

A RESOLUTION  
OF THE CITY COUNCIL  
OF THE CITY OF CHERRY HILLS VILLAGE  
ACCEPTING A QUITCLAIM DEED FROM  
THE GILMAN FAMILY LIMITED PARTNERSHIP  
CONVEYING THE NORTH THIRTY FEET OF EAST QUINCY AVENUE  
ADJACENT TO PROPERTY LOCATED AT 4001 EAST QUINCY AVENUE

**WHEREAS**, pursuant to Section 1.3 of its Home Rule Charter and C.R.S. § 31-15-101(1)(d), the City of Cherry Hills Village ("Village") is authorized to acquire and dispose of real property; and

**WHEREAS**, the property owner, Gilman Family Limited Partnership ("Property Owner"), of certain real property located at 4001 E. Quincy Avenue ("Property") has submitted a lot consolidation plat application ("Lot Consolidation") to the City seeking to consolidate two adjacent metes and bounds parcels into one platted lot, comprising approximately 15 acres; and

**WHEREAS**, through this administrative lot consolidation process, the City and Property Owner have discovered that the north thirty feet (30') of E. Quincy Avenue adjacent to the Property ("ROW Parcel") was never conveyed or dedicated to the public for road purposes; and

**WHEREAS**, a condition of approval of the Lot Consolidation requires the Property Owner to convey the ROW Parcel to the City; and

**WHEREAS**, the Property Owner desires to comply with the condition of approval and has submitted a quitclaim deed attached to this Resolution as **Exhibit A** and incorporated herein by reference; and

**WHEREAS**, the City Council desires to accept the deed quitclaiming the ROW Parcel to the City.

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

**Section 1. Acceptance of Subject Property.** The City Council hereby accepts the a Quitclaim Deed from the Gilman Family Limited Partnership for the ROW Parcel, in substantially the same form as attached hereto, subject to final execution and approval by the City Attorney.

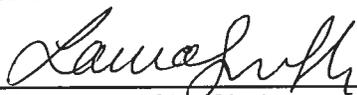
**Section 2. Execution of Documents.** The City staff is hereby directed to record the Quitclaim Deed and take other steps necessary to effect the conveyance.

**Section 3. Effective Date.** This Resolution shall be effective immediately.

Introduced, passed and adopted at the  
regular meeting of the City Council this 21st day  
of July, 2015, by a vote of 5 yes and 0 no.

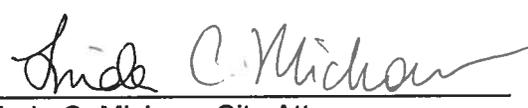
(SEAL)

ATTEST:

  
\_\_\_\_\_  
Laura Smith, City Clerk

  
\_\_\_\_\_  
Laura Christman, Mayor

Approved as to form:

  
\_\_\_\_\_  
Linda C. Michow, City Attorney



pm CITY OF CHERRY HILLS VILLAGE  
2450 E QUINCY AVE

CHERRY HILLS VILLAGE, CO 80113

Reception #: D5080429, 07/22/2015 at  
01:55:32 PM, 1 OF 7, QCD, Rec Fee \$41.00  
Arapahoe County CO Matt Crane, Clerk &  
Recorder

Following recordation, return to:  
Linda Michow, Cherry Hills Village City Attorney  
c/o Widner Michow & Cox LLP  
13133 E. Arapahoe Road, Suite 100  
Centennial, CO 80112

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

**Quitclaim Deed**

This Quitclaim Deed is made by and between THE GILMAN FAMILY LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP, whose legal address is 5082 East Hampden Avenue, #323, Denver, Colorado 80222, of the County of Arapahoe and State of Colorado, ("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 remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM 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").

**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.

**IN WITNESS WHEREOF**, Grantor has caused this Quitclaim Deed to be executed on the date set forth below.

Signed this 19<sup>th</sup> day of July, 2015.

THE GILMAN FAMILY LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP

STUART W. GILMAN, PARTNER

*[Handwritten signature of Stuart W. Gilman]*

ANNE G. PICKARD, PARTNER

STATE OF COLORADO )  
 ) ss.  
\_\_\_\_\_ County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by STUART W. GILMAN, PARTNER of THE GILMAN FAMILY LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP.

Witness my hand and official seal.  
My commission expires:

\_\_\_\_\_  
Notary Public

STATE OF COLORADO )  
City County of Denver ) ss.  
 )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of July, 2015, by ANNE G. PICKARD, PARTNER of THE GILMAN FAMILY LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP.

Witness my hand and official seal.  
My commission expires:

SHEILA M. GRISHAM  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19974002491  
MY COMMISSION EXPIRES FEBRUARY 11, 2017

*[Handwritten signature of Sheila M. Grisham]*  
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

**EXHIBIT A**  
(Subject Property)

A PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST ¼ SECTION 6, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SW CORNER OF SECTION 6, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 6, 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SECTION 6, 30.00 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 6, 656 FEET; THENCE SOUTH AT RIGHT ANGLES, 30.00 FEET TO THE SOUTH LINE OF SAID SECTION 6, THENCE WEST ON SAID SOUTH LINE, 656 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF ARAPAHOE,  
STATE OF COLORADO

EXCEPTING AND RESERVING UNTO GRANTOR, ALL OF GRANTORS' RIGHT, TITLE AND INTEREST IN AND TO (I) ANY AND ALL WATER, WATER RIGHTS, DITCHES, DITCH RIGHTS, RESERVOIRS, STORAGE RIGHTS, WELLS, WELL PERMITS, GROUND WATER RIGHTS, SPRINGS, SPRING RIGHTS, DITCH AND/OR RESERVOIR COMPANY STOCK, IRRIGATION DISTRICTS, CONTRACTS AND CONTRACT RIGHTS, PLANS FOR AUGMENTATION AND EXCHANGE, AND (II) ALL OTHER RIGHTS IN AND TO THE USE OF WATER, WHETHER LIKE OR UNLIKE THE FOREGOING, ADJUDICATED OR UNADJUDICATED, THAT ARE OR HAVE AT ANY TIME BEEN APPURTENANT TO OR USED ON OR IN CONNECTION WITH THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE WATER AND WATER RIGHTS DESCRIBED AS TEN (10) ACRE RIGHTS FROM THE HIGH LINE CANAL (ALSO KNOWN AS THE NORTHERN COLORADO IRRIGATION COMPANY DITCH), SHOWN AS ACCOUNT NO. 004090, OR, ALTERNATELY AS CONTRACT NO. 08310A, ON THE RECORDS OF THE DENVER WATER DEPARTMENT, DELIVERABLE AT HIGH LINE CANAL HEADGATE NO. 76+0000, OF WHICH FIVE (5) ACRE RIGHTS WERE ACQUIRED UNDER THE WATER RIGHT DEED RECORDED IN BOOK 401 AT PAGE 422 OF THE RECORDS OF ARAPAHOE COUNTY (COLLECTIVELY, THE "WATER RIGHTS"). THE WATER RIGHTS INCLUDE, WITHOUT LIMITATION, (I) ANY AND ALL TRIBUTARY, NONTRIBUTARY, AND NOT-NONTRIBUTARY GROUND WATER AND GROUND WATER RIGHTS IN ANY GEOLOGIC FORMATION UNDERLYING THE PROPERTY, WHETHER OR NOT APPROPRIATED OR ADJUDICATED; (II) ANY AND ALL RIGHTS, CLAIMS, AND ENTITLEMENTS ASSOCIATED WITH THE HISTORIC BENEFICIAL USE OF ANY OF THE WATER RIGHTS; (III) ANY AND ALL DITCHES, RESERVOIRS, EMBANKMENTS, FLUMES, HEADGATES, MEASURING DEVICES, WELLS, PUMPS, MOTORS, PIPELINES, AND OTHER STRUCTURES THAT ARE APPURTENANT TO THE WATER RIGHTS; (IV) ALL REAL ESTATE, EASEMENTS, RIGHTS OF WAY, LICENSES, PERMITS, AND CONTRACT RIGHTS THEREFOR OR PERTAINING THERETO; (V) ALL INTEREST IN REAL ESTATE, WATER RIGHTS, AND OTHER REAL AND PERSONAL PROPERTY IN WHICH GRANTOR HAS AN INTEREST BY VIRTUE OF ITS OWNERSHIP OF DITCH AND/OR RESERVOIR COMPANY STOCK; AND (VI) ANY AND ALL CONTRACTS, CONTRACT RIGHTS AND AGREEMENTS THAT PROVIDE FOR A SUPPLY OF WATER TO THE PROPERTY.

**AMENDMENT TO PARTNERSHIP AGREEMENT  
OF  
THE GILMAN FAMILY LIMITED PARTNERSHIP**

**THIS AMENDMENT** is made this 30th day of June, 2015, by and between STUART W. GILMAN, ANNE G. PICKARD, THE STUART WINGFIELD GILMAN TRUST 1988-1 and THE ANNE GILMAN PICKARD TRUST 1988-1 (hereinafter the "Partners"), being all of the General and Limited Partners of THE GILMAN FAMILY LIMITED PARTNERSHIP, a Colorado limited partnership, under agreement dated December 30, 1988 (hereinafter the "Partnership Agreement").

1. The first sentence of Section 9.4 of Article Nine is amended to read:

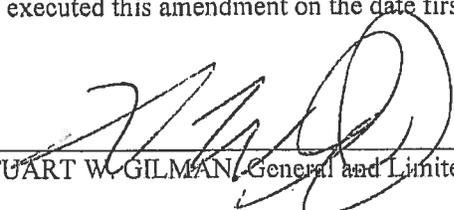
The following actions may be performed for the partnership by any one of the general partners of the partnership, acting unilaterally:

2. Paragraph (f) of Section 9.4 of Article Nine is amended to read:

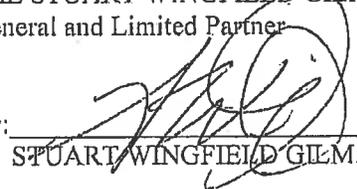
(f) The conveyance, transfer, assignment or delivery of life insurance contracts, real estate and other assets held by the partnership, and the purchase and sale of life insurance contracts, real estate and other assets for the partnership, including the execution of all documents which may be necessary or convenient thereto; and

3. In all other respects, the Partners confirm said Partnership Agreement, reserving to themselves the right further to amend or revoke the same and any and all amendments thereto.

IN WITNESS WHEREOF, the parties have executed this amendment on the date first written above.

  
\_\_\_\_\_  
STUART W. GILMAN, General and Limited Partner

THE STUART WINGFIELD GILMAN TRUST 1988-1,  
General and Limited Partner

By:   
\_\_\_\_\_  
STUART WINGFIELD GILMAN, Trustee

+

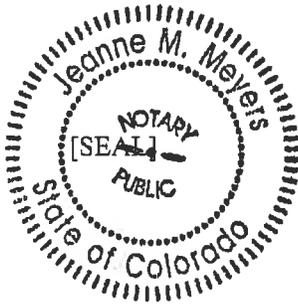


STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of June, 2015, by ANNE G. PICKARD, individually and as Trustee of THE ANNE GILMAN PICKARD TRUST 1988-1, General and Limited Partners.

WITNESS my hand and official seal.

My commission expires: 7/12/16



Jeanne M. Meyers  
Notary Public

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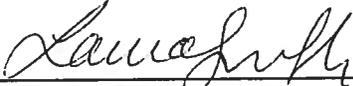
Introduced, passed and adopted at the regular meeting of the City Council this 21st day of July, 2015, by a vote of 5 yes and 0 no.

(SEAL)

  
Laura Christman, Mayor

ATTEST:

Approved as to form:

  
Laura Smith, City Clerk

  
Linda C. Michow, City Attorney

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