

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB20-1534
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance designating certain properties as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple, easement and other interests, including any rights and interests related or appurtenant to properties designated as needed for the Sand Creek Project.

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

Section 1. That the Council hereby designates the following properties 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 municipal corporation of the State of Colorado:

A parcel of land being a portion of vacated Ulster Street as described in Vacation Ordinance No. 20180282 and recorded at Reception No. 2018057783 in the records of the City and County of Denver, located in the Northeast one-quarter of the Southwest one-quarter of Section 21, Township 3 South, Range 67 West of the 6TH Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

The East one half of said vacated Ulster Street adjoining the following described parcel:

Beginning at the Northwest corner of said Northwest one-quarter of the Southeast one-quarter of Section 21, monumented by a 2 ½ “ aluminum cap marked “1998, PLS 23501, C1/4 S21 T3S R67W”, from which the Northeast corner of said Northwest one-quarter of the Southeast one-quarter, monumented by a No. 8 rebar, bears N89°41’29”E, a distance of 1325.88 feet, said Northwest corner of said Reception No. 9900186035 also being the Point of Beginning;

Thence N89°41’29”E, along the North line of said Northwest one-quarter of the Southeast one-quarter and said Reception No. 9900186035, a distance of 507.71 feet to the Northeast corner of said Reception No. 9900186035; Thence S0°20’10”E, departing said North line and along the East line of said Reception No. 9900186035, a distance of 710.67 feet; Thence N66°53’36”W, departing said East line, a distance of 105.37 feet; Thence N55°27’15”W, a distance of 35.83 feet; Thence N44°44’33”W, a distance of 53.13 feet; Thence N51°23’22”W, a distance of 18.00 feet; Thence N64°30’45”W, a distance of 96.55 feet; Thence N70°37’02”W, a distance of 129.01 feet; Thence S89°04’53”W, a distance of 121.66 feet to a point on the West line of said Reception No. 9900186035; Thence N0°23’13”W, along said West line, a distance of 514.88 feet to the Point of Beginning.

Said Parcel contains 295826 square feet or 6.79 acres more or less

1 **Section 2.** That the Council finds and determines that property interests in these properties
2 are needed and required for the following public uses and public purposes: maintaining open space
3 to limit flood hazards and protect critical and unique habitats; overbank storage; restoration for water
4 quality and habitat improvements along Sand Creek; and realignment and improvement of the Sand
5 Creek Regional Trail (the “Project”).

6 **Section 3.** That Council authorizes the Mayor, including his duly authorized representatives,
7 in accordance with applicable federal, state, and City laws and rules and regulations adopted
8 pursuant thereto, to acquire the needed property interests, including, but not limited to, fee title,
9 permanent easements, temporary easements, fixtures, licenses, permits, improvements (including
10 without limitation, general outdoor advertising devices, buildings, and access points) and any other
11 rights, interests, and appurtenances thereto. Such authority includes the taking of all actions
12 necessary to do so without further action by City Council, including but not limited to: conducting
13 negotiations, executing all related agreements, making all necessary payments, taking any and all
14 actions required by law before instituting condemnation proceedings, allowing the temporary use of
15 City-owned land and conveying all or a portion of any City-owned land, including remnants, by
16 quitclaim deed, permanent or temporary easements, leases, licenses and permits.

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

25 **Section 5.** That the Council finds and determines that the Denver Department of Parks and
26 Recreation or federal and state agencies may find the need to alter the nature of the property
27 interests or the legal descriptions of the properties referred to in this Ordinance and may continue to
28 do so in order to meet the needs of the Project. Council authorizes the Mayor, including his duly
29 authorized representatives, in accordance with applicable federal, state, and City laws and rules and
30 regulations adopted pursuant thereto, to acquire the property as the property interests and legal
31 descriptions are altered in accordance with the means authorized in this Ordinance.

32 **Section 6.** That the Council hereby finds and determines that to improve the safety and
33 operation of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary to

1 rebuild, modify, remove, and relocate existing access points to streets located in the vicinity of the
2 Project.

3 **Section 7.** That the Council authorizes the City to use the power of eminent domain to act
4 as the local authority to protect Denver's waterways and riparian areas to provide safe flood
5 conveyance; improve water quality and environmental health; enhance recreational opportunities;
6 and restore and preserve critical natural systems.

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

9 COMMITTEE APPROVAL DATE: December 15, 2020 by Consent

10 MAYOR-COUNCIL DATE: December 22, 2020 by Consent

11 PASSED BY THE COUNCIL: January 11, 2021

12 *Stacie Filmon* - PRESIDENT

13 APPROVED: _____ - MAYOR _____

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

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

18 PREPARED BY: Maureen McGuire, Assistant City Attorney DATE: December 23, 2020

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 Kristin M. Bronson, Denver City Attorney

25 BY: *Kristin J. Crawford*, Assistant City Attorney

26 DATE: Dec 22, 2020