

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0320
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

6 **A BILL**

7 **For an ordinance designating certain property as being required for public use**
8 **and authorizing use and acquisition thereof by negotiation or through**
9 **condemnation proceedings of fee simple and other interests, including any**
10 **rights and interests related or appurtenant to such property, as needed for the**
11 **38th and Blake Station Pedestrian Overpass Project.**

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

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

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19 The northeasterly 100 feet of that parcel of land described in Special Warranty Deed
20 recorded March 08, 2002 at Reception No. 2002047328 in the records of the Clerk and
21 Recorder, City and County of Denver, State of Colorado less and except any land described
22 at Reception No. 2011147287 in the records of the Clerk and Recorder, City and County of
23 Denver, State of Colorado.

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25 **Section 2.** That the Council hereby finds and determines that interests in this property is
26 needed and required for the following public uses and public purposes: pedestrian bridge
27 overpass structure, sidewalk, drainage, landscaping, and other appurtenant improvements and
28 construction thereof.

29 **Section 3.** That the Council hereby authorizes the Mayor, including his duly authorized
30 representatives, in accordance with applicable federal, state, and City laws and rules and
31 regulations adopted pursuant thereto, to acquire the needed property interests, including, but not
32 limited to, fee title, permanent easements, temporary easements, fixtures, licenses, permits,
33 improvements (including without limitation, general outdoor advertising devices, buildings, and
34 access points) and any other rights, interests, and appurtenances thereto, including the taking of
35 all actions necessary to do so without further action by City Council, such as conducting

1 negotiations, executing all related agreements, and making all necessary payments; to take
2 actions required by law before instituting condemnation proceedings; to allow the temporary use
3 of City-owned land; and to convey City-owned land, including remnants.

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

13 **Section 5.** That the Council hereby finds and determines that the Denver Department of
14 Public Works and federal and state agencies may find the need to alter the legal descriptions of
15 the properties referred to in this Ordinance and may continue to do so in order to meet the needs
16 of the Project. Council hereby authorizes the Mayor, including his duly authorized
17 representatives, in accordance with applicable federal, state, and City laws and rules and
18 regulations adopted pursuant thereto, to acquire the property as the legal descriptions are altered
19 in accordance with the means authorized in this Ordinance.

20 **Section 6.** That the Council hereby finds and determines that to improve the safety and
21 pedestrian connection to the RTD 38th and Blake Station, it may be necessary to rebuild, modify,
22 remove, and relocate existing access points located along Blake Street and that the Council
23 hereby authorizes the City to use the power of eminent domain to act as the local authority to
24 rebuild, modify, remove, and relocate existing access points along Blake Street.

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1 COMMITTEE APPROVAL DATE: April 17, 2014 [by consent]

2 MAYOR-COUNCIL DATE: April 22, 2014

3 PASSED BY THE COUNCIL: _____, 2014

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2014

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014

10 PREPARED BY: Karen A. Aviles, Assistant City Attorney DATE: April 24, 2014

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the 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 D. Scott Martinez, City Attorney for the City and County of Denver

16 BY: _____, Assistant City Attorney DATE: _____, 2014