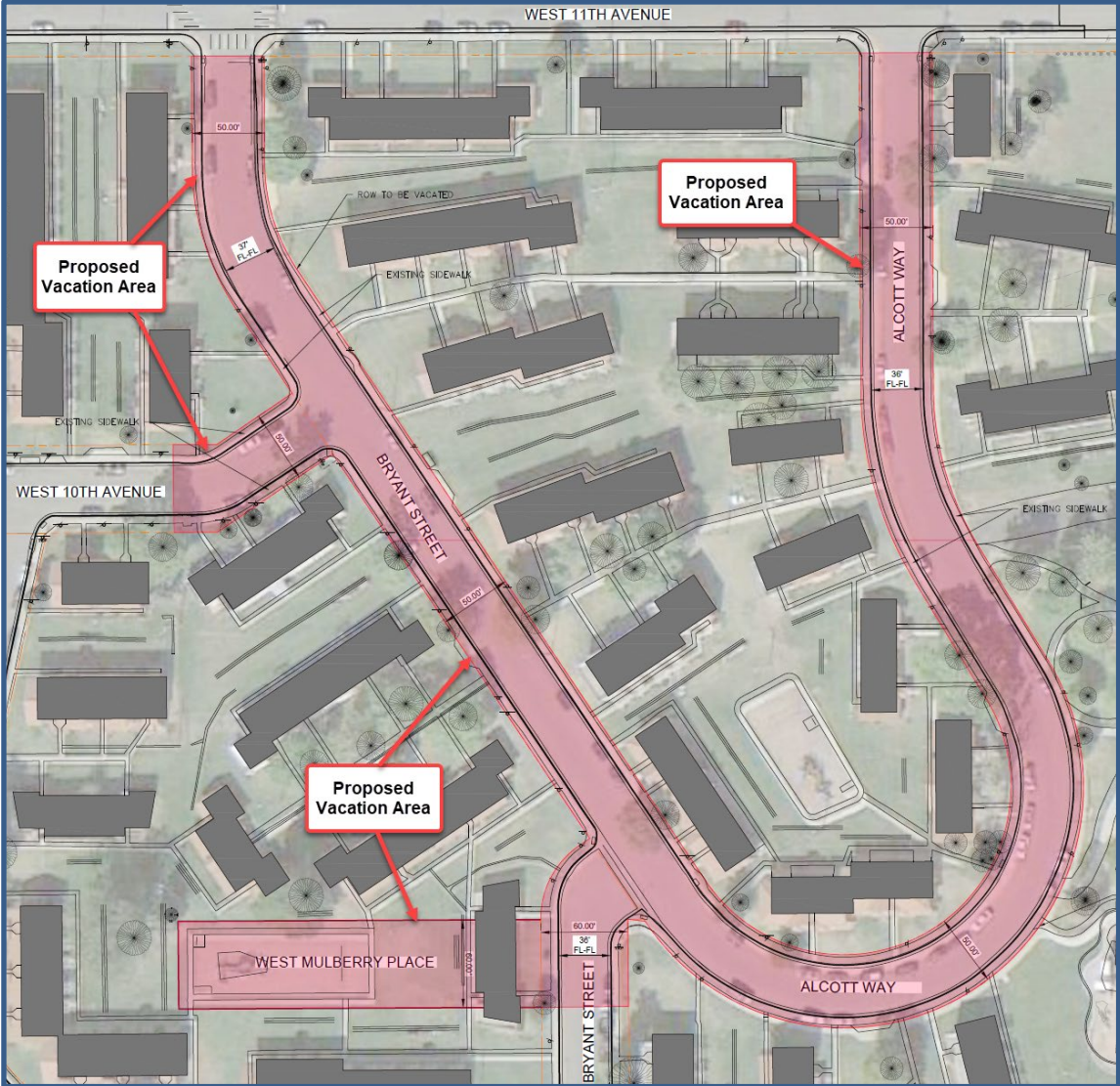


EXHIBIT A

2021-VACA-0000012-001

LAND DESCRIPTION

A PARCEL OF LAND BEING THE REMAINING PORTION OF THE RIGHT-OF-WAY FOR W. MULBERRY PLACE LYING WEST OF BRYANT STREET BETWEEN BLOCK 9 OF SOUTH FAIRVIEW ADJACENT TO LOTS 41 THROUGH 50 AND BLOCK 10 OF SOUTH FAIRVIEW ADJACENT TO LOTS 1 THROUGH 10, SAID RIGHT-OF-WAY ALSO LIES BETWEEN SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8), RECORDED APRIL 9, 1952 IN BOOK 21 AT PAGE 8 AT RECEPTION NO. 76315 AND SUN VALLEY HOMES SECOND FILING HOUSING PROJECT COLORADO (1-12), RECORDED MARCH 13, 1956 IN BOOK 23 AT PAGE 4 AT RECEPTION NO. 93449, ALL IN THE RECORDS OF THE CLERK AND RECORDER'S OFFICE FOR THE CITY AND COUNTY OF DENVER, COLORADO, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT LOCATED AT THE INTERSECTION OF W. 11TH AVENUE AND DECATUR STREET FROM WHENCE THE RANGE POINT AT W. 10TH AVENUE AND DECATUR STREET BEARS SOUTH 00°31'40" EAST 342.20 FEET AND UPON WHICH ALL BEARINGS HEREIN ARE BASED;

THENCE SOUTH 33°06'36" EAST A DISTANCE OF 771.20 FEET TO THE POINT OF BEGINNING ON THE NORTH RIGHT-OF-WAY LINE OF W. MULBERRY PLACE, SAID POINT IS ALSO THE COMMON CORNER FOR LOTS 40 AND 41, BLOCK 9 OF SOUTH FAIRVIEW AND THE NORTHEAST CORNER OF THE PORTION OF W. MULBERRY PLACE VACATED BY ORDINANCE NO. 79, SERIES OF 1956;

THENCE NORTH 89°43'36" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINES OF LOTS 41 THROUGH 50 OF BLOCK 9, SOUTH FAIRVIEW, A DISTANCE OF 249.86 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 9 OF SOUTH FAIRVIEW AND A POINT ON THE WEST RIGHT-OF-WAY LINE OF BRYANT STREET;

THENCE SOUTH 00°33'30" EAST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE AND SOUTHEAST CORNER OF BLOCK 9, A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF W. MULBERRY PLACE AND THE NORTHEAST CORNER OF SAID BLOCK 10 OF SOUTH FAIRVIEW;

THENCE SOUTH 89°43'36" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID LOTS 1 THROUGH 10, BLOCK 10 OF SOUTH FAIRVIEW, A DISTANCE OF 249.86 FEET TO A POINT BEING THE COMMON LOT CORNER OF FOR LOTS 10 AND 11, BLOCK 10 OF SOUTH FAIRVIEW AND THE SOUTHEAST CORNER OF THAT PORTION OF W. MULBERRY PLACE VACATED BY SAID ORDINANCE NO. 79, SERIES OF 1956;

THENCE NORTH 00°33'25" WEST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF W. MULBERRY PLACE VACATED BY ORDINANCE NO. 79, SERIES OF 1956, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,991 SQUARE FEET OR 0.34 ACRES, MORE OR LESS.



PREPARED BY: CHARLES KELLER HARTOG, PLS
PLS 38684
ON BEHALF OF: SURVEY SYSTEMS, INC.
P.O. BOX 2168
EVERGREEN, CO 80437
(303)679-8122

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ISSUE DATE: 10/19/2021	
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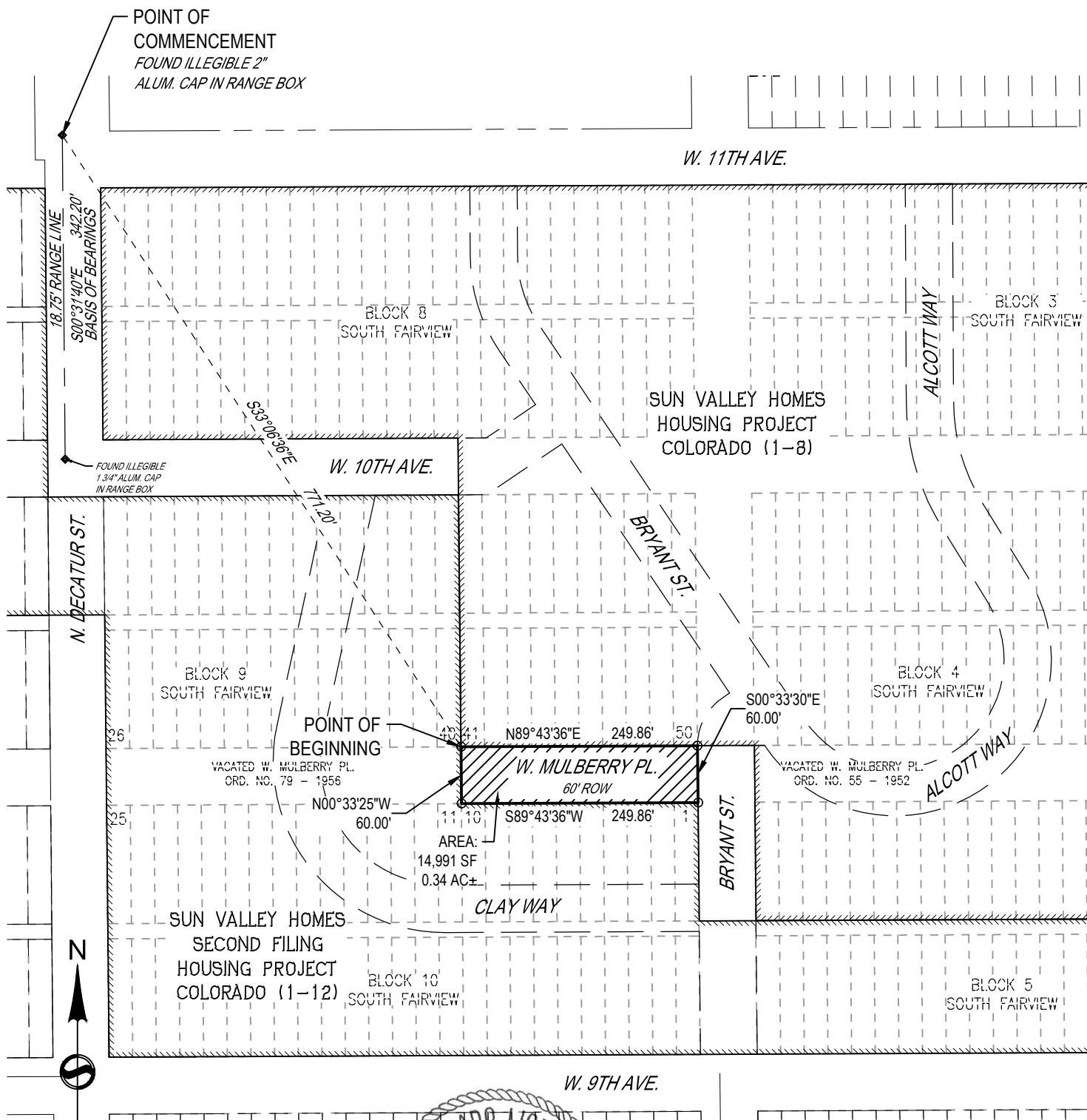
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EXHIBIT A

2021-VACA-0000012-001



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

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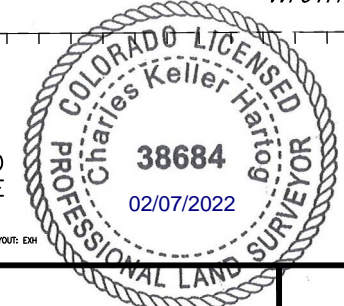
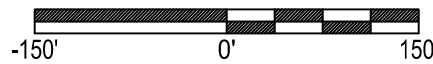


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SCALE: 1"=150'



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CLIENT CODE:DHCC30

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2
2 OF 2

EXHIBIT A

2021-VACA-000012-002

LAND DESCRIPTION

A PARCEL OF LAND BEING THE RIGHTS-OF-WAY FOR ALCOTT WAY, BRYANT STREET AND W. 10TH AVENUE AS SHOWN ON THE PLAT OF SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8), RECORDED APRIL 9, 1952 IN BOOK 21 AT PAGE 8 AT RECEPTION NO. 76315 IN THE RECORDS OF THE CLERK AND RECORDER'S OFFICE FOR THE CITY AND COUNTY OF DENVER, COLORADO, AND SITUATED IN THE EAST HALF OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT LOCATED AT THE INTERSECTION OF WEST 11TH AVENUE AND DECATUR STREET FROM WHENCE THE RANGE POINT AT W. 10TH AVENUE AND DECATUR STREET BEARS SOUTH 00°31'40" EAST 342.20 FEET AND UPON WHICH ALL BEARINGS HEREIN ARE BASED;

THENCE SOUTH 35°58'47" EAST A DISTANCE OF 68.96 FEET TO THE NORTHWEST CORNER OF SAID SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8);

THENCE NORTH 89°43'32" EAST, ALONG THE NORTH LINE OF SAID SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8), AND THE SOUTH RIGHT-OF-WAY LINE OF W. 11TH AVENUE, A DISTANCE OF 390.14 FEET TO A POINT BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF BRYANT STREET AND SAID W. 11TH AVENUE AND THE POINT OF BEGINNING;

THENCE NORTH 89°43'32" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE OF BRYANT STREET, A DISTANCE OF 50.00 FEET TO A POINT BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID BRYANT STREET AND W. 11TH AVENUE;

THENCE ALONG THE EASTERLY, SOUTHERLY AND WESTERLY RIGHT-OF-WAY OF BRYANT STREET AND ALCOTT WAY THE FOLLOWING SEVEN (7) COURSES:

1. SOUTH 00°15'44" EAST A DISTANCE OF 73.94 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33°40'04", A RADIUS OF 130.00 FEET AND AN ARC LENGTH OF 76.39 FEET (CHORD BEARS SOUTH 17°05'46" EAST, 75.30 FEET) TO A POINT;
3. SOUTH 33°55'49" EAST A DISTANCE OF 504.27 FEET TO A POINT OF CURVATURE;
4. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 177°33'08", A RADIUS OF 115.00 FEET AND AN ARC LENGTH OF 356.37 FEET (CHORD BEARS NORTH 57°17'38" EAST, 229.95 FEET) TO A POINT;
5. NORTH 31°28'56" WEST A DISTANCE OF 93.83 FEET TO A POINT OF CURVATURE;
6. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31°13'02", A RADIUS OF 254.00 FEET AND AN ARC LENGTH OF 138.39 FEET (CHORD BEARS NORTH 15°52'25" WEST, 136.68 FEET) TO A POINT;
7. NORTH 00°15'44" WEST A DISTANCE OF 230.54 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF W. 11TH AVENUE AND THE NORTH LINE OF SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8);

THENCE NORTH 89°43'32" EAST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO A POINT BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF ALCOTT WAY AND W. 11TH AVE.;

THENCE ALONG THE EASTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF ALCOTT WAY THE FOLLOWING FOUR (4) COURSES:

1. SOUTH 00°15'44" EAST A DISTANCE OF 230.55 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 31°13'02", A RADIUS OF 204.00 FEET AND AN ARC LENGTH OF 111.15 FEET (CHORD BEARS SOUTH 15°52'25" EAST, 109.78 FEET) TO A POINT;
3. SOUTH 31°28'56" EAST A DISTANCE OF 93.83 FEET TO A POINT OF CURVATURE;
4. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 177°33'08", A RADIUS OF 165.00 FEET AND AN ARC LENGTH OF 511.31 FEET (CHORD BEARS SOUTH 57°17'38" WEST, 329.92 FEET) TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BRYANT STREET;

THENCE NORTH 33°55'49" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1.78 FEET TO A POINT;

THENCE SOUTH 89°43'53" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 10.99 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8);

THENCE SOUTH 89°43'53" WEST, DEPARTING THE EASTERLY RIGHT-OF-WAY LINE OF BRYANT STREET AND ALONG SAID SOUTHERLY LINE OF SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8), A DISTANCE OF 60.00 FEET TO A POINT OF NON-TANGENT CURVATURE ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BRYANT STREET;

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2021-VACA-0000012-002

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BRYANT STREET THE FOLLOWING THREE (3) COURSES:

1. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 56°18'32", A RADIUS OF 61.06 FEET AND AN ARC LENGTH OF 60.01 FEET (CHORD BEARS NORTH 27°53'22" EAST, 57.62 FEET) TO A POINT;
2. NORTH 56°02'38" EAST A DISTANCE OF 8.30 FEET TO A POINT;
3. NORTH 33°55'49" WEST A DISTANCE OF 317.16 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID W. 10TH AVENUE;

THENCE SOUTH 56°00'43" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 95.95 FEET TO A POINT;

THENCE SOUTH 89°40'48" WEST, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 29.71 FEET TO A POINT ON THE WESTERLY LINE OF SAID SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8);

THENCE NORTH 00°39'50" WEST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID WESTERLY LINE OF SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8), A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID W. 10TH AVENUE;

THENCE NORTH 89°40'48" EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 29.96 FEET TO A POINT;

THENCE NORTH 56°00'43" EAST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 62.83 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BRYANT STREET;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BRYANT STREET THE FOLLOWING THREE (3) COURSES:

1. NORTH 33°55'49" WEST A DISTANCE OF 68.77 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 33°40'04", A RADIUS OF 180.00 FEET AND AN ARC LENGTH OF 105.77 FEET (CHORD BEARS NORTH 17°05'46" WEST, 104.26 FEET) TO A POINT;
3. NORTH 00°15'44" WEST A DISTANCE OF 73.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 85,734 SQUARE FEET OR 1.968 ACRES, MORE OR LESS.



PREPARED BY: CHARLES KELLER HARTOG, PLS
 PLS 38684
 ON BEHALF OF: SURVEY SYSTEMS, INC.
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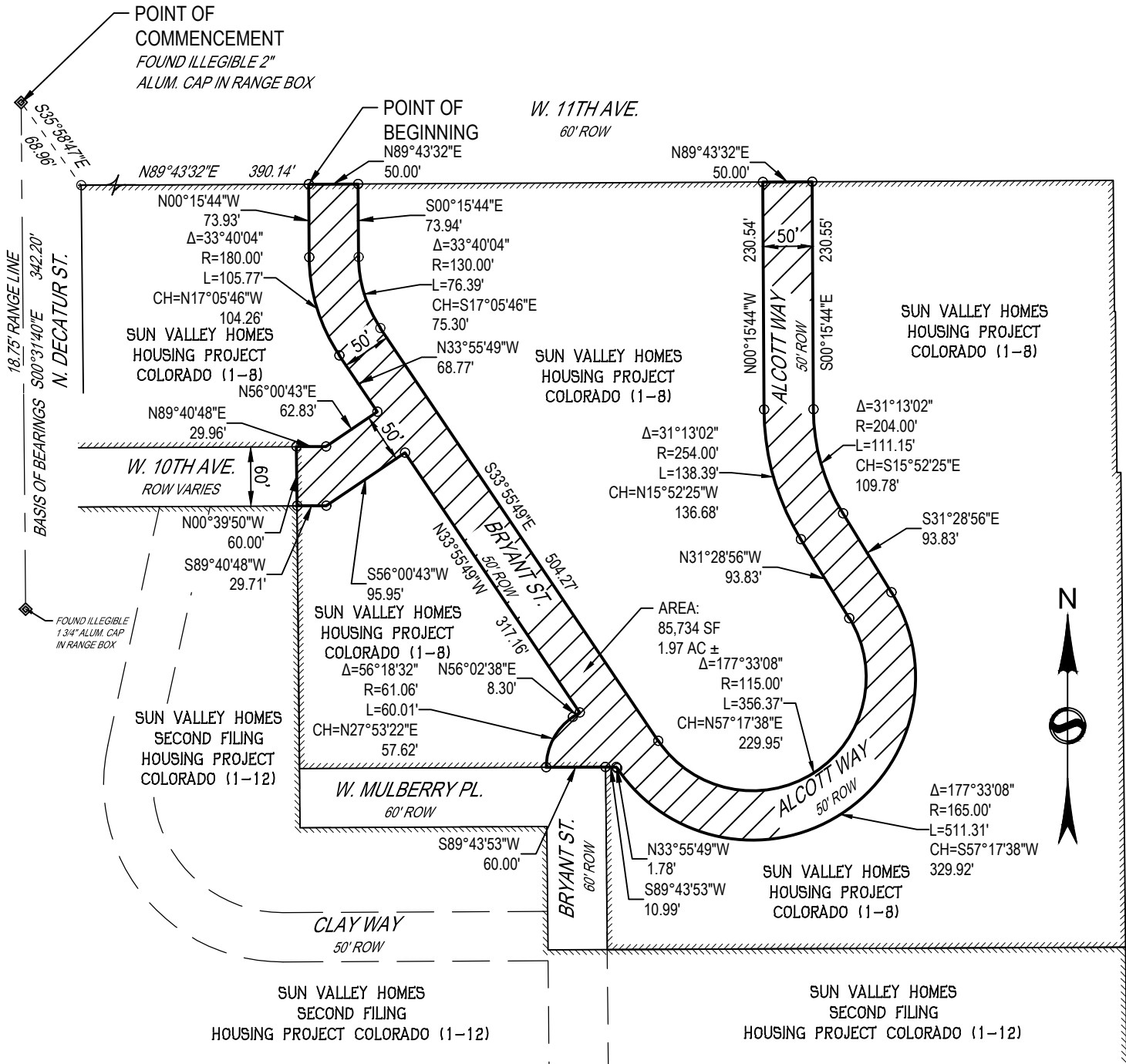
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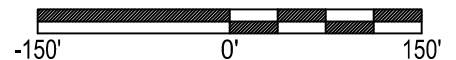
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