

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2014

COUNCIL BILL NO. 14-1029
COMMITTEE OF REFERENCE:
4 Neighborhoods & Planning

5 **A BILL**

6 **For an ordinance designating certain properties as being required for**
7 **public use and authorizing use and acquisition thereof by negotiation or**
8 **through condemnation proceedings of fee, easement and other interests,**
9 **including any rights and interests related or appurtenant to properties as**
10 **needed for the 33rd Street and Festival Area Projects.**

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

13 **Section 1.** That the Council hereby designates the following properties situated in the

14 City and County of Denver and State of Colorado as being needed for public uses and purposes,
15 described in Section 2 below, by the City and County of Denver, a municipal corporation of the
16 State of Colorado:

17 Parcel for 33rd Street:

18 A parcel of land situated in the NE ¼ of Section 27 and the SE ¼ of Section 22, Township 3
19 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of
20 Colorado, more particularly described as follows:

21 **COMMENCING** at the Northeast corner of said Section 27, thence S89°58'34"W along the North
22 line of the NE ¼ of Section 27 a distance of 1043.14 feet to the **POINT OF BEGINNING**;

23 Thence departing said North line S44°52'38"E a distance of 19.80 feet;

24 Thence continuing S44°52'38"E a distance of 287.93 feet to the Northwesterly line of Brighton
25 Boulevard as dedicated by Ordinance 63 of 1922 and Ordinance 177 of 1924;

26 Thence along said Northwesterly line of Brighton Boulevard S44°52'52"W a distance of 57.00 feet;

27 Thence departing said Northwesterly line of Brighton Boulevard N44°52'38"W a distance of
28 401.27 feet to the Southeasterly line of East Arkins Court as dedicated by Ordinance 2 of 1895
29 and Ordinance 310 of 1954;

30 Thence along said Southeasterly line of East Arkins Court N31°37'50"E a distance of 58.62;

31 Thence departing said Southeasterly line of East Arkins Court S44°52'38"E a distance of 97.77
32 feet;

33 Thence continuing S44°52'38"E a distance of 9.20 feet to the **POINT OF BEGINNING**.

1 Said parcel contains 23,254 square feet, or 0.534 acres, more or less.

2 The **BASIS OF BEARINGS** for this description is the bearing of the North line of the NE ¼ of
3 Section 27, Township 3 South, Range 68 West of the 6th Principal Meridian. The bearing for said
4 North line is S89°58'34"W between a 6" stone with a chiseled cross at the Northeast corner of said
5 Section 27, and a 3.25" aluminum cap stamped "AZTEC LS 33204" at the North quarter-corner of
6 said Section 27.

7 **AND**

8 Parcel for Festival Area:

9 A parcel of land situated in the NE ¼ of Section 27 and the SE ¼ of Section 22, Township 3
10 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of
11 Colorado, more particularly described as follows:

12 **COMMENCING** at the Northeast corner of said Section 27, thence S89°58'34"W along the North
13 line of the NE ¼ of Section 27 a distance of 1043.14 feet to the **POINT OF BEGINNING**;

14 Thence departing said North line N44°52'38"W a distance of 9.20 feet;

15 Thence N45°01'47"E a distance of 307.96 feet to the Northeasterly line of that parcel described as
16 "Parcel Two" in a warranty deed recorded with the City and County of Denver Clerk and Recorder
17 9/11/2014, at reception number 2014110700;

18 Thence S44°58'13"E along said Northeasterly line of said Parcel Two a distance of 25.00 feet to
19 the easternmost corner of said Parcel Two;

20 Thence S45°01'47"W along the Southeasterly line of said Parcel Two and the Northwesterly line
21 of that parcel described as "Exhibit B" in a warranty deed recorded with the City and County of
22 Denver Clerk and Recorder 11/5/2014, at reception number 2014135101, a distance of 292.15
23 feet to the North line of said NE ¼ of Section 27, said point also being the southwesternmost point
24 of said Exhibit B parcel;

25 Thence departing said Northwesterly line N89°58'34"E along the said North line of the NE ¼ of
26 Section 27 and the South line of said Exhibit B parcel a distance of 5.66 feet to the
27 southeasternmost point of said Exhibit B parcel;

28 Thence S45°01'47"W along a prolongation to the southwest of the Southeasterly line of said
29 Exhibit B parcel a distance of 19.86 feet ,

30 Thence N44°52'38"W a distance of 19.80 feet to the **POINT OF BEGINNING**.

31 Said parcel contains 21,065 square feet, or 0.484 acres, more or less.

32 The **BASIS OF BEARINGS** for this description is the bearing of the North line of the NE ¼ of
33 Section 27, Township 3 South, Range 68 West of the 6th Principal Meridian. The bearing for said

1 North line is S89°58'34"W between a 6" stone with a chiseled cross at the Northeast corner of said
2 Section 27, and a 3.25" aluminum cap stamped "AZTEC LS 33204" at the North quarter-corner of
3 said Section 27.

4 **Section 2.** That the Council hereby finds and determines that property interests in these properties
5 are needed and required for the following public uses and public purposes: road, sidewalk, open space,
6 public areas, landscaping, other appurtenant improvements and construction thereof.

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

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

25 **Section 5.** That the Council hereby finds and determines that the Denver Department of Public
26 Works may find the need to alter the legal descriptions of the properties referred to in this Ordinance and
27 may continue to do so in order to meet the needs of the Projects. Council hereby authorizes the Mayor,
28 including his duly authorized representatives, in accordance with applicable federal, state, and City laws and
29 rules and regulations adopted pursuant thereto, to acquire those properties as the legal descriptions are
30 altered by the Denver Department of Public Works in accordance with the means authorized in this
31 Ordinance.

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1 COMMITTEE APPROVAL DATE: November 26, 2014 (Consent)
2 MAYOR-COUNCIL DATE: December 2, 2014
3 PASSED BY THE COUNCIL: _____, 2014
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2014
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014
10 PREPARED BY: Jennifer Welborn, Assistant City Attorney DATE: December 4, 2014
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 D. Scott Martinez, City Attorney for the City and County of Denver
16 BY: _____, Assistant City Attorney DATE: _____, 2014