

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2012

COUNCIL BILL NO. CB12-0233
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

6 **A BILL**

7 **For an ordinance designating certain properties as being required for public**
8 **use and authorizing use and acquisition thereof by negotiation or through**
9 **condemnation proceedings of fee, easement and other interests, including**
10 **any rights and interests related or appurtenant to properties as needed for the**
11 **Peoria Crossing Grade Separation Project.**

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

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

17 **PARCEL 13**

18 THAT PART OF THE NW1/4 OF THE NW1/4 OF SECTION 25, TOWNSHIP 3
19 SOUTH, RANGE 67 WEST OF THE 6TH P.M., MORE PARTICULARLY
20 DESCRIBED AS FOLLOWS:

21 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25;
22 THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 25 A
23 DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE
24 OF PEORIA STREET; THENCE ON A DEFLECTED ANGLE TO THE RIGHT
25 88°53'12" ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 242.00
26 FEET TO THE POINT OF BEGINNING; THENCE ON A DEFLECTED ANGLE
27 TO THE LEFT OF 88°54'58" A DISTANCE OF 250.00 FEET; THENCE ON A
28 DEFLECTED ANGLE TO THE RIGHT OF 88°54'58" PARALLEL WITH SAID
29 EAST RIGHT-OF-WAY LINE OF PEORIA STREET A DISTANCE OF 220.31
30 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 37TH
31 AVENUE; THENCE ON A DEFLECTED ANGLE TO THE RIGHT OF 96°03'15"
32 ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 251.36 FEET
33 TO A POINT OF INTERSECTION OF THE SAID NORTH RIGHT-OF-WAY
34 LINE OF EAST 37TH AVENUE AND THE SAID EAST RIGHT-OF-WAY LINE
35 OF PEORIA STREET; THENCE ON A DEFLECTED ANGLE TO THE
36 RIGHT OF 83°56'45" ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE
37 OF 198.53 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PORTION
38 CONVEYED TO THE CITY AND COUNTY OF DENVER IN DEED RECORDED
39 MAY 2, 1985 AT RECEPTION NO. 009459,
40 CITY AND COUNTY OF DENVER, STATE OF COLORADO.
41

1 and

2 **PARCEL AP-14**

3 A PARCEL OF LAND SITUATE IN THE NE1/4 OF SECTION 26, TOWNSHIP 3
4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE
5 CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
6 PARTICULARLY DESCRIBED AS FOLLOWS:

7 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26;
8 THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 26, A
9 DISTANCE OF 50 FEET TO THE POINT OF INTERSECTION OF SAID NORTH
10 LINE WITH THE WEST LINE OF PEORIA STREET; THENCE SOUTH
11 0°33'02" EAST ALONG SAID WEST LINE OF PEORIA STREET, A DISTANCE
12 OF 281.10 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH
13 0°33'02" EAST, CONTINUING ALONG SAID WEST LINE OF PEORIA
14 STREET, A DISTANCE OF 150.0 FEET TO THE INTERSECTION OF THE
15 NORTH LINE OF 37TH AVENUE WITH SAID WEST LINE OF PEORIA
16 STREET; THENCE NORTH 84°30'12" WEST ALONG SAID NORTH LINE OF
17 37TH AVENUE, A DISTANCE OF 199.53 FEET; THENCE NORTH 0°04'30"
18 WEST, A DISTANCE OF 128.98 FEET; THENCE NORTH 89°26'58" EAST, A
19 DISTANCE OF 197.34 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT
20 THAT PORTION CONVEYED IN DEED RECORDED JUNE 9, 1981 IN BOOK
21 2389 AT PAGE 618,
22 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

23 and

24 **PARCEL NO. 15**

25 LOT 1, BLOCK 1,

26 UPLAND WEST, FILING NO. TWO, AND THAT PART OF THE NE ¼ OF
27 SECTION 26, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
28 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

29 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26;
30 THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 26, A
31 DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION OF SAID
32 NORTH LINE WITH THE WEST LINE OF PEORIA STREET; THENCE SOUTH
33 00°33'02" EAST, ALONG SAID WEST LINE OF PEORIA STREET, A
34 DISTANCE OF 431.10 FEET TO THE INTERSECTION OF THE NORTH LINE OF
35 37TH AVENUE WITH SAID WEST LINE OF PEORIA STREET; THENCE
36 NORTH 84°30'12" WEST, ALONG SAID NORTH LINE OF 37TH AVENUE, A
37 DISTANCE OF 146.20 FEET TO THE TRUE POINT OF BEGINNING, THENCE
38 CONTINUING ALONG THE NORTH LINE OF 37TH AVENUE, NORTH
39 84°30'12" WEST, 53.53 FEET; THENCE NORTH 00°04'30" WEST, A DISTANCE
40 OF 128.98 FEET; THENCE NORTH 89°26'58" EAST, A DISTANCE OF 52.34
41 FEET; THENCE SOUTH 00°28'28" EAST, 134.61 FEET TO THE TRUE POINT
42 OF BEGINNING,
43 CITY AND COUNTY OF DENVER, STATE OF COLORADO

44 and

45 **PARCEL NO.: AP-16**

46 A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF
47 SECTION 26, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH
48 PRINCIPAL MERIDIAN IN THE CITY AND COUNTY OF DENVER , STATE

1 OF COLORADO, BOUNDED AS DESCRIBED AS FOLLOWS:
2 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26:
3 THENCE ALONG THE NORTH LINE OF SAID SECTION 26, SOUTH 89°51'22"
4 WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF
5 PEORIA STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF
6 THAT CERTAIN PARCEL OF LAND CONVEYED BY THE UNION PACIFIC
7 LAND RESOURCES CORPORATION TO SIM'S TIRE AND SERVICE CENTER,
8 INC., BY WARRANTY DEED DATED JUNE 26, 1973, U.I.C. LAW
9 DEPARTMENT DOCUMENT NO. 1-481; THENCE ALONG SAID WEST LINE
10 OF PEORIA STREET SOUTH 0°33'02" EAST, A DISTANCE OF 181.10 FEET TO
11 THE TRUE POINT OF BEGINNING, SAID POINT BEING THE SOUTHEAST
12 CORNER OF SAID DEEDED PARCEL; THENCE CONTINUING ALONG SAID
13 WEST LINE OF PEORIA STREET, SOUTH 0°33'02" EAST, A DISTANCE OF
14 100.00 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF
15 LAND CONVEYED BY UNION PACIFIC LAND RESOURCES CORPORATION
16 TO DAVID E. CAPRA AND ROBERT A SCHLOSSER BY WARRANTY DEED
17 DATED NOVEMBER 28, 1972 UPLRC, C.D. NO. 75-14-1; THENCE ALONG
18 THE NORTH LINE OF SAID DEEDED PARCEL, SOUTH 89°26'58" WEST, A
19 DISTANCE OF 177.34 FEET; THENCE NORTH 0°04'30", A DISTANCE OF
20 100.00 FEET TO THE SOUTHWEST CORNER OF SAID DEEDED PARCEL
21 CONVEYED TO SIM'S TIRE AND SERVICE CENTER, INC.; THENCE ALONG
22 THE SOUTH LINE OF SAID DEEDED PARCEL, NORTH 89°26'58" EAST, A
23 DISTANCE OF 176.51 FEET TO THE TRUE POINT OF BEGINNING.
24 CITY AND COUNTY OF DENVER
25 STATE OF COLORADO

26 and

27 **PARCEL NO. 17**

28 A PART OF THE NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP
29 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE
30 PARTICULARLY DESCRIBED AS FOLLOWS:
31 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25;
32 THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 25, A
33 DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE
34 OF PEORIA STREET; THENCE ON A DEFLECTED ANGLE TO THE RIGHT OF
35 88 DEGREES 53 MINUTES 12 SECONDS ALONG SAID EAST RIGHT-OF-WAY
36 LINE, A DISTANCE OF 112.00 FEET TO THE TRUE POINT OF BEGINNING;
37 THENCE ON A DEFLECTED ANGLE TO THE LEFT OF 88 DEGREES 54
38 MINUTES 58 SECONDS, A DISTANCE OF 250.00 FEET; THENCE ON A
39 DEFLECTED ANGLE TO THE RIGHT OF 88 DEGREES 54 MINUTES 58
40 SECONDS PARALLEL WITH SAID EAST RIGHT-OF-WAY LINE OF PEORIA
41 STREET, A DISTANCE OF 130.00 FEET; THENCE ON A DEFLECTED ANGLE
42 TO THE RIGHT OF 91 DEGREES 05 MINUTES 02 SECONDS, A DISTANCE OF
43 250.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF PEORIA
44 STREET; THENCE ON A DEFLECTED ANGLE TO THE RIGHT OF 88
45 DEGREES 54 MINUTES 58 SECONDS ALONG SAID EAST RIGHT-OF-WAY
46 LINE, A DISTANCE OF 130.00 FEET TO THE TRUE POINT OF BEGINNING.
47 CITY AND COUNTY OF DENVER,
48 STATE OF COLORADO.

1 and

2 **PARCEL NO. 18**
3 LOT 2
4 BLOCK 1
5 UPLAND WEST FILING NO. 2
6 CITY AND COUNTY OF DENVER, STATE OF COLORADO

7 and

8 **PARCEL AP-19**
9 THAT CERTAIN PARCEL OF LAND SITUATE IN THE NE ¼ NE ¼, SECTION
10 26, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND
11 COUNTY OF DENVER, STATE OF COLORADO, AND MORE
12 PARTICULARLY DESCRIBED AS FOLLOWS:
13 COMMENCING AT THE NE CORNER OF SAID SECTION 26: THENCE SOUTH
14 89°51'22" WEST, A DISTANCE OF 50 FEET TO A POINT ON THE WEST LINE
15 OF PEORIA STREET, SAID POINT ALSO BEING THE TRUE POINT OF
16 BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED LINE
17 SOUTH 89°51'22" WEST, A DISTANCE OF 175.0 FEET; THENCE SOUTH
18 00°04'30" EAST, A DISTANCE OF 182.53 FEET; THENCE NORTH 89°26'58"
19 EAST, A DISTANCE OF 176.51 FEET; THENCE NORTH 00°33'02" WEST, A
20 DISTANCE OF 181.1 FEET TO THE TRUE POINT OF BEGINNING.

21 and

22 **PARCEL NO. 20**
23 THAT PART OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF
24 SECTION 24, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., AND
25 THE NORTHWEST QUARTER NORTHWEST QUARTER OF SECTION 25,
26 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., MORE
27 PARTICULARLY DESCRIBED AS FOLLOWS:
28 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 24; THENCE
29 EASTERLY ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER
30 SOUTHWEST QUARTER OF SECTION 24, A DISTANCE OF 50.00 FEET TO
31 THE EASTERLY RIGHT-OF-WAY LINE OF PEORIA STREET AND THE
32 POINT OF BEGINNING; THENCE NORTH 00°35'26" WEST, ALONG SAID
33 EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 13.00 FEET; THENCE
34 EAST, A DISTANCE OF 200.00 FEET; THENCE SOUTH 00°35'26" EAST, A
35 DISTANCE OF 124.99 FEET; THENCE WEST, A DISTANCE OF 199.04 FEET;
36 THENCE NORTH 01°05'02" WEST, A DISTANCE OF 112.00 FEET TO THE
37 POINT OF BEGINNING,
38 CITY AND COUNTY OF DENVER
39 STATE OF COLORADO

40 and

41 **PARCEL NO. 21**
42 LOT 3, BLOCK 1,
43 UPLAND WEST, FILING NO. TWO,
44 CITY AND COUNTY OF DENVER, STATE OF COLORADO

45 and

46 **PARCEL AP-22**
47 A PARCEL OF LAND SITUATE IN THE SE1/4 SE1/4 SECTION 23, TOWNSHIP
48 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., MORE PARTICULARLY

1 DESCRIBED AS FOLLOWS:

2 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23;
3 THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 23, A
4 DISTANCE OF 50.0 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT
5 ALSO BEING THE POINT OF INTERSECTION OF THE WEST LINE OF
6 PEORIA STREET WITH SAID SOUTH LINE OF SAID SECTION; THENCE N.
7 00°04'30" W., ALONG SAID WEST LINE OF PEORIA STREET, A DISTANCE
8 OF 100.00 FEET; THENCE S. 89°55'30"W., A DISTANCE OF 175.00 FEET;
9 THENCE S. 00°04'30E. A DISTANCE OF 100.21 FEET, MORE OR LESS, TO A
10 POINT IN SAID SOUTH LINE OF SAID SECTION; THENCE EASTERLY,
11 ALONG SAID SOUTH LINE, A DISTANCE OF 175.0 FEET, MORE OR LESS,
12 TO THE TRUE POINT OF BEGINNING

13 **and**

14 **PARCEL NO. 23**

15 A PART OF THE SW ¼ OF THE SW ¼ OF SECTION 24, TOWNSHIP 3 SOUTH,
16 RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE
17 OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

18 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24;
19 THENCE EASTERLY ALONG THE SOUTH LINE OF THE SW ¼ OF SAID
20 SECTION 24, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT-OF-
21 WAY LINE OF PEORIA STREET; THENCE NORTH 00°35'26" WEST ALONG
22 SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 13.00 FEET TO THE
23 POINT OF BEGINNING; THENCE CONTINUING NORTH 00°35'26" WEST
24 ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 130.00
25 FEET; THENCE EAST A DISTANCE OF 200.00 FEET; THENCE SOUTH
26 00°35'26" EAST PARALLEL WITH SAID EASTERLY RIGHT-OF-WAY LINE
27 OF PEORIA STREET A DISTANCE OF 130.00 FEET; THENCE WEST A
28 DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

29 **and**

30 **PARCEL NO. 24**

31 PARCEL 1:

32 A PART OF THE SW ¼ OF THE SW ¼ OF SECTION 24, TOWNSHIP 3 SOUTH,
33 RANGE 67 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS
34 FOLLOWS:

35 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24;
36 THENCE EASTERLY ALONG THE SOUTH LINE OF THE SW ¼ OF SAID
37 SECTION 24 A DISTANCE OF 50 FEET TO THE EASTERLY RIGHT-OF-WAY
38 LINE OF PEORIA STREET; THENCE N 00°35'26" W ALONG SAID EASTERLY
39 RIGHT-OF-WAY LINE A DISTANCE OF 143 FEET TO THE POINT OF
40 BEGINNING; THENCE CONTINUING N 00°35'26" W AND ALONG SAID
41 EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 109.94 FEET; THENCE
42 EASTERLY PARALLEL WITH THE SOUTH LINE OF THE SW ¼ OF SECTION
43 24 A DISTANCE OF 150.00 FEET; THENCE N 00°35'26" W PARALLEL WITH
44 THE EASTERLY RIGHT-OF-WAY LINE OF PEORIA STREET A DISTANCE OF
45 175.00 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF
46 THE SW ¼ OF SECTION 24 A DISTANCE OF 250.00 FEET; THENCE S
47 00°35'26" E PARALLEL WITH THE EASTERLY RIGHT-OF-WAY LINE OF
48 PEORIA STREET A DISTANCE OF 284.94 FEET; THENCE WESTERLY

1 PARALLEL WITH THE SOUTH LINE OF THE SW ¼ OF SECTION 24 A
2 DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING;
3 CITY AND COUNTY OF DENVER, STATE OF COLORADO
4

5 PARCEL 2:

6 THAT PART OF THE SW ¼ OF SECTION 24, AND THAT PART OF THE NW ¼
7 OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
8 DESCRIBED AS:

9 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24;
10 THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SW ¼ A DISTANCE
11 OF 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF PEORIA
12 STREET; THENCE ON A DEFLECTED ANGLE TO THE LEFT OF 90°37'12"
13 ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 143.00
14 FEET; THENCE ON A DEFLECTED ANGLE TO THE RIGHT OF 90°35'26" A
15 DISTANCE OF 260.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE
16 CONTINUING EASTERLY ALONG AFORESAID COURSE A DISTANCE OF
17 140.00 FEET; THENCE ON A DEFLECTED ANGLE TO THE RIGHT OF
18 89°24'34" PARALLEL WITH SAID EAST RIGHT-OF-WAY LINE OF PEORIA
19 STREET A DISTANCE OF 254.99 FEET; THENCE ON A DEFLECTED ANGLE
20 TO THE RIGHT OF 90°35'26" A DISTANCE OF 200.00 FEET; THENCE ON A
21 DEFLECTED ANGLE TO THE RIGHT OF 89°24'34" A DISTANCE OF 124.99
22 FEET; THENCE ON A DEFLECTED ANGLE TO THE RIGHT OF 90°35'26" A
23 DISTANCE OF 60.00 FEET; THENCE ON A DEFLECTED ANGLE OF 89°24'34"
24 PARALLEL WITH SAID EAST RIGHT-OF-WAY LINE OF PEORIA STREET, A
25 DISTANCE OF 130.00 FEET TO THE TRUE POINT OF BEGINNING.

26 **and**

27 **PARCEL AP-25**

28 THE SOUTH 100 FEET OF LOT 1,
29 BLOCK 3,
30 UPLAND WEST FILING NO. TWO

31 **and**

32 **PARCEL NO. 26**

33 PARCEL A:

34 LOTS 1 AND 2 OF BLOCK 3, EXCEPT THE SOUTH 100 FEET OF LOT 1 AS
35 CONVEYED TO WAFFLE HOUSE, INC., IN DEED RECORDED OCTOBER 3,
36 1979 IN BOOK 2020 AT PAGE 139, UPLAND WEST FILE NO. TWO, A
37 RESUBDIVISION OF UPLAND WEST FILING NO. ONE RECORDED
38 SEPTEMBER 2, 1977 IN BOOK 25 AT PAGES 5 AND 6, IN THE OFFICE OF
39 THE RECORDER IN THE CITY AND COUNTY OF DENVER, STATE OF
40 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

41 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE
42 NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 187.23 FEET ALONG
43 THE NORTH LINE OF SAID LOT 2 TO THE NORTHEAST CORNER OF SAID
44 LOT 2; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 45.00
45 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE NORTHWEST
46 CORNERS OF LOT 1; THENCE NORTH 90 DEGREES 00 MINUTES 00
47 SECONDS EAST, 175.00 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO
48 THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES

1 00 MINUTES 00 SECONDS EAST, 67.97 FEET ALONG THE EAST LINE OF
2 SAID LOT 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS
3 WEST, 175.00 FEET TO THE INTERSECTION WITH THE LINE BETWEEN
4 LOTS 1 AND 2; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS
5 EAST, 100.00 FEET ALONG THE LINE BETWEEN LOTS 1 AND 2 TO THE
6 SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 90 DEGREES 00
7 MINUTES 00 SECONDS WEST, 157.23 FEET ALONG THE SOUTH LINE OF
8 SAID LOT 2 TO A POINT OF CURVATURE; THENCE 47.12 FEET ALONG THE
9 ARC OF A CURVE TO THE RIGHT WHOSE DELTA IS 90 DEGREES 00
10 MINUTES 00 SECONDS, WHOSE RADIUS IS 30.00 FEET TO A POINT OF
11 TANGENCY, BEING ON THE WEST LINE OF SAID LOT 2; THENCE NORTH
12 00 DEGREES 00 MINUTES 00 SECONDS EAST, 182.97 FEET ALONG THE
13 WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING
14 CITY AND COUNTY OF DENVER
15 STATE OF COLORADO

16
17 **PARCEL 2:**
18 EASEMENT FOR PARKING SPACES FOR MOTOR VEHICLES FOR
19 EMPLOYEES, GUESTS OR CUSTOMERS OVER THE NORTH 27.03 FEET OF
20 THE SOUTH 100 FEET OF LOT 1, BLOCK 3, UPLAND WEST FILING NO.
21 TWO AS SET FORTH IN INSTRUMENT RECORDED OCTOBER 3, 1979 IN
22 BOOK 2020 AT PAGE 139
23 CITY AND COUNTY OF DENVER
24 STATE OF COLORADO

25 **and**

26 **PARCEL NO.: 27**
27 AN APPROXIMATELY 0.6026 AREA PARCEL OF LAND SITUATE IN THE
28 SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW ¼ SW ¼) OF
29 SECTION 24, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL
30 MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
31 BOUNDED AND DESCRIBED AS FOLLOWS:
32 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 24, THENCE
33 EASTERLY, ALONG THE SOUTH LINE OF SAID SECTION 24, A DISTANCE
34 OF 50.00 FEET, MORE OR LESS TO THE POINT OF INTERSECTION WITH
35 THE EAST LINE OF PEORIA STREET WITH SAID SOUTH LINE; THENCE
36 NORTH 00°04'30" WEST, ALONG SAID EAST LINE OF PEORIA STREET, A
37 DISTANCE OF 253.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE
38 NORTH 00°04'30" WEST, CONTINUING ALONG SAID EAST LINE, A
39 DISTANCE OF 175.00 FEET TO THE SOUTHWEST CORNER OF THAT
40 CERTAIN PARCEL OF LAND HERETOFORE CONVEYED BY UNION
41 PACIFIC LAND RESOURCES CORPORATION TO LEON GOLDFOGEL BY
42 SPECIAL WARRANTY DEED DATED SPETEMBER 7, 1971, UPLRCD NO. 14-
43 1; THENCE SOUTH 89°28'59" EAST, ALONG THE SOUTH LINE OF SAID
44 DEEDED PARCEL, A DISTANCE OF 150.00 FEET, THENCE SOUTH 00°04'30"
45 EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 89°28'59" WEST, A
46 DISTANCE OF 150.00 FEET TO THE TRUE POINT OF BEGINNING.

47 **and**

48

1 **PARCEL AP-28**

2 PARCEL A:

3
4 A PARCEL OF LAND SITUATE IN THE EAST ½ SOUTHEAST ¼ OF SECTION
5 23, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL
6 MERIDIAN, IN THE CITY AND COUNTY OF DENVER, STATE OF
7 COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8
9 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23;
10 THENCE NORTH 89 DEGREES 51 MINUTES 22 SECONDS WEST, ALONG
11 THE SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 50.0 FEET, TO THE
12 POINT OF INTERSECTION OF SAID SOUTH LINE WITH THE WEST LINE OF
13 PEORIA STREET, 100 FEET IN WIDTH AS NOW ESTABLISHED; THENCE
14 NORTH 0 DEGREES 04 MINUTES 30 SECONDS WEST, ALONG SAID WEST
15 LINE OF SAID PEORIA STREET, A DISTANCE OF 352.97 FEET TO THE TRUE
16 POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 55 MINUTES 30
17 SECONDS WEST, A DISTANCE OF 175.0 FEET; THENCE SOUTH 0 DEGREES
18 04 MINUTES 30 SECONDS EAST, PARALLEL WITH SAID WEST LINE OF
19 SAID PEORIA STREET; A DISTANCE OF 25.0 FEET; THENCE NORTH 89
20 DEGREES 55 MINUTES 30 SECONDS EAST A DISTANCE OF 175.0 FEET TO
21 A POINT ON THE WEST LINE OF PEORIA STREET; THENCE NORTH 00
22 DEGREES 04 MINUTES 30 SECONDS WEST ALONG SAID WEST LINE OF
23 PEORIA STREET A DISTANCE OF 25.0 FEET TO THE TRUE POINT OF
24 BEGINNING,
25 CITY AND COUNTY OF DENVER
26 STATE OF COLORADO

27
28 PARCEL B:

29 A PARCEL OF LAND SITUATE IN THE EAST HALF OF THE SOUTHEAST
30 QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE
31 6TH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER,
32 STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
33 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23;
34 THENCE SOUTH 89 DEGREES 51 MINUTES 22 SECONDS WEST ALONG THE
35 SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 50.0 FEET, TO THE
36 POINT OF INTERSECTION OF SAID SOUTH LINE WITH THE WEST LINE OF
37 PEORIA STREET, 100 FEET IN WIDTH AND NOW ESTABLISHED; THENCE
38 NORTH 0 DEGREES 04 MINUTES 30 SECONDS WEST ALONG SAID WEST
39 LINE OF SAID PEORIA STREET, A DISTANCE OF 352.97 FEET TO THE TRUE
40 POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 55 MINUTES 30
41 SECONDS WEST A DISTANCE OF 175.0 FEET; THENCE NORTH 0 DEGREES
42 04 MINUTES 30 SECONDS WEST PARALLEL WITH SAID WEST LINE OF
43 SAID PEORIA STREET A DISTANCE OF 100.0 FEET TO THE SOUTHWEST
44 CORNER OF THAT CERTAIN PARCEL OF LAND HERETOFORE CONVEYED
45 BY THE UNION PACIFIC LAND RESOURCES CORPORATION TO
46 CHAMPLIN PETROLEUM COMPANY BY SPECIAL WARRANTY DEED
47 DATED DECEMBER 13, 1971 U.P.L.R.C. CD NO. 105-1; THENCE NORTH 89
48 DEGREES 55 MINUTES 30 SECONDS EAST ALONG THE SOUTH LINE OF

1 SAID DEEDED PARCEL, A DISTANCE OF 175.0 FEET, TO A POINT ON SAID
2 WEST LINE OF SAID PEORIA STREET; THENCE SOUTH 0 DEGREES 04
3 MINUTES 30 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF
4 100.00 FEET, TO THE TRUE POINT OF BEGINNING,
5 CITY AND COUNTY OF DENVER
6 STATE OF COLORADO

7 **and**

8 **PARCEL AP-29**

9 PARCEL 1:

10 A PARCEL OF LAND SITUATE IN THE SOUTHWEST ¼ SOUTHWEST ¼ OF
11 SECTION 24, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL
12 MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

13 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24;
14 THENCE SOUTH 89 DEGREES 27 MINUTES 13 SECONDS EAST ALONG THE
15 SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 50.0 FEET TO A POINT
16 ON THE EAST LINE OF PEORIA STREET, 100.0 FEET IN WIDTH AS NOW
17 ESTABLISHED; THENCE NORTH 00 DEGREES 04 MINUTES 30 SECONDS
18 WEST ALONG SAID EAST LINE OF PEORIA STREET, A DISTANCE OF
19 428.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING
20 NORTH 00 DEGREES 04 MINUTES 30 SECONDS WEST ALONG SAID EAST
21 LINE OF PEORIA STREET, A DISTANCE OF 200.0 FEET TO A POINT OF
22 INTERSECTION WITH THE SOUTH LINE OF 39TH AVENUE, 70.0 FEET IN
23 WIDTH AS NOW ESTABLISHED; THENCE SOUTH 89 DEGREES 28 MINUTES
24 59 SECONDS EAST ALONG SAID SOUTH LINE OF 39TH AVENUE, A
25 DISTANCE OF 200.0 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 30
26 SECONDS EAST A DISTANCE OF 200.0 FEET; THENCE NORTH 89 DEGREES
27 28 MINUTES 59 SECONDS WEST A DISTANCE OF 200.0 FEET TO THE TRUE
28 POINT OF BEGINNING,
29 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

30 **and**

31 **PARCEL NO. 30**

32 PARCEL 2:

33 A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF THE
34 SOUTHWEST QUARTER (SW ¼ SW ¼) OF SECTION 24, TOWNSHIP 3
35 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOUNDED
36 AND DESCRIBED AS FOLLOWS:

37 BEGINNING AT THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF
38 LAND HERETOFORE CONVEYED BY UNION PACIFIC LAND RESOURCES
39 CORPORATION TO LEON GOLDFOGEL BY SPECIAL WARRANTY DEED
40 DATED SPETEMBER 7, 1971 AND RECORDED ON DECEMBER 30, 1971 IN
41 BOOK 431 AT PAGE 605 OF THE CLERK AND RECORDER OF THE CITY
42 AND COUNTY OF DENVER, U.P.L.R.C.C.D. NO. 14-1; THENCE ALONG THE
43 SOUTH LINE OF 39TH AVENUE; 70.00 FEET WIDE AS NOW ESTABLISHED,
44 SOUTH 89 DEGREES 28 MINUTES 59 SECONDS EAST, A DISTANCE OF
45 200.0 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 30 SECONDS EAST,
46 A DISTANCE OF 200.0 FEET; THENCE NORTH 89 DEGREES 28 MINUTES 59
47 SECONDS WEST, A DISTANCE OF 200.0 FEET TO THE SOUTHEAST
48 CORNER OF SAID DEEDED PARCEL; THENCE ALONG THE EAST LINE OF

1 SAID DEEDED PARCEL, NORTH 00 DEGREES 04 MINUTES 30 SECONDS
2 WEST, A DISTANCE OF 200.0 FEET TO THE POINT OF BEGINNING, CITY
3 AND COUNTY OF DENVER, STATE OF COLORADO.

4 **and**

5 **PARCEL NO. 31**

6 A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF
7 SECTION 23, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH
8 PRINCIPAL MERIDIAN IN THE CITY AND COUNTY OF DENVER, STATE OF
9 COLORADO, DESCRIBED AS FOLLOWS:

10 COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 23,
11 FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 23 BEARS N
12 89°51'22" E, A DISTANCE OF 50 FEET; THENCE NORTHERLY ALONG THE
13 WEST LINE OF PEORIA STREET, N 00°04'30" W A DISTANCE OF 452.97
14 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING
15 NORTHERLY ALONG SAID WEST LINE OF PEORIA STREET, N 00°04'30" W,
16 A DISTANCE OF 175.00 FEET; THENCE S 89°55'30" W ALONG THE SOUTH
17 LINE OF PEORIA WAY AND ITS WESTERLY PROLOGATION A DISTANCE
18 OF 175 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH AND
19 DISTANT 175 FEET WESTERLY MEASURED AT RIGHT ANGLES TO SAID
20 WEST LINE OF PEORIA STREET, S 00°04'30" W, A DISTANCE OF 175 FEET;
21 THENCE N 89°55'30" E, A DISTANCE OF 175 FEET TO THE TRUE POINT OF
22 BEGINNING,
23 CITY AND COUNTY OF DENVER
24 STATE OF COLORADO

25 **and**

26 **PARCEL AP-32**

27 LOT 4,
28 BLOCK 3,
29 UPLAND WEST, FILING NO. TWO,
30 CITY AND COUNTY OF DENVER,
31 STATE OF COLORADO

32 **and**

33 **PARCEL NO. 33**

34 PARCEL 1:

35 A TRACT OF LAND SITUATE IN THE WEST HALF OF THE SOUTHWEST
36 QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE
37 SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER,
38 COLORADO, BOUNDED AND DESCRIBED AS FOLLOWS:

39 BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF
40 39TH AVENUE WITH THE EAST LINE OF PEORIA STREET AS SAID AVENUE
41 AND STREET ARE NOW ESTABLISHED, SAID POINT BEING 35.0 FEET
42 DISTANT NORTH, MEASURED AT RIGHT ANGLES, FROM THE EAST AND
43 WEST CENTER LINE OF THE SOUTH HALF OF THE SOUTHWEST
44 QUARTER OF SAID SECTION 24 AND 50.0 FEET DISTANT EAST,
45 MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF SAID SECTION;
46 THENCE NORTH ALONG SAID EAST LINE OF PEORIA STREET WHICH IS
47 PARALLEL WITH AND 50.0 FEET DISTANT EAST, MEASURED AT RIGHT
48 ANGLES, FROM THE WEST LINE OF SAID SECTION 24 A DISTANCE OF

1 179.82 FEET, MORE OR LESS, TO A CORNER; THENCE NORTHERLY
2 ALONG THE EASTERLY LINE OF THE RIGHT OF WAY FOR THE
3 APPROACHES TO INTERSTATE HIGHWAY NO. 70 WHICH IS A STRAIGHT
4 LINE FORMING AN ANGLE OF 10 DEGREES 17 MINUTES 15 SECONDS
5 FROM NORTH TO NORTHEAST WITH THE LAST DESCRIBED LINE
6 PRODUCED A DISTANCE OF 401.38 FEET; THENCE NORTHEASTERLY
7 ALONG SAID EASTERLY RIGHT OF WAY LINE WHICH IS A STRAIGHT
8 LINE FORMING AN ANGLE OF 35 DEGREES 56 MINUTES 18 SECONDS
9 FROM NORTHEAST TO EAST WITH THE LAST DESCRIBED LINE
10 PRODUCED A DISTANCE OF 149.77 FEET; THENCE NORTHEASTERLY
11 ALONG THE SOUTHERLY LINE OF THE RIGHT OF WAY FOR THE
12 APPROACHES TO INTERSTATE HIGHWAY NO. 70 WHICH IS A STRAIGHT
13 LINE FORMING AN ANGLE OF 37 DEGREES 03 MINUTES 10 SECONDS
14 FROM NORTHEAST TO EAST WITH THE LAST DESCRIBED LINE
15 PRODUCED A DISTANCE OF 838.81 FEET; THENCE NORTHEASTERLY
16 ALONG SAID SOUTHERLY RIGHT OF WAY LINE WHICH IS A STRAIGHT
17 LINE FORMING AN ANGLE OF 03 DEGREES 21 MINUTES 02 SECONDS
18 FROM NORTHEAST TO EAST WITH THE LAST DESCRIBED LINE
19 PRODUCED A DISTANCE OF 65.35 FEET; THENCE SOUTH ALONG A
20 STRAIGHT LINE FORMING AN ANGLE OF 86 DEGREES 02 MINUTES 14
21 SECONDS FROM SOUTHWEST TO SOUTH WITH THE LAST DESCRIBED
22 LINE A DISTANCE OF 655.69 FEET; THENCE SOUTHEASTERLY ALONG A
23 LINE CURVING TO THE RIGHT, HAVING A RADIUS OF 349.27 FEET, THE
24 LONG CHORD HAVING A LENGTH OF 244.73 FEET, AND WHICH FORMS
25 AN ANGLE OF 56 DEGREES 18 MINUTES 01 SECONDS FROM SOUTH TO
26 SOUTHEAST WITH THE LAST DESCRIBED LINE PRODUCED, AN ARC
27 DISTANCE OF 250.03 FEET TO A POINT IN SAID NORTH LINE OF 39TH
28 AVENUE; THENCE WEST ALONG THE NORTH LINE OF 39TH AVENUE,
29 PARALLEL WITH AND 35.0 FEET DISTANT NORTH, MEASURED AT RIGHT
30 ANGLES, FROM SAID EAST AND WEST CENTER LINE OF SOUTH HALF OF
31 THE SOUTHWEST QUARTER OF SAID SECTION 24 A DISTANCE OF 1273.59
32 FEET TO THE POINT OF BEGINNING,
33 EXCEPTING THEREFROM, THAT PORTION THEREOF CONVEYED IN DEED
34 RECORDED JANUARY 7, 1983 IN BOOK 2723 AT PAGE 375, AND BEING
35 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

36
37 A TRACT OF LAND SITUATED IN THE W ½ OF SW ¼ OF SECTION 24,
38 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL
39 MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO,
40 BOUNDED AND DESCRIBED AS FOLLOWS:

41 BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF
42 39TH AVENUE WITH THE EAST LINE OF PEORIA STREET AS SAID AVENUE
43 AND STREET ARE NOW ESTABLISHED, SAID POINT BEING 35.00 FEET
44 DISTANT NORTH, MEASURED AT RIGHT ANGLES, FROM THE EAST AND
45 WEST CENTERLINE OF THE S ½ OF THE SW ¼ OF SAID SECTION 24 AND
46 50.00 FEET DISTANCE EAST MEASURED AT RIGHT ANGLES, FROM THE
47 WEST LINE OF SAID SECTION; THENCE EAST ALONG THE NORTH RIGHT-
48 OF-WAY LINE OF EAST 39TH AVENUE A DISTANCE OF 950.13 FEET TO THE

1 TRUE POINT OF BEGINNING; THENCE A DEFLECTION ANGLE LEFT OF 90
2 DEGREES 00 MINUTES 00 SECONDS, A DISTANCE OF 133.74 FEET;
3 THENCE A DEFLECTION ANGLE LEFT OF 90 DEGREES 00 MINUTES 00
4 SECONDS, A DISTANCE OF 272.85 FEET; THENCE A DEFLECTION ANGLE
5 RIGHT OF 90 DEGREES 00 MINUTES 00 SECONDS, A DISTANCE OF 611.19
6 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE
7 HIGHWAY NO. 70; THENCE A DEFLECTION ANGLE RIGHT OF 82 DEGREES
8 41 MINUTES 12 SECONDS ALONG THE SOUTHERLY RIGHT-OF-WAY LINE
9 OF INTERSTATE HIGHWAY 70, A DISTANCE OF 330.20 FEET; THENCE A
10 DEFLECTION ANGLE RIGHT OF 03 DEGREES 21 MINUTES 02 SECONDS
11 AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF
12 INTERSTATE HIGHWAY 70 A DISTANCE OF 65.35 FEET; THENCE A
13 DEFLECTION ANGLE RIGHT OF 93 DEGREES 57 MINUTES 46 SECONDS A
14 DISTANCE OF 655.69 FEET; THENCE SOUTHEASTERLY ALONG A LINE
15 CURVING TO THE RIGHT, HAVING A RADIUS OF 349.27 FEET, THE LONG
16 CHORD HAVING A LENGTH OF 244.73 FEET, AND WHICH FORMS A
17 DEFLECTION ANGLE LEFT OF 56 DEGREES 18 MINUTES 01 SECONDS,
18 SAID CURVE HAVING AN ARC DISTANCE OF 250.029 FEET TO A POINT ON
19 THE NORTH RIGHT-OF-WAY OF EAST 39TH AVENUE; THENCE A
20 DEFLECTION ANGLE RIGHT OF 146 DEGREES 18 MINUTES 01 SECONDS
21 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 39TH
22 AVENUE A DISTANCE OF 323.46 FEET TO THE TRUE POINT OF
23 BEGINNING,
24 CITY AND COUNTY OF DENVER,
25 STATE OF COLORADO

26
27 PARCEL 2:

28 AN EASEMENT FOR THE EXISTING RAILROAD SPUR TRACK AND A
29 PERMANENT EASEMENT FOR THE INSTALLATION, CONSTRUCTION,
30 REPAIR, MAINTENANCE AND USE OF A RAILROAD SPUR TRACK ACROSS
31 THE LAND DESCRIBED IN DEED RECORDED JANUARY 7, 1983 IN BOOK
32 2723 AT PAGE 375,
33 CITY AND COUNTY OF DENVER,
34 STATE OF COLORADO

35 **and**

36 **PARCEL NO. 34**

37 LOT 6,
38 BLOCK 2,
39 UPLAND WEST, FILING NO. TWO,
40 CITY AND COUNTY OF DENVER,
41 STATE OF COLORADO.

42 **and**

43 **PARCEL NO. 35**

44 LOT 3,
45 BLOCK 3,
46 UPLAND WEST, FILING NO. TWO,
47 CITY AND COUNTY OF DENVER,
48 STATE OF COLORADO

1 **Section 2.** That the Council hereby finds and determines that property interests in these properties
2 are needed and required for the following public uses and public purposes: grade separated structure, road,
3 sidewalk, drainage, landscaping, medians, other appurtenant improvements and construction thereof.

4 **Section 3.** That the Council hereby authorizes the Mayor, including his duly authorized
5 representatives, in accordance with applicable federal, state, and City laws and rules and regulations adopted
6 pursuant thereto, to acquire the needed property interests, including, but not limited to, fee title, permanent
7 easements, temporary easements, fixtures, licenses, permits, improvements (including without limitation,
8 general outdoor advertising devices, buildings, access points,) and any other rights, interests, and
9 appurtenances thereto, including the taking of all actions necessary to do so without further action by City
10 Council, such as conducting negotiations, executing all related agreements, and making all necessary
11 payments; to take actions required by law before instituting condemnation proceedings; to allow the
12 temporary use of City-owned land; and to convey City-owned land, including remnants.

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

22 **Section 5.** That the Council hereby finds and determines that the Colorado Department of
23 Transportation and the Denver Department of Public Works may find the need to alter the legal
24 descriptions of the properties referred to in this Ordinance and may continue to do so in order to meet the
25 needs of the Project. Council hereby authorizes the Mayor, including his duly authorized representatives, in
26 accordance with applicable federal, state, and City laws and rules and regulations adopted pursuant thereto,
27 to acquire those properties as the legal descriptions are altered by the Colorado Department of
28 Transportation and the Denver Department of Public Works in accordance with the means authorized in
29 this Ordinance.

30 **Section 6.** That the Council hereby finds and determines that to improve the safety and operation
31 of Peoria Street, it may be necessary to rebuild, modify, remove, and relocate existing access
32 points located along Peoria Street and that the Council hereby authorizes the City to use the

1 power of eminent domain to act as the local authority to rebuild, modify, remove, and relocate
2 existing access points along Peoria Street.

3 COMMITTEE APPROVAL DATE: March 29, 2012

4 MAYOR-COUNCIL DATE: April 3, 2012

5 PASSED BY THE COUNCIL: _____, 2012
6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____, 2012

8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2012; _____, 2012

12 PREPARED BY: Karen Aviles A. Assistant City Attorney DATE: April 5, 2012

13 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
16 3.2.6 of the Charter.

17 Douglas J. Friednash, City Attorney for the City and County of Denver

18 BY: _____, Assistant City Attorney DATE: _____, 2012