

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2014

COUNCIL BILL NO. CB14-0934  
COMMITTEE OF REFERENCE:  
Infrastructure & Culture

**A BILL**

**For an ordinance designating certain property as “park” under section 2.4.5 of the city charter, namely the Montclair East Park.**

**WHEREAS**, the following real property, known generally as Montclair East Park, which is under the jurisdiction of the Denver Department of Parks and Recreation has been or will be used for park purposes within the City and County of Denver (“Park Property”):

A parcel of land being a part of Lot 1 and all of Lot 2, Block 11, Lowry Filing No. 9, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Lot 1; Thence S89°57’23”E, along the South line of said Lot 1, a distance of 120.00 feet to the Point of Beginning; Thence N0°02’37”E, parallel with and 120.00 feet East of the Westerly line of said Lot 1, a distance of 459.50 feet; Thence S89°57’23”E, a distance of 180.00 feet; Thence N0°02’37”E, a distance of 45.00 feet; Thence N33°42’44”E, a distance of 109.84 feet to a point on a curve on the Southwesterly line of Tract H (proposed 8<sup>th</sup> Ave) of said Lowry Filing No. 9; Thence along said Southwesterly line of Tract H (proposed 8<sup>th</sup> Ave) and along the arc of a non-tangent curve to the left having a central angle of 19°51’14”, a radius of 498.00 feet, an arc length of 172.57 feet and whose chord bears S66°12’53”E, a distance of 171.70 feet to the most Northerly Northwest corner of Tract F of said Lowry Filing No. 9; Thence S52°00’22”E, along the Westerly line of said Tract F, a distance of 72.57; Thence S6°12’49”E, continuing along said Westerly line of Tract F, a distance of 453.62 feet to the most Northerly Southeast corner of said Lot 2; Thence along the Southerly lines of said Lots 1 and 2 the following three (3) courses;

1. Thence S38°47’11”W, a distance of 34.65 feet to a point of non-tangent curve;
2. Thence along the arc of a non-tangent curve to the right having a central angle of 6°24’00”, a radius of 676.00 feet, an arc length of 75.71 feet, and whose chord bears S86°50’37”W, a distance of 75.47 feet;
3. Thence N89°57’23”W, a distance of 407.70 feet to the Point of Beginning.

Bearings are based on the South line of the Southwest quarter of Section 4, T 4 S, R 67 W of the 6<sup>th</sup> P.M. being N89°57’23”W, the terminus points are monumented by a 3 ¼ “ aluminum cap in a range box marked “BRW INC PLS 20683”.

**WHEREAS**, the Parks and Recreation Advisory Board and the Manager of Parks and Recreation have recommended that said Park Property be formally designated as a “park” under section 2.4.5 of the City Charter.

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

**Section 1.** That the Park Property, known generally as the Montclair East Park, is hereby designated as a “park” under section 2.4.5 of the City Charter and shall henceforth be regarded as

1 being a designated park in the City and County of Denver, which designation is subject to a) the  
2 terms and conditions of the Quitclaim Deed from the United States of America to the City and  
3 County of Denver recorded February 4, 2002, at reception number 2002022951; b) the terms and  
4 conditions of the Transfer of Use Restrictions and Quitclaim Deed executed by the United States of  
5 America and the City and County of Denver and recorded August 8, 2002, at reception number  
6 2002138418; c) any recorded warranties, reservations, covenants and/or restrictions of the United  
7 States of America; and d) any existing utilities lawfully located in the Park Property as of the date  
8 of this park designation.

9 COMMITTEE APPROVAL DATE: November 5, 2014 by consent

10 MAYOR-COUNCIL DATE: November 11, 2014

11 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014

12 \_\_\_\_\_ - PRESIDENT

13 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

14 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
15 EX-OFFICIO CLERK OF THE  
16 CITY AND COUNTY OF DENVER

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

18 PREPARED BY: Patrick A. Wheeler Assistant City Attorney DATE: November 13, 2014

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
22 §3.2.6 of the Charter.

23  
24 D. Scott Martinez, Denver City Attorney

25  
26 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2014

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