

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. CB18-0116
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance designating certain property 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 as needed for the 27th Street Interceptor Storm Water Project.

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

Section 1. That the City Council hereby designates the following parcels of real property (collectively, the "Parcels") 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"):

Parcel 1:

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE ASSUMED AND ARE BASED UPON THE 20.00' FOOT RANGE LINE LOCATED ALONG 27TH STREET BETWEEN THE INTERSECTION OF BLAKE STREET AND 27TH STREET AND THE INTERSECTION OF WALNUT STREET AND 27TH STREET SAID RANGE LINE BEARS S45°01'21"E A DISTANCE OF 346.11' BETWEEN THE RANGE POINT MONUMENTS SHOWN HEREON.

COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF BLAKE STREET AND 27TH STREET;

THENCE N17°17'28"E A DISTANCE OF 43.06 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BLAKE STREET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S44°57'58"W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 36.00 FEET

THENCE N45°02'02"W A DISTANCE OF 189.16 FEET TO THE SOUTHEASTERLY LINE OF PERMANENT EASEMENT NO. 5 AS DESCRIBED AT RECEPTION NO. 95-000097472, RECORDED AUGUST 11, 1995 IN THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;

THENCE N44°30'01"E ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 36.00 FEET;

THENCE S45°02'02"E A DISTANCE OF 189.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,815 SQUARE FEET (0.156 ACRES), MORE OR LESS.

1 Parcel 2:

2
3 A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3
4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
5 STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

6
7 BEARINGS ARE ASSUMED AND ARE BASED UPON THE 20.00' FOOT RANGE LINE LOCATED ALONG
8 27TH STREET BETWEEN THE INTERSECTION OF BLAKE STREET AND 27TH STREET AND THE
9 INTERSECTION OF WALNUT STREET AND 27TH STREET SAID RANGE LINE BEARS S45°01'21"E A
10 DISTANCE OF 346.11' BETWEEN THE RANGE POINT MONUMENTS SHOWN HEREON.

11
12 COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF BLAKE STREET AND 27TH STREET;

13
14 THENCE N71°39'43"W A DISTANCE OF 22.37 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF
15 BLAKE STREET, SAID POINT BEING THE POINT OF BEGINNING;

16
17 THENCE S44°57'58"W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 148.83
18 FEET;

19
20 THENCE N45°02'02"W A DISTANCE OF 187.85 FEET TO THE SOUTHEASTERLY LINE OF PERMANENT
21 EASEMENT NO. 5 AS DESCRIBED AT RECEPTION NO. 95-000097472, RECORDED AUGUST 11, 1995 IN
22 THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;

23
24 THENCE N44°30'01"E ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 148.84 FEET;

25
26 THENCE S45°02'02"E A DISTANCE OF 189.06 FEET TO THE POINT OF BEGINNING.

27
28 CONTAINING 28,048 SQUARE FEET (0.644 ACRES), MORE OR LESS.

29
30 Parcel 3:

31
32 TWO PARCELS OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 27,
33 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF
34 DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

35
36 BEARINGS ARE ASSUMED AND ARE BASED UPON THE 20.00' FOOT RANGE LINE LOCATED ALONG
37 27TH STREET BETWEEN THE INTERSECTION OF BLAKE STREET AND 27TH STREET AND THE
38 INTERSECTION OF WALNUT STREET AND 27TH STREET SAID RANGE LINE BEARS S45°01'21"E A
39 DISTANCE OF 346.11' BETWEEN THE RANGE POINT MONUMENTS SHOWN HEREON.

40
41 PARCEL A

42
43 COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF BLAKE STREET AND 27TH STREET;

44
45 THENCE N71°39'43"W A DISTANCE OF 22.37 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF
46 BLAKE STREET, SAID POINT BEING THE POINT OF BEGINNING;

47
48 THENCE N45°02'02"W A DISTANCE OF 189.06 FEET TO THE SOUTHEASTERLY LINE OF PERMANENT
49 EASEMENT NO. 5 AS DESCRIBED AT RECEPTION NO. 95-000097472, RECORDED AUGUST 11, 1995 IN
50 THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;

51
52 THENCE N44°30'01"E ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 12.16 FEET;

53
54 THENCE S45°02'02"E A DISTANCE OF 189.16 FEET TO SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF

1 BLAKE STREET;
2
3 THENCE S44°57'58"W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 12.16
4 FEET TO THE POINT OF BEGINNING.
5
6 CONTAINING 2,300 SQUARE FEET (0.053 ACRES), MORE OR LESS.
7
8 PARCEL B
9
10 COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF BLAKE STREET AND 27TH STREET;
11
12 THENCE N17°17'28"E A DISTANCE OF 43.06 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF
13 BLAKE STREET, SAID POINT BEING THE POINT OF BEGINNING;
14
15 THENCE N45°02'02"W A DISTANCE OF 189.45 FEET TO THE SOUTHEASTERLY LINE OF PERMANENT
16 EASEMENT NO. 5 AS DESCRIBED AT RECEPTION NO. 95-000097472, RECORDED AUGUST 11, 1995 IN
17 THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;
18
19 THENCE N44°30'01"E ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 9.50 FEET;
20
21 THENCE S45°02'02"E A DISTANCE OF 189.53 FEET TO SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF
22 BLAKE STREET;
23
24 THENCE S44°57'58"W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 9.50 FEET
25 TO THE POINT OF BEGINNING.
26
27 CONTAINING 1,800 SQUARE FEET (0.041 ACRES), MORE OR LESS.

28
29 Parcel 4:
30

31 A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3
32 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
33 STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
34
35 BEARINGS ARE ASSUMED AND ARE BASED UPON THE 20.00' FOOT RANGE LINE LOCATED ALONG
36 27TH STREET BETWEEN THE INTERSECTION OF BLAKE STREET AND 27TH STREET AND THE
37 INTERSECTION OF WALNUT STREET AND 27TH STREET SAID RANGE LINE BEARS S45°01'21"E A
38 DISTANCE OF 346.11' BETWEEN THE RANGE POINT MONUMENTS SHOWN HEREON.
39
40 COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF BLAKE STREET AND 27TH STREET;
41
42 THENCE N88°14'15"W A DISTANCE OF 284.74 FEET TO THE TO THE SOUTHEASTERLY LINE OF
43 PERMANENT EASEMENT NO. 5 AS DESCRIBED AT RECEPTION NO. 95-000097472, RECORDED AUGUST
44 11, 1995 IN THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER, SAID POINT
45 BEING THE POINT OF BEGINNING;
46
47 THENCE S44°30'01"W ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 125.07 FEET;
48
49 THENCE N45°29'59"W A DISTANCE OF 47.99 FEET
50
51 THENCE N44°30'01"E A DISTANCE OF 125.07 FEET;
52
53 THENCE S45°29'59"E A DISTANCE OF 47.99 FEET TO THE POINT OF BEGINNING.
54

1 CONTAINING 6,002 SQUARE FEET (0.138 ACRES), MORE OR LESS.

2
3 Parcel 5:

4
5 A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3
6 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
7 STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8
9 BEARINGS ARE ASSUMED AND ARE BASED UPON THE 20.00' FOOT RANGE LINE LOCATED ALONG
10 27TH STREET BETWEEN THE INTERSECTION OF BLAKE STREET AND 27TH STREET AND THE
11 INTERSECTION OF WALNUT STREET AND 27TH STREET SAID RANGE LINE BEARS S45°01'21"E A
12 DISTANCE OF 346.11' BETWEEN THE RANGE POINT MONUMENTS SHOWN HEREON.

13
14 COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF BLAKE STREET AND 27TH STREET;
15
16 THENCE S48°58'07"W A DISTANCE OF 286.52 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF
17 BLAKE STREET, SAID POINT BEING THE POINT OF BEGINNING;

18
19 THENCE S44°57'58"W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 34.18
20 FEET

21
22 THENCE N45°02'02"W A DISTANCE OF 186.54 FEET TO THE SOUTHEASTERLY LINE OF PERMANENT
23 EASEMENT NO. 5 AS DESCRIBED AT RECEPTION NO. 95-000097472, RECORDED AUGUST 11, 1995 IN
24 THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;

25
26 THENCE N44°30'01"E ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 34.18 FEET;

27
28 THENCE S45°02'02"E A DISTANCE OF 186.82 FEET TO THE POINT OF BEGINNING.

29
30 CONTAINING 6,381 SQUARE FEET (0.146 ACRES), MORE OR LESS.

31
32 **Section 2.** That the City Council hereby finds that the public use and purpose described in
33 Section 3 below will require the acquisition and use by the City of interests in the Parcels.

34 **Section 3.** That the City Council hereby finds and determines that interests in the Parcels
35 described in Section 1 are needed and required for the following public uses and public purposes:
36 to construct, locate, reconstruct, improve, modify, remove, and relocate storm and/or sanitary and/or
37 domestic water drainage, pipes, channels, detention areas, outfalls, and related facilities, systems
38 and structures, and other appurtenant improvements and related work for the 27th Street Interceptor
39 Project, including the initial location and construction thereof, and the redirection of vehicular access
40 relating thereto (the "Project").

41 **Section 4.** That the City Council hereby authorizes the Mayor, including his duly authorized
42 representatives, in accordance with applicable federal, state, and local laws and rules and
43 regulations adopted pursuant thereto, to (1) acquire the needed property interests in and to the
44 Parcels, including, without limitation, fee title, beneficial title, permanent easements, temporary
45 easements, fixtures, licenses, permits, leasehold interests, improvements, and any other rights,

1 interests, and appurtenances thereto; (2) take all actions necessary to do so without further action
2 by City Council, such as conducting negotiations, executing all related agreements, and making all
3 necessary payments; (3) take actions required by law before instituting condemnation proceedings;
4 (4) allow the temporary use and leasehold of City-owned land; and (5) convey City-owned land,
5 including remnants.

6 **Section 5.** That if for the property interest set forth above, the interested parties do not agree
7 upon the compensation to be paid for such needed property interests, the owner or owners thereof
8 are incapable of consenting, the name or residence of any owner thereof is unknown, or any of the
9 owners thereof are non-residents of the State of Colorado, then the City Attorney of the City, upon
10 the Mayor's direction, is hereby authorized and empowered to exercise the City's eminent domain
11 powers by instituting and, as necessary, prosecuting to conclusion proceedings under Title 38,
12 Colorado Revised Statutes, to acquire any needed property interests upon, through, over, under and
13 along the Parcels described in Section 1 above as necessary for the purposes set forth in Section
14 password3 above.

15 **Section 6.** That the City Council hereby finds and determines that the City's Department of
16 Public Works and any federal and state agencies, if applicable, may find the need to alter the legal
17 descriptions of the properties referred to in this Ordinance and may continue to do so in order to
18 meet the needs of the Project. City Council hereby authorizes the Mayor, including his duly
19 authorized representatives, in accordance with applicable federal, state, and local laws and rules
20 and regulations adopted pursuant thereto, to acquire the Parcels as the legal descriptions are altered
21 in accordance with the means authorized in this Ordinance.

22 **Section 7.** That the City Council hereby finds and determines that the Project is necessary
23 for the health, safety, and welfare of the public.
24

1 COMMITTEE APPROVAL DATE: February 6, 2018 by Consent
2 MAYOR-COUNCIL DATE: February 13, 2018
3 PASSED BY THE COUNCIL: February 26, 2018
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR Mar 1, 2018
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 McGrath, Assistant City Attorney DATE: February 15, 2018
11 Pursuant to section 13-12, 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.
15
16 Kristin Bronson, Denver City Attorney
17 BY: *Kristin J. Crawford*, Assistant City Attorney Date: Feb 14, 2018
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