

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0137
COMMITTEE OF REFERENCE:
FINANCE & SERVICES

A BILL

For an ordinance designating certain property as being required for public use and authorizing use and acquisition thereof by negotiation, purchase and/or through condemnation proceedings of fee simple and other interests, including any rights and interests related or appurtenant to such property, as needed for the Mississippi and Federal Retail Center Alley Improvement Project.

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

Section 1. That the Council hereby designates the following property 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 home rule city and municipal corporation of the State of Colorado:

*****Property Description*****

A part of the Southwest One-Quarter of Section 17, Township 4 South, Range 68 West of the 6th Principal Meridian being the east one-half of those parcels of land described in Book 7241 at pages 27, 31, 33, 37, 39, 41, 43, 47, 51, and 55 in the Office of the Clerk and Recorder, City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the southeast corner of said Southwest One-Quarter whence the southwest corner of said Southwest One-Quarter bears N89°54'58"W, a distance of 2627.46 feet; thence N81°37'54"W, a distance of 208.20 feet to the intersection of the west line of the east one-half of said parcels and the north line of W. Mississippi Ave. said intersection being the Point of Beginning; Thence N00°01'28"E, along said west line, a distance of 600.22 feet to the south line of E. Tennessee Ave; Thence S89°53'24"E, along said south line, a distance of 5.00 feet; Thence southerly along the east line of said parcels, the next three (3) courses:

1. S00°01'28"W, a distance of 65.59 feet;
2. S89°54'02"E, a distance of 3.00 feet;
3. S00°01'28"W, a distance of 534.62 feet;

to the north line of said W. Mississippi Ave.; thence N89°54'58"W, along said north line, a distance of 8.00 feet to the Point of Beginning.

Containing 4605 square feet, more or less.

1 and

2 ***ROW-1***
3

4 A part of that tract of land described in Warranty deed recorded September 23, 2014 at Reception No.
5 2014115393, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West, of the 6th
6 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
7 follows:

8
9 Commencing at the southeast corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N89
10 □54'58"W, along the south line of said Subdivision a distance of 148.00 feet to the southeast corner of said
11 tract of land described at Reception No. 2014115393 and the Point of Beginning; N89 □54'58"E, a distance
12 of 37.00 feet;

13
14 Thence N89 □54'58"W along the south line of said tract, a distance of 37.00 feet;

15
16 Thence N49 □49'22"E, a distance of 8.51 feet;

17
18 Thence N00 □01'29"E, a distance of 132.03 feet;

19
20 Thence S89 □54'45"E, a distance of 22.50 feet to the north line of said tract of land described at Reception
21 No. 2014115393;

22
23 Thence running east and south along the boundary of said tract the next four (4) courses:

- 24
25 1. S00 □01'29"W, a distance of 65.65 feet;
26 2. S89 □54'45"E, a distance of 8.00 feet;
27 3. S00 □01'29"W, a distance of 71.88 feet to the Point of Beginning.

28 Containing 3687 sq. ft., more or less.

29
30 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 □01'29"E.

31 and

32 ***ROW-2***
33
34

35 The east 22.5 feet of that tract of land described in Warranty deed recorded December 31, 2013 at
36 Reception No. 2013183624, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West,
37 of the 6th Principal Meridian, City and County of Denver, State of Colorado being more particularly
38 described as follows:

39
40 Commencing at the southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision said corner being on
41 the east line of South Grove Street, thence N00 □01'29"E, along said east line a distance of 137.54 feet to
42 the southwest corner of said tract of land described at Reception No. 2013183624; Thence S89 □54'45"E,
43 along the south line of said tract a distance of 117.50 feet to the southwest corner of said east 22.50 feet
44 and the Point of Beginning; Thence running along the boundary of said east 22.50 the next four (4)
45 courses:

- 46
47 1. N00 □01'29"E, a distance of 60.02 feet;
48 2. S89 □54'35"E, a distance of 22.50 feet;
49 3. S00 □01'29"W, a distance of 60.02 feet;

1 4. N89 °54'45"W, a distance of 22.50 feet to the Point of Beginning.

2 Containing 1350 sq. ft., more or less.

3
4 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 °01'29"E.

5
6 and

7 ***ROW-3***

8
9 The east 22.50 feet of that tract of land described in Warranty deed recorded May 2, 2005 at Reception No.
10 2005072268, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West, of the 6th
11 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
12 follows:

13
14 Commencing at the southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision said corner being on
15 the east line of South Grove Street, thence N00 °01'29"E, along said east line a distance of 197.57 feet to
16 the southwest corner of said tract of land described at Reception No. 2005072268; Thence S89 °54'35"E,
17 along the south line of said tract a distance of 117.50 feet to the southwest corner of said east 22.50 feet
18 and the Point of Beginning; Thence running along the boundary of said east 22.50 the next four (4)
19 courses:

- 20
21 1. N00 °01'29"E, a distance of 60.02 feet;
22 2. S89 °54'24"E, a distance of 22.50 feet;
23 3. S00 °01'29"W, a distance of 60.02 feet;
24 4. N89 °54'35"W, a distance of 22.50 feet to the Point of Beginning.

25 Containing 1350 sq. ft., more or less.

26
27 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 °01'29"E.

28
29 and

30 ***ROW-4***

31
32 The east 22.50 feet of that tract of land described in Quit Claim deed recorded December 14, 2011 at
33 Reception No. 2011141570, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West,
34 of the 6th Principal Meridian, City and County of Denver, State of Colorado being more particularly
35 described as follows:

36
37 Commencing at the southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision said corner being on
38 the east line of South Grove Street, thence N00 °01'29"E, along said east line a distance of 257.60 feet to
39 the southwest corner of said tract of land described at Reception No. 2011141570; Thence S89°54'24"E,
40 along the south line of said tract a distance of 117.50 feet to the southwest corner of said east 22.50 feet
41 and the Point of Beginning; Thence running along the boundary of said east 22.50 feet the next four (4)
42 courses:

- 43
44
45 1. N00°01'29"E, a distance of 60.02 feet;
46 2. S89°54'13"E, a distance of 22.50 feet;
47 3. S00°01'29"W, a distance of 60.02 feet;
48 4. N89°54'24"W, a distance of 22.50 feet to the Point of Beginning.

1 Containing 1350 sq. ft., more or less.

2
3 Bearings are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00°01'29"E.

4
5 and

6
7 ***ROW-5***

8
9 The east 22.50 feet of that tract of land described in Quit Claim deed recorded January 28, 1993 at
10 Reception No. 1993011169, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West,
11 of the 6th Principal Meridian, City and County of Denver, State of Colorado being more particularly
12 described as follows:

13
14 Commencing at the southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision said corner being on
15 the east line of South Grove Street, thence N00 °01'29"E, along said east line a distance of 317.63 feet to
16 the southwest corner of said tract of land described at Reception No. 1993011169; Thence S89 °54'13"E,
17 along the south line of said tract a distance of 117.50 feet to the southwest corner of said east 22.50 and
18 the Point of Beginning; Thence running along the boundary of said east 22.50 the next four (4) courses:

- 19
20 1. N00 °01'29"E, a distance of 60.02 feet;
21 2. S89 °54'02"E, a distance of 22.50 feet;
22 3. S00 °01'29"W, a distance of 60.02 feet;
23 4. N89 °54'13"W, a distance of 22.50 feet to the Point of Beginning.

24 Containing 1350 sq. ft., more or less.

25 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 °01'29"E.

26 and

27 ***ROW-6***

28 The east 22.50 feet of that tract of land described in Warranty deed recorded February 14, 2012 at
29 Reception No. 2012017656, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West,
30 of the 6th Principal Meridian, City and County of Denver, State of Colorado being more particularly
31 described as follows:

32
33 Commencing at the southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision said corner being on
34 the east line of South Grove Street, thence N00 °01'29"E, along said east line a distance of 377.66 feet to
35 the southwest corner of said tract of land described at Reception No. 2012017656; Thence S89 °53'11"E,
36 along the south line of said tract a distance of 117.50 feet to the southwest corner of said east 22.50 and
37 the Point of Beginning; Thence running along the boundary of said east 22.50 the next four (4) courses:

- 38
39 1. N00 °01'29"E, a distance of 60.03 feet;
40 2. S89 °54'02"E, a distance of 22.50 feet;
41 3. S00 °01'29"W, a distance of 60.00 feet;
42 4. N89 °58'31"W, a distance of 22.50 feet to the Point of Beginning.

43 Containing 1350 sq. ft., more or less.

44

1 Bearing are based on the east line of the Southeast $\frac{1}{4}$ of Section 17 assumed to bear N00 \square 01'29"E.
2
3 and
4

1
2
3 ***ROW-7***

4 A part of that tract of land described in Quit Claim deed recorded August 12, 2004 at Reception No.
5 2004167083, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West, of the 6th
6 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
7 follows:

8 Commencing at the southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision said corner being on
9 the east line of South Grove Street, thence N00 °01'29"E, along said east line a distance of 437.66 feet to
10 the southwest corner of said tract of land described at Reception No. 2004167083; Thence S89 °54'02"E,
11 along the south line of said tract a distance of 117.50 feet to the southwest corner of said part of that tract
12 of land and the Point of Beginning;

13 Thence N00 °01'29"E a distance of 94.00 feet;

14 Thence N89 °54'02"W, a distance of 2.50 feet;

15 Thence N00 °01'29"E, a distance of 3.00 feet to the north line of said tract of land described at Reception
16 No. 2004167083;

17 Thence running east and south along boundary of said tract the next three (3) courses;

- 18
19
20
21
22 1. S89 °54'02"E, a distance of 25.00 feet;
23 2. S00 °01'29"W, a distance of 97.00 feet;
24 3. N89 °54'02"W, a distance of 22.50 feet to the Point of Beginning.

25 Containing 2190 sq. ft., more or less.

26 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 °01'29"E.

27
28 and
29
30

31 ***ROW-8***

32
33 A part of that tract of land described in Quit Claim deed recorded July 10, 2009 at Reception No.
34 2009087900, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West, of the 6th
35 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
36 follows:

37
38 Commencing at the southeast corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N00
39 °01'29"E, along the east line of said Subdivision and northerly extension of said east line a distance of
40 534.58 feet to the southeast corner of said tract of land described at Reception No. 2009087900; Thence
41 N89 °54'02"W, along the south line of said tract a distance of 156.00 feet to the southeast corner of said
42 part of that tract of land and the Point of Beginning; Thence running along the boundary of said part of that
43 tract of land the next four (4) courses:

- 44
45 1. N89 °54'02"W, a distance of 25.00 feet;
46 2. N00 °01'29"E, a distance of 65.60 feet;
47 3. S89 °53'24"E, a distance of 25.00 feet;
48 4. S00 °01'29"W, a distance of 65.59 feet to the Point of Beginning.

49 Containing 1640 sq. ft., more or less.

1
2 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 °01'29"E.

3
4 and

5 ***TCE-1***

6
7 A part of that tract of land described in Warranty deed recorded September 23, 2014 at Reception No.
8 2014115393, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West, of the 6th
9 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
10 follows:

11
12 Commencing at the Southeast corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N89
13 °54'58"W, along the south line of said Subdivision a distance of 148.00 feet to the southeast corner of said
14 tract of land described at Reception No. 2014115393; thence continuing along said south line N89
15 °54'58"W, a distance of 37.00 feet and the Point of Beginning;

16
17 Thence continuing along the south line of said block N89 °54'58"W, a distance of 6.50 feet;

18
19 Thence leaving said south line of said block N00 °01'29"E and parallel with the west line of said block, a
20 distance of 137.53 feet to a point on the north line of said tract of land described at Reception No.
21 2014115393;

22
23 Thence S89 °54'45"E along said north line of said tract of land, a distance of 13.00 feet to a point that is
24 22.50 feet west of the northeast corner of said tract of land;

25
26 Thence S00 °01'29"W and parallel with the east line of said tract, a distance of 132.03 feet;

27
28 Thence S49 °49'22"W, a distance of 8.51 feet to the Point of Beginning.

29
30 Containing 1770 sq. ft., more or less.

31
32 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 °01'29"E.

33
34 and

35 ***TCE-2***

36
37 A part of that tract of land described in Warranty deed recorded December 31, 2013 at Reception No.
38 2013183624, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West, of the 6th
39 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
40 follows:

41
42 Commencing at the Southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N00
43 °01'29"E, along said east line a distance of 137.54 feet to the southwest corner of said tract of land
44 described at Reception No. 2013183624; thence along the south line of said tract S89 °54'45"E, a
45 distance of 112.50 feet and the Point of Beginning;

46
47 Thence leaving said south line N00 °01'29"E and parallel with the east line of said tract, a distance of
48 60.03 feet to the north line of said tract;

49
50 Thence S89 °54'35"E along said north line a distance of 5.00 feet to a point that is 22.50 feet west of the
51 northeast corner of said tract;

1
2 Thence leaving said north line S00 \square 01'29"W and parallel with said east line of tract of land, a distance of
3 60.02 feet to the south line of said tract and is 22.50 feet west of the southeast corner of said tract;
4

5 Thence N89 \square 54'45"W along the south line of said tract, a distance of 5.00 feet to the point of beginning.
6

7 Containing 300 sq. ft., more or less.
8

9 Bearing are based on the east line of the Southeast $\frac{1}{4}$ of Section 17 assumed to bear N00 \square 01'29"E.
10

11 and
12

13 ***TCE-3***
14

15 A part of that tract of land described in Warranty deed recorded May 2, 2005 at Reception No.
16 2005072268, situated in the Southeast $\frac{1}{4}$ of Section 17, Township 4 South, Range 68 West, of the 6th
17 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
18 follows:
19

20 Commencing at the Southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N00
21 \square 01'29"E, along said east line a distance of 197.57 feet to the southwest corner of said tract of land
22 described at Reception No. 2005072268; thence along the south line of said tract S89 \square 54'35"E, a
23 distance of 112.50 feet and the Point of Beginning;
24

25 Thence leaving said south line N00 \square 01'29"E and parallel with the east line of said tract, a distance of
26 60.03 feet to the north line of said tract;
27

28 Thence S89 \square 54'24"E along said north line a distance of 5.00 feet to a point that is 22.50 feet west of the
29 northeast corner of said tract;
30

31 Thence leaving said north line S00 \square 01'29"W and parallel with said east line of tract of land, a distance of
32 60.02 feet to the south line of said tract and is 22.50 feet west of the southeast corner of said tract;
33

34 Thence N89 \square 54'35"W along the south line of said tract, a distance of 5.00 feet to the point of beginning.
35

36 Containing 300 sq. ft., more or less.
37

38 Bearing are based on the east line of the Southeast $\frac{1}{4}$ of Section 17 assumed to bear N00 \square 01'29"E.
39

40 and
41

42 ***TCE-4***
43

44 A part of that tract of land described in Quit Claim deed recorded December 14, 2011 at Reception No.
45 2011141570, situated in the Southeast $\frac{1}{4}$ of Section 17, Township 4 South, Range 68 West, of the 6th
46 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
47 follows:
48

49 Commencing at the Southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N00
50 \square 01'29"E, along said east line a distance of 257.60 feet to the southwest corner of said tract of land
51 described at Reception No. 2011141570; thence along the south line of said tract S89 \square 54'24"E, a

1 distance of 112.50 feet and the Point of Beginning;

2
3 Thence leaving said south line N00 \square 01'29"E and parallel with the east line of said tract, a distance of
4 60.03 feet to the north line of said tract;

5
6 Thence S89 \square 54'13"E along said north line a distance of 5.00 feet to a point that is 22.50 feet west of the
7 northeast corner of said tract;

8
9 Thence leaving said north line S00 \square 01'29"W and parallel with said east line of tract of land, a distance of
10 60.02 feet to the south line of said tract and is 22.50 feet west of the southeast corner of said tract;

11
12 Thence N89 \square 54'24"W along the south line of said tract, a distance of 5.00 feet to the point of beginning.

13
14 Containing 300 sq. ft., more or less.

15
16 Bearing are based on the east line of the Southeast $\frac{1}{4}$ of Section 17 assumed to bear N00 \square 01'29"E.

17
18 and

19
20 ***TCE-5***

21
22 A part of that tract of land described in Quit Claim deed recorded January 28, 1993 at Reception No.
23 1993011169, situated in the Southeast $\frac{1}{4}$ of Section 17, Township 4 South, Range 68 West, of the 6th
24 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
25 follows:

26
27 Commencing at the Southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N00
28 \square 01'29"E, along said east line a distance of 317.63 feet to the southwest corner of said tract of land
29 described at Reception No. 1993011169; thence along the south line of said tract S89 \square 54'13"E, a
30 distance of 112.50 feet and the Point of Beginning;

31
32 Thence leaving said south line N00 \square 01'29"E and parallel with the east line of said tract, a distance of
33 60.03 feet to the north line of said tract;

34
35 Thence S89 \square 54'02"E along said north line a distance of 5.00 feet to a point that is 22.50 feet west of the
36 northeast corner of said tract;

37
38 Thence leaving said north line S00 \square 01'29"W and parallel with said east line of tract of land, a distance of
39 60.02 feet to the south line of said tract and is 22.50 feet west of the southeast corner of said tract;

40
41 Thence N89 \square 54'13"W along the south line of said tract, a distance of 5.00 feet to the point of beginning.

42
43 Containing 300 sq. ft., more or less

44
45 Bearing are based on the east line of the Southeast $\frac{1}{4}$ of Section 17 assumed to bear N00 \square 01'29.

46
47 and

48
49 ***TCE-6***

50
51 A part of that tract of land described in Warranty Deed recorded February 14, 2012 at Reception No.

1 2012017656, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West, of the 6th
2 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
3 follows:
4

5 Commencing at the Southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N00
6 01'29"E, along said east line a distance of 377.66 feet to the southwest corner of said tract of land
7 described at Reception No. 2012017656; thence along the south line of said tract S89 54'13"E, a
8 distance of 112.50 feet and the Point of Beginning;
9

10 Thence leaving said south line N00 01'29"E and parallel with the east line of said tract, a distance of
11 60.03 feet to the north line of said tract;
12

13 Thence S89 54'02"E along said north line a distance of 5.00 feet to a point that is 22.50 feet west of the
14 northeast corner of said tract;
15

16 Thence leaving said north line S00 01'29"W and parallel with said east line of tract of land, a distance of
17 60.02 feet to the south line of said tract and is 22.50 feet west of the southeast corner of said tract;
18

19 Thence N89 54'13"W along the south line of said tract, a distance of 5.00 feet to the point of beginning.
20

21 Containing 300 sq. ft., more or less.
22

23 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 01'29"E.
24

25 and
26

27 ***TCE-7***
28

29 A part of that tract of land described in Quit Claim deed recorded August 12, 2004 at Reception No.
30 2004167083, situated in the Southeast ¼ of Section 17, Township 4 South, Range 68 West, of the 6th
31 Principal Meridian, City and County of Denver, State of Colorado being more particularly described as
32 follows:
33

34 Commencing at the Southwest corner of Lot 31, Bobo, McIntosh & Barton Subdivision, thence N00
35 01'29"E, along said east line a distance of 437.66 feet to the southwest corner of said tract of land
36 described at Reception No. 2004167083; thence along the south line of said tract S89 54'02"E, a
37 distance of 112.50 feet and the Point of Beginning;
38

39 Thence leaving said south line N00 01'29"E and parallel with the east line of said tract, a distance of
40 94.00 feet;
41

42 Thence S89 54'02"E and parallel with to the north line of said tract a distance of 5.00 feet to a point that is
43 22.50 feet west of the east line of said tract;
44

45 Thence leaving said north line S00 01'29"W and parallel with said east line of tract of land, a distance of
46 94.00 feet to the south line of said tract and is 22.50 feet west of the southeast corner of said tract;
47

48 Thence N89 54'02"W along the south line of said tract, a distance of 5.00 feet to the point of beginning.
49

50 Containing 470 sq. ft., more or less.
51

1 Bearing are based on the east line of the Southeast ¼ of Section 17 assumed to bear N00 °01'29"E.
2

3 **Section 2.** That the Council hereby finds and determines that property interests in these
4 properties are needed and required for the following public uses and public purposes: road, alley,
5 sidewalk, drainage, landscaping, medians, access points, and other appurtenant improvements to
6 the road and alley and construction thereof; drainage facilities and related appurtenant
7 improvements to the drainage facilities and construction thereof; sanitary sewer facilities and
8 related appurtenant improvements to the sanitary sewer facilities and construction thereof; and
9 public parking facilities and related appurtenant improvements to the public parking facilities and
10 construction thereof.

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

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

30 **Section 5.** That the Council hereby finds and determines that the Denver Department of
31 Public Works and federal and state agencies may find the need to alter the legal descriptions of
32 the properties referred to in this Ordinance and may continue to do so in order to meet the needs

1 of the Project. Council hereby authorizes the Mayor, including his duly authorized
2 representatives, in accordance with applicable federal, state, and City laws and rules and
3 regulations adopted pursuant thereto, to acquire the property as the legal descriptions are altered
4 in accordance with the means authorized in this Ordinance.

5 **Section 6.** That the Council hereby finds and determines that to improve the land described
6 in Section 1, it may be necessary to obtain, build and modify the land in connection with the
7 improvements to the alley at the Mississippi and Federal retail center and that the Council hereby
8 authorizes the City to use the power of eminent domain to act as the local authority to obtain, build
9 and modify the land described in Section 1.

10 COMMITTEE APPROVAL DATE: March 3, 2016 by Consent

11 MAYOR-COUNCIL DATE: March 8, 2016

12 PASSED BY THE COUNCIL: _____, 2016

13 _____ - PRESIDENT _____, 2016

14 APPROVED: _____ - MAYOR _____, 2016

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

18 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

19 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: March 10, 2016

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

24 D. Scott Martinez, City Attorney for the City and County of Denver

25 BY: _____, Assistant City Attorney DATE: _____, 2016