

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2019

COUNCIL BILL NO. CB19-0700
COMMITTEE OF REFERENCE:
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, easement and other interests, including**
9 **any rights and interests related or appurtenant to properties as needed for the**
10 **Iowa Underpass Project at Santa Fe Drive, spanning Jewell Avenue to Florida**
11 **Avenue.**

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

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

16 **LEGAL DESCRIPTIONS**

17
18 **Vesting Deed**

19 A part of the land described in the Bargain and Sale Deed recorded December 27, 2016, at
20 Reception No. 2016180812 in the records of the Clerk and Recorder, City and County of
21 Denver, State of Colorado, described therein as follows:

22
23 **PARCEL A**

24
25 **LOTS 18 TO 31 AND THE SOUTH 5 FEET OF LOT 32, BLOCK 7, OVERLAND PARK**
26 **SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, TOGETHER**
27 **WITH THE EAST 1/2 OF THAT PORTION OF SOUTH BANNOCK STREET LYING**
28 **BETWEEN THE NORTH LINE OF SAID LOT 18 AND THE SOUTH LINE OF SAID**
29 **LOT 20 EXTENDED WESTERLY; AND TOGETHER WITH THE VACATED ALLEY**
30 **LYING BETWEEN SAID LOT 19 AND LOTS 20 TO 24; AND TOGETHER WITH THE**
31 **WEST 1/2 OF VACATED ALLEY LYING BETWEEN THE NORTH LINE OF SAID LOT**
32 **18 AND THE SOUTH LINE OF SAID LOT 24 EXTENDED EASTERLY; AND**
33

1 TOGETHER WITH THE EAST 1/2 OF VACATED ALLEY LYING BETWEEN THE
2 NORTH LINE OF SOUTH 5 FEET OF SAID LOT 32 AND THE SOUTH LINE OF SAID
3 LOT 25 EXTENDED WESTERLY; EXCEPT THAT PORTION OF SAID LOT 25,
4 DESCRIBED AS FOLLOWS: BEGINNING AT SOUTHEAST CORNER OF SAID LOT
5 25; THENCE NORTH 25 FEET TO NORTHEAST CORNER OF SAID LOT;
6 THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF SAID LOT 25 WHICH
7 POINT IS 25 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT; THENCE
8 WEST 25 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER,
9 STATE OF COLORADO.

10
11 PARCEL B

12
13 THE WEST HALF OF THAT PORTION OF VACATED SOUTH BANNOCK STREET
14 LYING BETWEEN THE NORTH LINE OF LOT 18 EXTENDED WESTERLY AND THE
15 SOUTH LINE OF LOT 20, EXTENDED WESTERLY OF BLOCK 7, OVERLAND PARK
16 SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

17
18 **Vesting Deed**

19
20 A part of the land described in the Deed recorded January 22, 1951, at Reception No.
21 859946 in the records of the Clerk and Recorder, City and County of Denver, State of
22 Colorado, described therein as follows:

23
24 LOTS 1 TO 24, INCLUSIVE, BLOCK 16, FIRST ADDITION TO OVERLAND PARK,
25 AND THE EAST 1/2 OF VACATED SOUTH CHEROKEE STREET LYING WEST
26 OF AND ADJOINING SAID LOTS 1-24, CITY AND COUNTY OF DENVER, STATE
27 OF COLORADO.

28
29 LOTS 1 TO 48, INCLUSIVE, BLOCK 17, FIRST ADDITION TO OVERLAND PARK,
30 AND THE WEST 1/2 OF VACATED SOUTH CHEROKEE STREET LYING EAST
31 OF AND ADJOINING SAID BLOCK 17, AND ALL VACATED ALLEYS WITHIN SAID
32 BLOCK 17, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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: roads, sidewalks,
3 drainage, landscaping, on-street parking, curbs, gutters, medians, access points, and other
4 appurtenant improvements to the roads and construction thereof.

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

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

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

5
6 COMMITTEE APPROVAL DATE: July 16, 2019 by Consent

7 MAYOR-COUNCIL DATE: July 23, 2019

8 PASSED BY THE COUNCIL: August 26, 2019 _____

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR Aug 27, 2019

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

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

15 PREPARED BY: Maureen M. McGuire, Assistant City Attorney DATE: August 15, 2019

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

20
21 Kristin M. Bronson, Denver City Attorney

22 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Aug 14, 2019
23 _____