

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2022

COUNCIL BILL NO.BR22-0829
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 support of the West Colfax Pedestrian Crossing & Transit**
9 **Improvements project in Council District 1.**

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

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

17 **Parcel 1:**

18 **Land Description (for Information only): 1495 Irving Street**

19 A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN A PORTION OF LOTS 1 AND
20 2, BLOCK 2 OF GRAY'S SUBDIVISION, BOOK 3, PAGE 1, RECORDED ON 03/21/1882
21 ARAPAHOE COUNTY CLERK AND RECORDER OFFICE, LOCATED IN THE NORTHWEST
22 QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68
23 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO

25 BASIS OF BEARINGS: BEARINGS ARE BASED ON THE RANGE LINE LOCATED ON W.
26 COLFAX AVE. MONUMENTED ON THE WEST END AT THE INTERSECTION OF W. COLFAX
27 AVE. AND KNOX CT. BY A FOUND STONE WITH CUT "X" IN RANGE BOX AND AT THE EAST
28 END AT THE INTERSECTION OF JULIAN ST. AND W. COLFAX AVE. BY A FOUND STONE WITH
29 CUT "X" IN RANGE BOX. SAID LINE BEING S89°49'37"E.

31 COMMENCING AT SAID FOUND STONE WITH CUT "X" IN RANGE POINT AT THE
32 INTERSECTION OF JULIAN ST. AND W. COLFAX AVE., THENCE S75°48'50"E A DISTANCE OF
33 330.38' TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID W. COLFAX AVE., SAME BEING
34 THE SOUTH LINE OF PARCEL 13, ORDINANCE 156, SERIES 1964, BOOK 9248, PAGE 419,
35 RECORDED ON 06/08/1964, ALSO THE POINT OF BEGINNING;

1 THENCE, S89°49'37"E ALONG SAID SOUTHERLY RIGHT OF WAY OF W. COLFAX AVE.,
2 A DISTANCE OF 8.66 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF
3 LAND DESCRIBED IN ORDINANCE 152, SERIES 1964, BOOK 9248, PAGE 406, RECORDED ON
4 06/08/1964, CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE;

5
6 THENCE, S26°38'11"E ALONG THE SOUTHWESTERLY LINE OF THAT CERTAIN
7 PARCEL OF LAND A DISTANCE OF 11.20 FEET TO THE SOUTH CORNER OF SAID CERTAIN
8 PARCEL OF LAND AND THE WESTERLY RIGHT OF WAY LINE OF IRVING ST.;

9
10 THENCE, S00°07'57"E ALONG SAID WESTERLY RIGHT OF WAY LINE OF IRVING ST.
11 AND THE EASTERLY LINE OF SAID LOT 2 DISTANCE OF 4.32 FEET;

12
13 THENCE, DEPARTING SAID WESTERLY RIGHT OF WAY LINE OF IRVING ST. AND SAID
14 EASTERLY LINE OF LOT 2 AND THROUGH SAID LOTS 1 AND 2 THE FOLLOWING THREE
15 COURSES AND DISTANCES:

- 16 1. S88°00'05"W, A DISTANCE OF 0.53 FEET;
- 17 2. N28°03'58"W, A DISTANCE OF 9.54 FEET, AND
- 18 3. N55°28'25"W, A DISTANCE OF 10.52 FEET TO SAID POINT OF BEGINNING.

19
20 **Parcel 2:**
21 **Land Description (for information only): 1505 Stuart Street**

22 A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN A PORTION OF LOT 15,
23 BLOCK 3 OF GLEN PARK SUBDIVISION, BOOK 6, PAGE 6, RECORDED ON 8/21/1888, COUNTY
24 OF ARAPAHOE CLERK AND RECORDER OFFICE, LOCATED IN THE SOUTHWEST QUARTER
25 OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF
26 THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO

27
28 BASIS OF BEARINGS:
29 BEARINGS ARE BASED ON THE RANGE LINE LOCATED ON STUART ST.
30 MONUMENTED ON THE NORTH END AT THE INTERSECTION OF STUART ST. AND W.
31 CONEJOS PL. BY A FOUND 2.5" BRASS CAP IN CONCRETE IN A RANGE BOX AND A
32 CALCULATED POINT FROM FOUND REFERENCE MONUMENTS ON THE SOUTH END AT THE
33 INTERSECTION OF STUART ST. AND W. COLFAX AVE. SAID LINE BEING S00°02'28"W.

1 COMMENCING AT SAID FOUND 2.5" BRASS CAP IN CONCRETE IN A RANGE BOX AT
2 THE INTERSECTION OF STUART ST. AND W. CONEJOS PL., THENCE S00°02'28"W ALONG
3 SAID RANGE LINE A DISTANCE OF 410.31 FEET;

4
5 THENCE, N89°49'41"W DEPARTING SAID RANGE LINE A DISTANCE OF 17.17 FEET TO
6 THE WESTERLY RIGHT OF WAY LINE OF SAID STUART ST., ALSO BEING THE NORTHERLY
7 RIGHT OF WAY OF SAID W. COLFAX AVE., ALSO BEING THE SOUTHEAST CORNER OF LOT
8 14, OF SAID BLOCK 3;

9
10 THENCE, N89°49'41"W ALONG SAID NORTHERLY RIGHT OF WAY LINE OF W. COLFAX
11 AVE. AND ALONG THE SOUTH LINE OF SAID BLOCK 3 A DISTANCE OF 265.31 FEET TO THE
12 POINT OF BEGINNING;

13
14 THENCE, N89°49'41"W CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE
15 OF W. COLFAX AVE. AND SAID SOUTH LINE OF LOT 15 A DISTANCE OF 4.77 FEET TO THE
16 EASTERLY RIGHT OF WAY LINE OF TENNYSON ST., ALSO BEING THE SOUTHWEST
17 CORNER OF SAID LOT 15;

18
19 THENCE, N00°02'28"E ALONG SAID EASTERLY RIGHT OF WAY LINE OF TENNYSON
20 ST. AND ALONG THE WEST LINE OF SAID LOT 15 A DISTANCE OF 4.67 FEET;

21
22 THENCE, S45°30'50"E DEPARTING SAID EASTERLY RIGHT OF WAY LINE OF
23 TENNYSON ST. AND SAID WEST LINE OF LOT 15 AND THROUGH SAID LOT 15 A DISTANCE
24 OF 6.69 FEET TO SAID POINT OF BEGINNING.

25
26 **Parcel 3:**
27 **Land Description (for Information only): 5100 West Colfax Avenue**

28 A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN A PORTION OF LOT 48,
29 BLOCK 2 OF EDGEFIELD SUBDIVISION, BOOK 7, PAGE 21, RECORDED ON 03/13/1889,
30 ARAPAHOE COUNTY CLERK AND RECORDER OFFICE, ALSO DESCRIBED IN SPECIAL
31 WARRANTY DEED, RECEPTION NO. 1990057677, RECORDED ON 07/02/1990 CITY AND
32 COUNTY OF DENVER CLERK AND RECORDER OFFICE, COLORADO, LOCATED IN THE
33 NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH
34 P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO

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BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE RANGE LINE LOCATED ON ZENOBIA ST. MONUMENTED ON THE SOUTH END AT THE INTERSECTION OF ZENOBIA ST. AND W. 14TH AVE. BY A FOUND CUT "X" ON STONE IN RANGE BOX AND A CALCULATED POINT FROM FOUND REFERENCE MONUMENTS AT THE NORTH END AT THE INTERSECTION OF ZENOBIA ST. AND W. COLFAX AVE. SAID LINE BEING N00°10'05"E.

COMMENCING AT SAID FOUND STONE WITH CUT "X" IN RANGE POINT AT THE INTERSECTION OF ZENOBIA ST. AND W. 14TH AVE., THENCE N00°10'05"E ALONG SAID RANGE LINE A DISTANCE OF 620.16 FEET;

THENCE, N89°49'55"W DEPARTING SAID RANGE LINE, A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 48, SAME BEING THE WESTERLY RIGHT OF WAY LINE OF SAID ZENOBIA ST. AND THE SOUTHERLY RIGHT OF WAY LINE OF SAID W. COLFAX AVE., ALSO BEING THE POINT OF BEGINNING;

THENCE, S00°10'05"W ALONG SAID WESTERLY RIGHT OF WAY LINE OF ZENOBIA ST. A DISTANCE OF 21.43 FEET;

THENCE, DEPARTING SAID WESTERLY RIGHT OF WAY LINE OF ZENOBIA ST. AND THROUGH SAID LOT 48 THE FOLLOWING FOUR COURSES AND DISTANCES:

1. S88°53'39"W A DISTANCE OF 0.87 FEET;
2. N01°21'39"W A DISTANCE OF 16.89 FEET;
3. N89°09'10"W A DISTANCE OF 25.55 FEET;
4. N01°19'20"W A DISTANCE OF 4.27 FEET TO SAID SOUTHERLY RIGHT OF WAY OF W. COLFAX AVE.;

THENCE, S89°49'29"E ALONG SAID SOUTHERLY RIGHT OF WAY OF W. COLFAX AVE. A DISTANCE OF 26.98 FEET TO SAID POINT OF BEGINNING.

Parcel 4:

Land Description (for Information only): 5180 West Colfax Avenue

1 A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN A PORTION OF LOT
2 1, BLOCK 2 OF EDGEFIELD SUBDIVISION, BOOK 7, PAGE 21, RECORDED ON
3 03/13/1889, ARAPAHOE COUNTY CLERK AND RECORDER OFFICE, LOCATED IN THE
4 NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 4
5 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF
6 COLORADO

7
8 BASIS OF BEARINGS:

9 BEARINGS ARE BASED ON THE RANGE LINE LOCATED ON ZENOBIA ST.
10 MONUMENTED ON THE SOUTH END AT THE INTERSECTION OF ZENOBIA ST. AND W. 14TH
11 AVE. BY A FOUND STONE WITH A CUT "X" IN RANGE BOX AND AT THE NORTH END AT THE
12 INTERSECTION OF ZENOBIA ST. AND W. COLFAX AVE. BY A CALCULATED RANGE POINT
13 POSITION FROM FOUND REFERENCE MONUMENTS. SAID LINE BEING N00°10'05"E.

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15 COMMENCING AT SAID CALCULATED RANGE POINT AT THE INTERSECTION OF
16 ZENOBIA ST. AND W. COLFAX AVE., THENCE S69°38'29"W, A DISTANCE OF 171.06 FEET TO
17 THE NORTHEAST CORNER OF SAID LOT 1, ALSO BEING ON THE SOUTHERLY RIGHT OF
18 WAY LINE OF W. COLFAX AVE., ALSO THE POINT OF BEGINNING;

19
20 THENCE S00°10'05"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 1.13
21 FEET;

22
23 THENCE DEPARTING SAID EAST LINE OF LOT 1 AND THROUGH SAID LOT 1, THE
24 FOLLOWING TWO COURSES AND DISTANCES:

- 25
26 1. N89°58'37"W, A DISTANCE OF 46.18 FEET;
27 2. N89°59'10"W, A DISTANCE OF 67.02 FEET TO A POINT ON THE EASTERLY RIGHT OF
28 WAY LINE OF SHERIDAN BLVD., ALSO BEING THE EAST LINE OF THAT CERTAIN
29 PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECEPTION NO. 2000118697,
30 RECORDED ON 08/18/2000, ALSO BEING ON THE EAST LINE OF THAT CERTAIN
31 PARCEL OF LAND DESCRIBED IN ORDINANCE NO. 639, SERIES 2000, AS RECORDED
32 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE;

1 THENCE N00°10'05"E ALONG SAID EASTERLY RIGHT OF WAY LINE OF SHERIDAN
2 BLVD., ALSO ALONG SAID EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN
3 WARRANTY DEED RECEPTION NO. 2000118697, AND ALSO ALONG THE EAST LINE OF THAT
4 CERTAIN PARCEL OF LAND DESCRIBED IN ORDINANCE NO. 639, SERIES 2000 A DISTANCE
5 OF 1.44 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, ALSO BEING THE
6 SOUTHERLY RIGHT OF WAY LINE OF SAID W. COLFAX AVE.;

7
8 THENCE S89°49'29"E ALONG SAID NORTH LINE OF LOT 1 AND ALONG SAID
9 SOUTHERLY RIGHT OF WAY LINE OF W. COLFAX AVE. A DISTANCE OF 113.20 FEET TO THE
10 POINT OF BEGINNING.

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

13 **Section 3.** That the City Council hereby finds and determines that interests in the Parcels
14 described in Section 1 are needed and required for the following public uses and public purposes:
15 to construct, locate, reconstruct, improve, modify improvements including curb extensions and
16 enhanced pedestrian crossings to enhanced safety at certain intersections as part of the West Colfax
17 Pedestrian Crossing & Transit Improvements project (the "Project").

18 **Section 4.** That the City Council hereby authorizes the Mayor, including his duly authorized
19 representatives, in accordance with applicable federal, state, and local laws and rules and
20 regulations adopted pursuant thereto, to (1) acquire the needed property interests in and to the
21 Parcels, including, without limitation, fee title, beneficial title, permanent easements, temporary
22 easements, fixtures, licenses, permits, leasehold interests, improvements, and any other rights,
23 interests, and appurtenances thereto; (2) take all actions necessary to do so without further action
24 by City Council, such as conducting negotiations, executing all related agreements, and making all
25 necessary payments; (3) take actions required by law before instituting condemnation proceedings;
26 (4) allow the temporary use and leasehold of City-owned land; and (5) convey City-owned land,
27 including remnants.

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

1 along the Parcels described in Section 1 above as necessary for the purposes set forth in Section 3
2 above.

3 **Section 6.** That the City Council hereby finds and determines that the City’s Department of
4 Transportation and Infrastructure and any federal and state agencies, if applicable, may find the
5 need to alter the legal descriptions of the properties referred to in this Ordinance and may continue
6 to do so in order to meet the needs of the Project. City Council hereby authorizes the Mayor, including
7 his duly authorized representatives, in accordance with any applicable federal, state, and local laws
8 and rules and regulations adopted pursuant thereto, to acquire the Parcels as the legal descriptions
9 are altered in accordance with the means authorized in this Ordinance.

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

12

13 COMMITTEE APPROVAL DATE: July 19, 2022 by Consent

14 MAYOR-COUNCIL DATE: July 26, 2022

15 PASSED BY THE COUNCIL: _____

16 _____ - PRESIDENT

17 APPROVED: _____ - MAYOR _____

18 ATTEST: _____ - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

22 PREPARED BY: Gabrielle S. Corica, Assistant City Attorney DATE: July 28, 2022

23 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the Office of
24 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
26 3.2.6 of the Charter.

27 Kristin M. Bronson, Denver City Attorney

28 BY: _____, Assistant City Attorney DATE: _____