

### 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 (Apr 20 2023 14:44 MDT)

**DATE:** April 18, 2023

ROW #: 2021-DEDICATION-0000151 SCHEDULE #: 1) 0504102062000 2) 0504102044000 and

3) 0504102063000

**TITLE:** This request is to dedicate three City-owned parcels of land as Public Right-of-Way as 1) Public

Alley, bounded by N. Lipan St., W. 14<sup>th</sup> Ave., N. Kalamath St., and W. Colfax Ave., 2) Public Alley, bounded by N. Lipan St., W. 14<sup>th</sup> Ave., N. Kalamath St., and W. Colfax Ave., and 3) W.

Colfax Ave. located at the intersection of W. Colfax Ave., and N. Lipan 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 1) Public Alley, 2) Public Alley, and 3) W. Colfax 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, "Opus - Colfax and Kalamath."

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 1) Public Alley, 2) Public Alley, and 3) W. Colfax Ave. The land is described as follows.

#### INSERT PARCEL DESCRIPTION ROW # (2021-DEDICATION-0000151-001, 002, 003) HERE.

A map of the area to be dedicated is attached.

#### MB/DS/LRA

cc: Dept. of Real Estate, RealEstate@denvergov.org

City Councilperson, Jamie Torres District #3

Councilperson Aide, Daisy Rocha Vasquez

Councilperson Aide, Angelina Gurule

Councilperson Aide, Ayn Slavis

Councilperson Aide, Jesus Lara-Jiménez

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

DOTI Survey, Dana Sperling

DOTI Ordinance

Owner: City and County of Denver

Project file folder 2021-DEDICATION-0000151

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:	April 18, 2023
Please mark one:		k one:	☐ Bill Request	or	$\boxtimes$	Resolution Request		
1.	Has your agency submitted this request in the last 12 months?							
		Yes	⊠ No					
	If y	ves, please ex	xplain:					
2.	N. Lipa	n St., W. 14t	is to dedicate three Cityh h Ave., N. Kalamath St. l W. Colfax Ave., and 3	, and W. C	Colfax A	ve., 2) Public Alley,	bounded by N. Lipan S	t., W. 14th 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							
5.	<u>will be a</u> ■ Na ■ Ph	available for me: Jason C one: 720-86		g, if necess		nce/resolution <u>who w</u>	ill present the item at M	ayor-Council and who
6.	a mixed Colfax	l-use structur Ave.	n/background of propo e. The developer was a	sked to dec	dicate 3	parcels of land as 1)	Public Alley, 2) Public	Alley, and 3) W.
			<b>ollowing fields:</b> (Incomp please do not leave bla		may re.	sult in a delay in proc	essing. If a field is not	applicable, please
	a. b. c. d. e. f.	Contract T Location: Affected C Benefits:	Control Number: N/A Term: N/A Bounded by N. Lipan Council District: Jamie N/A Amount (indicate amen	n St., W. 1 Torres Dis	strict # 3	3		
7.	Is there any controversy surrounding this resolution? (Groups or individuals who may have concerns about it?) Please explain.							
	No	ne.						
			To b	e complete	ed by Me	ayor's Legislative Ted	ım:	
SIL	PF Track	ing Number				Date F	ntered:	



#### **EXECUTIVE SUMMARY**

**Project Title:** 2021-DEDICATION-0000151

**Description of Proposed Project:** Proposing to build a mixed-use structure. The developer was asked to dedicate 3 parcels of land as 1) Public Alley, 2) Public Alley, and 3) W. Colfax 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) Public Alley, 2) Public Alley, and 3) W. Colfax 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

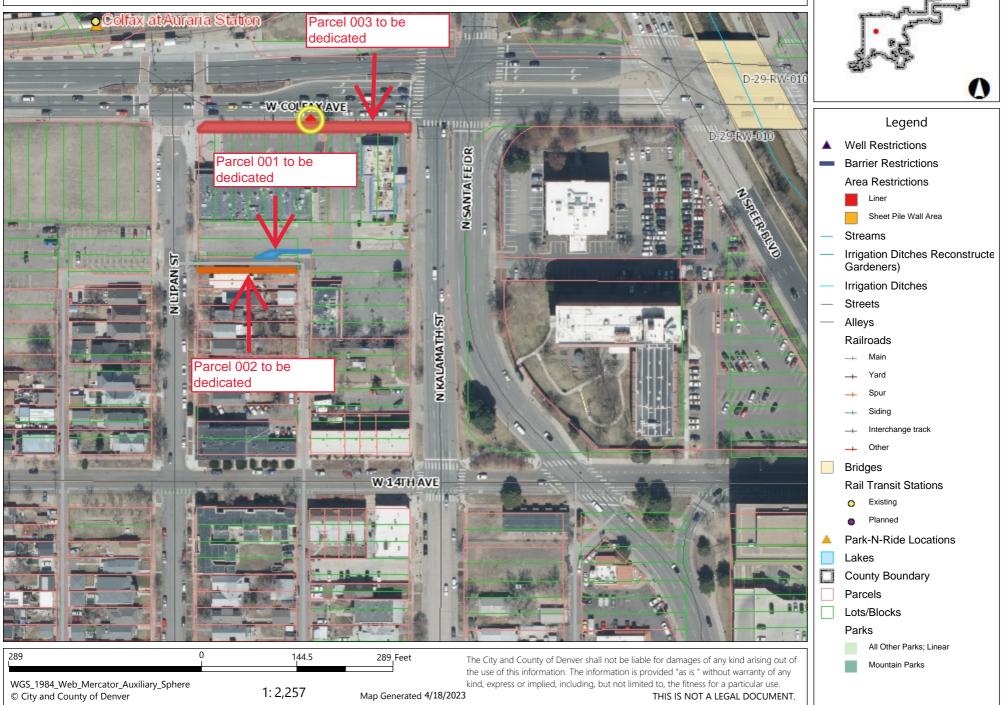
Will an easement be placed over a vacated area, and if so explain: N/A

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) Public Alley, 2) Public Alley, and 3) W. Colfax Ave., as part of a development project called, "Opus - Colfax and Kalamath."



# City and County of Denver



#### PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000151-001:

#### 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 20TH DAY OF JANUARY, 2022, AT RECEPTION NUMBER 2022009142 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND BEING A PORTION OF LOTS 14, 15 AND A PORTION OF THE 25.00 FOOT PLATTED ALLEY IN BLOCK 2 OF HUNT'S ADDITION TO DENVER, SAID ALLEY SUBSEQUENTLY VACATED BY ORDINANCE NO. 306 SERIES OF 1979 RECORDED JUNE 14, 1979 IN BOOK 1948 AT PAGE 140, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE 20.50 FOOT RANGE LINE LYING IN W. 14<sup>TH</sup> STREET AS SHOWN ON THE ATTACHED EXHIBIT, MONUMENTED ON THE EAST END BY A CHISELED CROSS ON STONE IN A MONUMENT BOX AND ON THE WEST END BY A 3-1/2" ALUMINUM CAP STAMPED "PLS 16406" IN A MONUMENT WELL, ASSUMED TO BEAR NORTH 89°45'51" WEST 389.87 FEET;

**COMMENCE** AT THE WEST END OF SAID RANGE LINE; THENCE NORTH 23°13′14″ EAST A DISTANCE OF 343.58 FEET TO A POINT ON THE NORTH LINE OF THE ALLEY AS ESTABLISHED BY ORDINANCE 651 SERIES, OF 1982 RECORDED JANUARY 26, 1983 IN THE RECORDS OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER IN BOOK 2736 AT PAGE 119 AND THE **POINT OF BEGINNING**:

THENCE NORTH 67°16'28" EAST, A DISTANCE OF 28.23 FEET;

THENCE SOUTH 89°43'37" EAST, A DISTANCE OF 60.00 FEET TO A POINT ON THE WEST LINE OF LOT 39, SAID BLOCK 2;

THENCE SOUTH 00°12'14" WEST COINCIDENT WITH THE WEST LINE OF SAID LOT 39, A DISTANCE OF 2.00 FEET TO THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID ALLEY ESTABLISHED BY ORDINANCE 651 SERIES OF 1982;

THENCE COINCIDENT WITH THE NORTHERLY LINES OF SAID ALLEY AND SAID EXTENSION THE FOLLOWING THREE (3) COURSES:

- 1. THENCE NORTH 89°43'37" WEST, A DISTANCE OF 45.00 FEET;
- 2. THENCE SOUTH 53°10'22" WEST, A DISTANCE OF 14.97 FEET;
- 3. THENCE NORTH 89°43'37" WEST, A DISTANCE OF 29.05 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A CALCULATED AREA OF 345 SQUARE FEET, OR 0.0079 ACRES, MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT.

#### PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000151-002:

#### LAND DESCRIPTION - ALLEY PARCEL NO. 2

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 20TH DAY OF JANUARY, 2022, AT RECEPTION NUMBER 2022009142 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND BEING A PORTION OF LOT 15, BLOCK 2, HUNT'S ADDITION TO DENVER, SAID PARCEL LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE 20.50 FOOT RANGE LINE LYING IN W. 14<sup>TH</sup> STREET AS SHOWN ON THE ATTACHED EXHIBIT, MONUMENTED ON THE EAST END BY A CHISELED CROSS ON STONE IN A MONUMENT BOX AND ON THE WEST END BY A 3-1/2" ALUMINUM CAP STAMPED "PLS 16406" IN A MONUMENT WELL, ASSUMED TO BEAR NORTH 89°45'51" WEST 389.87 FEET;

**COMMENCE** AT THE WEST END OF SAID 20.50 FOOT RANGE LINE; THENCE NORTH 09°52′53″ EAST A DISTANCE OF 299.63 FEET TO THE SOUTHWEST CORNER OF LOT 15 AND THE **POINT OF BEGINNING**;

THENCE NORTH 00°10'41" EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 15, A DISTANCE OF 4.97 FEET TO THE SOUTH LINE OF THAT PARTICULAR PARCEL DEDICATED AS A PUBLIC ALLEY BY ORDINANCE NO. 651, SERIES OF 1982 RECORDED

JANUARY 26, 1983 IN THE RECORDS OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER IN BOOK 2736 AT PAGE 119;

THENCE COINCIDENT WITH THE SOUTHERLY LINES OF SAID ALLEY THE FOLLOWING TWO (2) COURSES:

- 1. THENCE SOUTH 89°43'37" EAST, COINCIDENT WITH A LINE BEING 4.97 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 142.72 FEET;
- 2. THENCE SOUTH 55°20'20" WEST A DISTANCE OF 8.80 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15, BLOCK 2;

THENCE NORTH 89°43'37" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 15 A DISTANCE OF 149.97 FEET TO THE **POINT OF BEGINNING.** 

THE ABOVE DESCRIBED PARCEL CONTAINS A CALCULATED AREA OF 727 SQUARE FEET (0.01670 ACRES), MORE OR LESS AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT.

#### PARCEL DESCRIPTION ROW NO. 2021-DEDICATION-0000151-003:

#### LAND DESCRIPTION - STREET PARCEL NO. 3

A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY OF DENVER, RECORDED ON THE 20TH DAY OF JANUARY, 2022, AT RECEPTION NUMBER 2022009142 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE OF COLORADO, THEREIN AS:

A PARCEL OF LAND BEING A PORTION LOTS 1 THROUGH 13, BLOCK 2 OF HUNT'S ADDITION TO DENVER, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE 20.50 FOOT RANGE LINE LYING IN W. 14<sup>TH</sup> STREET AS SHOWN ON THE ATTACHED EXHIBIT, MONUMENTED ON THE EAST END BY A CHISELED CROSS ON STONE IN A MONUMENT BOX AND ON THE WEST END BY A 3-1/2" ALUMINUM CAP STAMPED "PLS 16406" IN A MONUMENT WELL, ASSUMED TO BEAR NORTH 89°45'51" WEST 389.87 FEET;

**COMMENCE** AT THE WEST END OF SAID 20.50 FOOT RANGE LINE; THENCE NORTH 05°52′24″ EAST A DISTANCE OF 508.89 FEET TO A POINT ON THE WEST LINE OF LOT 13, BLOCK 2, SAID HUNT'S ADDITION TO DENVER, LYING 14.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 13, AND THE **POINT OF BEGINNING**;

THENCE NORTH 00°10'41" EAST COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 4.00 FEET TO THE SOUTHERLY CORNER OF THAT PARTICULAR PARCEL OF RIGHT-OF-WAY AS DESCRIBED IN ORDINANCE 842, SERIES OF 2016;

THENCE NORTH 45°11'22" EAST, COINCIDENT WITH THE SOUTHEASTERLY LINE OF SAID RIGHT-OF-WAY PARCEL, A DISTANCE OF 14.14 FEET TO THE NORTH LINE OF BLOCK 2 HUNT'S ADDITION TO DENVER;

THENCE SOUTH 89°47'58" EAST, COINCIDENT WITH THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 309.84 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 2;

THENCE SOUTH 00°10'31" WEST, COINCIDENT WITH THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 14.00 FEET;

THENCE NORTH 89°47′58" WEST, COINCIDENT WITH A LINE BEING 14.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 319.84 FEET TO THE **POINT OF BEGINNING.** 

THE ABOVE DESCRIBED PARCEL CONTAINS A CALCULATED AREA OF 4,428 SQUARE FEET, OR 0.1016 ACRES, MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT.

01/20/2023 03:10 PM R \$0.00

01/20/2022 03:10 PM City & County of Denver R \$0.00

2022009142 Page: 1 of 8 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: 2021-Dedication-0000151

Asset Mgmt No.: 21-214

#### **SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED ("Deed"), made as of this 21<sup>TH</sup> day of December, 2021, by ZOCALO RETAIL RLLP, a Colorado limited liability company, whose address is 1888 Sherman St. #500, Denver, CO 80203-1160, 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:

#### **ZOCALO RETAIL RLLP,**

a Colorado limited liability company

By: Sidford Capital LLC, its Managing Agent a Colorado limited liability company

STATE OF COLORADO ) ss. **COUNTY OF DENVER** 

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of December, 2021 by Bradley Brooks, as Manager of Sidford Capital LLC, the Managing Agent of Zocalo Retail RLLP, a Colorado registered limited liability partnership.

Witness my hand and official seal.

My commission expires: \_\_05 - 20 - 20 24

ANGELA KUO Notary Public State of Colorado Notary ID # 20204017570

My Commission Expires 05-20-2024



2019-PROJMSTR-0000672-ROW
Matrix Design Group, Inc.
707 N 17<sup>th</sup> Street, Suite 3150
Denver, CO 80202
O 303.572.0200
F 303.572.0202
matrixdesigngroup.com

# EXHIBIT A (LAND DESCRIPTION)

#### **PARCEL A:**

A PARCEL OF LAND BEING A PORTION OF LOTS 14, 15 AND A PORTION OF THE 25.00 FOOT PLATTED ALLEY IN BLOCK 2 OF HUNT'S ADDITION TO DENVER, SAID ALLEY SUBSEQUENTLY VACATED BY ORDINANCE NO. 306 SERIES OF 1979 RECORDED JUNE 14, 1979 IN BOOK 1948 AT PAGE 140, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE 20.50 FOOT RANGE LINE LYING IN W. 14<sup>TH</sup> STREET AS SHOWN ON THE ATTACHED EXHIBIT, MONUMENTED ON THE EAST END BY A CHISELED CROSS ON STONE IN A MONUMENT BOX AND ON THE WEST END BY A 3-1/2" ALUMINUM CAP STAMPED "PLS 16406" IN A MONUMENT WELL, ASSUMED TO BEAR NORTH 89°45'51" WEST 389.87 FEET:

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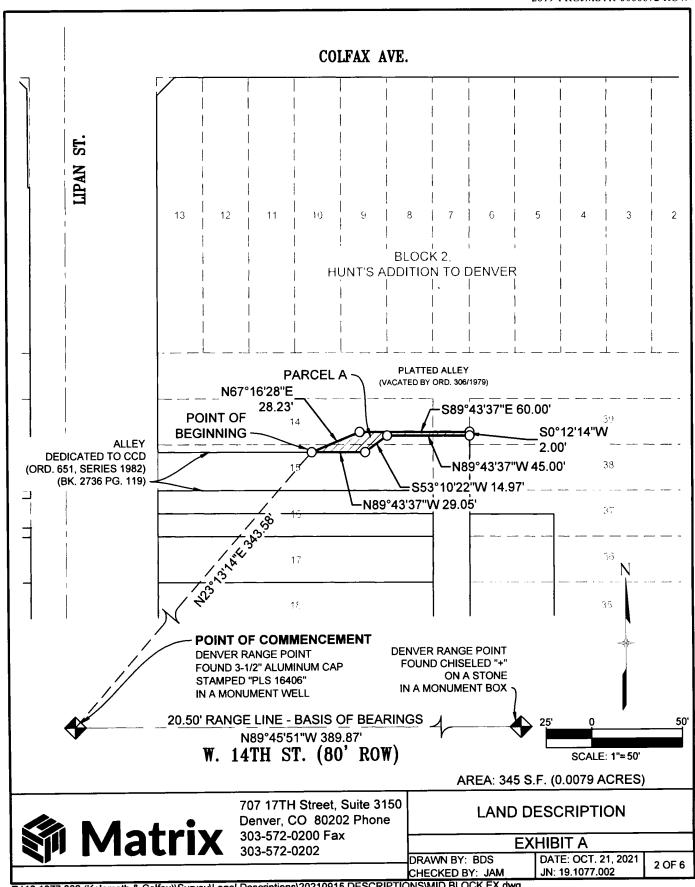
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JEFFREY A. MILLER, PLS 38467
PREPARED FOR AND ON BEHALF OF MATRIX DESIGN GROUP
707 17<sup>TH</sup> STREET, SUITE 3150 – DENVER, COLORADO 80202

## **Excellence by Design**

2019-PROJMSTR-0000672-ROW





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# EXHIBIT "A" (LAND DESCRIPTION)

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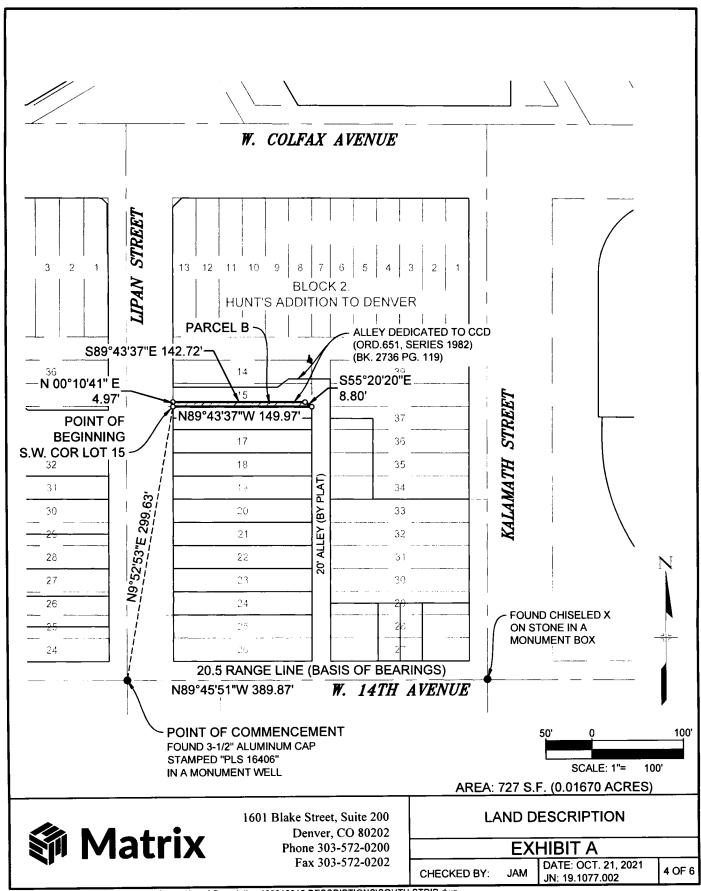
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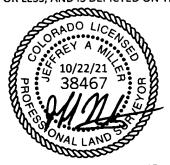
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707 17<sup>TH</sup> STREET, SUITE 3150 – DENVER, COLORADO 80202

### **Excellence by Design**

2019-PROJMSTR-0000672-ROW COLFAX AVE. RIGHT-OF-WAY PARCEL ORDINANCE 842, SERIES 2016 N45°11'22"E S0°10'31"W 14.14' N0°10'41"E S89°47'58"E 309.84" 14.00' 4.00' SI. N89°47'58"W 319.84 POINT OF PARCEL C **BEGINNING** 10 BLOCK 2 **HUNT'S ADDITION TO DENVER** N05°52'24"E 508.89 PLATTED ALLEY (VACATED BY ORD. 306/1979) 3€ 35 15 34 37 33 17 32 18 31 19 20 33 2: POINT OF COMMENCEMENT DENVER RANGE POINT FOUND CHISELED "+" DENVER RANGE POINT FOUND 3-1/2" ALUMINUM CAP ON A STONE IN A MONUMENT BOX STAMPED "PLS 16406" IN A MONUMENT WELL 20.50' RANGE LINE - BASIS OF BEARINGS 80' N89°45'51"W 389.87'

W. 14TH ST. (80' ROW) SCALE: 1"= 80'

**Matrix** 

707 17TH Street, Suite 3150 Denver, CO 80202 Phone 303-572-0200 Fax 303-572-0202

LAND DESCRIPTION

NO DECORM HON

EXHIBIT A

AREA: 4,428 S.F. (0.1016 ACRES)

DRAWN BY: BDS CHECKED BY: JAM DATE: OCT. 21, 2021 JN: 19.1077.002

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