

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2020

COUNCIL BILL NO. 20-0176
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance designating certain properties as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple, easement and other interests, including any rights and interests related or appurtenant to properties designated as needed for the traffic and pedestrian safety improvement project at various intersections along Monaco Parkway at Virginia, Cedar and 14th Avenue.

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

Section 1. That the Council hereby designates the following properties situated in the City and County of Denver and State of Colorado as being needed for public uses and purposes by the City and County of Denver, a municipal corporation of the State of Colorado:

Permanent Easement No. PE-1: A parcel of land being a portion of a parcel of land described at Reception Number 2006076424, recorded on May 15, 2006 in the City and County of Denver Clerk & Recorder’s Office, lying in the Northeast Quarter of Section 17, Township 4 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, Colorado, being more particularly described as follows:

COMMENCING at the Center-North Sixteenth Corner of said Section 17 (a found axle in range box);

WHENCE the Center Quarter Corner of said Section 17 (a found 3.25” illegible aluminum cap in range box) bears S00°02’34”E (Basis of Bearing-Assumed) a distance of 1323.75 feet;

THENCE N59°00’53”E a distance of 58.32 feet to the intersection of the easterly Right of Way line of Monaco Parkway and the northerly Right of Way line of Virginia Avenue and the POINT OF BEGINNING;

THENCE N00°00’15”W, coincident with said easterly Right of Way line, a distance of 18.61 feet;

THENCE S45°01’40”E a distance of 26.32 feet to said northerly Right of Way line;

1 THENCE S89°58'19"W, coincident with said northerly Right of Way line, a distance of 18.62 feet to
2 the POINT OF BEGINNING;

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4 The above-described parcel contains 173 square feet (0.004 acres), more or less.

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6 Permanent Easement No. PE-2: A parcel of land being a portion of a parcel of land described
7 at Reception Number 2015006268, recorded on January 20, 2015 in the City and County of Denver
8 Clerk & Recorder's Office, lying in the Northwest Quarter of Section 17, Township 4 South, Range
9 67 West of the 6th Principal Meridian, City and County of Denver, Colorado, being more particularly
10 described as follows:

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12 COMMENCING at the Center-North Sixteenth Corner of said Section 17 (a found axle in range
13 box);
14 WHENCE the Center Quarter Corner of said Section 17 (a found 3.25" illegible aluminum cap in
15 range box) bears S00°02'34"E (Basis of Bearing-Assumed) a distance of 1323.75 feet;
16 THENCE N45°02'55"W a distance of 42.39 feet to the intersection of the westerly Right of Way line
17 of Monaco Parkway and the northerly Right of Way line of Virginia Avenue and the POINT OF
18 BEGINNING;

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20 THENCE S89°54'25"W, coincident with said northerly Right of Way line, a distance of
21 12.48 feet;
22 THENCE N45°09'39"E a distance of 17.60 feet to said westerly Right of Way line;
23 THENCE S00°00'15"E, coincident with said westerly Right of Way line, a distance of
24 12.39 feet to the POINT OF BEGINNING;

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26 The above described parcel contains 77 square feet (0.002 acres), more or less.

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28 Permanent Easement No. PE-3: A parcel of land being a portion of a parcel of land
29 described at Reception Number 2015167634, recorded on December 3, 2015 in the City and
30 County of Denver Clerk & Recorder's Office, lying in the Northeast Quarter of Section 17,
31 Township 4 South, Range 67 West of the 6th Principal Meridian, City and County of Denver,
32 Colorado, being more particularly described as follows:

1 COMMENCING at the Center-North Sixteenth Corner of said Section 17 (a found axle in range box);
2 WHENCE the Center Quarter Corner of said Section 17 (a found 3.25" illegible aluminum cap in
3 range box) bears S00°02'34"E (Basis of Bearing-Assumed) a distance of 1323.75 feet;
4 THENCE S59°04'17"E a distance of 58.32 feet to the intersection of the easterly Right of Way line
5 of Monaco Parkway and the southerly Right of Way line of Virginia Avenue and the POINT OF
6 BEGINNING;

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8 THENCE N89°58'19"E, coincident with said southerly Right of Way line, a distance of
9 12.18 feet;
10 THENCE S44°45'10"W a distance of 17.28 feet to said easterly Right of Way line;
11 THENCE N00°02'34"W, coincident with said easterly Right of Way line, a distance of
12 12.27 feet to the POINT OF BEGINNING;

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14 The above described parcel contains 75 square feet (0.002 acres), more or less.

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16 Permanent Easement No. PE-4: A parcel of land being a portion of a parcel of land
17 described at Reception Number 2014133589, recorded on November 3, 2014 in the City and
18 County of Denver Clerk & Recorder's Office, lying in the Northeast Quarter of Section 5, Township
19 4 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, Colorado, being
20 more particularly described as follows:

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22 COMMENCING at a City and County of Denver Range Point located at the intersection of Magnolia
23 Street and 14th Avenue (a found 2" iron rod in range box);
24 WHENCE a City and County of Denver Range Point located at the intersection of Monaco Parkway
25 and 14th Avenue (a found 60D nail in southbound Monaco Parkway) bears S89°57'25"W (Basis of
26 Bearing-Assumed) a distance of 320.25 feet;
27 THENCE S75°03'09"W a distance of 155.52 feet to the intersection of the easterly Right of Way line
28 of Monaco Parkway and the southerly Right of Way line of 14th Avenue and the POINT OF
29 BEGINNING;

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31 THENCE N89°57'25"E, coincident with said southerly Right of Way line, a distance of
32 4.50 feet;
33 THENCE S27°53'20"W a distance of 9.62 feet to said easterly Right of Way line; THENCE

1 N00°00'05"E, coincident with said easterly Right of Way line, a distance of
2 8.50 feet to the POINT OF BEGINNING;

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4 The above described parcel contains 19 square feet, more or less.

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6 Temporary Easement No. TE-1: A parcel of land being a portion of a parcel of land described at
7 Reception Number 2014074764, recorded on June 26, 2014 in the City and County of Denver
8 Clerk & Recorder's Office, lying in the Southeast Quarter of Section 8, Township 4 South, Range
9 67 West of the 6th Principal Meridian, City and County of Denver, Colorado, being more
10 particularly described as follows:

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12 COMMENCING at the South Quarter Corner of said Section 8 (a found illegible 3.25" aluminum
13 cap in range box);

14 WHENCE the Center-North Sixteenth Corner of said Section 17 (a found axle in range box) bears
15 S00°00'15"E (Basis of Bearing-Assumed) a distance of 1324.13 feet;

16 THENCE N07°10'00"E a distance of 740.02 feet to the easterly Right of Way line of Monaco
17 Parkway and the POINT OF BEGINNING;

18
19 THENCE N00°10'53"E, coincident with said easterly Right of Way line, a distance of
20 38.27 feet;

21 THENCE S32°57'50"E a distance of 10.61 feet;

22 THENCE S57°41'20"W a distance of 1.54 feet;

23 THENCE S41°54'20"E a distance of 25.41 feet;

24 THENCE N29°40'20"E a distance of 10.48 feet;

25 THENCE S60°19'40"E a distance of 26.23 feet;

26 THENCE S29°40'20"W a distance of 13.33 feet;

27 THENCE N60°19'40"W a distance of 3.68 feet;

28 THENCE S29°35'00"W a distance of 9.78 feet;

29 THENCE N64°43'23"W a distance of 22.53 feet;

30 THENCE N78°48'19"W a distance of 14.84 feet to the POINT OF BEGINNING;

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32 The above described parcel contains 1070 square feet (0.025 acres), more or less.

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Section 2. That the Council hereby finds and determines that these properties are needed and required for the following public uses and public purposes: as part of a project that includes the installation of traffic lights and ADA curb ramps, sidewalks, appurtenant improvements and construction thereof at various intersections along Monaco Parkway (the “Project”).

Section 3. That Council authorizes the Mayor, including his duly authorized representatives, in accordance with applicable federal, state, and City laws and rules and regulations adopted pursuant thereto, to acquire the needed property interests, including, but not limited to, fee title, permanent easements, temporary easements, fixtures, licenses, permits, improvements (including without limitation, general outdoor advertising devices, buildings, and access points) and any other rights, interests, and appurtenances thereto. Such authority includes the taking of all actions necessary to do so without further action by City Council, including but not limited to: conducting negotiations, executing all related agreements, making all necessary payments, taking any and all actions required by law before instituting condemnation proceedings, allowing the temporary use of City-owned land and conveying all or a portion of any City-owned land, including remnants, by quitclaim deed, permanent or temporary easements, leases, licenses and permits.

Section 4. That if the interested parties do not agree upon the compensation to be paid for needed property interests, the owner or owners thereof are incapable of consenting, the name or residence of any owner thereof is unknown, or any of the owners thereof are non-residents of the State, then the City Attorney of the City and County of Denver, upon the Mayor’s direction, is authorized and empowered to exercise the City and County of Denver’s eminent domain powers by instituting and, as necessary, prosecuting to conclusion condemnation proceedings under Article 1, Title 38, Colorado Revised Statutes, to acquire needed property interests upon, through, over, under and along the above-described property as necessary for the purposes set forth in Section 2 above.

Section 5. That the Council hereby finds and determines that the Denver Department of Transportation and Infrastructure or federal and state agencies may find the need to alter the nature of the property interests or the legal descriptions of certain easement areas or property referred to in this Ordinance and may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor, including his duly authorized representatives, in accordance with applicable federal, state, and City laws and rules and regulations adopted pursuant thereto, to acquire those easements and properties as the property interests and legal descriptions are altered in accordance with the means authorized in this Ordinance.

1 **Section 6.** That the Council hereby finds and determines that to improve the safety and
2 operation of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary to
3 rebuild, modify, remove, and relocate existing access points to streets located in the vicinity of the
4 Project.

5 **Section 7.** That the Council authorizes the City to use the power of eminent domain to act
6 as the local authority to install traffic lights and ADA curb ramps, sidewalks and appurtenances at
7 various intersections along Monaco Parkway.

8 **Section 8.** That the City Council hereby finds and determines that the Project is necessary
9 for the health, safety, and welfare of the public.

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11 COMMITTEE APPROVAL DATE: February 25, 2020

12 MAYOR-COUNCIL DATE: March 3, 2020

13 PASSED BY THE COUNCIL: _____ March 23, 2020

14 _____ - PRESIDENT

15 APPROVED: _____ - MAYOR _____ Mar 26, 2020

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

20 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: March 12, 2020

21 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
22 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
24 § 3.2.6 of the Charter.

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26 Kristin M. Bronson, Denver City Attorney

27 BY: _____, Assistant City Attorney

DATE: _____ Mar 12, 2020

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