

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0943
COMMITTEE OF REFERENCE:
4 Finance & Governance

5 **A BILL**

6 **For an ordinance designating a certain property in Adams County as being**
7 **required for public use and authorizing use and acquisition thereof by**
8 **negotiation or through condemnation proceedings of fee simple, easement and**
9 **other interests, including any rights and interests related or appurtenant to**
10 **properties as needed for the National Western Center Project.**

11
12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13 **Section 1.** That Council designates the following property situated in Adams County and
14 State of Colorado as being needed for public uses and purposes by the City and County of Denver,
15 a home rule city and municipal corporation of the State of Colorado:

16 **LEGAL DESCRIPTION**

17 A PARCEL OF LAND LOCATED IN THE NW1/4NE1/4 AND IN THE SW1/4NE1/4 OF SECTION 14,
18 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY
19 DESCRIBED AS FOLLOWS:

20
21 COMMENCING AT THE NORTHWEST CORNER OF SAID NW1/4NE1/4 OF SAID SECTION 14,
22 THENCE S01°14'30" E ALONG THE WEST LINE OF THE SAID NW1/4NE1/4, A DISTANCE OF 957.0
23 FEET;
24 THENCE EAST, A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING; FROM SAID
25 TRUE POINT OF BEGINNING,
26 THENCE S01°14'30" E, PARALLEL WITH THE WEST LINE OF SAID NW1/4NE1/4 AND SW1/4NE1/4
27 OF SAID SECTION 14, A DISTANCE OF 744.9 FEET TO A POINT 8.5 FEET DISTANT FROM AND
28 MEASURED AT RIGHT ANGLES TO THE CENTER LINE OF THE CHICAGO BURLINGTON AND
29 QUINCY RAILROAD COMPANY SPUR TRACK;
30 THENCE S18°51'30" E, PARALLEL WITH AND 8.5 FEET DISTANT FROM THE CENTERLINE OF SAID
31 SPUR TRACK, A DISTANCE OF 32.53 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY
32 LINE OF NORTHWESTERN TERMINAL RAILROAD COMPANY;
33 THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE ON A CURVE TO
34 THE RIGHT HAVING A RADIUS OF 1482.7 FEET A DISTANCE OF 773.8 FEET TO A POINT OF
35 TANGENT,
36 THE LONG CHORD OF SAID CURVE BEARS N26°17'30" E A DISTANCE OF 764.9 FEET;
37 THENCE N41°19' E ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE A DISTANCE OF 119.5
38 FEET;
39 THENCE WEST A DISTANCE OF 444.76 FEET TO THE POINT OF BEGINNING,
40 COUNTY OF ADAMS, STATE OF COLORADO.

41
42 **Section 2.** That the Council finds and determines that property interests in these properties
43 are needed and required for the following public uses and public purposes: relocation required by
44 the National Western Center project of rail lines, rail operations, and rail maintenance facilities
45 serving the Denver and Adams County communities.

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

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

20 **Section 5.** That the Council finds and determines that the Department of Real Estate and/or
21 other agencies may find the need to alter the legal descriptions of the properties referred to in this
22 Ordinance and may continue to do so in order to meet the needs of the Project. Council authorizes
23 the Mayor, including his duly authorized representatives, in accordance with applicable federal,
24 state, and City laws and rules and regulations adopted pursuant thereto, to acquire the property as
25 the legal descriptions are altered in accordance with the means authorized in this Ordinance.

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

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

32

1 COMMITTEE APPROVAL DATE: August 28, 2018 by Consent
2 MAYOR-COUNCIL DATE: September 4, 2018 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: Jennifer M. Welborn, Assistant City Attorney DATE: September 6, 2018
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the 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 Kristin M. Bronson, Denver City Attorney
17
18 BY: _____, Assistant City Attorney DATE: _____