

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB18-1526

SERIES OF 2019

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance designating certain property as “park” under section 2.4.5 of the City Charter which is to be incorporated into and known as Westerly Creek Park.

WHEREAS, the following real property which is under the jurisdiction of the Denver Department of Parks and Recreation and which is to be incorporated into the existing Westerly Creek Park, upon this park designation, has been or will be used for park purposes within the City and County of Denver (“Park Property”):

Parcel 1

A part of Section 27, Township 3 South, Range 67 West of the 6TH Principal Meridian, City and County of Denver, State of Colorado, and more particularly described as follows:

Commencing at the center quarter corner of said Section 27; Thence N18°04’33”E, a distance of 522.82 feet to a point on the Westerly line of Tract D, future R.O.W. for Dayton St., Stapleton Filing No. 12, as recorded at Reception No. 2004207876 in the City and County of Denver Clerk and Records Office, the Point of Beginning; Thence along said Westerly line and the Southwesterly line of Tract N, future R.O.W. for 31st Ave., the following two (2) courses:

1) S0°00’00”E, a distance of 116.69 feet to a point of curvature;

2) 570.45 feet along the arc of a curve to the left, with a central angle of 39°05’45”, a radius of 836.00 feet, and whose chord bears S19°32’53”E, a distance of 559.44 feet;

Thence S50°01’19”W, non-tangent with the previous course, a distance of 41.50 feet; Thence N83°06’34”W, a distance of 115.66 feet; Thence N69°37’19”W, a distance of 189.46 feet to a point of curvature; Thence 261.30 feet along the arc of a curve to the left, with a central angle of 74°51’28”, a radius of 200.00 feet, and whose chord bears S72°56’57”W, a distance of 243.11 feet to a point of tangency; Thence S35°31’13”W, a distance of 13.44 feet; Thence N54°28’47”W, a distance of 5.11 feet to a point of curvature; Thence 26.58 feet along the arc of a curve to the left, with a central angle of 60°55’29”, a radius of 25.00 feet, and whose chord bears N84°56’31”W, a distance of 25.35 feet to a point of tangency; Thence S64°35’44”W, a distance of 18.66 feet to a point of curvature; Thence 28.59 feet along the arc of a curve to the left, with a central angle of 54°36’06”, a radius of 30.00 feet, and whose chord bears S37°17’41”W, a distance of 27.52 feet to a point of tangency; Thence S9°59’38”W, a distance of 85.06 feet to a point of curvature; Thence 48.41 feet along the arc of a curve to the left, with a central angle of 13°52’03”, a radius of 200.00 feet, and whose chord bears S3°03’37”W, a distance of 48.29 feet to a point of tangency; Thence S3°52’25”E, a distance of 6.43 feet to a point of curvature; Thence 392.75 feet along the arc of a curve to the left, with a central angle of 56°07’02”, a radius of 401.00 feet, and whose chord bears S31°55’56”E, a distance of 377.24 feet to a point on the Northerly line of Tract A, future R.O.W. for Martin Luther King Jr. Blvd., Stapleton Filing No. 11 as recorded at Reception No. 2004179882, in

1 said Clerk and Records Office; Thence N90°00'00"W, along said Northerly line, and the
2 Northerly line of Tract A, future R.O.W. for Martin Luther King Jr. Blvd., Stapleton Filing No. 9, as
3 recorded at Reception No. 2003259880, in said Clerk and Records Office, non-tangent with the
4 previous course, a distance of 731.46 feet; Thence 521.32 feet along the arc of a curve to the left,
5 non-tangent with the previous course, with a central angle of 9°15'18", a radius of 3227.39 feet,
6 and whose chord bears N14°18'02"E, a distance of 520.75 feet to a point of tangency; Thence
7 N9°34'42"E, a distance of 146.89 feet; Thence N21°46'15"E, a distance of 39.23 feet to a point of
8 curvature; Thence 77.90 feet along the arc of a curve to the right, with a central angle of 5°54'24",
9 a radius of 755.60 feet, and whose chord bears N24°43'27"E, a distance of 77.86 feet; Thence
10 N61°20'14"W, non-tangent with the previous course, a distance of 9.52 feet; Thence 236.49 feet
11 along the arc of a curve to the right, non-tangent with the previous course, with a central angle of
12 29°31'57", a radius of 458.81 feet, and whose chord bears N43°34'17"E, a distance of 233.88 feet
13 to a point of tangency; Thence N58°20'16"E, a distance of 28.05 feet to a point of curvature;
14 Thence 96.32 feet along the arc of a curve to the left, with a central angle of 22°58'35", a radius of
15 240.20 feet, and whose chord bears N46°50'59"E, a distance of 95.68 feet; Thence S56°39'55"E,
16 non-tangent with the previous course, a distance of 13.74 feet; Thence S81°17'16"E, a distance of
17 13.88 feet; Thence S5°45'42"W, a distance of 91.11 feet; Thence S87°26'53"E, a distance of
18 184.38 feet; Thence S39°34'03"W, a distance of 78.84 feet; Thence S26°04'50"E, a distance of
19 53.43 feet to a point of non-tangent curvature; Thence 237.62 feet along the arc of a curve to the
20 right, non-tangent with the previous course, with a central angle of 32°26'20", a radius of 419.70
21 feet, and whose chord bears N54°50'53"E, a distance of 234.46 feet to a point of reverse
22 curvature; Thence 163.79 feet along the arc of a curve to the left, with a central angle of 70°33'43",
23 a radius of 133.00 feet, and whose chord bears N35°47'11"E, a distance of 153.64 feet to a point
24 of reverse curvature; Thence 146.54 feet along the arc of a curve to the right, with a central angle
25 of 79°30'57", a radius of 105.59 feet, and whose chord bears N40°15'48"E, a distance of 135.06
26 feet to the Point of Beginning.

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28 Parcel 2

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30 A part of the Southwest quarter of Section 27 and a part of the Northwest quarter of Section 34,
31 Township 3 South, Range 67 West of the 6TH Principal Meridian, City and County of Denver, State
32 of Colorado, and more particularly described as follows:

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34 Commencing at the center quarter corner of said Section 27; Thence S3°39'19"W, a distance of
35 784.77 feet to the Northwest corner of Tract R, future R.O.W. for Clinton St., Stapleton Filing No.
36 11 as recorded at Reception No. 2004179882 in the City and County of Denver Clerk and
37 Records Office, and the Point of Beginning; Thence along the Westerly line of said Tract R the
38 following five (5) courses:

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- 40 1) S0°00'00"E, a distance of 188.55 feet to a point of curvature;
- 41 2) 276.01 feet along the arc of a curve to the right, with a central angle of 36°01'25", a radius
42 of 439.00 feet, and whose chord bears S18°00'42"W, a distance of 271.49 feet to a point of
43 tangency;
- 44 3) S36°01'25"W, a distance of 736.51 feet to a point of curvature;
- 45 4) 651.36 feet along the arc of a curve to the left, with a central angle of 36°01'25", a radius of
46 1036.00 feet, and whose chord bears S18°00'42"W, a distance of 640.69 feet to a point of
47 tangency;

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49 5) S0°00'00"E, a distance of 171.80 feet to the Southwest corner of said Tract R;
Thence along the Northerly line of Tract Q, future R.O.W. for 26th Ave., said Stapleton Filing 11 the
following eight (8) courses:

1) S89°36'19"W, a distance of 164.25 feet;
 2) S85°59'20"W, a distance of 23.45 feet;
 3) N48°54'07"W, a distance of 29.87 feet;
 4) S83°34'28"W, a distance of 339.33 feet;
 5) S40°07'20"W, a distance of 32.21 feet;
 6) S83°34'28"W, a distance of 35.64 feet to a point of curvature;
 7) 129.81 feet along the arc of a curve to the right, with a central angle of 6°25'32", a radius of 1157.50 feet, and whose chord bears N86°47'14"E, a distance of 129.74 feet to a point of tangency;
 8) N90°00'00"W, a distance of 35.00 feet to the Northwest corner of said Tract Q;
 Thence along the Easterly line of Beeler St. as dedicated by Ordinance 34 Series of 2005, Stapleton Filing No. 5 as recorded at Reception No. 2003013190 in said Clerk and Records Office, the following four (4) courses:
 1) N0°00'00"W, a distance of 276.97 feet to a point of curvature;
 2) 930.74 feet along the arc of a curve to the right, with a central angle of 33°58'00", a radius of 1570.00 feet, and whose chord bears N16°58'59"E, a distance of 917.17 feet to a point of tangency;
 3) N33°57'59"E, a distance of 167.53 feet to a point of curvature;
 4) 229.96 feet along the arc of a curve to the left, with a central angle of 10°42'44", a radius of 1230.00 feet, and whose chord bears N28°36'37"E, a distance of 229.63 feet to a point of compound curvature and the Northeasterly corner of said Stapleton Filing No. 5;
 Thence along the Easterly line of Tract T, future R.O.W. for Beeler St. Stapleton Filing No. 9 as recorded at Reception No. 2003259880 in the said Records Office, the following three (3) courses:
 1) 358.47 feet along the arc of a curve to the left, with a central angle of 16°41'53", a radius of 1230.00 feet, and whose chord bears N14°54'19"E, a distance of 357.20 feet to a point of compound curvature;
 2) 14.88 feet along the arc of a curve to the left, with a central angle of 6°33'22", a radius of 130.00 feet, and whose chord bears N3°16'41"E, a distance of 14.87 feet to a point of tangency;
 3) N0°00'00"W, a distance of 25.80 feet to a point on the Southerly line of Tract A, future R.O.W. for Martin Luther King Jr. Blvd. of said Stapleton Filing No. 9;
 Thence along said Southerly line and the Southerly line of Tract A, future R.O.W. for Martin Luther King Jr. Blvd., of said Stapleton Filing No. 11, the following five (5) courses:
 1) S90°00'00"E, a distance of 263.82 feet;
 2) S45°00'00"E, a distance of 12.26 feet;
 3) S90°00'00"E, a distance of 375.49 feet;
 4) N45°00'00"E, a distance of 12.26 feet;
 5) S90°00'00"E, a distance of 262.44 feet to the Point of Beginning.

Parcel 3

A part of the Northwest quarter of Section 34, Township 3 South, Range 67 West of the 6TH Principal Meridian, City and County of Denver, State of Colorado, and more particularly described as follows:

Commencing at the center quarter corner of section 27, of said Township 3 South, Range 67 West; Thence S25°38'05"W, a distance of 3021.31 feet to a point on the Southerly line of Tract Q, future R.O.W. for 26th Ave., Stapleton Filing No. 11 as recorded at Reception No. 2004179882 in the City

and County of Denver Clerk and Records Office, the point of intersection with the North – South centerline of said Northwest quarter and the Point of Beginning; Thence S0°21'06"E, along said centerline, and the county line between the City and County of Denver and the City of Aurora, County of Adams, a distance of 1258.88 feet to the Northwest sixteenth corner of said Northwest quarter; Thence S0°21'06"E, continuing along said centerline and said county line, a distance of 1288.40 feet to a point on the North R.O.W. line of Montview Blvd.; Thence S89°39'02"W, along said North line, parallel with and 40.00 feet North of the South line of said Northwest quarter, a distance of 241.82 feet to the East line of Stapleton Filing No. 6 as recorded at Reception No. 2003140933 in said Clerk and Records Office; Thence along the East line of said Stapleton Filing No. 6 the following two (2) courses:

1) N0°00'00"W, a distance of 1274.73 feet to a point on line;

2) N0°00'00"W, a distance of 1260.23 feet to the Southwesterly corner of said Tract Q;

Thence along said Southerly line of Tract Q, the following three (3) courses:

1) S90°00'00"E, a distance of 35.00 feet to a point of curvature;

2) 138.11 feet along the arc of a curve to the left, with a central angle of 6°25'32", a radius of 1231.50 feet, and whose chord bears N86°47'14"E, a distance of 138.03 feet to a point of tangency;

3) N83°34'28"E, a distance of 53.70 feet to the Point of Beginning.

Parcel 4

Part of Block 12, New England Heights as recorded in Book 3 at Page 3 in the Adams County Clerk and Records Office, and part of vacated Boston Street, vacated Chester Street, and vacated 26th Avenue, as described in book 1127 at Page 30 in said Clerk and Records Office; and located in the Northwest quarter of Section 34, Township 3 South, Range 67 West of the 6TH Principal Meridian, City of Aurora, County of Adams, State of Colorado, and more particularly described as follows:

Commencing at the center quarter corner of Section 27, of said Township 3 South, Range 67 West; Thence S25°38'05"W, a distance of 3021.31 feet to a point on the Southerly line of Tract Q, future R.O.W. for 26th Ave., Stapleton Filing No. 11 as recorded at Reception No. 2004179882 in the City and County of Denver Clerk and Records Office, the point of intersection with the North – South centerline of said Northwest quarter of Section 34, and the Point of Beginning; Thence N83°34'28"E, a distance of 114.74 feet; Thence S6°25'32"E, a distance of 1.17 feet; Thence N83°34'28"E, a distance of 123.12 feet to the centerline of Westerly Creek; Thence along said centerline, the following three (3) courses:

1) S3°07'11"E, a distance of 22.08 feet to a point of curvature;

2) 145.43 feet along the arc of a curve to the left, with a central angle of 41°39'49", a radius of 200.00 feet, and whose chord bears S23°57'05"E, a distance of 142.25 feet to a point of tangency;

3) S44°47'00"E, a distance of 23.20 feet;

Thence S16°31'54"W, a distance of 15.13 feet to a point on the Easterly line of said Block 12, 8.00 feet Southerly of the Northeast corner of Lot 41, said Block 12; Thence S89°37'43"W, parallel with and 8.00 feet Southerly of the Northerly line of said Lot 41 and Lot 8, said Block 12, a distance of 269.75 feet to a point on the Westerly line of said Block 12, 8.00 feet Southerly of the Northwest corner of said Lot 8; Thence S89°38'54"W, perpendicular to said Westerly line of Block 12, a distance of 36.77 feet to a point on the centerline of said Northwest quarter; Thence N0°21'06"W, along said centerline, and the county line between the City and County of Denver and the City of Aurora, County of Adams, a distance of 159.54 feet to the Point of Beginning.

Parcel 5

A parcel of land being a part of the Northwest quarter and the Southwest quarter of Section 27, Township 3 South, Range 67 West of the 6TH Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the center quarter corner of said Section 27, being monumented with a 3 ¼" aluminum cap stamped "PLS 20683", whence the North quarter corner of said Section 27, being monumented with a 3 ¼" aluminum cap stamped "PLS 11434" bears N0°23'53"W, a distance of 2648.11 feet; Thence N67°13'17"W, a distance of 796.34 feet to the Southeast corner of a parcel of land recorded under Reception No. 2006126095 in the City and County of Denver Clerk and Recorders Office and the Point of Beginning; Thence S89°59'55"E, a distance of 314.60 feet; Thence along the Westerly line of a parcel of land recorded at Reception No. 2007105367 of said Clerks Office the following 8 courses:

- 1) Along a non-tangent curve to the right with a radius of 240.20 feet, a central angle of 8°57'26", an arc length of 37.55 feet, whose chord bears S53°51'33"W, a distance of 37.51 feet;
- 2) S58°20'16"W, a distance of 28.05 feet;
- 3) Along a curve to the left with a radius of 458.81 feet, a central angle of 29°31'57", an arc length of 236.49 feet, whose chord bears S43°34'17"W, a distance of 233.88 feet;
- 4) S61°20'14"E, a distance of 9.52 feet;
- 5) Along a non-tangent curve to the left with a radius of 755.60 feet, a central angle of 5°54'24", an arc length of 77.90 feet, whose chord bears S24°43'27"W, a distance of 77.86 feet;
- 6) S21°46'15"W, a distance of 39.23 feet;
- 7) S9°34'42"W, a distance of 146.89 feet;
- 8) Along a curve to the right with a radius of 3227.39 feet, a central angle of 9°15'18", an arc length of 521.32 feet, whose chord bears S14°18'02"W, a distance of 520.75 feet;

Thence departing said Westerly line, N90°00'00"W, a distance of 128.58 feet to a point on the Easterly line of a parcel of land recorded under Reception No. 2009054952; Thence along said Easterly line N12°52'40"E, a distance of 992.45 feet to the Point of Beginning.

WHEREAS, the Parks and Recreation Advisory Board and the Executive Director of Parks and Recreation have recommended that said Park Property be formally designated as a "park" under section 2.4.5 of the City Charter.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the Park Property, legally described above, is hereby designated as a "park" under section 2.4.5 of the City Charter, is hereby incorporated into the existing Westerly Creek Park and shall henceforth be regarded as being a designated park in the City and County of Denver, such designation being subject to any existing utilities lawfully located in the Park Property as of the date of this park designation.

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1 COMMITTEE APPROVAL DATE: December 25, 2018 by Consent
2 MAYOR-COUNCIL DATE: January 1, 2019 by Consent
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
10 PREPARED BY: Jason D. Moore, Assistant City Attorney DATE: January 3, 2019
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15
16 Kristin M. Bronson, Denver City Attorney
17 BY: _____, Assistant City Attorney DATE: _____