

1 **BY AUTHORITY**

2 ORDINANCE NO. 24-1495
3 SERIES OF 2024

COUNCIL BILL NO. CB24-1495
COMMITTEE OF REFERENCE:
Finance & Governance

4
5 **A BILL**

6 **A bill for an ordinance designating certain properties as being required for public**
7 **use and authorizing use and acquisition thereof through negotiated purchase or**
8 **condemnation all or any portion of any property interest as needed for the**
9 **installment of a traffic signal at approximately Federal Boulevard and Amherst**
10 **Avenue in District 2. This includes access rights, improvements, fixtures,**
11 **licenses and permits as part of the project.**

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 City
14 and County of Denver and State of Colorado as being needed for public uses and purposes by the
15 City and County of Denver, a municipal corporation of the State of Colorado:

16 **HAWK**
17 **LAND DESCRIPTION**
18

19 BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN RECEPTION NO.
20 2008012381, RECORDED ON 01/30/2008, IN THE CITY AND COUNTY OF DENVER'S CLERK
21 AND RECORDER'S OFFICE, ALSO LOCATED IN THE NORTHWEST QUARTER OF THE
22 NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 68 WEST, 6TH
23 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID
24 PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

25
26 COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF
27 SECTION 32, THENCE N01°54'20"E, A DISTANCE OF 1,789.20 FEET TO A FOUND NO. 5
28 REBAR WITH 1.25" ORANGE PLASTIC CAP MARKED "PLS 16119" AT THE MOST
29 SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN
30 RECEPTION NO. 2008012381, ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN
31 RIGHT-OF-WAY DEDICATION DESCRIBED AS PARCEL 2 IN ORDINANCE 632, SERIES 2015,
32 RECEPTION NO. 2015133659, 9/23/2015, CITY AND COUNTY OF DENVER'S CLERK AND
33 RECORDER'S OFFICE, ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF W
34 AMHERST AVE (2024), ALSO THE POINT OF BEGINNING;

35
36 THENCE, N44°47'12"W, DEPARTING SAID MOST SOUTHERLY SOUTHWEST CORNER OF
37 THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2008012381, SAID SOUTHEAST
38 CORNER OF THAT CERTAIN RIGHT OF WAY DEDICATION, AND SAID NORTHERLY RIGHT
39 OF WAY LINE OF W AMHERST AVE (2024), ALONG THE SOUTHWESTERLY LINE OF SAID
40 PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2008012381, AND ALONG THE
41 NORTHEASTERLY LINE OF SAID RIGHT OF WAY DEDICATION, A DISTANCE OF 9.87 FEET
42 TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED

1 IN RECEPTION NO. 2008012381, ALSO A POINT ON THE NORTHWEST CORNER OF SAID
2 CERTAIN RIGHT OF WAY DEDICATION, ALSO A POINT ON THE EASTERLY RIGHT OF WAY
3 LINE OF S FEDERAL BLVD (2024);
4

5 THENCE, N00°24'02"E, ALONG THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED IN
6 RECEPTION NO. 2008012381, AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF S
7 FEDERAL BLVD, A DISTANCE OF 11.33 FEET;
8

9 THENCE THROUGH SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2008012381,
10 THE FOLLOWING THREE (3) COURSES:
11

- 12 1. S32°12'11"E, A DISTANCE OF 3.45 FEET
- 13 2. S00°48'16"W, A DISTANCE OF 4.94 FEET
- 14 3. S31°03'44"E, A DISTANCE OF 12.22 FEET TO A POINT ON SAID SOUTH LINE OF THAT
15 PARCEL OF LAND DESCRIBED IN RECEPTION NO. 2008012381, ALSO A POINT ON SAID
16 NORTHERLY RIGHT OF WAY LINE OF W AMHERST AVE (2024);
17

18 THENCE, N89°58'26"W, ALONG SAID SOUTH LINE OF THAT PARCEL OF LAND DESCRIBED
19 IN RECEPTION NO. 2008012381, AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF W
20 AMHERST AVE (2024), A DISTANCE OF 1.20 FEET TO SAID POINT OF BEGINNING.
21

22 CONTAINING 40 SQUARE FEET OR 0.001 ACRE, MORE OR LESS.
23
24

25 **Section 2.** That the Council finds and determines that property interests in these properties
26 are needed and required for the following public uses and public purposes: for the construction of
27 "HAWK".

28 **Section 3.** That Council authorizes the Mayor, including his duly authorized representatives,
29 in accordance with applicable federal, state, and City laws and rules and regulations adopted
30 pursuant thereto, to acquire the needed property interests, including, but not limited to, fee title,
31 permanent easements, temporary easements, fixtures, licenses, permits, improvements (including
32 without limitation, general outdoor advertising devices, buildings, and access points) and any other
33 rights, interests, and appurtenances thereto. Such authority includes the taking of all actions
34 necessary to do so without further action by City Council, including but not limited to: conducting
35 negotiations, executing all related agreements, making all necessary payments, taking any and all
36 actions required by law before instituting condemnation proceedings, allowing the temporary use of
37 City-owned land and conveying all or a portion of any City-owned land, including remnants, by
38 quitclaim deed, permanent or temporary easements, leases, licenses and permits.

39 **Section 4.** That if the interested parties do not agree upon the compensation to be paid for
40 the needed property interests, the owner or owners of the property are incapable of consenting, the
41 name or residence of any owner is unknown, or any of the owners are non-residents of the State,

1 then the City Attorney of the City and County of Denver, upon the Mayor's direction, is authorized
2 and empowered to exercise the City and County of Denver's eminent domain powers by instituting
3 and, as necessary, prosecuting to conclusion proceedings under Article 1, Title 38, Colorado
4 Revised Statutes, to acquire needed property interests upon, through, over, under and along the
5 above-described property as necessary for the purposes set forth in Section 2 above.

6 **Section 5.** That the Council finds and determines that the Denver Department of
7 Transportation and Infrastructure and federal and state agencies may find the need to alter the
8 nature of the property interests or the legal descriptions of the properties referred to in this Ordinance
9 and may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor,
10 including his duly authorized representatives, in accordance with applicable federal, state, and City
11 laws and rules and regulations adopted pursuant thereto, to acquire the property as the property
12 interests and legal descriptions are altered in accordance with the means authorized in this
13 Ordinance.

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

18 **Section 7.** That the Council authorizes the City to acquire through negotiated purchase or
19 condemnation all or any portion of any property interest as needed for the construction of "HAWK".

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

22 COMMITTEE APPROVAL DATE: October 29, 2024, by Consent

23 MAYOR-COUNCIL DATE: November 5, 2024 by Consent

24 PASSED BY THE COUNCIL: November 18, 2024

25 *Amursh P. Sandoval* - PRESIDENT

26 APPROVED: *Michael C. Johnston* - MAYOR 11/21/2024
Michael C. Johnston (Nov 21, 2024 09:08 MST)

27 ATTEST: _____ - CLERK AND RECORDER,
28 EX-OFFICIO CLERK OF THE
29 CITY AND COUNTY OF DENVER

30 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

31 PREPARED BY: Johna M. Varty, Assistant City Attorney DATE: November 7, 2024

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

1 3.2.6 of the Charter.

2

3 Kerry Tipper, Denver City Attorney

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5 BY: Anshul Bagga, Assistant City Attorney

DATE: Nov 7, 2024