

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO.11-0420

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

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 including all improvements, fixtures, licenses, permits, access points and any other rights and interests related or appurtenant to properties so designated.

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:

FEE SIMPLE

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PROJECT NUMBER: STE 0252-411
PARCEL NUMBER: 2
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A tract or parcel of land No.2 of the City and County of Denver, State of Colorado, Contract No.CE92032, Project No. STE 0252-411 (PC 17954) containing 1,920 sq. ft. (0.044 acres) of land, more or less, being a portion of the N.W. 1/4 of Section 30, Township 4 South, Range 67 West, of the 6th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 47°00'32" W., a distance of 1,416.20 feet to the intersection of the northerly line of that parcel of land described as Parcel "J" in the Warranty Deed from Colorado and Southern Railway Company to Regional Transportation District dated August 24, 1981 and recorded November 23, 1981 at Reception No. 12371 in Book 2488 at Page 523 and the existing westerly Right-of-Way line of the Valley Highway (now known as Interstate 25) as established by Ordinance No.3, Series of 1962, recorded February 1, 1962 at Reception No. 8797, Page 32 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence along the northerly line of said Parcel "J" as described at Reception No. 12371 in Book 2488, Page 523, N. 79°36'42" W., a distance of 94.58 feet to the southerly Right-of-Way line of East Colorado Center Drive as established by Special Warranty Deed from WRC Properties, Inc. to the City and County of Denver, dated January 19, 2006 and recorded January 19, 2006 at Reception No. 2006012521 in the City and County of Denver records;
2. Thence along said southerly Right-of-Way line on a non-tangent curve to the left, having a central angle of 62°45'06", a radius of 64.50 feet, an arc length of 70.64 feet, the chord of which bears N. 52°43'51" E., a distance of 67.16 feet to said westerly Right-of-Way line of the Valley Highway (now known as Interstate 25);
3. Thence along a said westerly Right-of-Way line of the Valley Highway (now known as Interstate 25) on a non-tangent curve to the right, having a central angle of 00°17'40", a radius of 2695.15 feet, an arc length of 13.85 feet, the chord of which bears S. 34°33'19" E., a distance of 13.85 feet;
4. Thence continuing along said westerly Right-of-Way line of the Valley Highway (now known as Interstate 25), S. 34°24'29" E., a distance of 56.14 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Parcel contains 1,920 sq. ft. (0.044 acres) of land, more or less.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 67 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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PROJECT NUMBER: STE 0252-411
PARCEL NUMBER: 3
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A tract or parcel of land No.3 of the City and County of Denver, State of Colorado, Contract No.CE92032, Project No. STE 0252-411 (PC 17954) containing 210 sq. ft. (0.005 acres) of land, more or less, being portion of the "Centre Pointe Station Condominiums" as described in the map recorded April 30, 2004 at Reception No. 2004098343 of the City and County of Denver records located in the N.W. 1/4 of Section 30, Township 4 South, Range 67 West, of the 6th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 51°03'48" W., a distance of 1,104.58 feet to the existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) as established by Ordinance No.3, Series of 1962, recorded February 1, 1962 at Reception No. 8797, Page 32 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence S. 86°31'40" E., a distance of 23.94 feet;
2. Thence S. 32°18'51" W., a distance of 20.11 feet to said existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25);
3. Thence along said existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) on a non-tangent curve to the left, having a central angle of 00°26'03", a radius of 2988.00 feet, an arc length of 22.65 feet, the chord of which bears N. 35°28'14" W., a distance of 22.65 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Parcel contains 210 sq. ft. (0.005 acres) of land, more or less.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 67 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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PROJECT NUMBER: STE 0252-411
PARCEL NUMBER: 4
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A tract or parcel of land No. 4 of the City and County of Denver, State of Colorado, Contract No. CE92032, Project No. STE 0252-411 (PC 17954) containing 1,312 sq. ft. (0.030 acres) of land, more or less, being portion of that tract of land described in the Quit Claim Deed from Felfam Limited Partnership to Robert L. Feldman dated October 31, 2007 and recorded November 1, 2007 at Reception No. 2007171017 of the City and County of Denver records located in the N.W. 1/4 of Section 30, Township 4 South, Range 87 West, of the 8th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 51°15'57" W., a distance of 930.40 feet to the existing west Right-of-Way line of South Cherry Street as established by Ordinance No. 34, Series of 1964 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence along said west Right-of-Way line of South Cherry Street, S. 00°26'34" E., a distance of 52.50 feet;
2. Thence S. 89°33'26" W., a distance of 25.00 feet;
3. Thence N. 00°26'34" W., a distance of 52.50 feet;
4. Thence N. 89°33'26" E., a distance of 25.00 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Parcel contains 1,312 sq. ft. (0.030 acres) of land, more or less.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 87 W., 8TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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EASEMENT (PERMANENT)

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PROJECT NUMBER: STE 0252-411
PERMANENT EASEMENT NUMBER: PE-1
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A Permanent Easement No. PE-1 of the City and County of Denver, State of Colorado, Contract No. CE92032, Project No. STE 0252-411 (PC 17954) containing 10,121 sq. ft. (0.232 acres) of land, more or less, being a portion of that parcel of land described as Parcel "J" in the Warranty Deed from Colorado and Southern Railway Company to Regional Transportation District dated August 24, 1981 and recorded November 23, 1981 at Reception No. 12371 in Book 2488 at Page 523 of the City and County of Denver records located in the N.W. 1/4 of Section 30, Township 4 South, Range 67 West, of the 6th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 47°00'32" W., a distance of 1,416.20 feet to the intersection of the northerly line of said Parcel "J" as described in Book 2488 at Page 523 and the existing westerly Right-of-Way line of the Valley Highway (now known as Interstate 25) as established by Ordinance No.3, Series of 1962, recorded February 1, 1962 at Reception No. 8797, Page 32 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence S. 42°56'08" W., a distance of 43.93 feet;
2. Thence along a non-tangent curve to the left, having a central angle of 07°52'17", a radius of 1076.51 feet, an arc length of 147.89 feet, the chord of which bears N. 77°16'51" W., a distance of 147.78 feet;
3. Thence N. 80°45'10" W., a distance of 172.87 feet to the east Right-of-Way line of S. Birch Street as established by the Quit Claim Deed from the Regional Transportation District to the City and County of Denver dated December 24, 1996 and recorded July 30, 1998 at Reception No. 9800122684 of the City and County of Denver records;
4. Thence along said easterly Right-of-Way line on a non-tangent curve to the right, having a central angle of 45°35'30", a radius of 49.00 feet, an arc length of 38.99 feet, the chord of which bears N. 56°04'19" E., a distance of 37.97 feet;
5. Thence continuing along said easterly Right-of-Way line on a non-tangent curve to the left, having a central angle of 161°50'24", a radius of 12.00 feet, an arc length of 33.90 feet, the chord of which bears N. 80°49'57" E., a distance of 23.70 feet to the southerly Right-of-Way line of East Colorado Center Drive as established by Special Warranty Deed from WRC Properties, Inc. to the City and County of Denver dated January 19, 2006 and recorded January 19, 2006 at Reception No. 2006012521 in the City and County of Denver records;
6. Thence along said southerly Right-of-Way line of East Colorado Center Drive, S. 79°36'42" E., a distance of 294.62 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Permanent Easement contains 10,121 sq. ft. (0.232 acres) of land, more or less.

The purpose of the above-described Permanent Easement is for the construction, access and maintenance of a bridge.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 87 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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PROJECT NUMBER: STE 0252-411
PERMANENT EASEMENT NUMBER: PE- 3
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A Permanent Easement No. PE-3 of the City and County of Denver, State of Colorado, Contract No. CE92032, Project No. STE 0252-411 (PC 17954) containing 3,267 sq. ft. (0.075 acres) of land, more or less, being portion of the "Centre Pointe Station Condominiums" as described in the map recorded April 30, 2004 at Reception No. 2004098343 of the City and County of Denver records located in the N.W. 1/4 of Section 30, Township 4 South, Range 87 West, of the 6th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 47°23'25" W., a distance of 985.23 feet to the N.E. corner of Lot 1 "Douthit-Ordelheide Subdivision" a subdivision plat recorded in Book 23 at Page 30 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence along the easterly line of said Lot 1, S. 34°20'47" E., a distance of 13.13 feet;
2. Thence S. 73°27'45" W., a distance of 129.60 feet;
3. Thence S. 43°52'24" W., a distance of 2.15 feet to the existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) as established by Ordinance No.3, Series of 1962, recorded February 1, 1962 at Reception No. 8797, Page 32 of the City and County of Denver records;
4. Thence along said existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) on a non-tangent curve to the left, having a central angle of 00°05'10", a radius of 2988.00 feet, an arc length of 4.49 feet, the chord of which bears N. 35°12'37" W., a distance of 4.49 feet;
5. Thence N. 32°18'51" E., a distance of 20.11 feet;
6. Thence N. 86°31'40" W., a distance of 23.94 feet to said existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25);
7. Thence along said existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) on a non-tangent curve to the left, having a central angle of 00°03'54", a radius of 2988.00 feet, an arc length of 3.39 feet, the chord of which bears N. 35°43'12" W., a distance of 3.39 feet;
8. Thence N. 43°52'24" E., a distance of 4.43 feet;
9. Thence N. 73°27'45" E., a distance of 72.66 feet to the north line of said Lot 1;
10. Thence along said north line of Lot 1, N. 89°30'13" E., a distance of 63.32 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Permanent Easement contains 3,267 sq. ft. (0.075 acres) of land, more or less.

The purpose of the above-described Permanent Easement is for the construction, access and maintenance of a bridge.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 67 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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PROJECT NUMBER: STE 0252-411
PERMANENT EASEMENT NUMBER: PE- 4
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A Permanent Easement No. PE-4 of the City and County of Denver, State of Colorado, Contract No. CE92032, Project No. STE 0252-411 (PC 17954) containing 1,020 sq. ft. (0.023 acres) of land, more or less, being portion of that tract of land described in the Quit Claim Deed from Felfam Limited Partnership to Robert L. Feldman dated October 31, 2007 and recorded November 1, 2007 at Reception No. 2007171017 of the City and County of Denver records located in the N.W. 1/4 of Section 30, Township 4 South, Range 87 West, of the 8th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 47°23'25" W., a distance of 985.23 feet to the N.E. corner of Lot 1 "Douthit-Ordelheide Subdivision" a subdivision plat recorded in Book 23 at Page 30 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence along said north line of Lot 1, S. 89°30'13" W., a distance of 63.32 feet;
2. Thence N. 73°27'45" E., a distance of 39.88 feet;
3. Thence N. 00°26'34" W., a distance of 21.35 feet;
4. Thence N. 89°33'26" E., a distance of 25.00 feet to the existing west Right-of-Way line of South Cherry Street as established by Ordinance No. 34, Series of 1964 of the City and County of Denver records;
5. Thence along said west Right-of-Way line of South Cherry Street, S. 00°26'34" E., a distance of 32.35 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Permanent Easement contains 1,020 sq. ft. (0.023 acres) of land, more or less.

The purpose of the above-described Permanent Easement is for the construction, access and maintenance of a bridge.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 87 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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EASEMENT (TEMPORARY)

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PROJECT NUMBER: STE 0252-411
TEMPORARY EASEMENT NUMBER: TE-3
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A Temporary Easement No.TE-3 of the City and County of Denver, State of Colorado, Contract No.CE92032, Project No. STE 0252-411 (PC 17954) containing 960 sq. ft. (0.022 acres) of land, more or less, being portion of the "Centre Pointe Station Condominiums" as described in the map recorded April 30, 2004 at Reception No. 2004098343 of the City and County of Denver records located in the N.W. 1/4 of Section 30, Township 4 South, Range 67 West, of the 6th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 52°43'13" W., a distance of 1,103.38 feet to the existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) as established by Ordinance No.3, Series of 1962, recorded February 1, 1962 at Reception No. 8797, Page 32 of the City and County of Denver records, also being the N.W. corner of Lot 1 "Douthit-Ordelheide Subdivision" a subdivision plat recorded in Book 23 at Page 30 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence along the north line of said Lot 1, N. 89°30'13" E., a distance of 89.52 feet;
2. Thence S. 73°27'45" W., a distance of 72.66 feet;
3. Thence S. 43°52'24" W., a distance of 4.43 feet to said existing easterly Right-of-Way line of the Valley Highway (now known as Interstate 25);
4. Thence along said existing easterly Right-of-Way line of the Valley Highway (now known as Interstate 25) on a non-tangent curve to the left, having a central angle of 00°32'52", a radius of 2988.00 feet, an arc length of 28.56 feet, the chord of which bears N. 36°01'35" W., a distance of 28.56 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Temporary Easement contains 960 sq. ft. (0.022 acres) of land, more or less.

The purpose of the above-described Temporary Easement is for bridge construction.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 67 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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PROJECT NUMBER: STE 0252-411
TEMPORARY EASEMENT NUMBER: TE-3A
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A Temporary Easement No. TE-3A of the City and County of Denver, State of Colorado, Contract No. CE92032, Project No. STE 0252-411 (PC 17954) containing 4,520 sq. ft. (0.104 acres) of land, more or less, being portion of the "Centre Pointe Station Condominiums" as described in the map recorded April 30, 2004 at Reception No. 2004098343 of the City and County of Denver records located in the N.W. 1/4 of Section 30, Township 4 South, Range 67 West, of the 6th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 46°38'09" W., a distance of 987.20 feet to the existing westerly Right-of-Way of East Asbury Circle as established by "Douthit-Ordelheide Subdivision" a subdivision plat recorded in Book 23 at Page 30 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence along said westerly Right-of-Way of East Asbury Circle, S. 34°20'47" E., a distance of 17.04 feet;
2. Thence S. 77°51'00" W., a distance of 23.43 feet;
3. Thence S. 00°16'49" E., a distance of 20.17 feet;
4. Thence S. 89°43'11" W., a distance of 46.94 feet;
5. Thence S. 00°41'37" W., a distance of 31.80 feet;
6. Thence S. 55°04'37" W., a distance of 35.04 feet to the existing easterly Right-of-Way line of the Valley Highway (now known as Interstate 25) as established by Ordinance No.3, Series of 1962, recorded February 1, 1962 at Reception No. 8797, Page 32 of the City and County of Denver records;
7. Thence along said existing easterly Right-of-Way line of the Valley Highway (now known as Interstate 25), N. 34°24'52" W., a distance of 22.01 feet;
8. Thence continuing along said existing easterly Right-of-Way line of the Valley Highway (now known as Interstate 25) on a non-tangent curve to the left, having a central angle of 00°48'32", a radius of 2988.00 feet, an arc length of 42.18 feet, the chord of which bears N. 34°45'46" W., a distance of 42.18 feet;
9. Thence N. 43°52'24" E., a distance of 2.15 feet;
10. Thence N. 73°27'45" E., a distance of 129.60 feet, more or less, to the **TRUE POINT OF BEGINNING**.



The above described Temporary Easement contains 4,520 sq. ft. (0.104 acres) of land, more or less.

The purpose of the above-described Temporary Easement is for bridge construction.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 67 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

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PROJECT NUMBER: STE 0252-411
TEMPORARY EASEMENT NUMBER: TE- 4
PROJECT CODE: 17954
CITY OF DENVER CONTRACT NUMBER: CE92032
DATE: MARCH 30, 2011
DESCRIPTION

A Permanent Easement No. PE-3 of the City and County of Denver, State of Colorado, Contract No. CE92032, Project No. STE 0252-411 (PC 17954) containing 3,267 sq. ft. (0.075 acres) of land, more or less, being portion of the "Centre Pointe Station Condominiums" as described in the map recorded April 30, 2004 at Reception No. 2004098343 of the City and County of Denver records located in the N.W. 1/4 of Section 30, Township 4 South, Range 67 West, of the 6th Principal Meridian, in the City and County of Denver, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the N 1/4 corner of Section 30, (Whence the N.W. Corner of Section 30 bears S. 89°30'35" W., a distance of 2541.93 feet); Thence S. 47°23'25" W., a distance of 985.23 feet to the N.E. corner of Lot 1 "Douthit-Ordelheide Subdivision" a subdivision plat recorded in Book 23 at Page 30 of the City and County of Denver records and the **TRUE POINT OF BEGINNING**;

1. Thence along the easterly line of said Lot 1, S. 34°20'47" E., a distance of 13.13 feet;
2. Thence S. 73°27'45" W., a distance of 129.60 feet;
3. Thence S. 43°52'24" W., a distance of 2.15 feet to the existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) as established by Ordinance No.3, Series of 1962, recorded February 1, 1962 at Reception No. 8797, Page 32 of the City and County of Denver records;
4. Thence along said existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) on a non-tangent curve to the left, having a central angle of 00°05'10", a radius of 2988.00 feet, an arc length of 4.49 feet, the chord of which bears N. 35°12'37" W., a distance of 4.49 feet;
5. Thence N. 32°18'51" E., a distance of 20.11 feet;
6. Thence N. 86°31'40" W., a distance of 23.94 feet to said existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25);
7. Thence along said existing easterly Right-of-Way of the Valley Highway (now known as Interstate 25) on a non-tangent curve to the left, having a central angle of 00°03'54", a radius of 2988.00 feet, an arc length of 3.39 feet, the chord of which bears N. 35°43'12" W., a distance of 3.39 feet;
8. Thence N. 43°52'24" E., a distance of 4.43 feet;
9. Thence N. 73°27'45" E., a distance of 72.66 feet to the north line of said Lot 1;
10. Thence along said north line of Lot 1, N. 89°30'13" E., a distance of 63.32 feet, more or less, to the **TRUE POINT OF BEGINNING**.

The above described Permanent Easement contains 3,267 sq. ft. (0.075 acres) of land, more or less.

The purpose of the above-described Permanent Easement is for the construction, access and maintenance of a bridge.

Basis of Bearings: All bearings are based on the line connecting the N 1/4 Corner of Section 30, T. 4 S., R. 67 W., 6TH PM (being a found 3 1/4" alum. cap in range box stamped in part "PLS 9479") and the N.W. Corner of said Section 30, (being a found 2 1/2" alum. cap in range box stamped in part " PLS 23524 2006"), being a grid bearing of S. 89°30'35" W., (2541.93') as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said grid bearing is NAD 83 (1992) Colorado State Plane (Central Zone - 502).

Prepared by: Geoffrey F. Stephenson, PLS 23521
For and on Behalf of
The Lund Partnership, Inc.
12265 West Bayaud Avenue, Suite 130
Lakewood, Colorado 80228



1 **Section 2.** That the Council hereby finds and determines that these properties are
2 needed and required for the following public uses and public purposes: pedestrian and bicycle
3 bridge, road, sidewalk, drainage, landscaping, medians, other appurtenant improvements and
4 construction thereof.

5 **Section 3.** That the Council hereby authorizes the Mayor, including his duly authorized
6 representatives, in accordance with applicable federal, state, and City laws and rules and
7 regulations adopted pursuant thereto, to acquire the property interests described in Section 1,
8 including all fixtures, licenses, permits, improvements, and any other rights and interests,
9 including appurtenances thereto, including the taking of all actions necessary to do so without
10 further action by City Council, such as conducting negotiations, executing all related agreements,
11 and making all necessary payments; to take actions required by law before instituting
12 condemnation proceedings; to allow the temporary use of City-owned land; and to convey City-
13 owned land, including remnants.

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

23 **Section 5.** That the Council hereby finds and determines that the Colorado Department
24 of Transportation and the Denver Department of Public Works may find the need to alter the
25 legal descriptions of certain temporary easement areas or properties referred to in this
26 Ordinance and may continue to do so in order to meet the needs of the Project.

27 **Section 6.** If minor modifications are made to the legal descriptions of any of the
28 properties referred to in this Ordinance, Council hereby authorizes the Mayor, including his duly
29 authorized representatives, in accordance with applicable federal, state, and City laws and rules
30 and regulations adopted pursuant thereto, to acquire those temporary easements and properties
31 as the legal descriptions are altered by the Colorado Department of Transportation and the
32 Denver Department of Public Works in accordance with the means authorized in this Ordinance.

33 **Section 7.** That the Council hereby finds and determines that to improve the safety and
34 operation of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary

1 to rebuild, modify, remove, and relocate existing access points to streets located in the vicinity of
2 the Project.

3 **Section 8.** That the Council hereby authorizes the City to use the power of eminent
4 domain to act as the local authority to build a pedestrian and bicycle bridge across I-25 in the
5 vicinity of East Evans Avenue and East Jewell Avenue and to rebuild, modify, remove, and
6 relocate existing access points in the vicinity of such bridge and streets.

7

8 COMMITTEE APPROVAL BY CONSENT: June 9, 2011

9 MAYOR-COUNCIL DATE: June 14, 2011

10 PASSED BY THE COUNCIL _____ 2011

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____ 2011

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL _____, 2011

17 PREPARED BY: Jo Ann Weinstein - ASSISTANT CITY ATTORNEY- July 7, 2011

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
19 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 ordinance. The proposed ordinance is, in part, submitted to the City Council for approval
21 pursuant to § 3.2.6 of the Charter.

22

23 David W. Broadwell, City Attorney

24 BY: _____, _____ City Attorney - _____ 2011