

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2023

COUNCIL BILL NO. CB 23-1361  
COMMITTEE OF REFERENCE:  
Finance & Governance

**A BILL**

**For an ordinance designating certain property located at 1805 South Bannock Street as being required for public use and authorizing acquisition of property interests therein by negotiation or through condemnation proceedings as needed for the Jewell Avenue Pedestrian Bridge Project in Council District 7.**

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

**Section 1.** That the City Council hereby designates the following parcel(s) of real property (collectively, the "Parcel") situated in the City and County of Denver, 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 (the "City"):

A parcel of land containing 0.033 acres, more or less, in Block A, Overland Park Subdivision, in the SW ¼ of Section 22, Township 04 South, Range 68 West, of the 6th Principal Meridian, City & County of Denver, State of Colorado, said parcel being more particularly described as follows:

Beginning at the Southwest corner of said Block A, thence N11°30'03"E along the West line of said Block A, 10.21 feet to a point 10.00 feet North of the North line of W. Jewel Avenue;

Thence N89°55'12"E along a line parallel with and 10.00 feet North of said North line, 140.95 feet;

Thence S00°04'48"E, 10.00 feet to the North line of W. Jewel Avenue;

Thence S89°55'12"W, along said North line, 143.00 feet to the Point of Beginning;

Containing 0.033 acres, 1,420 Square Feet more or less

Basis of Bearing: Bearings used hereon are based on the south line of Overland Park Subdivision between the southwest corner of Block A, monumented by a #5 rebar and the southeast corner of Block A, monumented by a nail and washer PLS 38073 being N89°55'12"E using the City and County of Denver control coordinates.

**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 Parcel.

**Section 3.** That the City Council hereby finds and determines that interests in the Parcel described in Section 1 are needed and required for the following public uses and public purposes:

1 to construct, locate, reconstruct, improve, modify, remove, occupy, use, and complete improvements  
2 and related work for the Jewell Avenue Pedestrian Bridge Project, including the initial location and  
3 construction thereof, and the redirection of vehicular access relating thereto (the "Project").

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

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

23 **Section 6.** That the City Council hereby finds and determines that the City's Department of  
24 Transportation and Infrastructure and any federal and state agencies, if applicable, may find the  
25 need to alter the legal descriptions of the properties referred to in this Ordinance and may continue  
26 to do so in order to meet the needs of the Project. City Council hereby authorizes the Mayor,  
27 including his duly authorized representatives, in accordance with applicable federal, state, and local  
28 laws and rules and regulations adopted pursuant thereto, to acquire the Parcel as the legal  
29 descriptions are altered in accordance with the means authorized in this Ordinance.

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

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1 COMMITTEE APPROVAL DATE: October 3, 2023 by Consent  
2 MAYOR-COUNCIL DATE: October 10, 2023 by Consent  
3 PASSED BY THE COUNCIL: \_\_\_\_\_  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_;  
10 PREPARED BY: John G. McGrath, Assistant City Attorney DATE: October 12, 2023  
11 Pursuant to section 13-9, D.R.M.C., this proposed Ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 Ordinance. The proposed Ordinance is not submitted to the City Council for approval pursuant to  
14 § 3.2.6 of the Charter.  
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16 Kerry Tipper, Denver City Attorney  
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18 BY: Anahul Bagga, Assistant City Attorney Date: Oct 12, 2023