

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB20-1535
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 the intersections of East 6th Avenue and North Downing Street and South Marion Parkway and East Virginia 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:

**TE-3
“LAND DESCRIPTION”**

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 68 WEST, CITY AND COUNTY OF DENVER, COLORADO, AND BEING PART OF LOT 48, BLOCK 3, DRIVING PARK PLACE SUBDIVISION ADDITION TO THE CITY OF DENVER, AS SHOW IN BOOK 6, PAGE 21, RECORDED ON 11/12/1888 IN THE CITY AND COUNTY OF DENVER, CLERK AND RECORDER’S OFFICE, COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a found No. 5 rebar without cap located at the east right of way line of Corona Street, also being the northwest corner of the south half of Lot 15, Block 9, Arlington Park Subdivision, as shown in Book 9, Page 7, recorded on 01/13/1890 in the City and County of Denver, Colorado, Clerk and Recorder’s office, **WHENCE** a found No. 5 rebar with orange plastic cap stamped “PLS 16116” located at southwest corner of Lot 24, Block 9, of said Arlington Park Subdivision, same being at the intersection of the north right of way line of 5th Avenue and the east right of way line of Corona Street bears South 00°00’22” West coincident with said east right of way line of Corona Street (Basis of Bearings – Assumed); **THENCE** departing said east right of way line of Corona Street, North 42°56’00” East, a distance of 478.93 feet to the east right of way line of Downing Street, also being on the west

1 line of said Lot 48 to the **POINT OF BEGINNING**; **THENCE** coincident with said east right of
2 way line of Downing Street and said west line of said Lot 48, North 00°01'28 East, a distance of
3 11.00 feet to the south right of way line of 6th Avenue, also being the northwest corner of said
4 Lot 48;
5 **THENCE** coincident with said south right of way line of 6th Avenue and the north line of said Lot
6 48, North 89°52'36" East, a distance of 5.00 feet;
7 **THENCE** departing said south right of way line of 6th Avenue and said north line of Lot 48 and
8 across said Lot 48 the following two (2) courses and distances:
9 1) South 00°01' 28" West, a distance of 11.00 feet;
10 2) South 89°52'36" West, a distance of 5.00 feet to said **POINT OF BEGINNING**.
11 Containing an area of 55 square feet, more or less.

12
13 **PE-1**
14 **NEC E. Virginia Ave. and S. Marion**
15 **Pkwy.**
16

17 A PARCEL OF LAND CONTAINING 26 SQUARE FEET, MORE OR LESS, LOCATED IN THE
18 NORTHWEST ONE-QUARTER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF
19 THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
20 ALSO WITHIN A PARCEL OF LAND RECORDED AT RECEPTION NO. 2015151943 (A.K.A. THE
21 PARK LANE CONDOMINIUM PHASE 1, REC. NO. 1979087116), CITY AND COUNTY OF
22 DENVER RECORDS, SAID EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:
23

24 BEGINNING AT A POINT OF ON THE EAST LINE OF A PARCEL OF LAND RECORDED IN
25 BOOK 2228, PAGE 371, CITY AND COUNTY OF DENVER RECORDS, ALSO BEING THE EAST
26 RIGHT-OF-WAY LINE OF S. MARION PKWY. (209' R.O.W.), WHENCE A CITY AND COUNTY
27 OF DENVER RANGE POINT AT THE INTERSECTION OF S. MARION PKWY. AND
28 E. DAKOTA AVE. BEARS N 04°18'17" W, A DISTANCE OF 639.56 FEET. THENCE N 89°53'55"
29 E, A DISTANCE OF 13.00 FEET;
30

31 THENCE S 00°08'24" E, A DISTANCE OF 2.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF
32 E. VIRGINIA AVE. (60' R.O.W.);
33

34 THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF E. VIRGINIA AVE. (60' R.O.W.),
35 S 89°53'55" W, A DISTANCE OF 13.00 FEET TO SAID EAST LINE OF A PARCEL OF LAND
36 RECORDED IN BOOK 2228, PAGE 371, CITY AND COUNTY OF DENVER RECORDS, ALSO
37 BEING THE EAST RIGHT-OF-WAY LINE OF S. MARION PKWY. (209' R.O.W.);
38

39 THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE AND ALONG SAID EAST LINE
40 N 00°08'24" W, A DISTANCE OF 2.00 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.
41

42 THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26 SQUARE FEET, MORE OR LESS.
43

44 **BASIS OF BEARINGS:** FOR THE PURPOSE OF THIS DESCRIPTION, THE BEARINGS ARE
45 BASED ON A CITY AND COUNTY OF DENVER RANGE LINE, AS MONUMENTED BY A
46 FOUND 1-1/2" STEEL BAR IN A RANGE BOX AT THE INTERSECTION OF S. MARION PKWY.

1 AND E. DAKOTA AVE. AND BY A 3-1/4" ALUMINUM CAP IN A RANGE BOX (PLS 23899) AT
2 THE INTERSECTION OF E. DAKOTA AVE. AND S. LAFAYETTE ST., BEARING N 89°53'06" E.
3

4 **Section 2.** That the Council hereby finds and determines that these properties are needed
5 and required for the following public uses and public purposes: as part of a project that includes the
6 installation of traffic lights and ADA curb ramps, sidewalks, easement interests, access rights,
7 improvements, buildings, fixtures, licenses, permits and other appurtenances (the "Project").

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

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

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

1 as the property interests and legal descriptions are altered in accordance with the means authorized
2 in this Ordinance.

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

7 **Section 7.** That the Council authorizes the City to use the power of eminent domain to act
8 as the local authority to install traffic lights and ADA curb ramps, sidewalks and appurtenances at
9 the intersections of East 6th Avenue and North Downing Street and South Marion Parkway and East
10 Virginia Avenue.

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

13
14 COMMITTEE APPROVAL DATE: December 15, 2020 by Consent

15 MAYOR-COUNCIL DATE: December 22, 2020 by Consent

16 PASSED BY THE COUNCIL: _____
17 _____ - PRESIDENT

18 APPROVED: _____ - MAYOR _____

19 ATTEST: _____ - CLERK AND RECORDER,
20 EX-OFFICIO CLERK OF THE
21 CITY AND COUNTY OF DENVER

22 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

23 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: December 23, 2020

24 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
25 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
26 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
27 § 3.2.6 of the Charter.

28
29 Kristin M. Bronson, Denver City Attorney

30 BY:  _____, Assistant City Attorney
31 DATE: Dec 23, 2020 _____