

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB15-0987
COMMITTEE OF REFERENCE:
Infrastructure and Culture

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 easements and other interests, including any rights and interest related or appurtenant to properties so designated as needed for the Morrison Alameda Knox traffic signal upgrade and neighborhood bikeway design.

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

Section 1. That the Council designates the following properties situated in the City and County of Denver, State of Colorado, as being needed for public uses and purposes by the City and County on Denver, a municipal corporation of the State of Colorado:

LEGAL DESCRIPTIONS

TEMPORARY EASEMENT 1

A TRACT OF LAND CONTAINING 189 SQUARE FEET, MORE OR LESS, WITHIN LOTS 28 AND 29, BLOCK 6, WESTLAWN GARDENS SUBDIVISION, AS DESCRIBED IN RECEPTION NO. 2010034631, CITY AND COUNTY OF DENVER RECORDS, ALSO IN THE SOUTHWEST ONE-QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF W. ALAMEDA AVE. (R.O.W. VARIES), A FOUND 3-1/4" ALUMINUM CAP STAMPED "CDOT LS 13485", WHENCE A FOUND DENVER RANGE MONUMENT (3-1/4" ALUMINUM CAP, "CDOT LS 13485, 1990) BEARS S65°25'11"W, A DISTANCE OF 82.98 FEET;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF W. ALAMEDA AVE. (R.O.W. VARIES) N78°20'28"W, A DISTANCE OF 15.32 FEET TO THE EAST LINE OF S. KNOX CT. (80' R.O.W.);

THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE AND ALONG SAID EAST RIGHT-OF-WAY LINE OF S. KNOX CT. (80' R.O.W.) N00°04'01"W, A DISTANCE OF 14.00 FEET;

THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE N89°55'59"E, A DISTANCE OF 5.00 FEET;

THENCE S00°04'01 "E, A DISTANCE OF 9.93 FEET;

THENCE S78°20'28"E, A DISTANCE OF 10.76 FEET;

THENCE S89°38'01"E, A DISTANCE OF 12.51 FEET;

1 THENCE S00°21'59"W, A DISTANCE OF 5.00 FEET TO SAID NORTH RIGHT-OF-WAY
2 LINE OF W. ALAMEDA AVE. (R.O.W. VARIES);
3
4 THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°38'01"W, A DISTANCE OF
5 13.00 FEET TO THE **POINT OF BEGINNING**.

6
7 THE ABOVE DESCRIBED PROPERTY CONTAINS 189 SQUARE FEET OR 0.004 ACRES,
8 MORE OR LESS.

9
10 BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A DENVER RANGE LINE (ALSO
11 BEING THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 8)
12 BETWEEN A FOUND DENVER RANGE MONUMENT (FOUND 3-1/4" ALUMINUM CAP,
13 CDOT LS 13485, 1990) LOCATED AT THE INTERSECTION OF SAID W. ALAMEDA AVE.
14 (R.O.W. VARIES) AND SAID S. KNOX CT. (80' ROW) **AND** THE SOUTH ONE-QUARTER
15 CORNER OF SAID SECTION 8, T.4S., R.68W., 6TH P.M. (FOUND AXLE IN RANGE BOX)
16 LOCATED AT THE INTERSECTION OF SAID W. ALAMEDA AVE. (R.O.W. VARIES) AND
17 S. FEDERAL BLVD. BEARING S89°38'01"E.

18
19 **And**

20 **TEMPORARY EASEMENT 2**

21 A TRACT OF LAND CONTAINING 668 SQUARE FEET, MORE OR LESS, WITHIN
22 LOTS 1 AND 54, BLOCK 2, ADAMS PARK SUBDIVISION, AS DESCRIBED IN
23 RECEPTION NO. 1999174562, CITY AND COUNTY OF DENVER RECORDS, ALSO
24 IN THE NORTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 4 SOUTH,
25 RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF
26 DENVER, STATE OF COLORADO, SAID TRACT MORE PARTICULARLY
27 DESCRIBED AS FOLLOWS:

28
29 **BEGINNING** AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF W. ALAMEDA
30 AVE. (R.O.W. VARIES), A FOUND 1-1/4" YELLOW PLASTIC CAP STAMPED
31 "EHRHART LS 29414", WHENCE A FOUND DENVER RANGE MONUMENT (3-1/4"
32 ALUMINUM CAP, "CDOT LS 13485, 1990) BEARS N32°21'39"W, A DISTANCE OF
33 54.43 FEET;

34
35 THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF W. ALAMEDA AVE. (R.O.W.
36 VARIES) N44°59'26"E, A DISTANCE OF 7.07 FEET;

37
38 THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S00°01'17"W, A
39 DISTANCE OF 136.00 FEET;

40
41 THENCE N89°58'43"W, A DISTANCE OF 5.00 FEET TO THE EAST LINE OF S. KNOX
42 CT. (50' R.O.W.);

43
44 THENCE ALONG SAID EAST LINE OF S. KNOX CT. (50' R.O.W.) N00°01'17"E, A
45 DISTANCE OF 131.00 FEET TO THE **POINT OF BEGINNING**.

46
47 THE ABOVE DESCRIBED PROPERTY CONTAINS 668 SQUARE FEET OR 0.015
48 ACRES, MORE OR LESS.

49
50 BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A DENVER RANGE LINE
51 BETWEEN A FOUND DENVER RANGE MONUMENT (3-1/4" ALUMINUM CAP "CDOT
52 LS 13485, 1990") LOCATED AT THE INTERSECTION OF MORRISON RD. (R.O.W.
53 VARIES) AND SAID S. KNOX CT. (50' R.O.W.) AND A FOUND DENVER RANGE
54 MONUMENT (3-1/4" ALUMINUM CAP, ILLEGIBLE) LOCATED AT THE
55 INTERSECTION OF SAID S. KNOX CT. (50' R.O.W.) AND W. NEVADA PL. (50'
56 R.O.W.) BEARING S00°01'17"W.

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58 **And**

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TEMPORARY EASEMENT 3

TRACT OF LAND CONTAINING 1362 SQUARE FEET, MORE OR LESS, WITHIN LOTS 4-12, BLOCK 3, ADAMS PARK SUBDIVISION, AS DESCRIBED IN RECEPTION NO. 1992009048, CITY AND COUNTY OF DENVER RECORDS, ALSO IN THE NORTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF S. KNOX CT. (50' R.O.W.), A FOUND 3-1 /4" ALUMINUM CAP STAMPED "CDOT LS 13485", WHENCE A FOUND DENVER RANGE MONUMENT (3-1 /4" ALUMINUM CAP, "CDOT LS 13485, 1990) BEARS N23°29'46"E, A DISTANCE OF 52.34 FEET;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF S. KNOX CT. (50' R.O.W.) S00°01'17"W, A DISTANCE OF 7.57 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE N41°19'17"W, A DISTANCE OF 17.09 FEET;

THENCE S64°47'57"W, A DISTANCE OF 134.43 FEET;

THENCE S50°37'58" W, A DISTANCE OF 119.38 FEET;

THENCE N39°22'02"W, A DISTANCE OF 5.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MORRISON RD. (R.O.W. VARIES);

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF MORRISON RD. (R.O.W. VARIES) N50°37'58"E, A DISTANCE OF 120.00 FEET;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE N64°47'57"E, A DISTANCE OF 138.81 FEET;

THENCE S41°19'17"E, A DISTANCE OF 15.17 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PROPERTY CONTAINS 1362 SQUARE FEET OR 0.031 ACRES, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A DENVER RANGE LINE BETWEEN A FOUND DENVER RANGE MONUMENT (3-1 /4" ALUMINUM CAP "CDOT LS 13485, 1990") LOCATED AT THE INTERSECTION OF SAID MORRISON RD. (R.O.W. VARIES) AND SAID S. KNOX CT. (50' R.O.W.) AND A FOUND DENVER RANGE MONUMENT (3-1 /4" ALUMINUM CAP, ILLEGIBLE) LOCATED AT THE INTERSECTION OF SAIDS. KNOX CT. (50' R.O.W.) AND W. NEVADA PL. (50' R.O.W.) BEARING S00°01 '17"W.

Section 2. That the Council finds and determines that these properties are needed and required for the following public uses and public purposes: multimodal improvements including traffic signal upgrade, pedestrian and bicycle paths, road, sidewalk, drainage, landscaping medians, other appurtenant improvements and construction thereof.

Section 3. That the 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 interests described in Section 1,

1 including all fixtures, licenses, permits, improvements, and any other rights and interests, including
2 appurtenances thereto, including the taking of all actions necessary to do so without further action
3 by City Council, including conducting negotiations, executing all related agreements, and making
4 all necessary payments; to take actions required by law before instituting condemnation
5 proceedings; to allow the temporary use of City-owned land; and to convey City-owned land,
6 including remnants.

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

16 **Section 5.** That the Council finds and determines that the Colorado Department of
17 Transportation and the Denver Department of Public Works may find the need to alter the legal
18 descriptions of certain temporary easement areas or properties referred to in this Ordinance and
19 may continue to do so in order to meet the needs of the Project.

20 **Section 6.** If minor modifications are made to the legal descriptions of any of the
21 properties referred to in this Ordinance, Council authorizes the Mayor, including his duly authorized
22 representatives, in accordance with applicable federal, state, and City laws and rules and
23 regulations adopted pursuant thereto, to acquire those temporary easements and properties as the
24 legal descriptions are altered by the Colorado Department of Transportation and the Denver
25 Department of Public Works in accordance with the means authorized in this Ordinance.

26 **Section 7.** That the Council finds and determines that to improve the safety and operation
27 of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary to rebuild,
28 modify, remove, and relocate existing access points to streets located in the vicinity of the Project.

29 **Section 8.** That the Council authorizes the City to use the power of eminent domain to act
30 as the local authority to build a traffic signal upgrade and bicycle boulevard as multimodal
31 pedestrian improvements in the vicinity of Morrison Road, West Alameda Avenue and South Knox
32 Court and to rebuild, modify, remove, and relocate existing access points in the vicinity of such
33 streets.

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1 COMMITTEE APPROVAL BY CONSENT: December 30, 2015.
2 MAYOR-COUNCIL DATE: January 5, 2016.
3 PASSED BY THE COUNCIL: _____,
4 2016.

5 _____ - PRESIDENT
6 APPROVED: _____ - MAYOR _____, 2016.
7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016.

11 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: January 7, 2016.

12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.

16 D. Scott Martinez, City Attorney for the City and County of Denver

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18 BY: _____, Assistant City Attorney DATE: _____, 2016.