

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO.BR23-0397
COMMITTEE OF REFERENCE:
Finance & Governance

5 **A BILL**

6 **For an ordinance granting the authority to acquire through negotiated**
7 **purchase or condemnation of all or any portion of any property interest as**
8 **needed in completing sidewalk gap improvements along a portion of East**
9 **Girard Avenue as part of Council District 4 Sidewalk Gap Improvement Project**
10 **in Council District 4.**
11

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

13 **Section 1.** That the City Council hereby designates the following parcels of real property
14 (collectively, the “Parcels”) situated in the City and County of Denver, State of Colorado, as being
15 needed for public uses and purposes by the City and County of Denver, a home rule city and
16 municipal corporation of the State of Colorado (the “City”):
17

18 **Parcel 1: Temporary Easement**

19 **Land Description (for Information only): 3493 South Dallas Court**

20 A PARCEL OF LAND BEING A PORTION OF LOT 14, BLOCK 16, HAMPDEN HEIGHTS
21 SECOND FILING, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34,
22 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
23 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
24 FOLLOWS:
25

26 WITH BEARINGS REFERENCED TO THE SOUTH RIGHT-OF-WAY LINE OF EAST
27 GIRARD AVENUE LOCATED SOUTH OF BLOCKS 15 THRU 17, HAMPDEN HEIGHTS SECOND
28 FILING, MONUMENTED ON THE EAST END BY A FOUND 1-1/4” YELLOW PLASTIC CAP
29 STAMPED “MC LLC 36580” LOCATED AT THE NORTH POINT OF CURVE OF THE SOUTHWEST
30 CORNER OF THE INTERSECTION OF EAST GIRARD AVENUE AND SOUTH DAYTON STREET,
31 AND MONUMENTED ON THE WEST END AT A POINT OF CURVE ON THE NORTH LINE OF
32 THE HAMPDEN COURT CONDOMINIUMS (SITE PLAN RECORDED AT RECEPTION NO.
33 1978029628) BY A FOUND 1/2” REBAR, ASSUMED TO BEAR NORTH 89°48'57" WEST A
34 DISTANCE OF 949.03 FEET;
35

1 COMMENCING AT THE WESTERLY END OF SAID SOUTH RIGHT-OF-WAY LINE;
2 THENCE NORTH 84°33'11" EAST, A DISTANCE OF 611.49 FEET TO THE SOUTH LINE OF SAID
3 LOT 14, BLOCK 16, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF EAST GIRARD
4 AVENUE, AND THE POINT OF BEGINNING;

5
6 THENCE NORTH 00°11'03" EAST, A DISTANCE OF 7.20 FEET;

7
8 THENCE SOUTH 89°48'57" EAST, COINCIDENT WITH A LINE BEING 7.20 FEET NORTH
9 OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 28.50 FEET;

10
11 THENCE SOUTH 00°11'03" WEST, A DISTANCE OF 7.20 FEET, TO THE SOUTH LINE OF
12 SAID LOT 14, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF EAST GIRARD AVENUE;

13
14 THENCE NORTH 89°48'57" WEST, COINCIDENT WITH SAID COMMON LINE, A
15 DISTANCE OF 28.50 FEET TO THE POINT OF BEGINNING.

16
17 THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 205 SQUARE FEET
18 OR (0.00471 ACRES), MORE OR LESS.

19
20 **Parcel 2: Temporary Easement**

21 **Land Description (for information only): 3430 South Akron Street**

22 A PARCEL OF LAND BEING A PORTION OF THAT PARTICULAR PARCEL OF LAND
23 DESCRIBED AS "PARCEL 1" IN SPECIAL WARRANTY DEED RECORDED SEPTEMBER 29,
24 2017 IN THE RECORDS OF THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF
25 DENVER AT RECEPTION NO. 2017128668, LOCATED IN THE SOUTHWEST ONE-QUARTER
26 OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
27 CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED
28 AS FOLLOWS:

29
30 WITH BEARINGS REFERENCED TO THE SOUTH RIGHT-OF-WAY LINE OF EAST
31 GIRARD AVENUE LOCATED SOUTH OF BLOCKS 15 THRU 17, HAMPDEN HEIGHTS SECOND
32 FILING, MONUMENTED ON THE EAST END BY A FOUND 1-1/4" YELLOW PLASTIC CAP
33 STAMPED "MC LLC 36580" LOCATED AT THE NORTH POINT OF CURVE OF THE SOUTHWEST
34 CORNER OF THE INTERSECTION OF EAST GIRARD AVENUE AND SOUTH DAYTON STREET,

1 AND MONUMENTED ON THE WEST END AT A POINT OF CURVE ON THE NORTH LINE OF
2 THE HAMPDEN COURT CONDOMINIUMS (SITE PLAN RECORDED AT RECEPTION NO.
3 1978029628) BY A FOUND 1/2" REBAR, ASSUMED TO BEAR NORTH 89°48'57" WEST A
4 DISTANCE OF 949.03 FEET;

5
6 COMMENCING AT THE WESTERLY END OF SAID SOUTH RIGHT-OF-WAY LINE;
7 THENCE SOUTH 83°54'25" WEST, A DISTANCE OF 365.78 FEET TO THE SOUTHERLY LINE
8 OF THE PREVIOUSLY DESCRIBED "PARCEL 1", ALSO BEING THE NORTHERLY RIGHT-OF-
9 WAY LINE OF EAST GIRARD AVENUE, AND THE POINT OF BEGINNING;

10
11 THENCE SOUTH 72°27'27" WEST, COINCIDENT WITH SAID COMMON LINE, A
12 DISTANCE OF 48.30 FEET;

13
14 THENCE NORTH 17°32'33" WEST, A DISTANCE OF 12.00 FEET;

15
16 THENCE NORTH 72°27'27" EAST, COINCIDENT WITH A LINE BEING 12.00 FEET NORTH
17 OF AND PARALLEL WITH THE SOUTHERLY LINE OF THE PREVIOUSLY DESCRIBED PARCEL
18 1, A DISTANCE OF 48.30 FEET;

19
20 THENCE SOUTH 17°32'33" EAST, A DISTANCE OF 12.00 FEET TO THE POINT OF
21 BEGINNING.

22
23 THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 580 SQUARE FEET
24 OR (0.01331 ACRES), MORE OR LESS.

25
26 **Parcel 3: Temporary Easement**

27 **Land Description (for Information only): 3484 South Clinton Court**

28 A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 16, HAMPDEN HEIGHTS
29 SECOND FILING, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34,
30 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
31 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
32 FOLLOWS:

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1 WITH BEARINGS REFERENCED TO THE SOUTH RIGHT-OF-WAY LINE OF EAST
2 GIRARD AVENUE LOCATED SOUTH OF BLOCKS 15 THRU 17, HAMPDEN HEIGHTS SECOND
3 FILING, MONUMENTED ON THE EAST END BY A FOUND 1-1/4" YELLOW PLASTIC CAP
4 STAMPED "MC LLC 36580" LOCATED AT THE NORTH POINT OF CURVE OF THE SOUTHWEST
5 CORNER OF THE INTERSECTION OF EAST GIRARD AVENUE AND SOUTH DAYTON STREET,
6 AND MONUMENTED ON THE WEST END AT A POINT OF CURVE ON THE NORTH LINE OF
7 THE HAMPDEN COURT CONDOMINIUMS (SITE PLAN RECORDED AT RECEPTION NO.
8 1978029628) BY A FOUND 1/2" REBAR, ASSUMED TO BEAR NORTH 89°48'57" WEST A
9 DISTANCE OF 949.03 FEET;

10
11 COMMENCING AT THE WESTERLY END OF SAID SOUTH RIGHT-OF-WAY LINE;
12 THENCE NORTH 83°13'02" EAST, A DISTANCE OF 494.66 FEET TO THE SOUTH LINE OF SAID
13 LOT 1, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF EAST GIRARD AVENUE, AND THE
14 POINT OF BEGINNING;

15
16 THENCE NORTH 00°11'03" EAST, A DISTANCE OF 12.90 FEET;

17
18 THENCE SOUTH 89°48'57" EAST, COINCIDENT WITH A LINE BEING 12.90 FEET NORTH
19 OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1 LINE, A DISTANCE OF 43.08 FEET
20 TO THE EAST LINE OF SAID LOT 1, ALSO BEING THE WEST LINE OF LOT 14, BLOCK 16,
21 HAMPDEN HEIGHTS SECOND FILING;

22
23 THENCE SOUTH 00°12'25" WEST, COINCIDENT WITH SAID COMMON LINE, A
24 DISTANCE OF 12.90 FEET TO SOUTH LINE OF LOT 1, ALSO BEING THE NORTH RIGHT-OF-
25 WAY LINE OF EAST GIRARD AVENUE;

26
27 THENCE NORTH 89°48'57" WEST, COINCIDENT SAID COMMON LINE, A DISTANCE OF
28 43.08 FEET TO THE POINT OF BEGINNING.

29
30 THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 556 SQUARE FEET
31 OR (0.01276 ACRES), MORE OR LESS.

32
33 **Parcel 4: Temporary Easement**
34 **Land Description (for Information only): 3493 South Dallas Court**

1 A PARCEL OF LAND BEING A PORTION OF LOT 14, BLOCK 16, HAMPDEN HEIGHTS
2 SECOND FILING, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34,
3 TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
4 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
5 FOLLOWS:

6
7 WITH BEARINGS REFERENCED TO THE SOUTH RIGHT-OF-WAY LINE OF EAST
8 GIRARD AVENUE LOCATED SOUTH OF BLOCKS 15 THRU 17, HAMPDEN HEIGHTS SECOND
9 FILING, MONUMENTED ON THE EAST END BY A FOUND 1-1/4" YELLOW PLASTIC CAP
10 STAMPED "MC LLC 36580" LOCATED AT THE NORTH POINT OF CURVE OF THE SOUTHWEST
11 CORNER OF THE INTERSECTION OF EAST GIRARD AVENUE AND SOUTH DAYTON STREET,
12 AND MONUMENTED ON THE WEST END AT A POINT OF CURVE ON THE NORTH LINE OF
13 THE HAMPDEN COURT CONDOMINIUMS (SITE PLAN RECORDED AT RECEPTION NO.
14 1978029628) BY A FOUND 1/2" REBAR, ASSUMED TO BEAR NORTH 89°48'57" WEST A
15 DISTANCE OF 949.03 FEET;

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17 COMMENCING AT THE WESTERLY END OF SAID SOUTH RIGHT-OF-WAY LINE;
18 THENCE NORTH 83°46'28" EAST, A DISTANCE OF 537.45 FEET TO THE SOUTHWEST
19 CORNER OF SAID LOT 14, BLOCK 16, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF
20 EAST GIRARD AVENUE, AND THE POINT OF BEGINNING;

21
22 THENCE NORTH 00°12'25" EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 14
23 ALSO BEING THE EAST LINE OF LOT 1, BLOCK 16, HAMPDEN HEIGHTS SECOND FILING, A
24 DISTANCE OF 12.90 FEET;

25
26 THENCE SOUTH 89°48'57" EAST, COINCIDENT WITH A LINE BEING 12.90 FEET NORTH
27 OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 14, BLOCK 16, DISTANCE OF 3.52
28 FEET;

29
30 THENCE SOUTH 00°11'03" WEST, A DISTANCE OF 12.90 FEET TO THE SOUTH LINE OF
31 SAID LOT 14, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF EAST GIRARD AVENUE,

32
33 THENCE NORTH 89°48'57" WEST, COINCIDENT WITH SAID COMMON LINE, A
34 DISTANCE OF 3.52 FEET TO THE POINT OF BEGINNING.

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THE ABOVE DESCRIPTION CONTAINS A CALCULATED AREA OF 45 SQUARE FEET OR (0.00104 ACRES), MORE OR LESS.

Section 2. That the City Council hereby finds that the public use and purpose described in Section 3 below will require the acquisition and use by the City of interests in the Parcels.

Section 3. That the City Council hereby finds and determines that interests in the Parcels described in Section 1 are needed and required for the following public uses and public purposes: to construct, locate, reconstruct, improve, modify improvements, including sidewalks, at four intersections as part of the Council District 4 Sidewalk Gap Improvement Project (the "Project").

Section 4. That the City Council hereby authorizes the Mayor, including his duly authorized representatives, in accordance with applicable federal, state, and local laws and rules and regulations adopted pursuant thereto, to (1) acquire the needed property interests in and to the Parcels, including, without limitation, fee title, beneficial title, permanent easements, temporary easements, fixtures, licenses, permits, leasehold interests, improvements, and any other rights, interests, and appurtenances thereto; (2) take 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; (3) take actions required by law before instituting condemnation proceedings; (4) allow the temporary use and leasehold of City-owned land; and (5) convey City-owned land, including remnants.

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

Section 6. That the City Council hereby finds and determines that the City's Department of Transportation and Infrastructure and any federal and state agencies, if applicable, may find the need to alter the legal descriptions of the properties referred to in this Ordinance and may continue to do so in order to meet the needs of the Project. City Council hereby authorizes the Mayor, including his duly authorized representatives, in accordance with any applicable federal, state, and local laws

1 and rules and regulations adopted pursuant thereto, to acquire the Parcels as the legal descriptions
2 are altered in accordance with the means authorized in this Ordinance.

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: April 18, 2023 by Consent

7 MAYOR-COUNCIL DATE: April 25, 2023

8 PASSED BY THE COUNCIL: _____

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____

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: Gabrielle S. Corica, Assistant City Attorney DATE: April 27, 2023

16 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the Office of the
17 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
18 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.

20 Kerry Tipper, Denver City Attorney

21 BY: Anakul Bagga, Assistant City Attorney DATE: Apr 27, 2023