

BY AUTHORITY

ORDINANCE NO. 24-0063

COUNCIL BILL NO. CB24-0063

SERIES OF 2024

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 construction of Weir Gulch Reach 1, Decatur Street, in Council District 3.

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:

2727 WEST BARBERRY PLACE

LAND DESCRIPTION

A PARCEL OF LAND BEING THE WEST EIGHT AND ONE-HALF FEET (8.5') OF LOT 25, BLOCK 2, FISK'S ADDITION TO SOUTH FAIRVIEW; LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST, 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE WITH CHISELED CROSS IN RANGE BOX FOUND FOR THE RANGE POINT LOCATED AT THE INTERSECTION OF DECATUR STREET AND WEST BARBERRY PLACE SHOWN ON THE MAP OF OFFICIAL CITY SURVEY OF FISK'S ADDITION TO SOUTH FAIRVIEW; THENCE NORTH 63°28'41" EAST FOR 44.64 FEET TO THE SOUTHWEST CORNER OF SAID LOT 25 AND THE POINT OF BEGINNING;

THENCE ALONG THE WEST LINE OF SAID LOT 25, NORTH 00°10'00" WEST FOR 49.81 FEET TO THE SOUTHWEST CORNER OF PARCEL NUMBER 1401.07 AS CONVEYED TO THE CITY AND COUNTY OF DENVER IN BOOK 2281 AT PAGE 235, RECORDED DECEMBER 03, 1980;

THENCE ALONG THE SOUTH LINE OF SAID CITY AND COUNTY OF DENVER PARCEL, NORTH 51°24'27" EAST FOR 10.85 FEET;

THENCE SOUTH 00°10'00" EAST FOR 56.59 FEET TO THE SOUTH LINE OF SAID LOT 25;

THENCE ALONG THE SOUTH LINE OF SAID LOT 25, NORTH 89°54'17" WEST FOR 8.50 FEET

1 TO THE POINT OF BEGINNING.

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999 NORTH CLAY WAY
LAND DESCRIPTION

A PARCEL OF LAND IN SUN VALLEY HOMES SECOND FILING; LOCATED IN THE
SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST, 6TH
PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1 INCH AXLE IN RANGE BOX FOUND FOR THE RANGE POINT
LOCATED AT THE INTERSECTION OF DECATUR STREET AND WEST 9TH AVENUE SHOWN
ON THE MAP OF OFFICIAL CITY SURVEY OF SOUTH FAIRVIEW; THENCE NORTH 63°29'16"
EAST FOR 44.64 FEET TO THE SOUTHWEST CORNER OF LOT 26, BLOCK 10, SOUTH
FAIRVIEW AND THE POINT OF BEGINNING;

THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF DECATUR STREET, NORTH 00°10'00"
WEST FOR 112.50 FEET;

THENCE SOUTH 89°53'33" EAST FOR 24.50 FEET;

THENCE SOUTH 05°05'30" EAST FOR 87.36 FEET;

THENCE SOUTH 89°09'49" EAST FOR 393.06 FEET;

THENCE SOUTH 00°10'00" EAST FOR 20.50 FEET TO THE NORTH RIGHT-OF-WAY LINE OF
WEST 9TH AVENUE;

THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST 9TH AVENUE, NORTH
89°53'33" WEST FOR 425.00 FEET TO THE POINT OF BEGINNING.

2930 WEST 9TH AVENUE
LAND DESCRIPTION

A PARCEL OF LAND IN PART OF LOTS 10, 11, 12, 13 AND 14, BLOCK 3, FISK'S ADDITION TO
SOUTH FAIRVIEW; LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4
SOUTH, RANGE 68 WEST, 6TH PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER,
STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE WITH CHISELED CROSS IN RANGE BOX FOUND FOR THE
RANGE POINT LOCATED AT THE INTERSECTION OF DECATUR STREET AND WEST
BARBERRY PLACE SHOWN ON THE MAP OF OFFICIAL CITY SURVEY OF FISK'S ADDITION
TO SOUTH FAIRVIEW; THENCE NORTH 85°28'28" WEST FOR 260.47 FEET TO THE
SOUTHEAST CORNER OF THE WEST 9.00 FEET OF LOT 10 AND THE POINT OF
BEGINNING;

THENCE ALONG THE SOUTH LINE OF SAID LOTS 10, 11, 12, 13 AND 14, NORTH 89°52'41"
WEST FOR 100.00 FEET;

1 THENCE NORTH 00°11'02" WEST FOR 10.00 FEET;
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3 THENCE SOUTH 89°52'41" EAST FOR 90.00 FEET;
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5 THENCE NORTH 00°11'02" WEST FOR 65.50 FEET;
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7 THENCE SOUTH 89°52'41" EAST FOR 10.00 FEET;
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9 THENCE SOUTH 00°11'02" EAST FOR 75.50 FEET TO THE POINT OF BEGINNING.

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11 **2811 WEST 9TH AVENUE**
12 **LAND DESCRIPTION**
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14 A PARCEL OF LAND IN A PART OF LOTS 70, 71 AND 72, BLOCK 16, SOUTH FAIRVIEW;
15 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68
16 WEST, 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO;
17 MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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19 COMMENCING AT A 1 INCH AXLE IN RANGE BOX FOUND FOR THE RANGE POINT
20 LOCATED AT THE INTERSECTION OF DECATUR STREET AND WEST 9TH AVENUE SHOWN
21 ON THE MAP OF OFFICIAL CITY SURVEY OF SOUTH FAIRVIEW; THENCE NORTH 43°11'31"
22 WEST FOR 27.48 FEET TO THE SOUTHEAST CORNER OF SAID LOT 72 AND THE POINT OF
23 BEGINNING;
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25 THENCE ALONG THE SOUTH LINE OF SAID LOTS 70, 71 AND 72, NORTH 89°53'42" WEST
26 FOR 56.00 FEET;
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28 THENCE NORTH 00°10'00" WEST FOR 26.00 FEET;
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30 THENCE SOUTH 89°53'42" EAST FOR 16.00 FEET;
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32 THENCE NORTH 00°10'00" WEST FOR 61.00 FEET;
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34 THENCE SOUTH 89°53'42" EAST FOR 40.00 FEET TO THE EAST LINE OF SAID LOT 72;
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36 THENCE ALONG THE EAST LINE OF SAID LOT 72, SOUTH 00°10'00" EAST FOR 87.00 FEET
37 TO THE POINT OF BEGINNING.
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39 **Section 2.** That the Council finds and determines that property interests in these properties
40 are needed and required for the following public uses and public purposes: for the construction of
41 Weir Gulch Reach 1, Decatur Street, in Council District 3.

42 **Section 3.** That Council authorizes the Mayor, including his duly authorized representatives,
43 in accordance with applicable federal, state, and City laws and rules and regulations adopted
44 pursuant thereto, to acquire the needed property interests, including, but not limited to, fee title,
45 permanent easements, temporary easements, fixtures, licenses, permits, improvements (including

without limitation, general outdoor advertising devices, buildings, and access points) and any other rights, interests, and appurtenances thereto. Such authority includes the taking of all actions necessary to do so without further action by City Council, including but not limited to: conducting negotiations, executing all related agreements, making all necessary payments, taking any and all actions required by law before instituting condemnation proceedings, allowing the temporary use of City-owned land and conveying all or a portion of any City-owned land, including remnants, by quitclaim deed, permanent or temporary easements, leases, licenses and permits.

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

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

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

Section 7. That the Council authorizes the City to acquire through negotiated purchase or condemnation all or any portion of any property interest as needed for the construction of Weir Gulch Reach 1, Decatur Street, in Council District 3.

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

1 COMMITTEE APPROVAL DATE: January 23, 2024, by Consent
2 MAYOR-COUNCIL DATE: January 30, 2024
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: Johna M. Varty, Assistant City Attorney DATE: February 1, 2024
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 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 Kerry Tipper, Denver City Attorney
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18 BY: _____, Assistant City Attorney DATE: _____