

1 **BY AUTHORITY**

2 ORDINANCE NO.

COUNCIL BILL NO. CB24-0729

3 SERIES OF 2024

COMMITTEE OF REFERENCE:

4 Finance & Governance

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 of fee simple, easement and other interests,**
9 **including any rights and interests related or appurtenant to properties**
10 **designated as needed for the Sidewalk Gap Project-Globeville including**
11 **sidewalks between East 47th Avenue and Interstate 70 on North Thompson**
12 **Court.**

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

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

17 **PARCEL TE-1**
18 **4661 N CLAYTON ST**

19
20 PARCEL TE-1 BEING A PORTION OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2007036425,
21 FURTHER BEING A PORTION OF LOT 5, BLOCK 1, WULFEKUHLER'S SUBDIVISION, SITUATED IN
22 THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH
23 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
24 PARTICULARLY DESCRIBED AS FOLLOWS:

25 **BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5;**

26 THENCE SOUTH 89°47'03" EAST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 12.37
27 FEET;

28 THENCE SOUTH 00°13'57" WEST, A DISTANCE OF 50.00 FEET TO THE SOUTH LINE OF SAID LOT 5;

29 THENCE NORTH 89°47'03" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 12.37 FEET TO THE
30 SOUTHWEST CORNER OF SAID LOT 5;

31 THENCE NORTH 00°13'57" EAST ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 50.00
32 FEET TO THE **POINT OF BEGINNING.**

33 PARCEL TE-1 CONTAINS 618 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

34 BEARINGS ARE BASED ON THE RANGE LINE IN EAST 47TH AVENUE BETWEEN THOMPSON COURT
35 AND CLAYTON STREET ASSUMED TO BEAR SOUTH 89°47'03" EAST, MONUMENTED BY A NO. 8
36 REBAR IN RANGE BOX AT THOMPSON COURT AND BY AN AXLE IN RANGE BOX AT CLAYTON
37 STREET.

1 and

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5 **4671 N CLAYTON ST**
6 **PARCEL TE-2**

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9 PARCEL TE-2 BEING A PORTION OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2019095992,
10 FURTHER BEING A PORTION OF LOT 4, BLOCK 1, WULFEKUHLER'S SUBDIVISION, SITUATED IN
11 THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH
12 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE
13 PARTICULARLY DESCRIBED AS FOLLOWS:

14 **BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4;**

15
16 THENCE SOUTH 89°47'03" EAST ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 7.68
17 FEET;

18 THENCE SOUTH 00°13'57" WEST, A DISTANCE OF 50.00 FEET TO THE SOUTH LINE OF SAID LOT 4;

19 THENCE NORTH 89°47'03" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 7.68 FEET TO THE
20 SOUTHWEST CORNER OF SAID LOT 4;

21 THENCE NORTH 00°13'57" EAST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 50.00
22 FEET TO THE **POINT OF BEGINNING**.

23
24 PARCEL TE-2 CONTAINS 384 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

25
26 BEARINGS ARE BASED ON THE RANGE LINE IN EAST 47TH AVENUE BETWEEN THOMPSON COURT
27 AND CLAYTON STREET ASSUMED TO BEAR SOUTH 89°47'03" EAST, MONUMENTED BY A NO. 8
28 REBAR IN RANGE BOX AT THOMPSON COURT AND BY AN AXLE IN RANGE BOX AT CLAYTON
29 STREET.

30 **Section 2.** That the Council finds and determines that property interests in these properties
31 are needed and required for the following public uses and public purposes: as part of a project that
32 includes the complete installation, replacement, and modification of sidewalks, appurtenant
33 improvements, and construction thereof between East 47th Avenue and Interstate 70 on North
34 Thompson Court (the "Project").

35 **Section 3.** That Council authorizes the Mayor, including his duly authorized representatives,
36 in accordance with applicable federal, state, and City laws and rules and regulations adopted
37 pursuant thereto, to acquire the needed property interests, including, but not limited to, fee title,
38 permanent easements, temporary easements, fixtures, licenses, permits, improvements (including
39 without limitation, general outdoor advertising devices, buildings, and access points) and any other
40 rights, interests, and appurtenances thereto. Such authority includes the taking of all actions
41 necessary to do so without further action by City Council, including but not limited to: conducting
42 negotiations, executing all related agreements, making all necessary payments, taking any and all
43 actions required by law before instituting condemnation proceedings, allowing the temporary use of

1 City-owned land and conveying all or a portion of any City-owned land, including remnants, by
2 quitclaim deed, permanent or temporary easements, leases, licenses and permits.

3 **Section 4.** That if the interested parties do not agree upon the compensation to be paid for
4 the needed property interests, the owner or owners of the property are incapable of consenting, the
5 name or residence of any owner is unknown, or any of the owners are non-residents of the State,
6 then the City Attorney of the City and County of Denver, upon the Mayor's direction, is authorized
7 and empowered to exercise the City and County of Denver's eminent domain powers by instituting
8 and, as necessary, prosecuting to conclusion proceedings under Article 1, Title 38, Colorado
9 Revised Statutes, to acquire needed property interests upon, through, over, under and along the
10 above-described property as necessary for the purposes set forth in Section 2 above.

11 **Section 5.** That the Council finds and determines that the Denver Department of
12 Transportation and Infrastructure and federal and state agencies may find the need to alter the
13 nature of the property interests or the legal descriptions of the properties referred to in this Ordinance
14 and may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor,
15 including his duly authorized representatives, in accordance with applicable federal, state, and City
16 laws and rules and regulations adopted pursuant thereto, to acquire the property as the property
17 interests and legal descriptions are altered in accordance with the means authorized in this
18 Ordinance.

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

23 **Section 7.** That the Council authorizes the City to use the power of eminent domain to act
24 as the local authority to install, replace, and modify sidewalks, appurtenant improvements, and
25 construction thereof between East 47th Avenue and Interstate 70 on North Thompson Court.

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28 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

1 **Section 8.** That the City Council hereby finds and determines that the Project is necessary
2 for the health, safety, and welfare of the public.

3 COMMITTEE APPROVAL DATE: June 4, 2024 by Consent

4 MAYOR-COUNCIL DATE: June 11, 2024 by Consent

5 PASSED BY THE COUNCIL: June 24, 2024



- PRESIDENT

6 APPROVED: _____


Michael C. Johnston

- MAYOR Jun 25, 2024

7 ATTEST: _____

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

8 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

9 PREPARED BY: Martin A. Plate, Assistant City Attorney

10 DATE: June 13, 2024

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 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 Kerry Tipper, Denver City Attorney

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18 BY: 
19 , Assistant City Attorney

20 DATE: Jun 13, 2024