

RESOLUTION NO. 17
SERIES OF 2018

INTRODUCED BY: MIKE GALLAGHER
SECONDED BY: RANDY WEIL

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
ACCEPTING A BARGAIN AND SALE DEED FROM KENT DENVER SCHOOL
FOR RIGHT-OF-WAY PURPOSES**

WHEREAS, the City of Cherry Hills Village ("the City") has the general authority, in accordance with Section 1.3 of its Home Rule Charter and Section 31-15-101(1)(d), Colorado Revised Statutes, to acquire, hold and dispose of real property; and

WHEREAS, the City entered into a Development Agreement with Kent Denver School for their Upper School Building Project dated February 22, 2018 and recorded on February 23, 2018 at Reception No. D8017734 ("Development Agreement"); and

WHEREAS, in accordance with the Development Agreement, Kent Denver School agrees to dedicate and convey by bargain and sale deed to the City for right-of-way purposes a portion of land along the School's property frontage adjacent to E. Quincy Avenue ("Subject Property"); and

WHEREAS, Kent Denver School has dedicated and conveyed the Subject Property to the City through that certain Bargain and Sale Deed dated July 19, 2018 and recorded on July 24, 2018 at Reception No. D8072412, a copy of which is attached to this Resolution as Attachment A ("the Deed"); and

WHEREAS, the City Council desires to accept and approve the Deed.


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO THAT:

Section 1. The City Council hereby accepts and approves the Deed attached hereto as Attachment A from Kent Denver School.

Section 2. This Resolution shall be effective immediately.

Introduced, passed and adopted at the regular meeting of City Council this 7th day of August, 2018, by a vote of 6 yes and 0 no.

(SEAL)


Laura Christman, Mayor

ATTEST:

APPROVED AS TO FORM:


Laura Smith, City Clerk


Linda C. Michow, City Attorney

MINB3UZ

**ATTACHMENT A
BARGAIN AND SALE DEED FROM KENT DENVER SCHOOL
FOR RIGHT-OF-WAY PURPOSES**





Following recordation, return to:
Laura Smith, CMC
City Clerk
City of Cherry Hills Village
2450 E. Quincy Avenue
Cherry Hills Village, CO 80113

NO DOCUMENTARY FEE REQUIRED PER C.R.S. § 39-13-104(1)(a)

Bargain and Sale Deed

This Deed is made by and between **KENT DENVER SCHOOL**, a Colorado nonprofit corporation, whose legal address is 4000 East Quincy Avenue Cherry Hills Village, Colorado 80113 ("Grantor"), and the **CITY OF CHERRY HILLS VILLAGE**, a home rule municipality of the State of Colorado, whose street address is 2450 East Quincy Ave., Cherry Hills Village, Colorado 80113 (the "Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has sold and conveyed, and by these presents does sell and convey unto Grantee and Grantee's successors, and assigns, forever, all right, title, interest, claim and demand which Grantor has in and to the real property, together with improvements, if any situate, lying and being in the County of Arapahoe, State of Colorado, described as follows:

The property is described in **Exhibit A**, attached hereto and incorporated herein by reference

(the "Subject Property").

It is hereby agreed that the Subject Property is to be used by the Grantee for right-of-way purposes as described in that certain Development Agreement Kent Denver School Upper School Building Project dated February 22, 2018 and recorded on February 23, 2018 at Reception No. D8017734 ("Development Agreement").

TO HAVE AND TO HOLD the Subject Property, 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 Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee and Grantee's successors, and assigns forever, subject to the reversionary interest retained by Grantor set forth above.

IN WITNESS WHEREOF, Grantor has caused this Bargain and Sale Deed to be executed on the date set forth below.

Grantor:

KENT DENVER SCHOOL, a Colorado nonprofit corporation

By: *Jerry Walker*

Printed Name: Jerry Walker

Title/Position: Assoc. Head of School

STATE OF COLORADO)
) ss.
COUNTY OF Arapahoe)

Acknowledged before me this 19 day of July, 2018, by Jerry Walker, as Assoc. Head of School of Kent Denver School, a Colorado nonprofit corporation.

Sara Lawrence
Notary Public

My Commission Expires: 5/20/21

(SEAL)



EXHIBIT A
(Subject Property)

(ATTACHED – FOUR (4) PAGES)

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE NORTHWEST CORNER AND THE NORTH QUARTER CORNER OF SAID SECTION 7 BY A 3-1/4" ALUMINUM CAP STAMPED "LS27011" IN RANGE BOX, BEING ASSUMED TO BEAR NORTH 89°29'47" EAST, A DISTANCE OF 2493.70 FEET.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 7;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 7, SOUTH 00°07'40" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF EAST QUINCY AVENUE AND THE **POINT OF BEGINNING**.

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 89°29'47" EAST, A DISTANCE OF 494.00 FEET TO THE EASTERLY BOUNDARY OF THE KENT-DENVER COUNTRY DAY SCHOOL PROPERTY;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EASTERLY BOUNDARY, SOUTH 01°29'43" EAST, A DISTANCE OF 18.00 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY, ALONG A LINE 18.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTHERLY RIGHT-OF-WAY OF EAST QUINCY AVENUE, SOUTH 89°29'47" WEST, A DISTANCE OF 494.51 FEET TO SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 7;

THENCE DEPARTING SAID WEST LINE, CONTINUING ALONG A LINE 18.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTHERLY RIGHT-OF-WAY OF EAST QUINCY AVENUE, NORTH 89°31'49" WEST, A DISTANCE OF 599.92 FEET;

THENCE SOUTH 00°28'11" WEST, A DISTANCE OF 6.00 FEET;

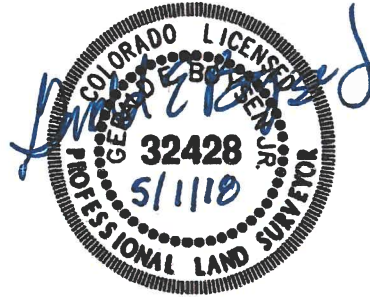
THENCE NORTH 89°31'49" WEST, ALONG A LINE 24.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTHERLY RIGHT-OF-WAY OF EAST QUINCY AVENUE, A DISTANCE OF 717.33 FEET TO THE WESTERLY BOUNDARY OF SAID KENT-DENVER COUNTRY DAY SCHOOL PROPERTY;

THENCE ALONG SAID WESTERLY BOUNDARY, NORTH 00°07'55" EAST, A DISTANCE OF 24.00 FEET TO SAID SOUTHERLY RIGHT-OF-WAY OF EAST QUINCY AVENUE;

THENCE DEPARTING SAID WESTERLY BOUNDARY, ALONG SAID SOUTHERLY RIGHT-OF-WAY OF EAST QUINCY AVENUE, SOUTH 89°31'49" EAST, A DISTANCE OF 1317.28 FEET TO THE POINT OF BEGINNING.

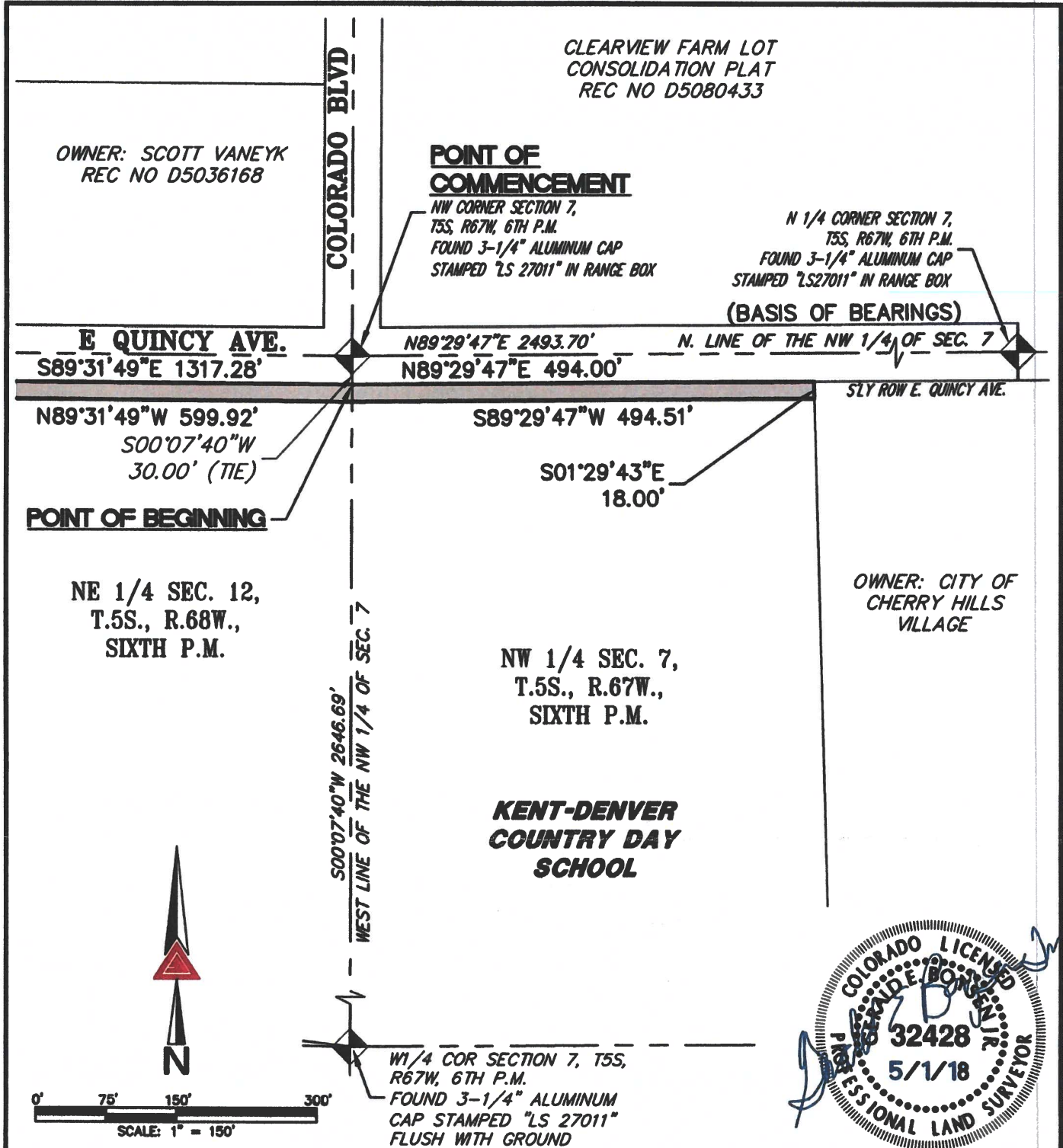
CONTAINING AN AREA OF 0.847 ACRES, (36,911 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



GERALD E. BOYSEN JR., PLS NO. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898

ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH:
DWG NAME: Cherry Hills Village Roundabout ROWING
DWG: CWB CHK: JRW
DATE: 4/30/18
SCALE: 1" = 150'

AZTEC
CONSULTANTS, INC.
300 East Mineral Ave,
Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898
Fax: (303)713-1897
www.aztecconsultants.com
Q:\48118-06 - Cherry Hills Village Roundabout\Draw\EXHIBITS

EXHIBIT A
NW 1/4 SEC. 7, T.5S., R.67W., SIXTH P.M.
COUNTY OF ARAPAHOE
JOB NUMBER 48118-06 3 OF 4 SHEETS

ILLUSTRATION TO EXHIBIT A

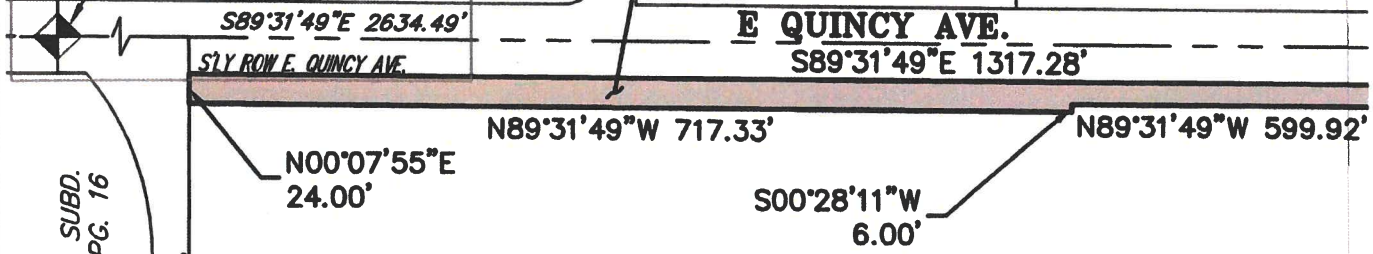
OWNER: MARTIN GREEK
& SHARI G. LEIGH
REC NO A9088047

OWNER: PETER & ISABEL
HOVERSTEN
REC NO A7114630

OWNER: SCOTT VANEYK
REC NO D5036168

N 1/4 CORNER SECTION 12,
T5S, R68W, 6TH P.M.
FOUND 2" ALUMINUM CAP STAMPED
"PLS 14112" IN RANGE BOX

PARCEL CONTAINS
36,911 (SQ.FT.)
0.847 ACRES
MORE OR LESS

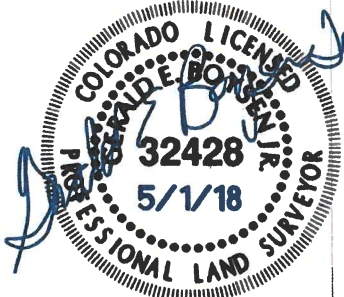
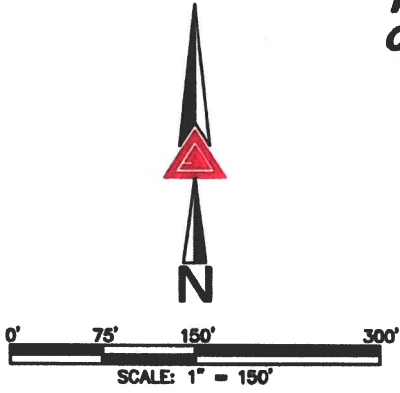


POLICHIO SUBD.
BK. 10, PG. 16

S. MONROE LN.

**KENT-DENVER
COUNTRY DAY
SCHOOL**

NE 1/4 SEC. 12,
T.5S., R.68W.,
SIXTH P.M.



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH:
DWG NAME: Cherry Hills Village Roundabout ROW.DWG
DWG: CWP CHK: JRW
DATE: 4/30/2018
SCALE: 1" = 150'

AZTEC
CONSULTANTS, INC.
300 East Mineral Ave,
Suite 1
Littleton, Colorado 80122
Phone: (303)715-1898
Fax: (303)715-1897
www.aztecconsultants.com
Q:\48118-06 - Cherry Hills Village Roundabout\Draw\EXHIBITS

EXHIBIT A
NE 1/4 SEC. 12, T.5S., R.68W., SIXTH P.M.
COUNTY OF ARAPAHOE
JOB NUMBER 48118-06 4 OF 4 SHEETS