

BY AUTHORITY

ORDINANCE NO. 23-1717

COUNCIL BILL NO. CB 23-1717

SERIES OF 2023

COMMITTEE OF REFERENCE:

Finance & Governance

A BILL

For an ordinance designating certain properties as being acquired 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 as needed for the installment of a sidewalk at approximately Sheridan Boulevard and Colfax Avenue, in Council District 3.

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

Section 1.

That the Council hereby designates the following property 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:

A parcel of land being a portion of Lots 7 and 8, Block 1, Brinkhaus Sloan Lake addition per the plat thereof recorded April 4th, 1888 in Book 5, Page 26, in the City and County of Denver Clerk and Recorder's office, and being situated in the southwest quarter of the southwest quarter (Southwest 1/4 of Southwest 1/4) of Section 31, Township 3 south, Range 68 west of the sixth principal meridian, City and County of Denver, State of Colorado, and being more particularly described as follows:

Commencing at the southwest corner of said Section 31, monumented with a 3 1/4" aluminum cap (Is# 13485);

WHENCE the south sixteenth corner of said Section 31, monumented with a 1 1/2" aluminum cap (illegible) bears North 0°22'23" West (basis of bearings - assumed) a distance of 1320.05 feet;

THENCE North 0°22'23" West along the west line of said southwest quarter of the southwest quarter (SW 1/4 of SW 1/4) of section 31, a distance of 399.98 feet;

THENCE North 89°47'23" East departing said west line a distance of 30.00 feet to the northwest corner of said lot 7, said point being the true point of beginning;

THENCE North 89°47'23" East along the north line of said lot 7 a distance of 13.00 feet;

THENCE South 0°22'23" East departing said north line a distance of 50.04 feet to a point on the south line of said lot 8;

THENCE South 89°47'23" West along said south line a distance of 13.00 feet to the southwest corner of said lot 8;

THENCE North 0°22'23" West along the west line of said lots 8 and 7 a distance of 50.04 feet to the true point of beginning.

Said parcel containing 651 square feet (0.015 acres), more or less.

A parcel of land being a portion of Lots 7 and 8, Block 1, Brinkhaus Sloan Lake addition per the plat thereof recorded April 4th, 1888 in Book 5, Page 26, in the City and County of Denver Clerk

1 and Recorder's office, and being situated in the southwest quarter of the southwest quarter (SW
2 1/4 of SW 1/4) of Section 31, Township 3 south, Range 68 west of the sixth principal meridian, City
3 and County of Denver, State of Colorado, and being more particularly described as follows:

4 Commencing at the southwest corner of said Section 31, monumented with a 3 1/4"
5 aluminum cap (Is# 13485);

6 WHENCE the south sixteenth corner of said Section 31, monumented with a 1 1/2" aluminum
7 cap (illegible) bears North 0°22'23" West (basis of bearings - assumed) a distance of 1320.05 feet;

8 THENCE North 0°22'23" West along the west line of said southwest quarter of the southwest
9 quarter (SW 1/4 OF SW 1/4) of Section 31 a distance of 399.98 feet;

10 THENCE North 89°47'23" East departing said west line a distance of 43.00 feet to a point on
11 the north line of said lot 7, said point being the true point of beginning;

12 THENCE North 89°47'23" East continuing along said north line of lot 7 a distance of 2.00
13 feet;

14 THENCE South 0°22'23" East departing said north line a distance of 50.04 feet to a point on
15 the south line of said lot 8;

16 THENCE South 89°47'23" West along said south line a distance of 2.00 feet;

17 THENCE North 0°22'23" West departing said south line a distance of 50.04 feet the true
18 point of beginning.

19 Said parcel containing 100 square feet (0.002 acres), more or less.
20

21 A parcel of land being a portion of Lot 6, Block 1, Brinkhaus Sloan Lake addition per the plat
22 thereof recorded April 4th, 1888 in Book 5, Page 26, in the City and County of Denver Clerk and
23 Recorder's office, and being situated in the southwest quarter of the southwest quarter (SW 1/4 of
24 SW 1/4) of Section 31, Township 3 south, Range 68 west of the sixth principal meridian, City and
25 County of Denver, State of Colorado, and being more particularly described as follows:

26 Commencing at the southwest corner of said Section 31, monumented with a 3 1/4"
27 aluminum cap (Is# 13485);

28 WHENCE the south sixteenth corner of said Section 31, monumented with a 1 1/2" aluminum
29 cap (illegible) bears North 0°22'23" West (basis of bearings - assumed) a distance of 1320.05 feet;

30 THENCE North 0°22'23" West along the west line of said southwest quarter of the southwest
31 quarter (SW 1/4 OF SW 1/4) of Section 31 a distance of 399.98 feet;

32 THENCE North 89°47'23" East departing said west line a distance of 42.50 feet to a point on
33 the south line of said lot 6, said point being the true point of beginning;

34 THENCE North 0°22'23" West departing said south line of lot 6 a distance of 4.00 feet;

35 THENCE North 89°47'23" East a distance of 2.50 feet;

36 THENCE South 00°22'23" East a distance of 4.00 feet to a point on said south line of lot 6;

37 THENCE South 89°47'23" West along said south line of lot 6 a distance of 2.50 feet to the
38 true point of beginning.

39 Said parcel containing 10 square feet, more or less.
40

41 A parcel of land being a portion of Lot 9, Block 1, Brinkhaus Sloan Lake addition per the plat
42 thereof recorded April 4th, 1888 in Book 5, Page 26, in the City and County of Denver Clerk and
43 Recorder's office, and being situated in the southwest quarter of the southwest quarter (SW 1/4 of
44 SW 1/4) of Section 31, Township 3 south, Range 68 west of the sixth principal meridian, City and
45 County of Denver, State of Colorado, and being more particularly described as follows:

46 Commencing at the southwest corner of said Section 31, monumented with a 3 1/4"
47 aluminum cap (Is# 13485);

48 WHENCE the south sixteenth corner of said Section 31, monumented with a 1 1/2" aluminum
49 cap (illegible) BEARS North 0°22'23" West (basis of bearings - assumed) a distance of 1320.05

1 feet;

2 THENCE North 0°22'23" West along the west line of said southwest quarter of the southwest
3 quarter (SW 1/4 OF SW 1/4) of Section 31 a distance of 349.94 feet;

4 THENCE North 89°47'23" East departing said west line a distance of 43.50 feet to a point on
5 the north line of said lot 9, said point being the true point of beginning;

6 THENCE North 89°47'23" East along said north line of lot 9 a distance of 1.50 feet;

7 THENCE South 00°22'23" East departing said north line a distance of 4.00 feet;

8 THENCE South 89°47'23" West a distance of 1.50 feet;

9 THENCE North 00°22'23" West a distance of 4.00 feet to the true point of beginning.

10 Said parcel containing 6 square feet, more or less.
11

12 **Section 2.** That the Council finds and determines that property interests in these properties
13 are needed and required for the following public uses and public purposes: the installation of a
14 sidewalk where none currently exists at approximately Sheridan Blvd and Colfax Avenue, in Council
15 District 3 (the "Project").

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

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

35 **Section 5.** That the Council finds and determines that the Denver Department of
36 Transportation and Infrastructure or federal and state agencies may find the need to alter the nature

1 of the property interests or the legal descriptions of the properties referred to in this Ordinance and
2 may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor,
3 including his duly authorized representatives, in accordance with applicable federal, state, and City
4 laws and rules and regulations adopted pursuant thereto, to acquire the property as the property
5 interests and legal descriptions are altered in accordance with the means authorized in this
6 Ordinance.

7 **Section 6.** That the Council authorizes the City to use the power of eminent domain to act
8 as the local authority to repurpose existing City right-of-way with improvements to prioritize the
9 movement of people for safety and economic benefits.

10 **Section 7.** That the City Council hereby finds and determines that the Project is necessary
11 for the health, safety, and welfare of the public.

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13 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

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1 COMMITTEE APPROVAL DATE: November 14, 2023 by Consent
2 MAYOR-COUNCIL DATE: November 21, 2023 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: Maureen M. McGuire, Assistant City Attorney DATE: November 22, 2023
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 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 Kerry Tipper, Denver City Attorney
17
18 BY: _____, Assistant City Attorney DATE: _____