1	1 BY AUTHORITY							
2	ORDINANCE NO	COUNCIL BILL NO. CB25-0635						
3	SERIES OF 2025	COMMITTEE OF REFERENCE:						
4		Finance & Governance						
5								
6	<u>A BILL</u>							
7 8 9 10 11 12 13 14	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 design and construction of the University Blvd Sidewalk Gap CD10 G1 Project, which consists of two segments of sidewalk that will provide connections to RTD transit stops along the east side of South University Boulevard between East Exposition Avenue and Polo Club Lane.							
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16	BE IT ENACTED BY THE COUNCIL OF THE CITY A	AND COUNTY OF DENVER:						
17	Section 1. That the Council hereby designates the following properties situated in the City							
18	and County of Denver and State of Colorado as being needed for public uses and purposes by the							
19	City and County of Denver, a municipal corporation	of the State of Colorado:						
20 21 22 23	PARCEL NUMBER: RW-01 480 South University Boulevard							
24 25 26 27 28 29 30 31	A parcel of land of the City and County of Denver, Sta acres), more or less, in the Southwest One-Quarter of One-Quarter of the Northwest One-Quarter of Section 6th Principal Meridian, also being within a parcel of land City and County of Denver Records, and a portion of Book 21, Page 22 - 1952), being more particularly des	the Northwest One-Quarter and the Northwest 13, Township 4 South, Range 68 West, of the d recorded at Reception Number 1985084795, Plot 17, Polo Club Place Subdivision A (Plat						
32 33 34 35	Commencing at a point on the east Right-of-Way line the Northwest Corner of said Plot 17, whence the S Subdivision A (Plat Book 21, Page 22- 1952) bears S	outhwest Corner of Plot 12, Polo Club Place						
36 37	Thence along said east Right-of-Way line, also being a distance of 154.85 feet to the POINT OF BEGINNIN							
38 39 40	1. Thence departing said east Right-of-Way lin	e S. 89°51'48" E., a distance of 15.00 feet;						

2. Thence S. 00°04'12" W. along a line 15.00 feet east of and parallel with said west line of 1 2 Plot 17, a distance of 140.00 feet to the north line of Polo Club Ln. (40' Private Drive), also being the south line of said Plot 17: 3 4 3. Thence along said north line, N. 89°51'48" W., a distance of 15.00 feet to said east Right-5 of-Way line of S. University Blvd. (80' R.O.W.), also being the Southwest Corner of said Plot 6 17; 7 8 4. Thence along said east Right-of-Way line, N. 00°04'12" E., a distance of 140.00 feet to the 9 POINT OF BEGINNING. 10 11 The above-described parcel contains 2,100 sq. ft. (0.048 acres), more or less. 12 13 Basis of Bearings: All bearings are based on a line between the Northwest Corner of said Plot 17 14 (Fnd. 2" Iron Pipe) and the Northwest Corner of said Plot 12 (Fnd. 2" Iron Pipe), said line also being 15 the east Right-of-Way line of S. University Blvd. (80' R.O.W.), having a bearing of S. 00°04'12" W. 16 17 18 PARCEL NUMBER: RW-02 19 20 680 South University Boulevard 21 22 A parcel of land of the City and County of Denver, State of Colorado containing 1,455 sq. ft. (0.033) acres), more or less, in the Southwest One-Quarter of the Northwest One-Quarter of Section 13, 23 24 Township 4 South, Range 68 West, of the 6th Principal Meridian, also being within a parcel of land recorded at Reception Number 2014059065, City and County of Denver Records, and a portion of 25 Plot 1, Polo Club Place Subdivision A (Plat Book 21, Page 22 - 1952), being more particularly 26 described as follows: 27 28 Commencing at a point on the east Right-of-Way line of S. University Blvd. (80' R.O.W.), also being 29 30 the Northwest Corner of said Plot 1, whence the Northwest Corner of Plot 8, Polo Club Place Subdivision A (Plat Book 21, Page 22 - 1952) bears N. 00°04'12" E., a distance of 490.88 feet; 31 32 Thence along said east Right-of-Way line, also being the west line of said Plot 1, S. 00°04'12" W., a 33 34 distance of 162.90 feet to the POINT OF BEGINNING; 35 36 1. Thence departing said east Right-of-Way line S. 89°48'23" E., a distance of 15.00 feet; 37 2. Thence S. 00°04'12" W. along a line 15.00 feet east of and parallel with said west line of 38 Plot 1, a distance of 97.00 feet to the north Right-of-Way line of E. Exposition Ave. (60' 39 R.O.W.), also being the south line of said Plot 1; 40 41 3. Thence along said north Right-of-Way line, N. 89°48'23" W., a distance of 15.00 feet to 42 said east Right-of-Way line of S. University Blvd. (80' R.O.W.), also being the Southwest 43 Corner of said Plot 1; 44 45 4. Thence along said east Right-of-Way line, N. 00°04'12" E., a distance of 97.00 feet to the 46 POINT OF BEGINNING. 47 48 49 The above-described parcel contains 1,455 sq. ft. (0.033 acres), more or less. 2

Basis of Bearings: All bearings are based on a line between the Northwest Corner of said Plot 1
(Fnd. 2" Iron Pipe) and the Northwest Corner of said Plot 8 (Fnd. 2" Iron Pipe), said line also being
the east Right-of-Way line of S. University Blvd. (80' R.O.W.), having a bearing of N. 00°04'12" E.

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## PARCEL NUMBER: TE-02 680 South University Boulevard

A Temporary Easement of the City and County of Denver, State of Colorado containing 320 sq. ft. (0.007 acres), more or less, in the Southwest One-Quarter of the Northwest One-Quarter of Section 13, Township 4 South, Range 68 West, of the 6th Principal Meridian, also being within a parcel of 13 land recorded at Reception Number 2014059065, City and County of Denver Records, and a portion 14 of Plot 1, Polo Club Place Subdivision A (Plat Book 21, Page 22 - 1952), being more particularly 15 described as follows:

Commencing at a point on the east Right-of-Way line of S. University Blvd. (80' R.O.W.), also being
the Northwest Corner of said Plot 1, whence the Northwest Corner of Plot 8, Polo Club Place
Subdivision A (Plat Book 21, Page 22 - 1952) bears N. 00°04'12" E., a distance of 490.88 feet;

Thence along said east Right-of-Way line, also being the west line of said Plot 1, S. 00°04'12" W., a
distance of 162.90 feet;

Thence departing said east Right-of-Way line, S. 89°48'23" E., a distance of 17.00 to the east line of the CCD Drainage and Sewer Easement recorded at Reception Number 2002079477, City and County of Denver Records, and the POINT OF BEGINNING;

- 1. Thence continuing S. 89°48'23" E., a distance of 3.40 feet;
- 2. Thence S. 00°11'18" W., a distance of 97.00 feet to the north Right-of-Way line of E.
   Exposition Ave. (60' R.O.W.), also being the south line of said Plot 1;
- 32
  33 3. Thence along said north Right-of-Way line, N. 89°48'23" W., a distance of 3.20 feet;
  - 4. Thence departing said north Right-of-Way line, N. 00°04'12" E. along the east line of said easement, a distance of 97.00 feet to the POINT OF BEGINNING.
- The above-described Temporary Easement contains 320 sq. ft. (0.007 acres), more or less.

Basis of Bearings: All bearings are based on a line between the Northwest Corner of said Plot 1 (Fnd. 2" Iron Pipe) and the Northwest Corner of said Plot 8 (Fnd. 2" Iron Pipe), said line also being the east Right-of-Way line of S. University Blvd. (80' R.O.W.), having a bearing of N. 00°04'12" E.

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45 **Section 2.** That the Council finds and determines that property interests in these properties 46 are needed and required for the following public uses and public purposes: the design and 47 construction of two segments of sidewalk that will provide connections to RTD transit stops along

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the east side of South University Boulevard between East Exposition Avenue and Polo Club Lane
("Project").

**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 8 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 9 10 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 11 City-owned land and conveying all or a portion of any City-owned land, including remnants, by 12 guitclaim 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 19 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 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 County of Denver's Department of 22 23 Transportation and Infrastructure or 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 24 may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor, 25 including his duly authorized representatives, in accordance with applicable federal, state, and City 26 laws and rules and regulations adopted pursuant thereto, to acquire the property as the property 27 interests and legal descriptions are altered in accordance with the means authorized in this 28 Ordinance. 29

30 **Section 6** That the Council authorizes the City to use the power of eminent domain to act 31 as the local authority to repurpose existing City right-of-way with improvements to prioritize the 32 movement of people for safety and economic benefits.

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<ul> <li>the east side of South University Boulevard between East Exposition Avenue and Polo Club Law</li> <li>are necessary for the health, safety, and welfare of the public.</li> <li>COMMITTEE APPROVAL DATE: May 6, 2025 by Consent</li> <li>MAYOR-COUNCIL DATE: May 13, 2025</li> <li>PASSED BY THE COUNCIL:</li></ul>	1	Section 7 That the City Council here	eby finds a	and dete	ermines t	hat the desi	gn and		
<ul> <li>are necessary for the health, safety, and welfare of the public.</li> <li>COMMITTEE APPROVAL DATE: May 6, 2025 by Consent</li> <li>MAYOR-COUNCIL DATE: May 13, 2025</li> <li>PASSED BY THE COUNCIL:</li></ul>	2	construction of the two segments of sidewalk that will provide connections to RTD transit stops along							
5       COMMITTEE APPROVAL DATE: May 6, 2025 by Consent         6       MAYOR-COUNCIL DATE: May 13, 2025         7       PASSED BY THE COUNCIL:	3	the east side of South University Boulevard between East Exposition Avenue and Polo Club Lane							
<ul> <li>MAYOR-COUNCIL DATE: May 13, 2025</li> <li>PASSED BY THE COUNCIL:</li></ul>	4	are necessary for the health, safety, and welfare of the public.							
<ul> <li>PASSED BY THE COUNCIL:</li></ul>	5	COMMITTEE APPROVAL DATE: May 6, 2025 by Consent							
<ul> <li>APPROVED:</li></ul>	6	MAYOR-COUNCIL DATE: May 13, 2025							
<ul> <li>APPROVED: MAYOR</li></ul>	7	PASSED BY THE COUNCIL:			1 1 1 1 1 1 1				
ATTEST: CLERK AND RECORDER, EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER NOTICE PUBLISHED IN THE DAILY JOURNAL:; PREPARED BY: James Owens, Assistant City Attorney DATE: May 15, 2025 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of th City Attorney. We find no irregularity as to form, and have no legal objection to the propose ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to 3.2.6 of the Charter. Katie J. McLoughlin, Interim City Attorney	8		PRESID	ENT					
11       EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER         13       NOTICE PUBLISHED IN THE DAILY JOURNAL:       ;	9	APPROVED:	MAYOR						
<ul> <li>PREPARED BY: James Owens, Assistant City Attorney</li> <li>Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of th</li> <li>City Attorney. We find no irregularity as to form, and have no legal objection to the proposed</li> <li>ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to</li> <li>3.2.6 of the Charter.</li> <li>Katie J. McLoughlin, Interim City Attorney</li> </ul>	11	EX-OFFICIO CLERK OF THE							
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21	16 17 18								
22 BY: Anakul Bagga, Assistant City Attorney DATE: 05/14/2025	20 21	Katie J. McLoughlin, Interim City Attorney							
		BY:, Assistant City At	ttorney	DATE:	05/14/20	025			