

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2010

COUNCIL BILL NO. CB10-0326  
COMMITTEE OF REFERENCE:  
PUBLIC WORKS

4  
5 **A BILL**

6 **For an Ordinance designating certain properties as being required for public**  
7 **use and authorizing use and acquisition thereof by negotiation or through**  
8 **condemnation proceedings including all improvements, fixtures, licenses,**  
9 **permits, access points and any other rights and interests related or appurtenant**  
10 **to properties so designated.**

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

12 **Section 1.** That the Council hereby designates the following properties situated in the City  
13 and County of Denver and State of Colorado as being needed for public uses and purposes by the  
14 City and County of Denver, a municipal corporation of the State of Colorado:

15 FEE SIMPLE

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## TEMPORARY EASEMENTS

### Property Description

A part Lot 22, Block 16, Adams Park being situated in the Northwest ¼ of Section 17, Township 4 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of said Lot 22 thence southerly, along the east line of said Lot 22, a distance of 49.00 feet to Point of Beginning 1; thence continuing southerly along the east line of said Lot 22, a distance of 20.00 feet to Point A; thence westerly 10.00 feet; thence northerly 20.00 feet; thence easterly, 10.00 feet to Point of Beginning 1.

Containing 200 square feet, more or less

Together with the following parcel:

Commencing at the previously described Point A and continuing southerly along the east line of said Lot 22, a distance of 29.00 feet to Point of Beginning 2; thence continuing southerly along the east line of said Lot 22, a distance of 20.00 feet; thence westerly 6.00 feet; thence northerly 20.00 feet; thence easterly 6.00 feet to Point of Beginning 2.

Containing 120 square feet, more or less

Description prepared by:



Warren L. Ruby, Colorado Licensed Professional Land Surveyor #24966  
For and on behalf of the City and County of Denver  
Public Works Right-of-Way Services Survey  
201 W. Colfax Ave.  
Denver, CO 80202

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**Property Description**

A part of the Northwest ¼ of Section 17, Township 4 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of Colorado, described as follows:

The South 9.0 feet of Lot 28, Block 11, Adams Park.

Containing 225 square feet, more or less

Description prepared by:



Warren L. Ruby, Colorado Licensed Professional Land Surveyor #24966  
For and on behalf of the City and County of Denver  
Public Works Right-of-Way Services Survey  
201 W. Colfax Ave.  
Denver, CO 80202

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Property Description

A part of the Northwest ¼ of Section 17, Township 4 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of Colorado, described as follows:

The South 10.0 feet of Lots 39 and 40, Block 11, Adams Park.

Containing 500 square feet, more or less

Description prepared by:



Warren L. Ruby, Colorado Licensed Professional Land Surveyor #24966  
For and on behalf of the City and County of Denver  
Public Works Right-of-Way Services Survey  
201 W. Colfax Ave.  
Denver, CO 80202

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

**Section 3.** That the Council hereby 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 interests described in Section 1, including all fixtures, licenses, permits, improvements (including without limitation, general outdoor advertising devices and buildings) and any other rights and interests, including 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 any particular property interest set forth above, the interested parties do not agree upon the compensation to be paid for property, the owner or owners thereof are incapable

1 of consenting, the name or residence of any owner thereof is unknown, or any of the owners thereof  
2 are non-residents of the State, then the City Attorney for and of the City and County of Denver, upon  
3 the Mayor's direction, is hereby authorized and empowered to exercise the City and County of  
4 Denver's eminent domain powers by instituting and, as necessary, prosecuting to conclusion  
5 condemnation proceedings under Article I, Title 38, Colorado Revised Statutes, to acquire property  
6 interests upon, through, over, under and along the above-described properties as necessary for the  
7 purposes set forth in Section 2 above.

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

12 **Section 6.** If minor modifications are made to the legal descriptions of any of the properties  
13 referred to in this Ordinance, Council hereby authorizes the Mayor, including his duly authorized  
14 representatives, in accordance with applicable federal, state, and City laws and rules and  
15 regulations adopted pursuant thereto, to acquire those temporary easements and properties as the  
16 legal descriptions are altered by the Denver Department of Public Works in accordance with the  
17 means authorized in this Ordinance.

18 **Section 7.** That the Council hereby finds and determines that to improve the safety of  
19 both pedestrians and vehicles in the vicinity of Munroe Elementary School located at Knox Court  
20 and Virginia Avenue, it may be necessary to rebuild, modify, remove, and relocate existing  
21 access points located in the vicinity of the intersection.

22 **Section 8.** That the Council hereby authorizes the City to use the power of eminent  
23 domain to act as the local authority to rebuild, modify, remove, and relocate existing access  
24 points in the vicinity of the Munroe Elementary School.

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26 COMMITTEE APPROVAL: by Consent Agenda, week of April 26, 2010

27 MAYOR-COUNCIL DATE: May 4, 2010

28 PASSED BY THE COUNCIL \_\_\_\_\_ 2010

29 \_\_\_\_\_ - PRESIDENT

30 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2010

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1 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
2 EX-OFFICIO CLERK OF THE  
3 CITY AND COUNTY OF DENVER

4 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_, 2010

5 PREPARED BY: Jo Ann Weinstein - ASSISTANT CITY ATTORNEY- May 10, 2010

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7 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
8 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
9 ordinance. The proposed ordinance is, in part, submitted to the City Council for approval pursuant to  
10 § 3.2.6 of the Charter.

11  
12 City Attorney

13 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

14 DATE: \_\_\_\_\_, 2010