

1 **BY AUTHORITY**

2 RESOLUTION NO. CR22-1314

COMMITTEE OF REFERENCE:

3 SERIES OF 2022

Land Use, Transportation & Infrastructure

4 **A RESOLUTION**

5 **Rescinding Resolution No. CR22-1104 and accepting and approving the plat of**
6 **Sun Valley Homes Third Filing.**

7 **WHEREAS**, the Council of the City and County of Denver adopted Resolution No. CR22-
8 1104 on September 26, 2022, approving the plat of Sun Valley Homes Third Filing; and

9 **WHEREAS**, shortly after the Council approved Resolution No. CR22-1104, it was discovered
10 that there was an issue with the title commitment and all land, territory or real property described in
11 the Resolution was not in the name of the property owner, therefore, the plat was not validly
12 submitted to the City and County of Denver for approval and the Council could not legally accept and
13 approve the plat; and

14 **WHEREAS**, after discovery of the issue with the title commitment and property ownership,
15 Resolution No. CR22-1104 was not recorded in the real property records of the Clerk and Recorder
16 for the City and County of Denver and the plat of Sun Valley Homes Third Filing was not signed by
17 the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, and was not recorded in
18 the real property records of the Clerk and Recorder for the City and County of Denver; and

19 **WHEREAS**, the property ownership issue for the land, territory or real property described in
20 the plat has been corrected, a new title commitment has been submitted evidencing the corrected
21 property ownership, and the plat has been resubmitted to the City and County of Denver for approval
22 and to the Council for acceptance and approval; and

23 **WHEREAS**, the property owner of the following described land, territory or real property
24 situate, lying and being in the City and County of Denver, State of Colorado, to wit:

25 A PARCEL OF LAND BEING A PORTION OF SUN VALLEY HOMES HOUSING PROJECT
26 COLORADO (1-8), RECORDED APRIL 9, 1952 IN BOOK 21 AT PAGE 8 AT RECEPTION NO.
27 76315 AND A PORTION OF SUN VALLEY HOMES SECOND FILING HOUSING PROJECT
28 COLORADO (1-12) RECORDED MARCH 13, 1956 IN BOOK 23 AT PAGE 4 AT RECEPTION
29 NO. 93449 IN THE RECORDS OF THE CLERK AND RECORDER'S OFFICE FOR THE CITY
30 AND COUNTY OF DENVER, COLORADO, AND SITUATED IN THE EAST HALF OF SECTION
31 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND
32 COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED
33 AS FOLLOWS:

34
35 COMMENCING AT THE RANGE POINT LOCATED AT THE INTERSECTION OF WEST 11TH
36 AVENUE AND DECATUR STREET FROM WHENCE THE RANGE POINT AT WEST 10TH

1 AVENUE AND DECATUR STREET BEARS SOUTH 00°31'40" EAST 342.20 FEET AND ON
2 WHICH ALL BEARINGS HEREIN ARE BASED;
3 THENCE SOUTH 35°58'47" EAST A DISTANCE OF 68.96 FEET TO THE NORTHWEST
4 CORNER OF SAID SUN VALLEY HOMES HOUSING PROJECT COLORADO (1-8), THE
5 INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF WEST 11TH AVENUE AND EAST
6 RIGHT-OF-WAY OF DECATUR STREET AND THE POINT OF BEGINNING;
7 THENCE NORTH 89°43'32" EAST, ALONG THE NORTH LINE OF SAID SUN VALLEY HOMES
8 HOUSING PROJECT COLORADO (1-8) AND SAID SOUTH RIGHT-OF-WAY LINE OF
9 DECATUR STREET, A DISTANCE OF 1,205.03 FEET TO A POINT, SAID POINT BEING THE
10 NORTHEAST CORNER OF SAID SUN VALLEY HOMES;
11 THENCE ALONG THE EAST LINE OF SAID SUN VALLEY HOMES HOUSING PROJECT
12 COLORADO (1-8) AND SUN VALLEY HOMES SECOND FILING HOUSING PROJECT
13 COLORADO (1-12) THE FOLLOWING FIVE (5) COURSES:
14 1. SOUTH 00°32'39" EAST A DISTANCE OF 133.01 FEET TO A POINT;
15 2. NORTH 89°43'36" EAST A DISTANCE OF 1.00 FEET TO A POINT;
16 3. SOUTH 00°33'24" EAST A DISTANCE OF 163.00 FEET TO A POINT;
17 4. NORTH 89°43'36" EAST A DISTANCE OF 4.00 FEET TO A POINT;
18 5. SOUTH 00°33'24" EAST A DISTANCE OF 622.17 FEET TO THE SOUTHEAST
19 CORNER OF SAID SUN VALLEY HOMES SECOND FILING AND A POINT ON THE NORTH
20 RIGHT-OF-WAY LINE OF WEST 9TH AVENUE;
21 THENCE SOUTH 89°43'30" WEST, ALONG THE SOUTH LINE OF SAID SUN VALLEY
22 HOMES SECOND FILING HOUSING PROJECT COLORADO (1-12) AND SAID NORTH
23 RIGHT-OF-WAY LINE OF WEST 9TH AVENUE, A DISTANCE OF 525.13 FEET TO A POINT
24 ON THE EAST RIGHT-OF-WAY LINE OF BRYANT STREET;
25 THENCE NORTH 00°33'30" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF BRYANT
26 STREET, A DISTANCE OF 326.19 FEET TO A POINT;
27 THENCE SOUTH 89°43'53" WEST A DISTANCE OF 59.70 FEET TO A POINT;
28 THENCE NORTH 00°33'24" WEST A DISTANCE OF 260.49 FEET TO A POINT;
29 THENCE SOUTH 89°45'08" WEST A DISTANCE OF 250.18 FEET TO A POINT;
30 THENCE NORTH 00°39'50" WEST A DISTANCE OF 65.53 FEET TO A POINT ON THE
31 NORTH RIGHT-OF-WAY LINE OF WEST 10TH AVENUE;
32 THENCE SOUTH 89°40'48" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF WEST
33 10TH AVENUE, A DISTANCE OF 375.00 FEET THE INTERSECTION OF THE NORTH RIGHT-
34 OF-WAY LINE OF WEST 10TH AVENUE AND SAID EAST RIGHT-OF-WAY LINE OF
35 DECATUR STREET;
36 THENCE NORTH 00°31'40" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF DECATUR
37 STREET, A DISTANCE OF 266.17 FEET TO A POINT TO THE POINT OF BEGINNING.

38
39 CONTAINING 698,889 SQUARE FEET OR 16.04 ACRES, MORE OR LESS

40 proposes to lay out, plat and subdivide said land, territory or real property into blocks, lots and tracts,
41 and have submitted to the Council of the City and County of Denver a plat of such proposed
42 subdivision under the name and style aforesaid, showing the adjacent streets and platted territory,
43 accompanied by a certificate of title from the attorney for the City and County of Denver; and
44 dedicating the easements as shown thereon; and

45 **WHEREAS**, said subdivision was surveyed by or under the direction of the City Engineer of

1 the City and County of Denver and said City Engineer has certified as to the accuracy of said survey
2 and said plat or map and their conformity with the requirements of Chapter 49, Article III of the
3 Revised Municipal Code of the City and County of Denver, and said plat has been approved by the
4 City Engineer, the Executive Director of Community Planning and Development, the Executive
5 Director of the Department of Transportation and Infrastructure and the Executive Director of Parks
6 and Recreation;


7 **BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

8 **Section 1.** That the Council hereby rescinds in its entirety Resolution No. CR22-1104
9 because on September 26, 2022, all record property owners of the land, territory or real property to
10 be subdivided had not signed the plat and the plat of Sun Valley Homes Third Filing submitted on
11 September 26, 2022, was not validly presented to the Council for acceptance and approval.

12 **Section 2.** That the Council hereby finds and determines that said land, territory, or real
13 property described above has been platted in strict conformity with the requirements of the Charter
14 of the City and County of Denver.

15 **Section 3.** That the said plat or map of Sun Valley Homes Third Filing and dedicating to the
16 City and County of Denver the easements, as shown thereon, be and the same are hereby accepted
17 by the Council of the City and County of Denver.

18 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
19

1 COMMITTEE APPROVAL DATE: October 18, 2022, by Consent
2 MAYOR-COUNCIL DATE: N/A
3 PASSED BY THE COUNCIL: October 24, 2022
4  - PRESIDENT
5 ATTEST: _____ - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8
9 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: October 20, 2022
10 Pursuant to section 13-9, D.R.M.C., this proposed resolution has been reviewed by the office of the
11 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
12 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to
13 § 3.2.6 of the Charter.
14
15 Kristin M. Bronson, Denver City Attorney

16 BY: Anshul Bagga, Assistant City Attorney DATE: Oct 20, 2022