

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0355
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5
6 **A BILL**

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

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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
16 purposes by the City and County of Denver, a municipal corporation of the State of
17 Colorado:

18 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

A tract of land being a part of that parcel of land described at Reception No. 2006031556 of the City and County of Denver records, in the Southwest Quarter of the Southwest Quarter of Section 6, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on west line of the Northwest Quarter of the Southwest Quarter of Section 6, Township 4 South, Range 68 West of the Sixth Principal Meridian, having a bearing of North 00°12'10" West, 1322.29 feet between the Northwest Corner of said Southwest Quarter of the Southwest Quarter, being monumented by a 2 3/8" pipe with a 3 1/4" aluminum cap partially illegible marked "LS 28285 1996" and the West Quarter Corner of Section 6, being monumented by a 2 3/8" pipe with a 3 1/4" aluminum cap marked "LS 28285 1996".

COMMENCING at the Northwest Corner of the Southwest Quarter of the Southwest Quarter of Section 6;

Thence S 89°32'39" E, 246.19 feet along the north line of said Southwest Quarter of the Southwest Quarter and the southerly right of way line of 8th Avenue to the northerly line of that parcel of land described at Reception No. 2008091099 of the City and County of Denver records;

Thence continuing along said southerly right of way line and said northerly line the following two (2) courses:

1. S 78°11'41" E, 102.00 feet;
2. S 89°32'55" E, 149.07 feet to the northeast corner of said parcel of land described at Reception No. 2008091099 of the City and County of Denver records and the northwest corner of that parcel of land described at Reception No. 200014470 of the City and County of Denver records;

Thence S 00°13'09" E, 206.62 feet along the westerly line of said parcel of land described at Reception No. 200014470 of the City and County of Denver records to the southwest corner of said parcel of land described at Reception No. 200014470 of the City and County of Denver records;

Thence S 00°13'09" E, 43.39 feet along the westerly line of that parcel of land described at Reception No. 153063 of the City and County of Denver records to the southeast corner of that parcel of land described in Book 8451 at Page 555 of the City and County of Denver records;

Thence N 89°32'55" W, 170.05 feet along the southerly line of said parcel of land described in Book 8451 at Page 555 of the City and County of Denver records and the northerly line of that parcel of land described at Reception No. 153063 of the City and County of Denver records to the northwest corner of said parcel of land described at Reception No. 153063 of the City and County of Denver records and the northeast corner of that parcel of land described at Reception No. 2006031556 of the City and County of Denver records to the **TRUE POINT OF BEGINNING**;

1 Thence S 00°13'09" E, 0.47 feet along the westerly line of that parcel of land described at

Reception No. 153063 of the City and County of Denver records and the easterly line of said parcel of land described at Reception No. 2006031556 of the City and County of Denver records to a point of non-tangent curvature;

Thence along said non-tangent arc of a curve to the left, the radial line to the center bears S 15°15'05" E, having a radius of 141.56 feet, a delta angle of 09°10'58", an arc length of 22.69 feet, with a chord bearing of S 70°09'26" W and a chord length of 22.66 feet to a point of tangency;

Thence S 65°18'32" W, 68.04 feet;

Thence S 65°33'41" W, 90.59 feet to a point of tangent curvature;

Thence along the arc of a curve to the right, the radial line to the center bears N 24°26'19" W, having a radius of 158.74 feet, a delta angle of 10°15'59", an arc length of 28.44 feet, with a chord bearing of S 70°41'41" W and a chord length of 28.41 feet to a point of tangency;

Thence S 75°49'40" W, 74.42 feet to the westerly line of said parcel of land described at Reception No. 2006031556 of the City and County of Denver records and the easterly right of way line of Sheridan Boulevard;

Thence along said westerly line and said easterly right of way line the following three (3) courses:

1. N 00°13'09" W, 62.79 feet;
2. S 89°46'51" W, 10.00 feet;
3. N 00°13'09" W, 91.10 feet to the northwest corner of said parcel of land described at Reception No. 2006031556 of the City and County of Denver records on the southerly line of that parcel of land described at Reception No. 2005101176 of the City and County of Denver records;

Thence S 89°32'55" E, 120.01 feet along the northerly line of said parcel of land described at Reception No. 2006031556 of the City and County of Denver records and said southerly line to the northwest corner of that parcel of land described in Book 8451 at Page 555 of the City and County of Denver records;

Thence S 00°13'09" E, 50.00 feet to the southwest corner of said parcel of land described in Book 8451 at Page 555 of the City and County of Denver records;

Thence S 89°32'55" E, 154.98 feet along the southerly line of said parcel of land described in Book 8451 at Page 555 of the City and County of Denver records and said northerly line of that parcel of land described at Reception No. 2006031556 of the City and County of Denver records to the **TRUE POINT OF BEGINNING**.

Containing 21,542 square feet or 0.495 acres, more or less.

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Section 2. That the Council hereby finds and determines that property interests in these properties are needed and required for the following public uses and public purposes: drainage, flood control, and improvement to the trail system, and other appurtenant improvements and construction thereof.

Section 3. That the Council hereby authorizes the Mayor, including his duly authorized

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

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

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

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1 COMMITTEE APPROVAL DATE: (by Consent) June 6, 2013

2 MAYOR-COUNCIL DATE: (by Consent) June 11, 2013

3 PASSED BY THE COUNCIL: _____,
4 2013

5 _____ - PRESIDENT

6 APPROVED: _____ - MAYOR _____,
7 2013

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

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____,
12 2013

13 PREPARED BY: Jennifer Welborn, Assistant City Attorney DATE: June 13, 2013

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

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

19 BY: _____, Assistant City Attorney DATE: _____, 2013