

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER NOSLER BECK
COUNCIL BILL NO. 20
ORDINANCE NO. 1678
Series 2019

TITLE: AN ORDINANCE APPROVING CONVEYANCE OF REAL PROPERTY TO THE CITY OF ARVADA, AND IN CONNECTION THEREWITH APPROVING TERMINATION OF AN EASEMENT AGREEMENT AND CONVEYANCE OF REAL PROPERTY TO THE CITY

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the home rule charter permits the Council to dispose of real property, other than park property, by ordinance approved by three-fourths of the Council; and

WHEREAS, the Council wishes to convey certain real property to the City of Arvada in furtherance of the Mountain Gateway project, and in connection therewith, to accept conveyance of real property from Roys Mountain Home, LLC, and to relinquish certain easement rights associated therewith.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Conveyances approved. Pursuant to charter 16.5, the Council hereby approves the conveyance of real property to the City of Arvada by quitclaim deed in the form attached hereto as **Exhibit 1**; approves the termination, relinquishment and quitclaim of easement agreement in the form attached hereto as **Exhibit 2**, and accepts conveyance of real property from Roys Mountain Home LLC in the form attached hereto as **Exhibit 3**. The Mayor and City Clerk are authorized and directed to execute such instruments as necessary to complete these transactions, conditioned upon receipt by the City of evidence of approval of the Mountain Gateway plat by the City of Arvada.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect immediately upon adoption, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 25th day of November, 2019, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for December 9, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 9th day of December, 2019.

SIGNED by the Mayor on this 9th day of December, 2019.




Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

First Publication: November 27, 2019
Denver Post
Second Publication: December 12, 2019
Wheat Ridge Transcript
Effective Date: December 9, 2019

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us



Exhibit 1
Quitclaim deed to the City of Arvada
[attached]

No Documentary Transfer Tax Payable.
Consideration under \$500 C.R.S. § 39-13-102(2)(a)

QUITCLAIM DEED

[STATUTORY FORM – C.R.S. § 38-30-113(1)(d)]

The **CITY OF WHEAT RIDGE**, a Colorado home-rule municipality, whose street address is 7500 West 29th Avenue, Wheat Ridge, Colorado 80333, for the consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, hereby sells and quitclaims to the **CITY OF ARVADA**, a Colorado home-rule municipality, whose street address is 8101 Ralston Road, Arvada, Colorado 80001, all of its right, title and interest in the real property described on **Exhibit A** attached hereto and made a part hereof, with all its appurtenances and improvements situated thereon.

Signed on December 9, 2019, to be made effective as of December 9, 2019.

GRANTOR:

CITY OF WHEAT RIDGE, a Colorado home-rule municipality

By: [Signature]
Name: Bud Starker
Title: Mayor

STATE OF COLORADO)
) ss:
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me this 10th day of December, 2019, by Bud Starker as Mayor of the City of Wheat Ridge, a Colorado home-rule municipality.

Witness my hand and official seal.

My commission expires: April 22, 2020

[Signature]
Notary Public

TAMARA D ODEAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164015481
MY COMMISSION EXPIRES APRIL 22, 2020

Exhibit A
to Quitclaim Deed

Legal Description

EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 1 OF 3

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16 TO BEAR SOUTH 00°19'28" EAST, A DISTANCE OF 1320.64 FEET BETWEEN THE WEST 1/4 CORNER OF SAID SECTION 16 BEING A FOUND 2" IRON PIPE WITH 3 1/4" BRASS CAP (IN RANGE BOX) STAMPED "CITY OF WHEAT RIDGE LS 13212 T3S R69W S17-S16 1984 SURVEY MONUMENT" AND THE SOUTH 1/16 CORNER OF SAID SECTION 16/17 BEING A FOUND 4" ALUMINUM COLLAR WITH 2" ALUMINUM CAP (ILLEGIBLE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID SOUTH 1/16 CORNER OF SAID SECTION 16/17, THENCE ALONG SAID WEST LINE, NORTH 00°19'28" WEST, A DISTANCE OF 517.91 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 74°39'23" EAST, A DISTANCE OF 851.24 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 74°39'23" EAST, A DISTANCE OF 3.64 FEET; THENCE SOUTH 15°24'00" EAST, A DISTANCE OF 51.30 FEET; THENCE 41.52 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, AN INCLUDED ANGLE OF 04°31'52" AND SUBTENDED BY A CHORD BEARING SOUTH 13°08'04" EAST, A DISTANCE OF 41.51 FEET; THENCE 38.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 201.00 FEET, AN INCLUDED ANGLE OF 11°02'30" AND SUBTENDED BY A CHORD BEARING SOUTH 05°20'48" EAST, A DISTANCE OF 38.68 FEET; THENCE SOUTH 00°10'26" WEST, A DISTANCE OF 7.87 FEET; THENCE 101.33 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.07 FEET, AN INCLUDED ANGLE OF 05°48'19" AND SUBTENDED BY A CHORD BEARING NORTH 11°46'46" WEST, A DISTANCE OF 101.28 FEET; THENCE NORTH 14°40'55" WEST, A DISTANCE OF 37.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 535 SQ.FT. MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 17-69,776

JOB NUMBER: 17-69,776
DRAWN BY: S. SILVA
DATE: OCTOBER 11, 2019

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics



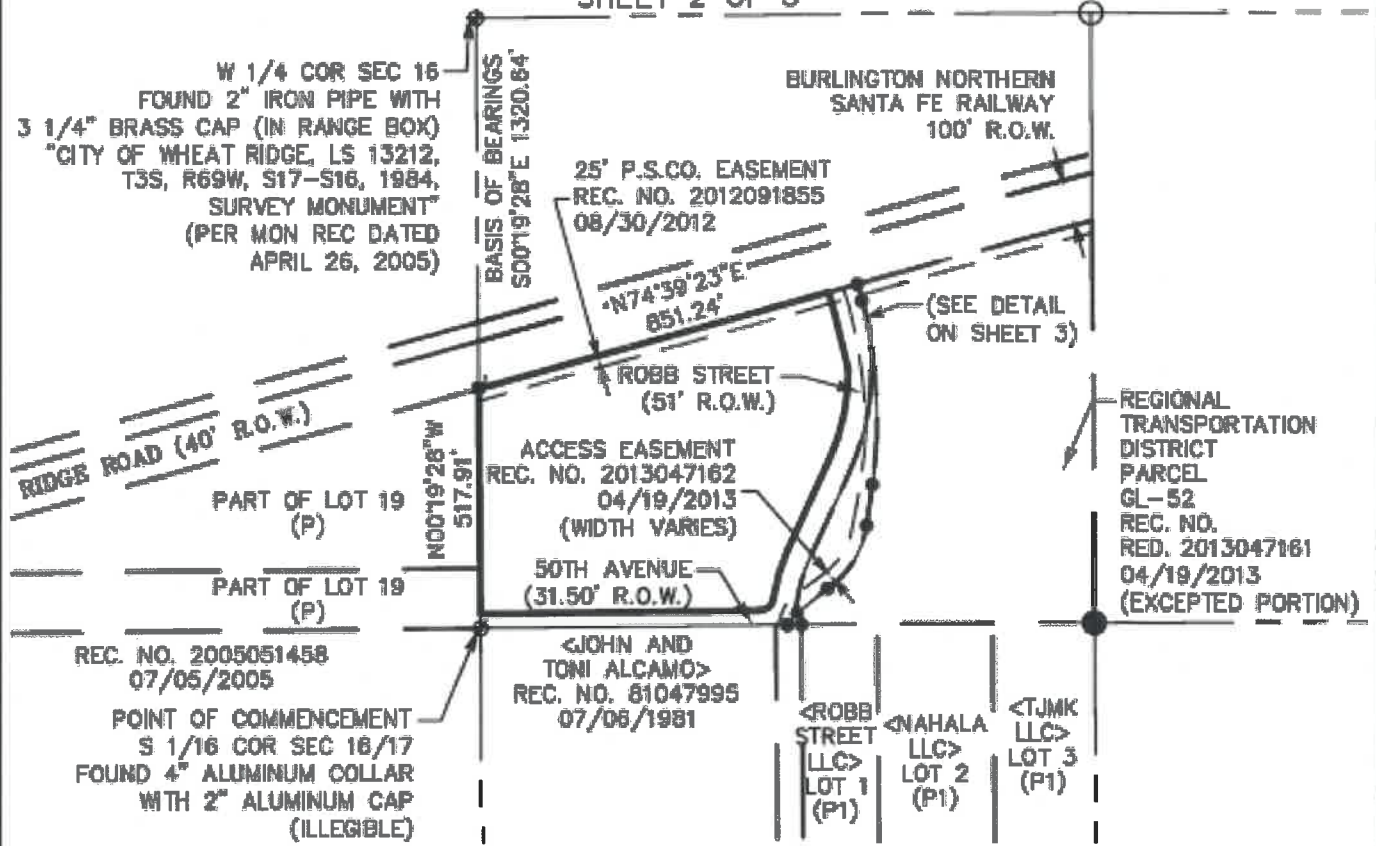
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.flatironsinc.com

Exhibit A

EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 2 OF 3



Legend

- ◆ FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- FOUND #5 REBAR WITH 1" ORANGE PLASTIC CAP "CRS 28669"
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- (P) AS PER THE PLAT OF STANDLEY HEIGHTS REC. NO. 81089023 12/08/1981
- (P1) AS PER THE PLAT OF PLAZA 5000 BUSINESS CENTER SUBDIVISION REC. NO. 94165214 10/14/1994



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EXHIBIT "A"

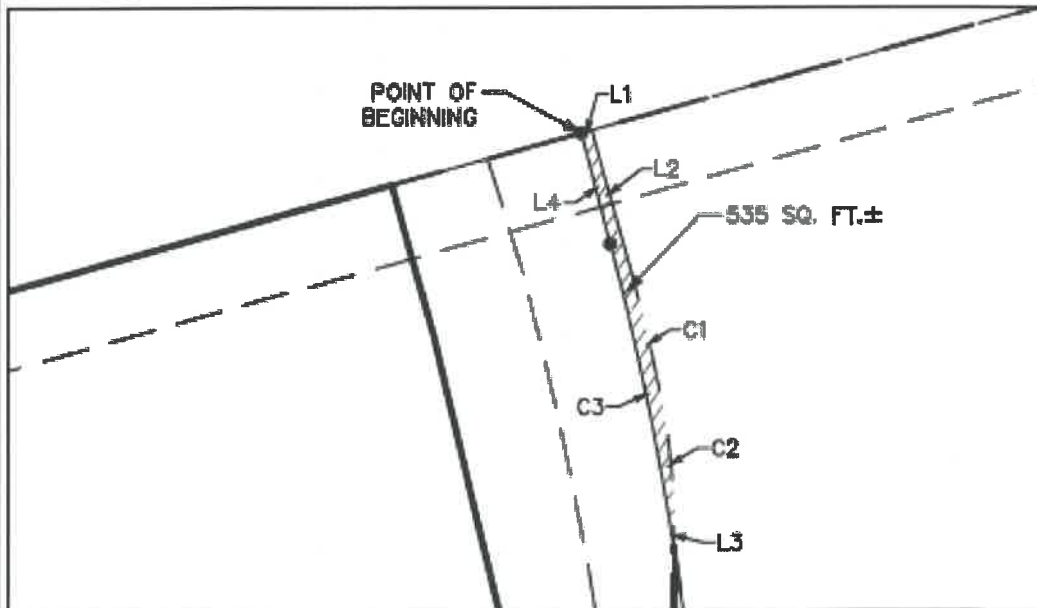
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 3 OF 3

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	3.64	N74°39'23"E
L2	51.30	S15°24'00"E
L3	7.87	S00°10'26"W
L4	37.38	N14°40'55"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	41.52	525.00	4°31'52"	S13°08'04"E	41.51
C2	38.74	201.00	11°02'30"	S05°20'48"E	38.68
C3	101.33	1000.07	5°48'19"	N11°46'46"W	101.28


DETAIL A



JOB NUMBER: 17-69,776
DRAWN BY: S. SILVA
DATE: OCTOBER 11, 2019

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Surveying, Engineering & Geomatics



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FAX: (303) 443-9830
www.FlatironsInc.com

Exhibit 2
Relinquishment of easement agreement
[attached]

**TERMINATION, RELINQUISHMENT, AND QUITCLAIM
OF EASEMENT AGREEMENT (ACCESS)**

THIS TERMINATION, RELINQUISHMENT, AND QUITCLAIM OF EASEMENT AGREEMENT (ACCESS) is made as of December 9th, 2019 (this "Termination"), by and between THE CITY OF WHEAT RIDGE, a Colorado home-rule municipality (the "City") and ROYS MOUNTAIN HOME LLC, a Delaware limited liability company ("RMH").

RMH is the owner of that certain real property legally described on the attached Exhibit A (the "Property"). That certain Easement Agreement (Access) was recorded April 19, 2013 in the real property records of Jefferson County, Colorado at Reception No. 2013047162 (the "Agreement"), granting the Regional Transportation District, a quasi-municipal corporation and political subdivision of the State of Colorado ("RTD"), certain access rights over the Property as contained therein. Pursuant to that certain Partial Assignment of Easement (the "Assignment"), RTD assigned to the City all of its right, title, interest and obligations in, to and under the Agreement to the City, subject to a reservation of RTD's rights to enter upon and use the easement as provided in the Agreement. Per the Assignment, such reservation shall terminate upon written notice from RTD to the City that use of the easement is no longer needed. Such written notice was submitted by RTD to the City and is attached hereto as Exhibit B. Thus, the City, as assignee to all rights under the Agreement, has full authority to unilaterally terminate the same.

The Property is the only property encumbered by the Agreement. The City desires to terminate, relinquish, and quitclaim its right, title, and interest in and to the Agreement and the real property encumbered thereby.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby terminates, relinquishes, and quitclaims all of its right, title, and interest in and to the Agreement and the portion of the Property encumbered by the Agreement. This termination, relinquishment, and quitclaim shall be binding upon the City and its successors in title.

[signature page follows]

IN WITNESS WHEREOF, the City has executed this Termination as of the day and year first above written.

THE CITY OF WHEAT RIDGE, a Colorado home-rule municipality

By: [Signature]
Name: Bud Starker
Title: Mayor

STATE OF Colorado)
) ss.
COUNTY OF Jesserson)

The foregoing instrument was acknowledged before me this 10th day of December, 2019, by Bud Starker, as Mayor of the City of Wheat Ridge, a Colorado home-rule municipality.

Witness my hand and official seal.

[Signature]
Notary Public

My commission expires: April 22, 2020.

TAMARA D ODEAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164015481
MY COMMISSION EXPIRES APRIL 22, 2020

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY OWNED BY RMH

THAT PART OF THE WEST 1/2 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS IS THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 CONSIDERED TO BEAR SOUTH 00 DEGREES 19 MINUTES 38 SECONDS EAST, WITH ALL BEARINGS RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 16;
THENCE SOUTH 00 DEGREES 19 MINUTES 38 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 A DISTANCE OF 699.19 FEET TO THE NORTH LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY;
THENCE CONTINUING SOUTH 00 DEGREES 19 MINUTES 38 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 103.54 FEET TO THE SOUTH LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 00 DEGREES 19 MINUTES 38 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 518.21 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16;
THENCE NORTH 89 DEGREES 29 MINUTES 23 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 A DISTANCE OF 1328.37 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16;
THENCE NORTH 00 DEGREES 16 MINUTES 25 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 A DISTANCE OF 870.59 FEET TO THE SOUTH LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY;
THENCE SOUTH 74 DEGREES 39 MINUTES 14 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1376.19 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE ABOVE DESCRIBED LEGAL DESCRIPTION ALL THAT PORTION OF SAID LAND DEEDED TO REGIONAL TRANSPORTATION DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO BY WARRANTY DEED DATED APRIL 19, 2013 AND RECORDED APRIL 19, 2013 UNDER RECEPTION NO. [2013047161](#), JEFFERSON COUNTY CLERK AND RECORDER, STATE OF COLORADO.

EXHIBIT B
WRITTEN NOTICE FROM RTD TO THE CITY

NOTICE OF TERMINATION - PARTIAL ASSIGNMENT OF EASEMENT

Pursuant to a Partial Assignment of Easement dated July 19, 2018 (the “Partial Assignment”) and recorded on July 24, 2018 at Reception No. 2018067024 in the real property records of Jefferson County, Colorado, the REGIONAL TRANSPORTATION DISTRICT, a political subdivision of the State of Colorado (“RTD”), whose legal address is 1660 Blake Street, Denver, Colorado 80202-1399, partially assigned to the CITY OF WHEAT RIDGE, a home rule municipal corporation (the “City”), whose address is 7500 West 29th Avenue, Wheat Ridge, CO 80033, that certain Easement Agreement (Access) dated April 19, 2013 (the “Easement”) and recorded on April 19, 2013 at Reception No. 2013047162 in the real property records of Jefferson County, Colorado. The Partial Assignment is attached hereto as Exhibit A.

Pursuant to the Partial Assignment, RTD hereby notifies the City that RTD’s use of the Easement is no longer needed; provided that RTD’s reserved rights under the Partial Assignment and Easement may terminate only at such time as Robb Street is dedicated to the City of Arvada as public right-of-way as depicted on that certain Mountain Gateway Minor Plat, Arvada Project No. DA2019-0059.

[Signatures on following pages]

IN WITNESS WHEREOF, this Notice of Termination has been executed by RTD as of this _____ day of _____, 2019.

REGIONAL TRANSPORTATION DISTRICT,
a political subdivision of the State of Colorado

By: _____
Henry J. Stoppolecamp
Assistant General Manager, Capital Programs

STATE OF COLORADO)
) s s.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____ 2018, by Henry J. Stoppolecamp, as Assistant General Manager, Capital Programs for the Regional Transportation District.

Witness my hand and official seal.
My commission expires:

Notary Public

Approved as to Legal Form:

By: _____
Aimée J. Beckwith
Associate General Counsel

Exhibit A

Exhibit 3
Quit claim deed to City of Wheat Ridge
[attached]

No Documentary Transfer Tax Payable.
Consideration under \$500 C.R.S. § 39-13-102(2)(a)

QUITCLAIM DEED

[STATUTORY FORM – C.R.S. § 38-30-113(1)(d)]

ROY'S MOUNTAIN HOME LLC, a Delaware limited liability company, whose street address is 2001 Wilshire Boulevard, Suite 220, Santa Monica, California 90403, for the consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, hereby sells and quitclaims to the **CITY OF WHEAT RIDGE**, a Colorado home-rule municipality, whose street address is 7500 West 29th Avenue, Wheat Ridge, Colorado 80333, all of its right, title and interest in the real property described on Exhibit A attached hereto and made a part hereof, with all its appurtenances and improvements situated thereon.

Signed on _____, 2019, to be made effective as of _____, 2019.

GRANTOR:

ROY'S MOUNTAIN HOME LLC, a Delaware limited liability company

By: _____
Name: _____
Title: _____

STATE OF COLORADO)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____ as _____ of Roys Mountain Home LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: _____

Notary Public

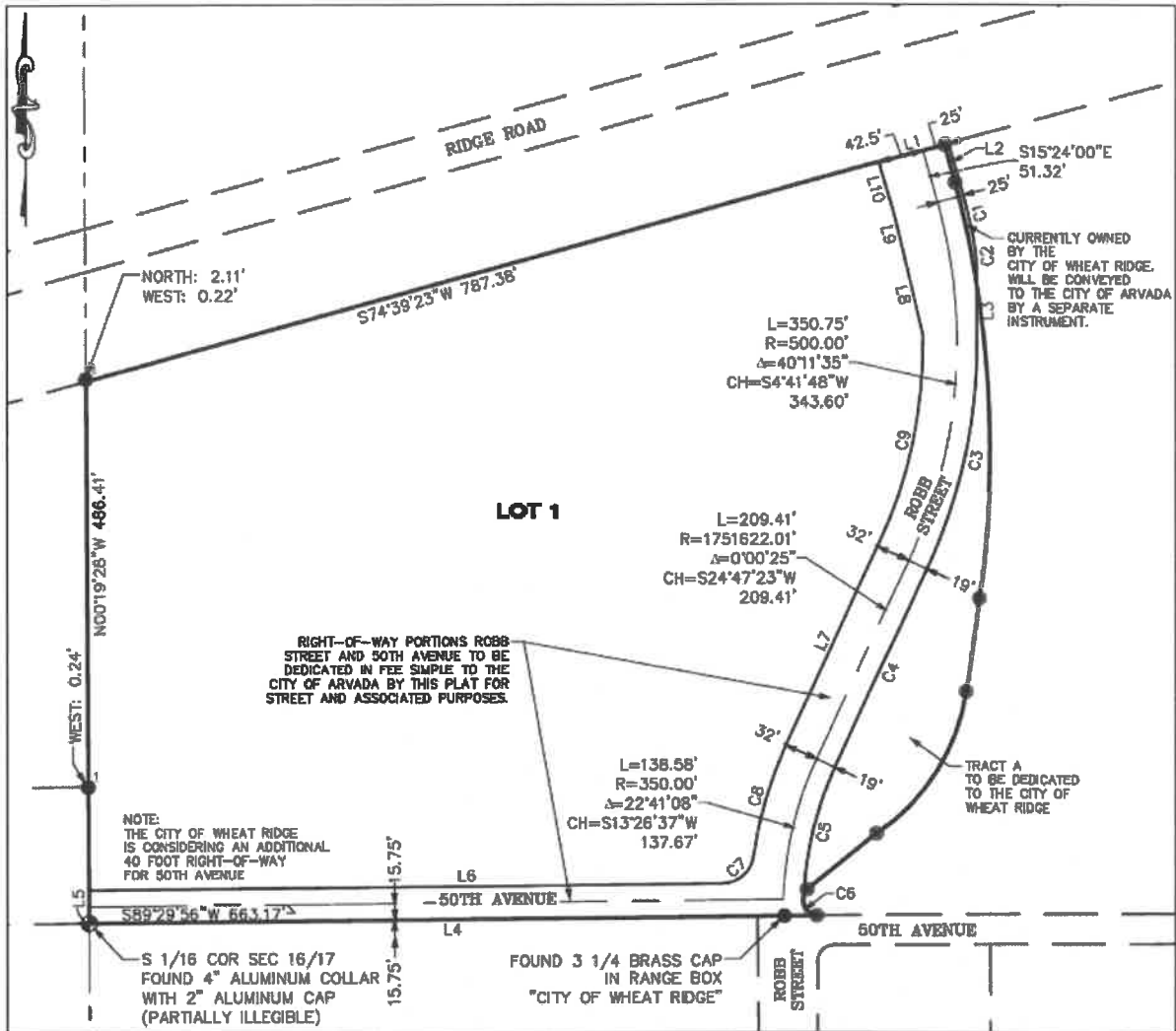
Exhibit A
to Quitclaim Deed

Legal Description

Tract A, Mountain Gateway Minor Plat, County of Jefferson, State of Colorado.

(depiction of the property follows)

Depiction of Tract A:



PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	67.50	N74°39'23"E
L2	51.30	S15°24'00"E
L3	62.06	S00°10'26"W
L4	694.87	S89°29'56"W
L5	31.50	N00°19'28"W
L6	605.37	N89°29'56"E
L7	209.39	N24°47'23"E
L8	80.03	N13°12'43"W
L9	38.17	N13°00'32"W
L10	51.37	N15°24'00"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	41.52	525.00	4°31'52"	S13°08'04"E	41.51
C2	38.74	201.00	11°02'30"	S05°20'48"E	38.66
C3	223.01	518.00	24°37'09"	S12°29'01"W	221.29
C4	209.38	1751612.25	0°00'25"	S24°47'23"W	209.38
C5	127.43	331.00	22°03'32"	S13°45'36"W	126.65
C6	25.20	15.00	96°15'49"	S34°29'10"E	22.34
C7	42.60	29.72	82°06'33"	N48°56'27"E	39.04
C8	111.38	382.00	16°42'21"	N16°26'14"E	110.99
C9	208.91	468.00	25°34'33"	N12°00'19"E	207.18

Exhibit A