

**REQUEST FOR RESOLUTION TO DEDICATE PUBLIC RIGHT-OF-WAY**

**TO:** Ivone Avila-Ponce, City Attorney's Office

**FROM:** Matt R. Bryner, P.E., Director, Right-of-Way Services Matt R. Bryner  
Matt R. Bryner (Apr 3, 2023 07:08 MDT)

**DATE:** March 30, 2023

**ROW #:** 2022-DEDICATION-0000108 **SCHEDULE #:** Adjacent to 0234924033000, 0234924038000,  
and 0234924030998

**TITLE:** This request is to dedicate a City-owned parcel of land as Public Right-of-Way as Public Alley,  
bounded by N. Pearl St., E. 16<sup>th</sup> Ave., N. Washington St., and E. Colfax 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 Public Alley. 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, "16th & Pearl."

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 # ( 2022-DEDICATION-0000108-001 ) HERE.**

A map of the area to be dedicated is attached.

MB/BP/LRA

cc: Dept. of Real Estate, [RealEstate@denvergov.org](mailto:RealEstate@denvergov.org)  
City Councilperson, Chris Hinds District # 10  
Councilperson Aide, Haley Clark  
Councilperson Aide, Shelly Oren  
City Council Staff, Luke Palmisano  
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, Johna Varty  
Department of Law, Martin Plate  
Department of Law, Deanne Durfee  
Department of Law, Ivone Avila-Ponce  
Department of Law, Joann Tristani  
Department of Law, Stefanie Raph  
DOTI Survey, Brian Pfohl  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder 2022-DEDICATION-0000108

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services  
201 W. Colfax Ave. | Denver, CO 80215  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
Phone: 720-913-1311

## ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo  
at [Jason.Gallardo@DenverGov.org](mailto: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:** March 30, 2023

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 a City-owned parcel of land as Public Right-of-Way as Public Alley, bounded by N. Pearl St., E. 16th Ave., N. Washington St., and E. Colfax Ave.

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

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

- **Name:** Lisa R. Ayala
- **Phone:** 720-865-3112
- **Email:** [Lisa.ayala@denvergov.org](mailto:Lisa.ayala@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](mailto:Jason.Gallardo@denvergov.org)

6. **General description/background of proposed resolution including contract scope of work if applicable:** Proposing to combine parcels and build a new apartment complex called, 16<sup>th</sup> & Pearl. The developer was asked to convey parcels of land as Public Alley.

***\*\*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:** bounded by N. Pearl St., E. 16th Ave., N. Washington St., and E. Colfax Ave.
- d. **Affected Council District:** Chris Hinds District # 10
- 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:** 2022-DEDICATION-0000108

**Description of Proposed Project:** Proposing to combine parcels and build a new apartment complex called, 16th & Pearl. The developer was asked to convey parcels of land 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 be dedicated as Public Alley.

**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

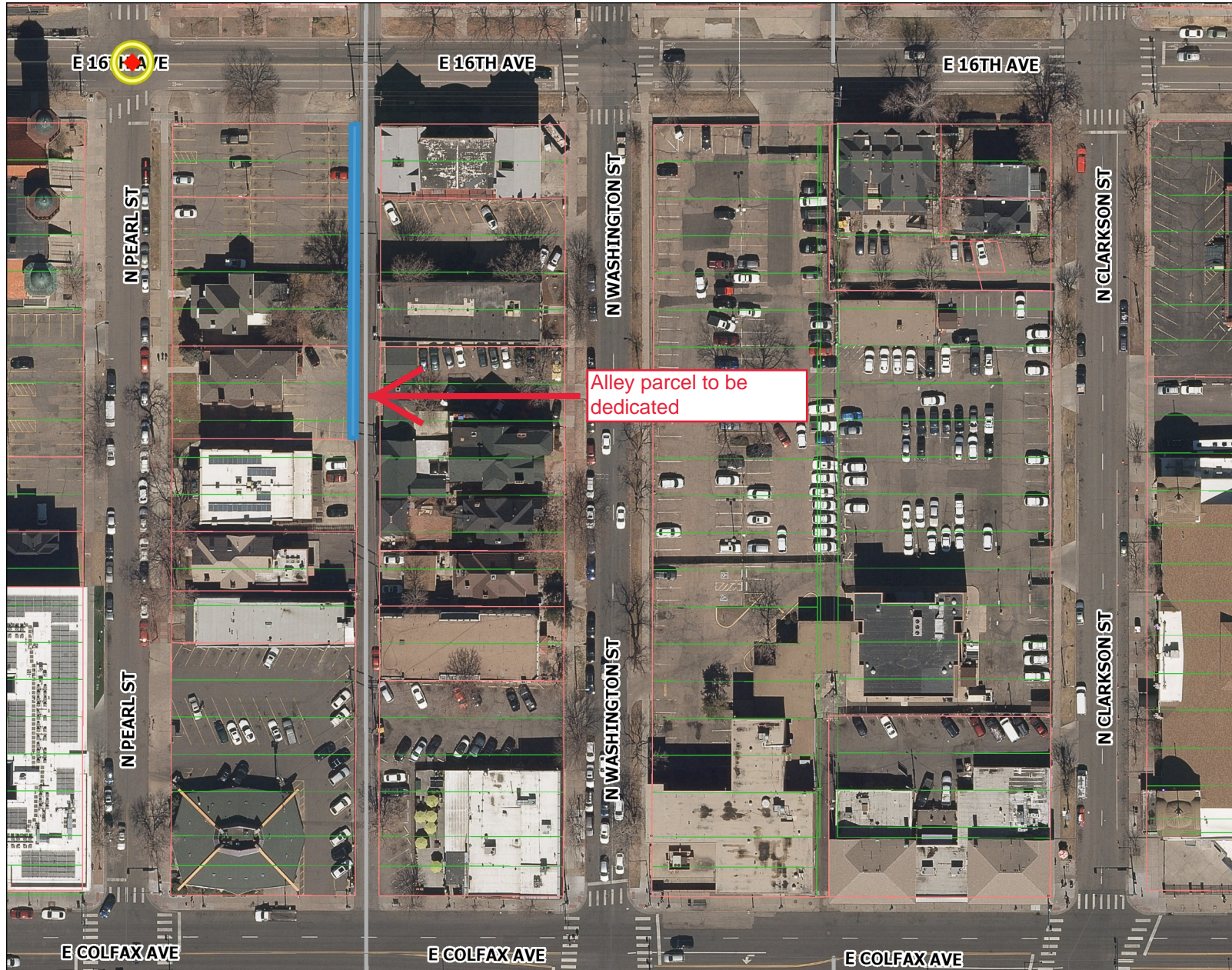
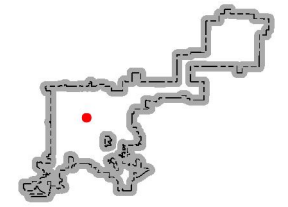
**Will land be dedicated to the City if the vacation goes through:** N/A

**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 Public Alley, as part of a development project called, "16th & Pearl."





## 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
- Lots/Blocks
- Parks
  - All Other Parks; Linear
  - Mountain Parks

200 0 100 200 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City and County of Denver

1:1,560

Map Generated 3/3/2023

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. 2022-DEDICATION-0000108-001:**

**LAND DESCRIPTION – Alley Parcel No. 1**

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 27TH DAY OF FEBRUARY, 2023, AT RECEPTION NUMBER 2023015664 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND BEING THE EAST 2.00 FEET OF LOTS 1 THROUGH 8, AND THE NORTH 1/2 OF LOT 9 INCLUSIVE, BLOCK 336, CLEMENTS ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE BASED ON THE 20' RANGE LINE IN E. 16TH AVENUE BETWEEN N. PEARL STREET AND WASHINGTON STREET AS MONUMENTED BY THE DENVER RANGE POINT AT THE INTERSECTION OF N. PEARL STREET AND E. 16TH AVENUE, BEING A FOUND 1-1/2" YELLOW PLASTIC CAP IN RANGE BOX, STAMPED "LS 19606" AND BY THE DENVER RANGE POINT AT THE INTERSECTION OF E. 16TH AVENUE AND WASHINGTON STREET, BEING A FOUND METAL ROD IN RANGE BOX, BEARING N 89°48'03" E, A DISTANCE OF 326.05 FEET.

COMMENCING AT SAID DENVER RANGE POINT AT THE INTERSECTION OF N. PEARL STREET AND E. 16TH AVE, THENCE S 69°59'25" E, A DISTANCE OF 173.69 FEET TO A POINT ON THE NORTH LINE OF LOT 1 AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTH LINE, N 89°48'03" E, A DISTANCE OF 2.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOTS 1 THROUGH 8 AND THE NORTH HALF OF SAID LOT 9, S 00°10'14" E, A DISTANCE OF 212.94 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID LOT 9;  
THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTH LINE, S 89°48'03" W, A DISTANCE OF 2.00 FEET;  
THENCE DEPARTING SAID SOUTH LINE, N 00°10'14" W, A DISTANCE OF 212.94 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 426 SQ. FT. OR 0.010 ACRES, MORE OR LESS.

After signing, return to:  
Division of Real Estate  
Attn: Jason Clements  
City and County of Denver  
201 West Colfax Avenue, Dept. 1010  
Denver, Colorado 80202  
**Project Description: 2022-DEDICATION-0000108**  
**Asset Mgmt No.: 23-018**



**2023015664**  
Page: 1 of 4  
D \$0.00

### **SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** ("Deed"), made as of this 10<sup>th</sup> day of February 2023, by **16 PEARL UPTOWN LLC**, a Delaware limited liability company, whose address is 5910 N. Central Expressway, Suite 1100, Dallas, TX 75206, 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:

**16 PEARL UPTOWN LLC**, a Delaware limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Lucas Sandidge

Its: \_\_\_\_\_

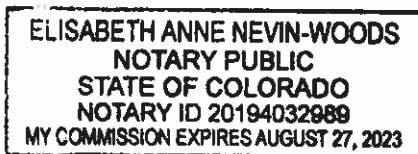
Vice President

STATE OF Colorado )  
 ) ss.  
COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of February, 2023 by Lucas Sandidge, as Vice President of **16 PEARL UPTOWN LLC**, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: August 27, 2023



Ell Woods  
Notary Public

**EXHIBIT A****LAND DESCRIPTION**

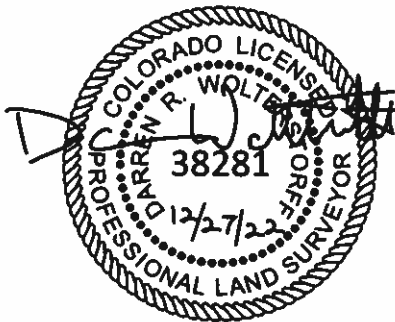
A PARCEL OF LAND BEING THE EAST 2.00 FEET OF LOTS 1 THROUGH 8, AND THE NORTH 1/2 OF LOT 9 INCLUSIVE, BLOCK 336, CLEMENTS ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE BASED ON THE 20' RANGE LINE IN E. 16TH AVENUE BETWEEN N. PEARL STREET AND WASHINGTON STREET AS MONUMENTED BY THE DENVER RANGE POINT AT THE INTERSECTION OF N. PEARL STREET AND E. 16TH AVENUE, BEING A FOUND 1-1/2" YELLOW PLASTIC CAP IN RANGE BOX, STAMPED "LS 19606" AND BY THE DENVER RANGE POINT AT THE INTERSECTION OF E. 16TH AVENUE AND WASHINGTON STREET, BEING A FOUND METAL ROD IN RANGE BOX, BEARING N 89°48'03" E, A DISTANCE OF 326.05 FEET.

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CONTAINING AN AREA OF 426 SQ. FT. OR 0.010 ACRES, MORE OR LESS.

I, DARREN R. WOLTERSTORFF, BEING A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. THIS CERTIFICATION IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

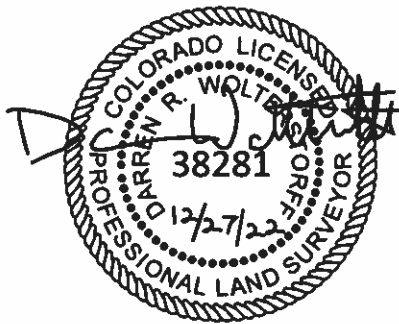


DARREN R. WOLTERSTORFF, PLS 38281  
FOR AND ON BEHALF OF KIMLEY-HORN AND ASSOCIATES, INC.



**EXHIBIT A**

LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 34,  
TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M.  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO

**BASIS OF BEARINGS**

20' RANGE LINE

N89°48'03"E 326.05'  
E. 16TH AVENUE  
(80' R.O.W.)

DENVER RANGE POINT  
FOUND METAL ROD  
IN RANGE BOX

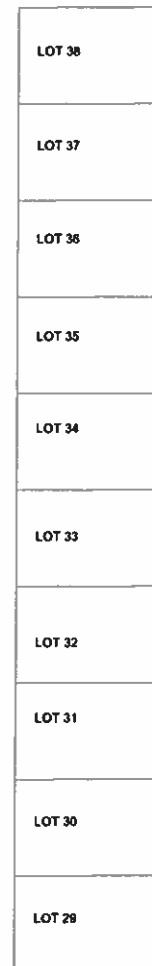
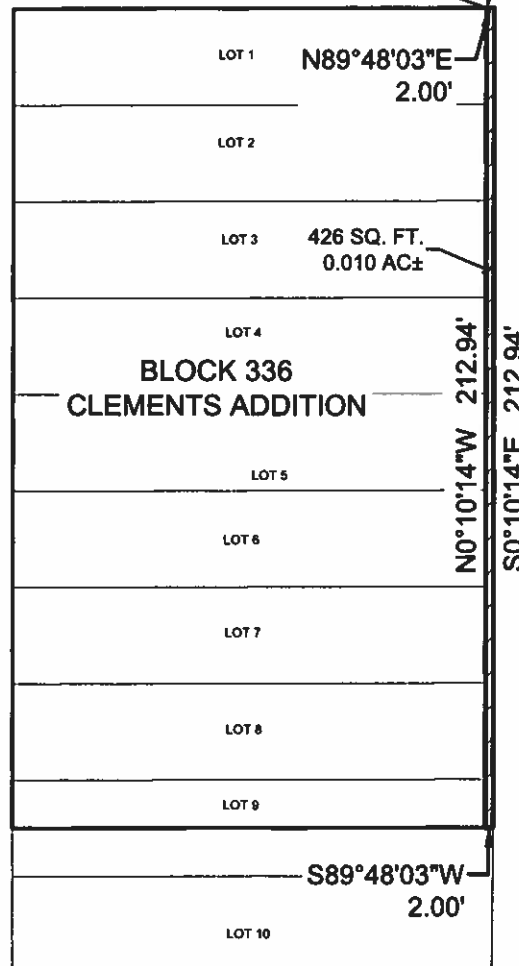
**P.O.C.**  
DENVER RANGE POINT  
FOUND 1-1/2" YPC  
STAMPED "LS 19606"  
IN RANGE BOX

S69°59'25"E  
173.69'

**P.O.B.**

WASHINGTON STREET  
(60' R.O.W.)

N. PEARL STREET  
(60' R.O.W.)

**LEGEND**

P.O.C. = POINT OF COMMENCING  
P.O.B. = POINT OF BEGINNING  
YPC = YELLOW PLASTIC CAP

**NOTES:**

1. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2. THIS DOCUMENT IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT THE ATTACHED PARCEL DESCRIPTION ONLY.



0 25 50  
GRAPHIC SCALE IN FEET

# Kimley»Horn

4582 SOUTH ULSTER ST., # 1500  
DENVER, COLORADO 80237

Tel. No. (303) 228-2300  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	CAD	DRW	12/27/2022	096243005	2 OF 2