

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

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

**FROM:** Matt R. Bryner, P.E., Director, Right-of-Way Services

**DATE:** May 1<sup>st</sup>, 2020

**ROW #:** 2019-DEDICATION-0000137 **SCHEDULE #:** adjacent to parcel 0123100060000

**TITLE:** This request is to dedicate a parcel of land as Public Right-of-Way as N. Peoria St., located at the intersection of N. Peoria St. and E. 46<sup>th</sup> 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 N. Peoria St. 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, 'Dutch Bros Coffee.'

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 N. Peoria St. The land is described as follows.

**INSERT PARCEL DESCRIPTION ROW # (2019-DEDICATION-0000137-001) HERE.**

A map of the area to be dedicated is attached.

MB/JL/RL

cc: Dept. of Real Estate, Katherine Rinehart  
City Councilperson, Christopher Herndon District # 8  
Councilperson Aide, Amanda Schoultz  
Councilperson Aide, Bonnie Guillen  
Councilperson Aide, Leya Hartman  
City Council Staff, Zach Rothmier  
Environmental Services, David Erickson  
DOTI, Manager's Office, Alba Castro  
DOTI, Manager's Office, Jason Gallardo  
DOTI, Director, Right-of-Way Services, Matt Bryner  
Department of Law, Maureen McGuire  
Department of Law, Martin Plate  
Department of Law, Deanne Durfee  
Department of Law, Caroline Martin  
Department of Law, Stan Lechman  
DOTI Survey, Johanna Lee  
DOTI Survey, Paul Rogalla  
DOTI Ordinance  
Owner: City and County of Denver  
Project file folder 2019-DEDICATION-0000137

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:** May 1<sup>st</sup>, 2020

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 parcel of land as Public Right-of-Way as N. Peoria St., located at the intersection of N. Peoria St. and E. 46th Ave.

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

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

- **Name:** Rebecca Long
- **Phone:** 720-913-4518
- **Email:** [Rebecca.Long@denvergov.org](mailto:Rebecca.Long@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:** 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 N. Peoria St. 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, 'Dutch Bros Coffee.'

**\*\*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:** E. 46<sup>th</sup> Ave, N. Peoria St., E. 47<sup>th</sup> Ave. and N. Paris St.
- d. **Affected Council District:** Christopher Herndon District # 8
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):**

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:** 2019-DEDICATION-0000137

**Description of Proposed Project:** Dedication of a parcel of land as Public Right-of-Way as N. Peoria St.

**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 N. Peoria St.

**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 N. Peoria St., as part of a development project called, 'Dutch Bros Coffee.'



## Legend

- Streams
- Irrigation Ditches Reconstructe  
Gardeners)
- Irrigation Ditches
- Streets
- Alleys
- Railroads**
  - + Main
  - + Yard
  - + Spur
  - + Siding
  - + Interchange track
  - + Other
- Bridges
- Lakes
- County Boundary
- Parcels
- Lots/Blocks
- Parks**
  - All Other Parks; Linear
  - Mountain Parks



289 0 144.5 289 Feet

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

1:2,257

Map Generated 5/1/2020

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.**



A parcel of land conveyed by Warranty Deed to the City and County of Denver, recorded on the 20th day of April 2020, at Reception Number 2020053987 in the City and County of Denver Clerk and Recorder's Office, State of Colorado, therein as:

**LAND DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEING PART OF MONTBELLO NO. 19, RECORDED FEBRUARY 9, 1970 AT PLAT BOOK 26, PAGE 51, ALSO BEING PART OF PROPERTY DESCRIBED AS "PAD 1" IN SPECIAL WARRANTY DEED RECORDED AUGUST 9, 2016 AT RECEPTION NO. 2016104656, CITY & COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID PAD 1; THENCE S00°19'22"E ALONG THE EAST LINE OF SAID PAD 1, AND ALONG THE WEST RIGHT OF WAY LINE OF PEORIA STREET A DISTANCE OF 169.58 FEET TO A POINT OF A NON-TANGENT CURVATURE, THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT, AND ALONG SAID RIGHT OF WAY LINE (SAID CURVE HAVING A CENTRAL ANGLE OF 43°02'59", AND A CHORD BEARING S20°59'11"W A DISTANCE OF 22.01 FEET) AN ARC LENGTH OF 22.54 FEET; THENCE N00°19'22"W ALONG A LINE 8 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF PAD 1 A DISTANCE OF 190.09 FEET TO A POINT ON THE NORTH LINE OF SAID PAD 1; THENCE N89°40'38"E ALONG SAID NORTH LINE A DISTANCE OF 8.00 FEET TO THE **POINT OF BEGINNING**;

CONTAINING 1,470 SQUARE FEET OR 0.034 ACRE, MORE OR LESS.

**BASIS OF BEARINGS:** THE EAST LINE OF PAD #1, BEARING S00°19'22"E (ASSUMED), A DISTANCE OF 169.58 FEET, MONUMENTED BY A NAIL AND 1" BRASS TAG, PLS 29414 ON THE NORTH END, AND BY A #5 REBAR WITH 1.25" YELLOW PLASTIC CAP, LS 1802 ON THE SOUTH END.



04/20/2020 04:01 PM  
City & County of Denver

R \$0.00

WD

2020053987

Page: 1 of 4

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: 2019-Dedication-0000137**  
**Asset Mgmt No.: 20-045**

**SPECIAL WARRANTY DEED**  
**(4601 N. Peoria St)**

**THIS SPECIAL WARRANTY DEED** ("Deed"), made as of this 14<sup>th</sup> day of April, 2020, by **CVP - 4601 N PEORIA DB, LLC**, an Arizona Limited Liability Company, whose address is 3915 NE 15<sup>th</sup> Ave. Suite 251, Portland, Oregon 97212, 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:

CVP - 4601 N PEORIA DB, LLC, an Arizona Limited Liability Company

By: 

Name: JOHN ZACHARY BONSALE

Its: MANAGER

STATE OF OREGON )  
 ) ss.

COUNTY OF MULTNOMAH )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of APRIL, 2020  
by John Zachary Bonsall, as Manager of CVP - 4601 N PEORIA DB, LLC,  
an Arizona Limited Liability Company

Witness my hand and official seal.

My commission expires: 1-28-2023

  
Notary Public



**EXHIBIT A**

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November 4, 2019

**LAND DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEING PART OF MONTBELLO NO. 19, RECORDED FEBRUARY 9, 1970 AT PLAT BOOK 26, PAGE 51, ALSO BEING PART OF PROPERTY DESCRIBED AS "PAD 1" IN SPECIAL WARRANTY DEED RECORDED AUGUST 9, 2016 AT RECEPTION NO. 2016104656, CITY & COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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John P. Ehrhart

P.L.S. No. 29414

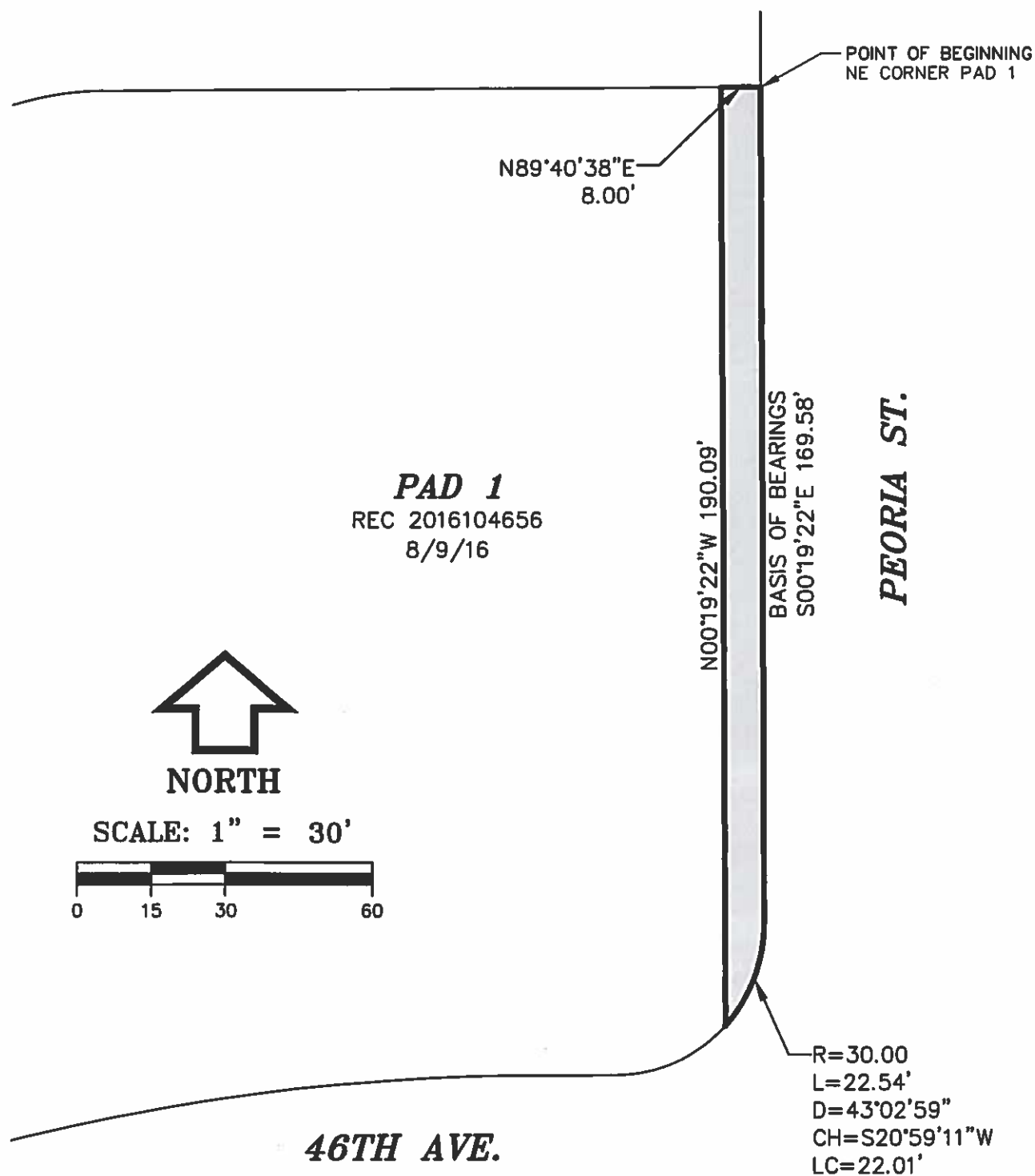




# EXHIBIT A

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2018-PROJMSTR-0000546-ROW



**EHRHART**  
LAND SURVEYING

P.O. Box 930 • Erie, Colorado 80516  
(303) 828-3340 • [www.coloradois.com](http://www.coloradois.com)

**PEORIA STREET PLAZA**  
SITUATED IN THE NE 1/4 OF SEC. 23,  
T3S, R67W OF THE 6TH P.M.  
CITY & COUNTY OF DENVER, COLORADO

DATE:  
11/4/19

SCALE  
1"=30'

JOB NO.:  
S195118

DRAWN:  
JPE

CHECKED:  
JMH