

1 **BY AUTHORITY**

2 ORDINANCE NO.  
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0952  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

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 temporary and permanent Easement**  
9 **interests, including all improvements, fixtures, licenses, permits, access**  
10 **points and any other rights and interests related or appurtenant to properties so**  
11 **designated for the Public Infrastructure (38<sup>th</sup> and Blake Station) TOD-Blake**  
12 **Street Bridge Project.**

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

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

18 **Parcel B-16**

19 The northwesterly 33 feet of the southwesterly 200 feet of that parcel of land described in  
20 Warranty Deed recorded December 31, 2012 at Reception No. 2012181432 in the records  
21 of the Clerk and Recorder, City and County of Denver, State of Colorado.

22 and

23 **Parcel B-17**

24 The northwesterly 20 feet of that parcel of land described in Warranty Deed recorded  
25 June 27, 2002 at Reception No. 0000114745 in the records of the Clerk and Recorder,  
26 City and County of Denver, State of Colorado.

27 and

28 **Parcel B-18**

29 The northwesterly 20 feet of that parcel of land described in Special Warranty Deed  
30 recorded November 10, 2011 at Reception No. 2011128014 in the records of the Clerk  
31 and Recorder, City and County of Denver, State of Colorado.

32 and

33 **Parcel B-19**

34 The southeasterly 20 feet of the northeasterly 220 feet of that parcel of land described in  
35 Warranty Deed recorded August 01, 2011 at Reception No. 2011082630 in the records of  
36 the Clerk and Recorder, City and County of Denver, State of Colorado.

37 and

1 **Parcel B-19a**

2 The southeasterly 20 feet of the northeasterly 70 feet of that parcel of land described in  
3 Warranty Deed recorded March 08, 2012 at Reception No. 2012031265 and the  
4 southeasterly 10 feet of the southwesterly 200 feet of that parcel of land described in  
5 Warranty Deed recorded August 04, 2011 at Reception No. 2011085035 in the records of  
6 the Clerk and Recorder, City and County of Denver, State of Colorado.

7 and

8 **Parcel B-20**

9 The southeasterly 20 feet of Lot 1, and the southeasterly 20 feet of the northeasterly 12.5  
10 feet of Lot 2, Block 20, Riverside Addition to Denver.

11 and

12 **Parcel B-21**

13 The northwesterly 33 feet of that parcel of land described in Warranty Deed recorded  
14 June 27, 2002 at Reception No. 0000114745 in the records of the Clerk and Recorder,  
15 City and County of Denver, State of Colorado.

16  
17 **Section 2.** That the Council hereby finds and determines that interests in these properties are  
18 needed and required for the following public uses and public purposes: bridge structure, road, sidewalk,  
19 drainage, and other appurtenant improvements and the construction thereof.

20 **Section 3.** That the Council hereby authorizes the Mayor, including his duly authorized  
21 representatives, in accordance with applicable federal, state, and City laws and rules and regulations adopted  
22 pursuant thereto, to acquire the property interests described herein, including, but not limited to, all fixtures,  
23 licenses, permits, improvements (including without limitation, general outdoor advertising devices, access  
24 points and buildings) and any other rights and interests, including appurtenances thereto, including the taking of  
25 all actions necessary to do so without further action by City Council, such as conducting negotiations,  
26 executing all related agreements, and making all necessary payments; to take actions required by law before  
27 instituting condemnation proceedings; to allow the temporary use of City-owned land; and to convey City-  
28 owned land, including remnants.

29 **Section 4.** That if for any particular property interest set forth above, the interested parties do not agree  
30 upon the compensation to be paid for such property interests, the owner or owners thereof are incapable of  
31 consenting, the name or residence of any owner thereof is unknown, or any of the owners thereof are non-  
32 residents of the State, then the City Attorney for and of the City and County of Denver, upon the Mayor's  
33 direction, is hereby authorized and empowered to exercise the City and County of Denver's eminent  
34 domain powers by instituting and, as necessary, prosecuting to conclusion proceedings under Article  
35 Title 38, Colorado Revised Statutes, to acquire property interests upon, through, over, under and along

1 the above-described properties as necessary for the purposes set forth in Section 2 above.

2 **Section 5.** That the Council hereby finds and determines that the Colorado Department of  
3 Transportation and the Denver Department of Public Works may find the need to alter the legal  
4 descriptions of the properties referred to in this Ordinance and may continue to do so in order to meet the  
5 needs of the Project. Council hereby authorizes the Mayor, including his duly authorized representatives, in  
6 accordance with applicable federal, state, and City laws and rules and regulations adopted pursuant thereto,  
7 to acquire those properties as the legal descriptions are altered by the Colorado Department of  
8 Transportation and the Denver Department of Public Works in accordance with the means authorized in  
9 this Ordinance.

10 **Section 6.** That the Council hereby finds and determines that to improve the safety and operation  
11 of the 38<sup>th</sup> Street Bridge, it may be necessary to rebuild, modify, remove, and relocate existing  
12 access points located along 38<sup>th</sup> Street and/or Blake Street and the Council hereby authorizes  
13 the City to use the power of eminent domain to act as the local authority to rebuild, modify,  
14 remove, and relocate existing access points along 38<sup>th</sup> Street and/or Blake Street.

15 COMMITTEE APPROVAL DATE: December 12, 2013 [by consent]

16 MAYOR-COUNCIL DATE: December 17, 2013

17 PASSED BY THE COUNCIL: \_\_\_\_\_, 2013

18 \_\_\_\_\_ - PRESIDENT

19 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013

20 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
21 EX-OFFICIO CLERK OF THE  
22 CITY AND COUNTY OF DENVER

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

24 PREPARED BY: Karen A. Aviles, Assistant City Attorney DATE: December 19, 2013

25 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
26 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
28 3.2.6 of the Charter.

29 Douglas J. Friednash, City Attorney for the City and County of Denver

30 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2013