BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. CB15-0900

SERIES OF 2015 COMMITTEE OF REFERENCE:

Finance & Services

A BILL

For an ordinance designating certain property as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple and other interests, including any rights and interests related or appurtenant to such property, as needed for the National Western Center Project.

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

Section 1. That Council designates the following property 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 home rule city and municipal corporation of the State of Colorado:

A part of the South half of Section 14, a part of the North half of Section 23, and a part of the Northeast quarter of Section 22, Township 3 South, Range 68 West, of the 6th Principal Meridian, City and County of Denver, State of Colorado more particularly described as follows:

Beginning at the intersection of the north line of said south half of section 14 and the east line of Franklin St.;
Thence southerly, along said east line of Franklin St. to the northeasterly line of Race Ct.;
Thence southeasterly along said northeasterly line of Race Ct. and the extension of the northeasterly line of said Race Ct. to the southeasterly line of Brighton Blvd.;
Thence southerly along the southeasterly and easterly line of said Brighton Blvd. to the southeasterly extension of the southwesterly line of 44th St.;
Thence northwesterly along said southwesterly line of said 44th St. and the extension of the southwesterly line of said 44th St. to the southerly line of 46th Ave.;
Thence westerly along said southerly line of 46th Ave. to the northwesterly line of the Chicago Burlington and Quincy Railroad Mainline;
Thence southwesterly along said northwesterly line of the Chicago Burlington and Quincy Railroad Mainline to the westerly line of the Official Channel of the South Platte River;
Thence northerly along said westerly line of the Official Channel of the South Platte River to the north line of the South half of said Section 14;
Thence easterly to the Point of Beginning.

Excepting there from that parcel of land described in Bargain and Sale Deed recorded June 15, 2014 at

Reception Number 2014126703

And

Excepting there from all real property interests owned by Burlington Northern Railroad, or any of its subsidiaries, affiliates, assignees, or successors in interest.

Section 2. That the Council finds and determines that property interests in these properties are needed and required for the following public uses and public purposes: roads, sidewalks, drainage, landscaping, parks, playgrounds, pleasure ways, public squares, bridges, medians, access points, and other appurtenant improvements to the roads and construction thereof; drainage facilities and related appurtenant improvements to the drainage facilities and construction thereof; sanitary sewer facilities and related appurtenant improvements to the sanitary sewer facilities and construction thereof; recreational and entertainment facilities and related appurtenant improvements to the recreational and entertainment facilities and construction thereof; public parking facilities and related appurtenant improvements to the public parking facilities and construction thereof; and educational facilities and related appurtenant improvements to the educational facilities and construction thereof.

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

Section 4. That if for the property interest set forth above, the interested parties do not agree upon the compensation to be paid for the needed property interests, the owner or owners of the property are incapable of consenting, the name or residence of any owner is unknown, or any of the owners are non-residents of the State, then the City Attorney of the City and County of Denver, upon the Mayor's direction, is authorized and empowered to exercise the City and County of Denver's eminent domain powers by instituting and, as necessary, prosecuting to conclusion

proceedings under Article Title 38, Colorado Revised Statutes, to acquire needed property interests upon, through, over, under and along the above-described property as necessary for the purposes set forth in Section 2 above.

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

Section 6. That the Council finds and determines that to improve the land described in Section 1, it may be necessary to obtain, build and modify the land in connection with the development of the National Western Center and that the Council authorizes the City to use the power of eminent domain to act as the local authority to obtain, build and modify the land described in Section 1.

COMMITTEE APPROVAL DATE: December 1, 2015

MAYOR-COUNCIL DATE: December 8, 2015

PASSED BY THE COUNCIL: _____, 2015

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2015

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

PREPARED BY: Jennifer M. Welborn, Assistant City Attorney DATE: December 10, 2015

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

D. Scott Martinez, City Attorney for the City and County of Denver

BY: _____, Assistant City Attorney DATE: _____, 2015