

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB22-1449

3 SERIES OF 2023

COMMITTEE OF REFERENCE:

4 Finance & Governance

5 **A BILL**

6 **For an ordinance designating certain properties as being required for public**
7 **use and authorizing use and acquisition thereof by negotiation or through**
8 **condemnation proceedings of fee simple, easement and other interests,**
9 **including any rights and interests related or appurtenant to properties**
10 **designated as needed for the public access to Axton Ranch in Jefferson**
11 **County, Colorado.**

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

16 AN ACCESS EASEMENT BEING PART OF THE NW 1/4 OF THE SE 1/4, SW 1/4 OF THE NE
17 1/4, SECTION 1, TOWNSHIP 2 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
18 IN JEFFERSON COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

19 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 1, THENCE N. 49°59'56" W.,
20 A DISTANCE OF 2,027.47 FEET TO THE SOUTH LINE OF SAID NW 1/4 OF THE SE 1/4 AND
21 THE POINT OF BEGINNING OF THIS ACCESS EASEMENT;

- 22 1. THENCE, ALONG SAID SOUTH LINE, S. 88°26'10" W., A DISTANCE OF 155.19 FEET;
- 23 2. THENCE N. 21°48'08" W., A DISTANCE OF 3.29 FEET;
- 24 3. THENCE N. 00°06'06" W., A DISTANCE OF 93.85 FEET;
- 25 4. THENCE N. 10°35'35" E., A DISTANCE OF 262.40 FEET;
- 26 5. THENCE, ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 470.00 FEET, A
27 CENTRAL ANGLE OF 10°15'02", A DISTANCE OF 84.08 FEET, (A CHORD BEARING OF
28 N. 05°28'04" E., A DISTANCE OF 83.97 FEET);
- 29 6. THENCE N. 00°20'33" E., A DISTANCE OF 498.99 FEET;
- 30 7. THENCE, ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 290.00 FEET, A
31 CENTRAL ANGLE OF 46°27'06", A DISTANCE OF 235.11 FEET, (A CHORD BEARING OF
32 N. 23°34'06" E., A DISTANCE OF 228.73 FEET);

1 8. THENCE N. $46^{\circ}47'39''$ E., A DISTANCE OF 188.54 FEET;

2 9. THENCE, ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 151.81 FEET, A
3 CENTRAL ANGLE OF $28^{\circ}20'51''$, A DISTANCE OF 75.11 FEET, (A CHORD BEARING OF
4 N. $60^{\circ}58'05''$ E., A DISTANCE OF 74.35 FEET) TO THE EAST LINE OF SAID SW 1/4 OF
5 THE NE 1/4 AND THE NORTHERLY RIGHT-OF-WAY LINE OF CAMP EDEN ROAD AS
6 RECORDED IN RECEPTION NUMBER 79002186,

7 10. THENCE, ALONG SAID EAST LINE AND THE EAST LINE OF SAID NW 1/4 OF THE SE
8 1/4, S. $01^{\circ}00'13''$ E., A DISTANCE OF 63.09 FEET TO THE SOUTHERLY RIGHT-OF-WAY
9 LINE OF SAID CAMP EDEN ROAD AND THE NORTHWEST CORNER OF LOT 1 OF
10 SECTION 1, T2S, R72W, 02-119842MA, A MINOR AMENDMENT SURVEY;

11 11. THENCE, ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 91.81 FEET, A
12 CENTRAL ANGLE OF $18^{\circ}52'36''$, A DISTANCE OF 30.25 FEET, (A CHORD BEARING OF
13 S. $56^{\circ}13'57''$ W., A DISTANCE OF 30.11 FEET);

14 12. THENCE S. $46^{\circ}47'39''$ W., A DISTANCE OF 188.54 FEET;

15 13. THENCE, ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 230.00 FEET, A
16 CENTRAL ANGLE OF $46^{\circ}27'06''$, A DISTANCE OF 186.47 FEET, (A CHORD BEARING OF
17 S. $23^{\circ}34'06''$ W., A DISTANCE OF 181.40 FEET);

18 14. THENCE S. $00^{\circ}20'33''$ W., A DISTANCE OF 498.99 FEET;

19 15. THENCE, ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 530.00 FEET, A
20 CENTRAL ANGLE OF $10^{\circ}15'02''$, A DISTANCE OF 94.82 FEET, (A CHORD BEARING OF
21 S. $05^{\circ}28'04''$ W., A DISTANCE OF 94.69 FEET);

22 16. THENCE S. $10^{\circ}35'35''$ W., A DISTANCE OF 233.70 FEET;

23 17. THENCE S. $48^{\circ}49'36''$ E., A DISTANCE OF 109.61 FEET;

24 18. THENCE S. $14^{\circ}31'15''$ E., A DISTANCE OF 38.94 FEET TO THE POINT OF BEGINNING.

25 BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON A LINE BETWEEN THE SOUTHEAST
26 CORNER OF SECTION 1, T2S, R72W, MONUMENTED BY A 3 1/4 INCH BLM BRASS CAP T2S-
27 R72W, R71W, S1, S6, S12, S7 AND THE SOUTH 1/4 CORNER OF SECTION 1, T2S, R72W,
28 MONUMENTED BY A 3 1/4 INCH ALUMINUM CAP, 1/4 _ S1_S12, PLS 29035, BEARING S.
29 $87^{\circ}50'35''$ W.

30 Said area contains 90,416 square feet or 2.076 acres more or less

31 **Section 2.** That the Council finds and determines that property interests in these properties
32 are needed and required for the following public uses and public purposes: vehicular and pedestrian
33 public access to Axton Ranch and public access and park improvements including road, turnaround,
34 signs, fencing, gates, drainage, landscaping, other appurtenant improvements, construction,
35 reconstruction, repair, and maintenance thereof at the property described in Section 1 above (the

1 "Project").

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

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

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

28 **Section 6.** That the Council authorizes the City to use the power of eminent domain to
29 provide public access and effectuate the Project at the property described in Section 1 above to the
30 City property known as Axton Ranch.

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

1
2 COMMITTEE APPROVAL DATE: December 6, 2022
3 MAYOR-COUNCIL DATE: December 13, 2022
4 PASSED BY THE COUNCIL: _____ January 3, 2023

5  - PRESIDENT
6 APPROVED:  - MAYOR Jan 4, 2023

7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
11 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: December 15, 2022
12 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
13 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
17 Kerry Tipper, Denver City Attorney
18
19 BY: , Assistant City Attorney DATE: Dec 15, 2022