

201 W Colfax Ave, Dept. 507
Denver, CO 80202
p: 720.865.2782
e: Denver.ROW@denvergov.org
www.denvergov.org/PWPRS

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

**TO:** Caroline Martin, City Attorney's Office

**FROM:** Matt Bryner, P.E. Senior Engineering Manager

Right-of-Way Services

**DATE:** August 24, 2018

**ROW** #: 2018-Dedication-0000135 **SCHEDULE** #: 0224418022000, 0224418018000, 0224418020000

0119300034000 & 0119303002000

**TITLE:** This request is to dedicate parcels of land as Public Right of Way as E. 40<sup>th</sup> Ave.

Located at the intersection of E. 40th Ave. & N. Colorado Blvd.

**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 E.  $40^{th}$  Ave. This parcel(s) of land is being dedicated to the City and County of Denver for Public Right-of-Way, as part of the development project (**RTD - East** 

Corridor)

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 E. 40<sup>th</sup> Ave. The land is described as follows.

#### INSERT PARCEL DESCRIPTION ROW # (2018-Dedication-0000135-001, & 002) HERE.

A map of the area to be dedicated is attached.

#### MB/WR/BV

cc: Asset Management, Curtis Anthony

City Councilperson & Aides, Chris Herndon District #8

Council Aide Amanda Schoultz Council Aide Charley Oldaker Council Aide Bonnie Guillen

City Councilperson & Aides, Albus Brooks District # 9

Council Aide Chy Montoya
Council Aide Evelyn Barnes

City Council Staff, Zach Rothmier

Environmental Services, David Erickson

Public Works, Manager's Office, Alba Castro

Public Works, Manager's Office, Sarah Stanek

Public Works, Right-of-Way Engineering Services, Matt Bryner

Department of Law, Brent Eisen

Department of Law, Deanne Durfee

Department of Law, Caroline Martin

Department of Law, Stan Lechman

Public Works Survey, Warren Ruby

Public Works Survey, Paul Rogalla

Owner: City and County of Denver

Project file folder 2018-Dedication-0000135



## ORDINANCE/RESOLUTION REQUEST

Please email requests to Sarah Stanek

at sarah.stanek@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:	August 24, 2018
Plo	ease mark one:	☐ Bill Request	or	■ Resolution Recolution Recolution	quest	
1.	Has your agency submitted this request in the last 12 months?					
	☐ Yes	⊠ No				
	If yes, please	explain:				
2.	<b>Title:</b> (Include a concise, one sentence <u>description</u> – please include <u>name of company or contractor</u> and <u>contract control number</u> - that clearly indicates the type of request: <b>grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.</b> )					
		o dedicate parcels of land intersection of E. 40 <sup>th</sup> Ave			¹ Ave.	
3.	Requesting Agency Agency Division:	ey: Public Works-Right- Survey	of-Way Ser	vices		
4.	<ul><li>Name: Barba</li><li>Phone: 720-8</li></ul>			l ordinance/resolution.)	ı	
5.	<ul><li>will be available for</li><li>Name: Sarah</li><li>Phone: 720-8</li></ul>	or first and second reading Stanek			who will present the item at M	ayor-Council and who
6.	General description	on/background of prop	osed ordina	ance including contrac	ct scope of work if applicabl	le:
	of the municipa		& N. Colora	ado Blvd. This parcel(s)	eal property as part of the sys ) of land is being dedicated to tTD - East Corridor)	
		<b>following fields:</b> (Incom <sub>j</sub> – please do not leave bla		may result in a delay in	n processing. If a field is not	applicable, please
	a. Contract	Control Number: N/A	A			
	b. Contract					
	c. Locations				<b>-</b>	
		Council District: Chris	Herndon D	ist. #8 & Albus Brooks	Dist. #9	
	e. Benefits: f. Contract	N/A Amount (indicate amer	nded amou	nt and new contract to	otal)•	
7.	Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.					
	None.					
		To b	e complete	d by Mayor's Legislativ	ve Team:	
SII	RE Tracking Number	r:		D	Oate Entered:	



## **EXECUTIVE SUMMARY**

Project Title: 2018-Dedication-0000135, RTD - East Corridor

Description of Proposed Project:Dedicate a parcel of land as public right of way as E. 40<sup>th</sup> 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 dedicate as Public Right of Way

Has a Temp MEP been issued, and if so, what work is underway: N/A

What is the known duration of an 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 to dedicate it as Public Right-of-Way, as a part of a development project called, RTD - East Corridor



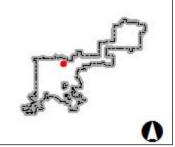


## RTD-CCD-16-001, RTD-CCD-18-002



579 Feet

1: 4,514



#### Legend

- Streams
- Streets
- Alleys

#### Railroads

- Main
- Yard
- 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

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

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. Map Generated 8/24/2018

THIS IS NOT A LEGAL DOCUMENT.

A Parcel No. RTD-CCD-16 conveyed to the City and County of Denver by Quit Claim Deed recorded at Reception No. 2018082023 on July 3, 2018 in the City and County of Denver Clerk and Recorder's Office, located in the Southeast Quarter of Section 24, Township 3 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 Southeast Corner of said Section 24, (being a found 3-1/4 inch aluminum cap in range box, stamped: "COLO DEPT OF HIGHWAYS T3S S24 S19 S25 S30 1990 PLS 11434"); WHENCE the South 1/4 Corner of said Section 24 (being a found 3-1/4 inch aluminum cap, 7 inches below surface, stamped: "MOLLENHAUER 2008 T3S R68W ½ S24 S25 LS 38033") bears N89°51'23"W (Basis of Bearing-Assumed), a distance of 2654.03 feet; THENCE N02°30'09"W a distance of 1384.23 feet to the intersection of the north right of way line of East 40th Avenue, as established by Ordinance Number 264-1955, with the west right of way line of Colorado Boulevard, as described at Ordinance Number 529-2000 at the City and County of Denver Clerk and Recorder's Office, and to the POINT OF BEGINNING;

THENCE N89°51'37"W coincident with said north right of way line a distance of 566.62 feet to the east right of way line of Jackson Street, also being the west line of said Block 11;

THENCE N00°04'26"W coincident with said east right of way line a distance of 12.00 feet;

THENCE S51°10'43"E a distance of 8.00 feet;

THENCE S89°51'37"E coincident with a line 7.00 feet northerly of and parallel with said north right of way line of East 40<sup>th</sup> Avenue a distance of 547.86 feet;

THENCE N25°10'35"E a distance of 15.44 feet:

THENCE S89°56'08"E a distance of 6.00 feet to said west right of way line of Colorado Boulevard;

THENCE S00°03'52"W coincident with said west right of way line a distance of 21.00 feet to the POINT OF BEGINNING.

# REGIONAL TRANSPORTATION DISTRICT REAL PROPERTY TO BE ACQUIRED FROM

PARCEL NO. RTD-CCD-16 CCD CONVEYANCE STA. 270+ TO STA. 276+ REGIONAL TRANSPORTATION DISTRICT DENVER, CO

**FOR** 

EAST CORRIDOR COMMUTER RAIL PROJECT

## EXHIBIT " " PARCEL NO. RTD-CCD-16 (PARCEL NO. EC-109-111 40-CCD)

Date: April 14, 2016 DESCRIPTION

Those parcels of land conveyed to RTD by Warranty Deeds recorded at Reception No. 2013056398 recorded April 19, 2013, and Reception No. 2014055155 recorded May 14, 2014 and the Rule and Order recorded at Reception No. 2013166808 recorded November 19, 2013, all in the City and County of Denver Clerk and Recorder's Office and described therein as follows: Parcel No. EC-109-111 40-CCD Conveyance of the RTD East Corridor Commuter Rail Project. being a portion of Lots 11, 12, 17 and 18, Block 11 and Lots 11, 12, 17 and 18, Block 12, SWANSEA HEIGHTS, as described at Book 8, Page 44, recorded on December 20, 1889; also being a portion of vacated Harrison Street, as described at Ordinance Number 396-1978, the vacated alley in said Block 11, as described at Ordinance Number 396-1978 and the vacated alley in said Block 12, as described at Ordinance Number 87-1960 at the City and County of Denver Clerk and Recorder's Office, lying in the Southeast Quarter of Section 24, Township 3 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 Southeast Corner of said Section 24, (being a found 3-1/4 inch aluminum cap in range box, stamped: "COLO DEPT OF HIGHWAYS T3S S24 S19 S25 S30 1990 PLS 11434"); WHENCE the South 1/4 Corner of said Section 24 (being a found 3-1/4 inch aluminum cap, 7 inches below surface, stamped: "MOLLENHAUER 2008 T3S R68W 1/4 S24 S25 LS 38033") bears N89°51'23"W (Basis of Bearing-Assumed), a distance of 2654.03 feet; THENCE N02°30'09"W a distance of 1384.23 feet to the intersection of the north right of way line of East 40th Avenue, as established by Ordinance Number 264-1955, with the west right of way line of Colorado Boulevard, as described at Ordinance Number 529-2000 at the City and County of Denver Clerk and Recorder's Office, and to the POINT OF BEGINNING;

THENCE N89°51'37"W coincident with said north right of way line a distance of 566.62 feet to the east right of way line of Jackson Street, also being the west line of said Block 11; THENCE N00°04'26"W coincident with said east right of way line a distance of 12.00 feet; THENCE S51°10'43"E a distance of 8.00 feet:

THENCE S89°51'37"E coincident with a line 7.00 feet northerly of and parallel with said north right of way line of East 40th Avenue a distance of 547.86 feet;

THENCE N25°10'35"E a distance of 15.44 feet:

THENCE S89°56'08"E a distance of 6.00 feet to said west right of way line of Colorado Boulevard;

THENCE S00°03'52"W coincident with said west right of way line a distance of 21.00 feet to the POINT OF BEGINNING.

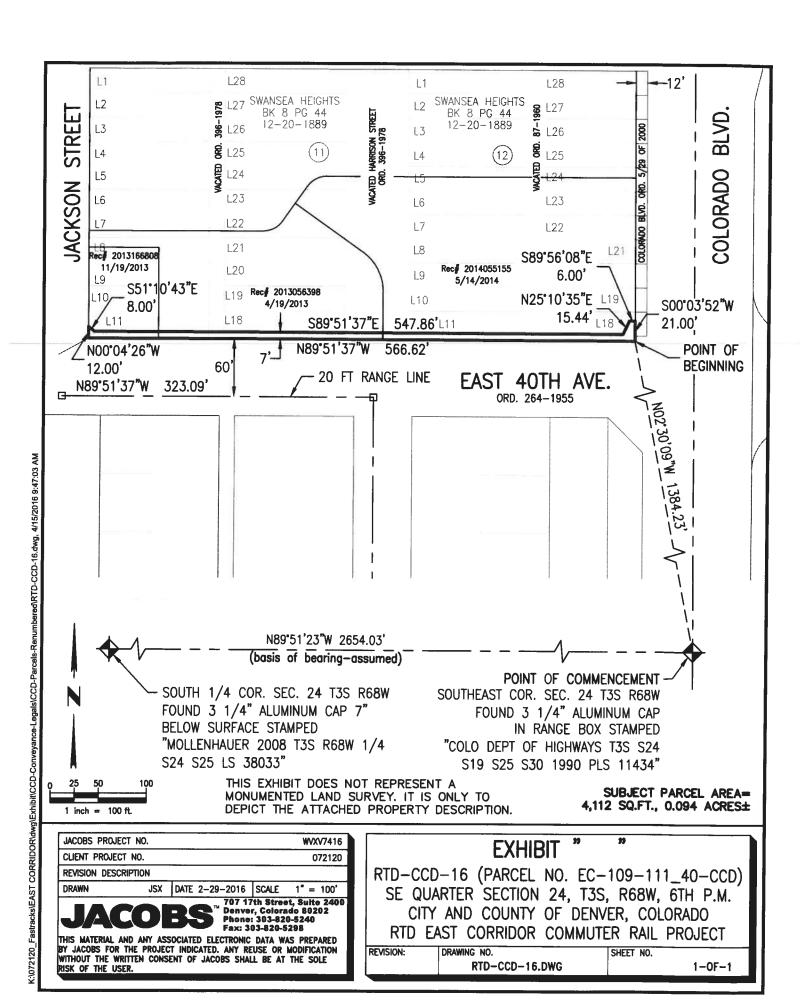
Containing 4,112 square feet, (0.094 Acres), more or less.

Prepared by:

Kenneth W. Carlson PLS 24942 2 5 5 For and on behalf of Jacobs Engineering Group, Inc.

707 17<sup>th</sup> Street #2400, Denver CO 80202

303.820.5240



A portion of Parcel No. RTD-CCD-18 Rev1 conveyed to the City and County of Denver by Quit Claim Deed recorded at Reception No. 2018082023 on July 3, 2018 in the City and County of Denver Clerk and Recorder's Office, located in the Southwest Quarter of Section 19, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

COMMENCING at the South Sixteenth Corner common to said Section 19 and to Section 24, Township 3 South, Range 68 West, (being a found 3-1/4 inch aluminum cap in range box, stamped: "COLO DEPT OF HIGHWAYS \$1/16 \$24 \$19 \$R68W \$R67W \$T3\$ \$1990 PL\$ 11434"); WHENCE the Southwest Corner of said Section 19, (being a found 3-1/4 inch aluminum cap in range box, stamped: "COLO DEPT OF HIGHWAYS \$T3\$ \$24 \$19 \$25 \$30 \$1990 PL\$ \$11434") bears \$500°03'52"W (Basis of Bearing-Assumed), a distance of 1322.58 feet:

THENCE S39°20'04"E a distance of 94.53 feet to a point on the southerly Right of Way line of East 40<sup>th</sup> Avenue as shown on Albion Street Subdivision Filing No. 1 at Reception No. 2003197552, recorded September 19, 2003, in the City and County of Denver Clerk and Recorder's Office, and the POINT OF BEGINNING;

THENCE coincident with said southerly line the following four (4) courses:

- 1) Along the arc of a curve to the right, having a central angle of 90°00'02", a radius of 50.00 feet, a chord bearing of N45°03'53"E a distance of 70.71 feet, and an arc distance of 78.54 feet;
- 2) S89°56'06"E, tangent with the last described curve and non-tangent with the following described curve, a distance of 66.31 feet;
- 3) Along the arc of a curve to the left, having a central angle of 51°28'05", a radius of 210.00 feet, a chord bearing of N64°19'50"E a distance of 182.36 feet, and an arc distance of 188.64 feet;
- 4) Along the arc of a curve to the right, non-tangent with the last described curve, having a central angle of 7°10′30″, a radius of 95.00 feet, a chord bearing of N42°11′15″E a distance of 11.89 feet, and an arc distance of 11.90 feet;

THENCE S89°56'06"E, non-tangent with the last described curve and tangent with the following described curve, a distance of 44.61 feet;

THENCE along the arc of a curve to the left, having a central angle of 29°01'23", a radius of 215.00 feet, a chord bearing of N75°33'13"E a distance of 107.75 feet, and an arc distance of 108.91 feet to said southerly Right of Way line;

THENCE coincident with said southerly line the following two (2) courses:

- 1) S89°56'08"E, non-tangent with the last and following described curves, a distance of 14.87 feet;
- 2) Along the arc of a curve to the left, having a central angle of 78°32'29", a radius of 160.00 feet, a chord bearing of N50°43'46"E a distance of 202.56 feet, and an arc distance of 219.33 feet;

THENCE S08°05'44"W, non-tangent with the last and following described curves, a distance of 14.58 feet;

THENCE along the arc of a curve to the right, having a central angle of 79°01'49", a radius of 284.00 feet, a chord bearing of S50°33'00"W a distance of 361.41 feet, and an arc distance of 391.73 feet;

THENCE N89°56'06"W, tangent with the last described curve, a distance of 20.00 feet; THENCE S00°03'54"W a distance of 8.00 feet;

THENCE N89°56'06"W, tangent with the following described curve, a distance of 241.47 feet;

## PW Legal Description No. 2018-Dedication-0000135-002

THENCE along the arc of a curve to the left, having a central angle of 16°08'37", a radius of 82.32 feet, a chord bearing of S81°59'34"W a distance of 23.12 feet, and an arc distance of 23.19 feet;

THENCE S46°14'21"W, non-tangent with the last described curve, a distance of 33.00 feet; THENCE S53°22'44"W, a distance of 24.94 feet; To the Point of Beginning.

## REGIONAL TRANSPORTATION DISTRICT REAL PROPERTY TO BE ACQUIRED FROM

PARCEL NO. RTD-CCD-18 CCD CONVEYANCE STA. 276+ TO 283+ REGIONAL TRANSPORTATION DISTRICT DENVER, CO

### **FOR**

## EAST CORRIDOR COMMUTER RAIL PROJECT

## EXHIBIT " " PARCEL NO. RTD-CCD-18 (EAST 40<sup>TH</sup> AVENUE AND COLORADO BOULEVARD)

Date: April 14, 2016 DESCRIPTION

A portion of those parcels of land conveyed to RTD by Quit Claim Deed recorded at Reception No. 2013029217 recorded March 4, 2013, and Special Warranty Deeds recorded at Reception No. 2013167548 recorded November 20, 2013 and Reception No. 2014010312 recorded January 30, 2014 in the City and County of Denver Clerk and Recorder's Office and described herein as follows:

East 40<sup>TH</sup> Avenue and Colorado Boulevard CCD Conveyance of the RTD East Corridor Commuter Rail Project, containing 45,440 square feet, (1.043 Acres), being a portion of a tract of land described at Reception No. 2000175271 recorded December 1, 2000 and Reception No. 2006199364 recorded December 19, 2006, in the City and County of Denver Clerk and Recorder's Office, located in the Southwest Quarter of Section 19, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

COMMENCING at the South Sixteenth Corner common to said Section 19 and to Section 24, Township 3 South, Range 68 West, (being a found 3-1/4 inch aluminum cap in range box, stamped: "COLO DEPT OF HIGHWAYS \$1/16 \$24 \$19 \$R68W \$R67W T3\$ 1990 PL\$ 11434"); WHENCE the Southwest Corner of said Section 19, (being a found 3-1/4 inch aluminum cap in range box, stamped: "COLO DEPT OF HIGHWAYS T3\$ \$24 \$19 \$25 \$30 1990 PL\$ 11434") bears \$00°03'52"W (Basis of Bearing-Assumed), a distance of 1322.58 feet;

THENCE S39°20'04"E a distance of 94.53 feet to a point on the southerly right of way line of East 40<sup>th</sup> Avenue as shown on Albion Street Subdivision Filing No. 1 at Reception No. 2003197552, recorded September 19, 2003, in the City and County of Denver Clerk and Recorder's Office, and to the POINT OF BEGINNING;

THENCE coincident with said southerly line the following six (6) courses:

- 1) THENCE along the arc of a curve to the right, having a central angle of 90°00'02", a radius of 50.00 feet, a chord bearing of N45°03'53"E a distance of 70.71 feet, and an arc distance of 78.54 feet;
- 2) THENCE S89°56'06"E tangent with the last described curve a distance of 66.31 feet;
- 3) THENCE along the arc of a curve to the left, having a central angle of 51°28'05", a radius of 210.00 feet, a chord bearing of N64°19'50"E a distance of 182.36 feet, and an arc distance of 188.64 feet;
- 4) THENCE along the arc of a curve to the right, non-tangent with the last described curve, having a central angle of 51°28'06", a radius of 95.00 feet, a chord bearing of N64°20'03"E a distance of 82.50 feet, and an arc distance of 85.34 feet;
- 5) THENCE S89°56'08"E non-tangent with the last described curve a distance of 97.44 feet non-tangent with the following described curve;

EXHIBIT " "
PARCEL NO. RTD-CCD-18
(EAST 40<sup>TH</sup> AVENUE AND COLORADO BOULEVARD)
Date: April 14, 2016
(continued)

6) THENCE along the arc of a curve to the left, having a central angle of 78°32'29", a radius of 160.00 feet, a chord bearing of N50°43'46"E a distance of 202.56 feet, and an arc distance of 219.33 feet;

THENCE S08°05'44"W non-tangent with the last described curve a distance of 14.58 feet non-tangent with the following described curve;

THENCE along the arc of a curve to the right, having a central angle of 79°01'49", a radius of 284.00 feet, a chord bearing of S50°33'00"W a distance of 361.41 feet, and an arc distance of 391.73 feet;

THENCE N89°56'06"W tangent with the last described curve a distance of 20.00 feet; THENCE S00°03'54"W a distance of 8.00 feet;

THENCE N89°56'06"W a distance of 241.47 feet tangent with the following described curve;

THENCE along the arc of a curve to the left, having a central angle of 16°08'37", a radius of 82.32 feet, a chord bearing of S81°59'34"W a distance of 23.12 feet, and an arc distance of 23.19 feet;

THENCE S46°14'21"W non-tangent with the last described curve a distance of 33.00 feet;

THENCE S00°03'52"W a distance of 205.51 feet;

THENCE S03°52'42"W a distance of 195.49 feet;

THENCE S00°03'52"W a distance of 142.92 feet:

THENCE N89°56'08"W a distance of 7.00 feet;

THENCE S01°19'57"W a distance of 361.50 feet;

THENCE N89°56'08"W a distance of 2.00 feet to the easterly right of way line of Colorado Boulevard;

THENCE coincident with said easterly line the following three (3) courses:

- 1) THENCE N00°03'52"E a distance of 550.00 feet;
- 2) THENCE N03°52'42"E a distance of 150.33 feet;
- 3) THENCE N00°03'56"E a distance of 190.00 feet non-tangent with the following described curve and to a point on the southerly right of way line of East 40<sup>th</sup> Avenue and to the POINT OF BEGINNING.

Containing 45,440 square feet, (1.043 Acres), more or less.

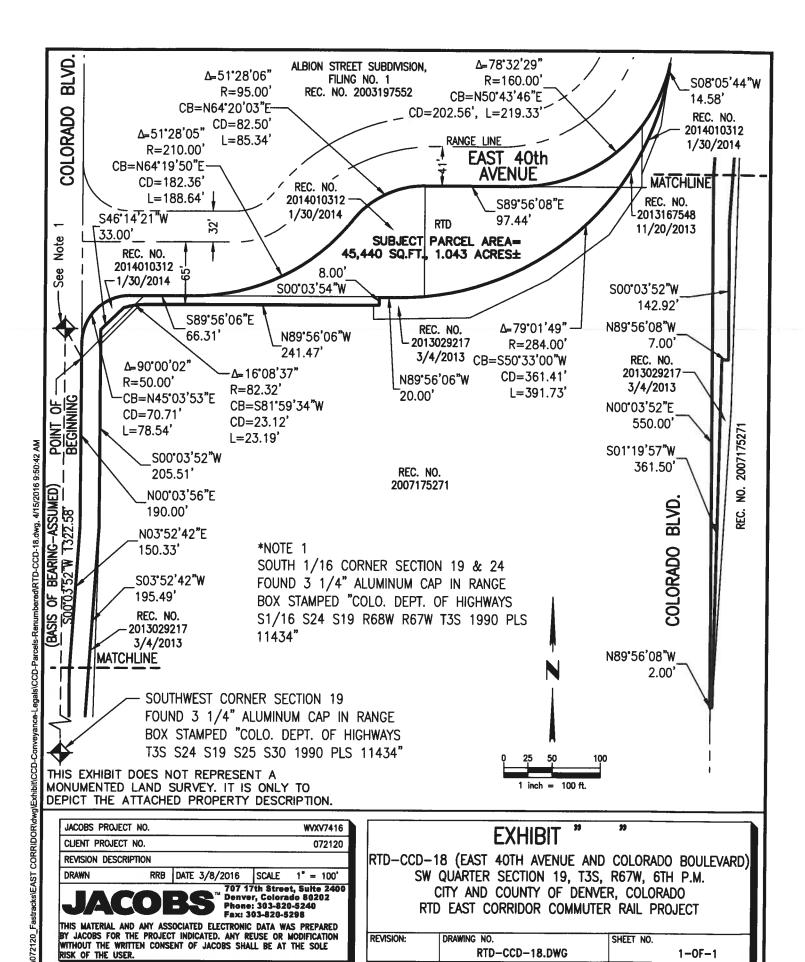
Prepared by

Kenneth W. Carlson PLS 24942

For and on behalf of Jacobs Engineering Group Inc.

707 17<sup>th</sup> Street #2400, Denver, CO 80202

303.820.5240



Please return Recorded document to: Senior Manager, Real Property Regional Transportation District 1560 Broadway, Suite 650 Denver, Colorado 80202



07/03/2018 03:01 PM City & County of Denver R \$0.00

2018082023 Page: 1 of 20 D \$0.00

#### **QUITCLAIM DEED**

WITNESS, that the grantor, for and in consideration of the sum of TEN DOLLARS AND 00/100 (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents do remise, release, sell and QUITCLAIM unto the grantee(s), its heirs, successors and assigns forever, all the right, title, interest, claim and demand which the grantor(s) has in and to the real property, together with improvements, if any, situate, lying and being in the City and County of Denver and State of Colorado, described in Exhibit A, attached hereto and incorporated herein.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee(s) its heirs and assigns forever.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Approved as to Legal Form:

Lori L. Graham,

51-18

Associate General Counsel

Date

STATE OF COLORADO

Henry J. Stopplecamp,

COUNTY OF DENVER

RUSS LARSON FOR

The foregoing instrument was acknowledged before me this 05 day of JUNE 2018 by Henry J. Stopplecamp as Assistant General Manager, Capital Programs.

Witness my hand and official seal.

My commission expires: 09/23/20/8

Assistant General Manager, Capital Programs

Notary Jublic

JANET A. HUHN NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20114062295

MY COMMISSION EXPIRES SEPTEMBER 23, 26