

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB23-0287
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 traffic and pedestrian safety improvement project at the intersection of West Mississippi Avenue and South Platte River Drive and along the north side of East Colfax Avenue between North Downing Street and North Marion Street.

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:

**PE-1
NWC OF WEST MISSISSIPPI AVENUE AND SOUTH PLATTE RIVER DRIVE**

LAND DESCRIPTION

A Permanent Easement No. PE-1 containing 207 square feet (0.005 Acres), more or less, being a portion of a parcel of land as described in Special Warranty Deed recorded at Reception No. 2015122543, on August 31, 2015, in the City and County of Denver Clerk and Recorder's office, lying in the SW 1/4 of Section 15, Township 4 South, Range 68 West of the Sixth Principal Meridian, in the City and County of Denver, State of Colorado, being more particularly described as follows:

Commencing at the Southwest Corner of said Section 15; Thence North 84°56'51" East, a distance of 1069.48 feet to the Westerly Right-of-Way line of S. Platte River Dr., and the POINT OF BEGINNING;

1. Thence South 10°58'14" West, non-tangent with the following described curve, coincident with said Westerly Right-of-Way line, a distance of 36.32 feet;
2. Thence along the arc of a curve to the right, coincident with said Westerly line, with a radius of 25.00 feet, a central angle of 77°17'08", a chord bearing of South 49°36'48" West, a chord bearing distance of 31.22 feet, and an arc distance of 33.72 feet;
3. Thence North 01°30'02" West, non-tangent with the previously described curve, a distance of 6.84 feet;

- 1 4. Thence North 65°02'15" East, a distance of 8.78 feet;
- 2
- 3 5. Thence South 47°10'54" East, a distance of 6.23 feet;
- 4
- 5 6. Thence North 42°49'06" East, a distance of 12.98 feet;
- 6
- 7 7. Thence North 10°06'30" East, a distance of 41.14 feet;
- 8
- 9 8. Thence South 79°08'13" East, a distance of 2.34 feet to the POINT OF BEGINNING.

10
11 The above described Permanent Easement contains 207 sq. ft. (0.005 Acres), more or less.

12 Basis of Bearings: The South line of the Southwest Quarter of Section 15 being monumented at the
13 Southwest Corner of said Section 15 by a found 3.25" Aluminum Cap stamped "CITY OF DENVER
14 T4S R68W S16 S15 S21 S22 1991 LS 14592 LAND CORNER", and at the South Quarter Corner
15 of said Section 15 by a found 3.25" Aluminum Cap stamped "JF SATO AND ASSOCIATES T4S
16 R68W 1/4 15 22 PLS 37056 2017", said line bears N89°33'08"W.

17 **TE-1**
18 **NWC OF WEST MISSISSIPPI AVENUE AND SOUTH PLATTE RIVER DRIVE**

19 **LAND DESCRIPTION**

20 A Temporary Easement No. TE-1 containing 627 square feet (0.014 Acres), more or less, being a
21 portion of a parcel of land as described in Special Warranty Deed recorded at Reception No.
22 2015122543, on August 31, 2015, in the City and County of Denver Clerk and Recorder's office,
23 lying in the SW 1/4 of Section 15, Township 4 South, Range 68 West of the Sixth Principal
24 Meridian, in the City and County of Denver, State of Colorado, being more particularly described
25 as follows:

26 Commencing at the Southwest Corner of said Section 15; Thence North 87°52'24" East, a distance
27 of 1017.32 feet to the Northerly Right-of-Way line of W. Mississippi Ave., and the POINT OF
28 BEGINNING;

- 29 1. Thence North 01°30'02" West, a distance of 10.20 feet;
- 30
- 31 2. Thence N88°15'21" East, a distance of 22.08 feet;
- 32
- 33 3. Thence North 42°49'06" East, a distance of 15.06 feet;
- 34
- 35 4. Thence North 10°06'30" East, a distance of 37.05 feet;
- 36
- 37 5. Thence South 79°08'13" East, a distance of 8.00 feet;
- 38
- 39 6. Thence South 10°06'30" West, a distance of 41.14 feet;
- 40
- 41 7. Thence South 42°49'06" West, a distance of 12.98 feet;
- 42
- 43 8. Thence North 47°10'54" West, a distance of 6.23 feet;
- 44
- 45 9. Thence South 65°02'15" West, a distance of 8.78 feet;
- 46
- 47 10. Thence South 01°30'02" East, a distance of 6.84 feet to said Northerly Right of Way line;

1
2 11. Thence South 88°15'21" West, coincident with said Northerly line, a distance of 18.02 feet to
3 the POINT OF BEGINNING.

4 The above described Temporary Easement contains 627 sq. ft. (0.014 Acres), more or less.

5 Basis of Bearings: The South line of the Southwest Quarter of Section 15 being monumented at the
6 Southwest Corner of said Section 15 by a found 3.25" Aluminum Cap stamped "CITY OF DENVER
7 T4S R68W S16 S15 S21 S22 1991 LS 14592 LAND CORNER, and at the South Quarter Corner of
8 said Section 15 by a found 3.25" Aluminum Cap stamped "JF SATO AND ASSOCIATES T4S R68W
9 1/4 15 22 PLS 37056 2017", said line bears N89°33'08"W.

10 **TE-4 REV**
11 **NORTH SIDE OF EAST COLFAX AVENUE BETWEEN NORTH DOWNING STREET AND**
12 **NORTH MARION STREET**

13
14 **LAND DESCRIPTION**

15 A Temporary Easement No. TE-4 REV being a portion of a parcel of land as described in Deed
16 recorded at Book 1868 Page 254, on March 13, 1979, in the City and County of Denver Clerk and
17 Recorder's office, lying in the NW 1/4 of Section 2, Township 4 South, Range 68 West of the Sixth
18 Principal Meridian, in the City and County of Denver, State of Colorado, being more particularly
19 described as follows:

20 Commencing at the Range Point at E. Colfax Ave. and North Downing St. being monumented by a
21 found 2" Aluminum Cap stamped "RP 38162"; Thence North 57°02'23" East, a distance of 36.55
22 feet to the Northerly Right-of-Way line of E. Colfax Ave., and the POINT OF BEGINNING;

- 23
24 1. Thence North 00°12'49" East, a distance of 10.00 feet;
25
26 2. Thence South 89°47'11" East, a distance of 47.50 feet;
27
28 3. Thence South 00°05'29" West, a distance of 10.00 feet to said Northerly Right of Way line;
29
30 4. Thence North 89°47'11" West, coincident with said Northerly line, a distance of 47.52 feet to
31 the POINT OF BEGINNING.

32 The above described Temporary Easement contains 475.1 sq. ft. (0.011 Acres), more or less.

33 Basis of Bearings: The Range line running in E. Colfax Ave. between Corona St. and N. Downing
34 St. being monumented at the West end by a found 2" Aluminum Cap stamped "RANGE POINT PLS
35 38162, and at the East end by a found 2" Aluminum Cap stamped "RP 38162", said line bears
36 N89°47'11"W.

37 **Section 2.** That the Council hereby finds and determines that property interests in these
38 properties are needed and required for the following public uses and public purposes: as part of a
39 project that includes the installation and modification of pedestrian refuge areas, curb cuts and
40 crosswalks, appurtenant improvements and construction thereof at intersection of West Mississippi
41 Avenue and South Platte River Drive and along the north side of East Colfax Avenue between North
42 Downing Street and North Marion Street (the "Project").

43 **Section 3.** That Council authorizes the Mayor, including his duly authorized representatives,

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

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

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

27 **Section 6.** That the Council hereby finds and determines that to improve the safety and
28 operation of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary to
29 rebuild, modify, remove, and relocate existing access points to streets located in the vicinity of the
30 Project.

31 **Section 7.** That the Council authorizes the City to use the power of eminent domain to act
32 as the local authority to install and modify pedestrian refuge areas, curb cuts and crosswalks,
33 appurtenant improvements and construction thereof at intersection of West Mississippi Avenue and

1 South Platte River Drive and along the north side of East Colfax Avenue between North Downing
2 Street and North Marion Street.

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

5 COMMITTEE APPROVAL DATE: March 21, 2023 by Consent

6 MAYOR-COUNCIL DATE: March 28, 2023 by Consent

7 PASSED BY THE COUNCIL: _____

8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____

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

13 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

14 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: March 30, 2023

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

19
20 Kerry Tipper, Denver City Attorney

21
22 BY: _____, Assistant City Attorney DATE: _____