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FILED
United States District Court
Denver, Colorado

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IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF COLORADO

THE UNITED STATES OF AMERICA,

Petitioner,

vs.

12 ACRES OF LAND, MORE OR LESS, SITUATE IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO; STATE OF COLORADO; STATE OF COLORADO and the INHERITANCE TAX COMMISSIONER thereof; CITY AND COUNTY OF DENVER, COLORADO, a municipal corporation; THE BOARD OF COUNTY COMMISSIONERS OF THE CITY AND COUNTY OF DENVER, COLORADO, a municipal corporation; MOFFAT TUNNEL IMPROVEMENT DISTRICT, a quasi-municipal corporation; REGENTS OF THE UNIVERSITY OF COLORADO, a body corporate; DENVER GOLF COURT, INC., a corporation; if in existence, but if defunct, the Board of Directors or Trustees of said corporations, or the Managers of their corporate affairs, by whatever name known, acting last before the time of dissolution, and the survivors of them; LEON BROOKS; SIDNEY BROOKS; DAVID SMITH; I. TOLTZ; and their successors, assigns, conservators, and spouses, if any there be; the above persons, if living or if deceased, their heirs at law, devisees, legatees, executors, and administrators, if any; all unknown parties who claim any interest in and to the subject matter of this action,

Respondents.

NO. 2397

AMENDMENT TO DECREE ON DECLARATION OF TAKING

This cause coming on to be heard on this 23rd day of August, A.D. 1948, the petitioner, the United States of America, appearing by Max M. Bulkeley, United States Attorney for the District of Colorado, upon the Petition in Condemnation and Amendment to the Declaration of Taking filed herein, and the Court being fully advised in the premises:

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That the Decree on Declaration of Taking entered herein

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548280

on April 9, 1948, be and hereby is amended by substituting for the land description contained in Schedule "A", attached to said decree, the land description contained in Schedule "A" attached hereto and made a part hereof by reference.

Done in open Court on the day and year first above written.

J. FOSTER SIMES
DISTRICT JUDGE.

By Deputy Clerk

CCC/dh

Condemnation
Suit No. [illegible]37

548280 16

SCHEDULE "A"

The lands to be taken are located in the City and County of Denver, State of Colorado, and boundary or perimeter description thereof is as follows:

Beginning at the point of intersection of the Westerly line of Clermont Street and the South line of the Northwest quarter of the Northeast quarter of the Southwest quarter (NW¼ NE¼ SW¼), Section 6, Township 4 South, Range 67 West, thence, North along the Westerly line of Clermont Street, a distance of 380.5 feet, more or less to a concrete monument; thence, North 08° 23' East, a distance of 315.5 feet, more or less, to a concrete monument located at the Northwesterly corner of the intersection of 11th Avenue and Clermont Street, thence, North along the Westerly line of Clermont Street, a distance of 168.42 feet, more or less, to a concrete monument located at the Southwesterly corner of the intersection of Clermont Street and Hale Parkway thence, following the Southerly line of Hale Parkway North [illegible]° 59' West a distance of [illegible] feet to a point of curve thence, continuing along the Southerly line of Hale Parkway, on an arc or curve to the right having a radius of 2318.92 feet, along chord course of North 78° 08' West and a chord distance of 230.6 feet, an arc distance of 230.69 feet, more or less, to a concrete monument located at the Southeasterly corner of the intersection of Hale Parkway and Bellaire Street thence, South, following the Easterly line of Bellaire Street, a distance of 304.36 feet to the North line of the Southwest quarter (SW¼) of Section 6, Township 4 South, Range 67 West, thence, South 89° 49' West, along the North line of the said Southwest Quarter (SW¼), a distance of [illegible].905 feet to a point, thence, South 00° 05' 30" East a distance of 661.425 feet to the South line of the North Half of the Northwest quarter of the Southwest quarter (N½ NW¼ SW¼) of Section 6, Township 4 South, Range 67 West, thence, South 89° 58' 30" East, following the South line of the said North Half of the Northwest quarter of the Southwest Quarter (N½ NW¼ SW¼) and the South line of the Northwest Quarter of the Northeast quarter of the Southwest quarter (NW¼ NE¼ SW¼) of Section 6, a distance of 602.495 feet to the point of beginning, containing approximately 12 acres.

The foregoing tract of land is composed of several parcels having various ownerships. The Parcels are designated according to separate titles or ownerships as follows:

PARCEL NO. 1

Lots 18 to 30 inclusive, in Block 12, Bellevue Park Addition to the City of Denver, and the fractional parts of Lots 16, 17, 31 and 32 in said Block 12 lying South of the Southerly line of Hale Parkway

PARCEL NO. 2

Lots 16 to 32 inclusive, in Block 13, Bellevue Park Addition to the City of Denver, and the fractional parts of Lots 14, 15, 33 and 34 in said Block 13 lying South of the Southerly line of Hale Parkway.

17 SCHEDULE "A"

548280

PARCEL NO. 7

Beginning at the point of intersection of the Westerly line of Clermont Street and the South line of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ NE¼ SW¼), Section 6, Township 4 South, Range 67 West; thence, North following the Westerly line of Clermont Street a distance of 639 feet, more or less, to the Southerly line of 11th Avenue, said Southerly line of 11th Avenue being also the North line of the Southwest Quarter (SW¼) of Section 6, Township 4 South, Range 67 West; thence, Westerly along the North line of the Southwest Quarter (SW¼) of Section 6, Township 4 South, Range 67 West a distance of 602 feet, more or less, to the point of intersection of the North line of the said Southwest Quarter (SW¼) with the Westerly line of Bellaire Street projected Southerly; thence, South 000 05' 00" East a distance of 331.425 feet to the South line of the North Half of the Northwest Quarter of the Southwest Quarter (N½ NW¼ SW¼) of Section 6, Township 4 South, Range 67 West; thence, South 89° 58' 00" West, following the South line of the said North Half of the Northwest Quarter of the Southwest Quarter (N½ NW¼ SW¼) and the South line of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ NE¼ SW¼) of Section 6, a distance of 300.425 feet to the point of beginning.

PARCEL NO. 4

All of Birch Street between the Southerly line of Hale Parkway and the Northerly line of 11th Avenue; all of 11th Avenue between the Westerly line of Bellaire Street and the Westerly line of Clermont Street; all of Clermont Street lying West of a line described as follows: Beginning at a concrete monument located at the Northwesterly corner of the intersection of Clermont Street and 11th Avenue, thence, South 000 [illegible] West a distance of 315.5 feet to a concrete monument on the Westerly line of Clermont Street.

NO. 636297 RECORDED 2.00 PM APR 11, 1949 MAE HYNES RECORDER

EASEMENT

THE ADMINISTRATOR OF VETERANS AFFAIRS, acting for and in behalf of the UNITED STATES OF AMERICA, hereinafter referred to as the Government, under and by virtue of the authority in him vested by the Act of Congress approved May 31, 1947, 61 Stat. 124, he having determined that it is advantageous to the Government, does hereby grant, sell and convey, without covenant or warranty of any kind, unto THE CITY AND COUNTY OF DENVER, COLORADO, its successors or assigns, hereinafter referred to as the Grantee, an easement to construct, operate and maintain a public highway over lands comprising a portion of the Veterans Administration Hospital Reservation, Denver, Colorado, more particularly described as follows:

Beginning at the intersection of the West line of Clermont Street and the South line of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ of NE¼ of SW¼) of Section 6, Township 4 South, Range 67 West of the Sixth Principal Meridian; thence Westerly on said South line 310.09 feet, more or less, to the West line of said NW¼ of NE¼ of SW¼ of said Section; thence Northerly on said West line thirty-one (31) feet; thence Easterly and parallel with the South line of said NW¼ of NE¼ of SW¼ to the West line of Clermont Street aforesaid; thence Southerly on the West line of said Clermont Street 31 feet, more or less, to the point of beginning.

THIS EASEMENT is granted subject to the following provisions and conditions:

1. That the Government reserves unto itself rights for all purposes across, over and/or under the right of way hereby granted, such rights, however, to be exercised in a manner that will not create undue interference with the use and enjoyment by the Grantee of said right of way for a public highway; provided that any construction by the Government in connection with the rights so reserved shall be at the expense of the Government.

2. That this grant may be terminated by the Government for breach of any of the conditions recited herein.

3. That any and all right, title and interest granted herein shall immediately revert to and revest in the United States upon the abandonment or non-use of the land by the Grantee for the purposes herein set forth.

4. This easement shall be subject to and shall be exercised so as not to prejudice an easement executed simultaneously herewith by the United States to the City and County of Denver, acting by, through and for the use of its Board of Water Commissioners, to lay, maintain, operate, repair, enlarge, renew and extend water pipes, meters, water valves, air valves, subsurface vaults and manholes, within the same area described herein, together with the right to enter upon the premises for inspection, installation, repair, renewal and operation of, in, through, over and across the said area.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Veterans Administration this 17th day of March, 1949.

City Atty's Office

CITY OF WASHINGTON
DISTRICT OF COLUMBIA

On this 17 day of March, 1949, before me a Notary Public in and for the District of Columbia, personally appeared Carl R. Gray, Jr., known to me to be the Administrator of Veterans Affairs, whose name is subscribed to the within instrument and acknowledged that he executed the same as a voluntary act and deed of the United States of America, the same being within the scope of his lawful authority.

Howard W. Wolman (SEAL)
Notary Public
District of Columbia

My Commission Expires:
1-31-51

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JAN 30 1962

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE CONSTITUTION OF THE STATE OF COLORADO, FOR AND IN CONSIDERATION OF ONE ($1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS, IN HAND PAID, DOES HEREBY GRANT AND CONVEY TO THE CITY AND COUNTY OF DENVER, A MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE CONSTITUTION OF THE STATE OF COLORADO, AN EASEMENT AND RIGHT-OF-WAY FOR A SEWER OVER, UPON, ACROSS, IN, THROUGH AND UNDER THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, TO-WIT:

#13

A STRIP OF LAND 10 FEET WIDE LYING 5 FEET ON EACH SIDE OF A CENTER LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 485 FEET EAST OF THE WEST LINE AND 39 FEET SOUTH OF THE NORTH LINE OF NW¼ OF THE SW¼ OF SECTION 6, T.4S., R.67W. OF THE 6TH P.M.;
THENCE SOUTHEASTERLY 137.83 FEET, MORE OR LESS, TO A POINT THAT IS 595.11 FEET EAST OF THE WEST LINE AND 121.90 FEET SOUTH OF THE NORTH LINE OF THE SAID NW¼;
THENCE SOUTHERLY ON A LINE PARALLEL WITH THE WEST LINE OF THE SAID NW¼ 162 FEET;
THENCE SOUTHEASTERLY 148.08 FEET, MORE OR LESS, TO A POINT THAT IS 694.36 FEET EAST OF WEST LINE AND 393.80 FEET SOUTH OF THE NORTH LINE OF THE SAID NW¼;
THENCE SOUTHERLY ON A LINE PARALLEL WITH THE WEST LINE OF THE SAID NW¼ 187 FEET, MORE OR LESS;
THENCE WESTERLY ON A LINE PARALLEL WITH THE NORTH LINE OF THE SAID NW¼ 173.15 FEET, MORE OR LESS;
THENCE SOUTHWESTERLY 50 FEET, MORE OR LESS, TO A POINT 615.80 FEET SOUTH OF THE NORTH LINE AND 485.50 FEET EAST OF THE WEST LINE OF THE SAID NW¼.

RESERVING, HOWEVER, TO THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO UTILIZE AND ENJOY THE ABOVE DESCRIBED PREMISES PROVIDING THE SAME SHALL NOT INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, REPAIRING, INSPECTION, AND OPERATION OF SAID SEWER, AND PROVIDING FURTHER THAT THE GRANTOR SHALL NOT ERECT OR PLACE ANY BUILDING OR TREE ON THE ABOVE DESCRIBED RIGHT-OF-WAY AND THE CITY SHALL NOT BE LIABLE FOR THEIR REMOVAL IF THEY ARE SO PLACED.

SIGNED AND DELIVERED THIS 22nd DAY OF January A.D. 1962.

THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE

ATTEST:

BY Quigg Newton
PRESIDENT

SECRETARY

STATE OF COLORADO
CITY AND } ss.
COUNTY OF DENVER

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 22nd DAY OF January A. D. 1962, BY Quigg Newton AS PRESIDENT AND BY Don Saunders AS SECRETARY OF THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE.

WITNESS MY HAND AND OFFICIAL SEAL.

Edward W. Pirk
NOTARY PUBLIC

MY COMMISSION EXPIRES:
My Commission Expires January 26, 1964

As to Form
City Atty's Office

APPROVED FOR RECORDING:
LAND OFFICE

RETURN TO
LAND OFFICE ROOM 481

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JAN 30 1962

DEED OF EASEMENT

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JAN 30 1962

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DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE CONSTITUTION OF THE STATE OF COLORADO, FOR AND IN CONSIDERATION OF ONE ($1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS, IN HAND PAID, DOES HEREBY GRANT AND CONVEY TO THE CITY AND COUNTY OF DENVER, A MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE CONSTITUTION OF THE STATE OF COLORADO, AN EASEMENT AND RIGHT-OF-WAY FOR A SEWER OVER, UPON, ACROSS, IN, THROUGH AND UNDER THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, TO-WIT:

#12

A STRIP OF LAND 10 FEET WIDE LYING 5 FEET ON EACH SIDE OF A CENTER LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 175 FEET EAST OF AND 36.75 FEET SOUTH OF THE NORTHWEST CORNER OF NW¼ OF THE SW¼, SECTION 6, T.4S., R.67W. OF THE 6TH P.M.;
THENCE SOUTHWESTERLY 280.75 FEET, MORE OR LESS, TO A POINT 310.82 FEET SOUTH OF THE NORTH LINE AND 114.08 FEET EAST OF THE WEST LINE OF THE SAID NW¼;
THENCE SOUTHERLY ON A LINE PARALLEL WITH THE SAID WEST LINE 275.70 FEET, MORE OR LESS;
THENCE SOUTHEASTERLY 35.81 FEET, MORE OR LESS, TO A POINT 616 FEET SOUTH OF THE NORTH LINE AND 134.40 FEET EAST OF THE WEST LINE OF THE SAID NW¼.

RESERVING, HOWEVER, TO THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO UTILIZE AND ENJOY THE ABOVE DESCRIBED PREMISES PROVIDING THE SAME SHALL NOT INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, REPAIRING, INSPECTION, AND OPERATION OF SAID SEWER, AND PROVIDING FURTHER THAT THE GRANTOR SHALL NOT ERECT OR PLACE ANY BUILDING OR TREE ON THE ABOVE DESCRIBED RIGHT-OF-WAY AND THE CITY SHALL NOT BE LIABLE FOR THEIR REMOVAL IF THEY ARE SO PLACED.

SIGNED AND DELIVERED THIS 22nd DAY OF January A.D. 1962.

THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE

ATTEST:

BY Quigg Newton
PRESIDENT

SECRETARY

STATE OF COLORADO)
CITY AND) ss.
COUNTY OF DENVER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 22nd DAY OF January A. D. 1962, BY Quigg Newton AS PRESIDENT AND BY Don Saunders AS SECRETARY OF THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE.

WITNESS MY HAND AND OFFICIAL SEAL.

Edward W. Pirk
NOTARY PUBLIC

MY COMMISSION EXPIRES:

My Commission Expires January 26, 1964

As to Form
City Atty's Office

APPROVED FOR RECORDING
LAND OFFICE

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JAN 30 1962

DEC. OF EASEMENT

RETURN TO
LAND OFFICE ROOM 481

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APR 30 1962

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE CONSTITUTION OF THE STATE OF COLORADO, FOR AND IN CONSIDERATION OF ONE ($1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS, IN HAND PAID, DOES HEREBY GRANT AND CONVEY TO THE CITY AND COUNTY OF DENVER, A MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE CONSTITUTION OF THE STATE OF COLORADO, AN EASEMENT AND RIGHT-OF-WAY FOR A SEWER OVER, UPON, ACROSS, IN, THROUGH AND UNDER THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, TO-WIT:

#80 A STRIP OF LAND 10 FEET WIDE LYING 5 FEET ON EACH SIDE OF A CENTER LINE AND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF 9TH AVENUE AND 470.04 FEET, MORE OR LESS, EAST OF THE EAST LINE OF COLORADO BOULEVARD; THENCE NORTHERLY ON A LINE PARALLEL WITH THE SAID EAST LINE 45 FEET, MORE OR LESS, TO THE SOUTH LINE OF AN EXISTING EASEMENT.

RESERVING, HOWEVER, TO THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO UTILIZE AND ENJOY THE ABOVE DESCRIBED PREMISES PROVIDING THE SAME SHALL NOT INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, REPAIRING, INSPECTION AND OPERATION OF SAID SEWER, AND PROVIDING FURTHER THAT THE GRANTOR SHALL NOT ERECT OR PLACE ANY BUILDING OR TREE ON THE ABOVE DESCRIBED RIGHT-OF-WAY AND THE CITY SHALL NOT BE LIABLE FOR THEIR REMOVAL IF THEY ARE SO PLACED.

SIGNED AND DELIVERED THIS 27 DAY OF April A.D. 1962.

THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE

APR 30-62 9,1 4 5 7 1 I FEEMIS 0.00

ATTEST:

BY Quigg Newton
PRESIDENT

Don Saunders
SECRETARY

STATE OF COLORADO
CITY AND
COUNTY OF DENVER

APR 30 3 10 PM '62
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ROBERT CLERK
CLERK AND COUNTY OF DENVER
FILED IN MY OFFICE

029765

As to Form
Hans W. Johnson
City Atty's Office

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 27th DAY OF April A. D. 1962, BY QUIGG NEWTON AS PRESIDENT AND BY DON SAUNDERS AS SECRETARY OF THE REGENTS OF THE UNIVERSITY OF COLORADO, A BODY CORPORATE.

WITNESS BY HAND AND OFFICIAL SEAL.

Neva A Schroeder
NOTARY PUBLIC

MY COMMISSION EXPIRES:

October 16-1963

NEVA A SCHROEDER NOTARY PUBLIC STATE OF COLORADO

APPROVED FOR RECORDING
LAND OFFICE