

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2016

COUNCIL BILL NO. CB16-0163  
COMMITTEE OF REFERENCE:  
Infrastructure and Culture

**A BILL**

**For an ordinance designating certain property as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple, easements and other interests, including any rights and interest related or appurtenant to such property, as needed for the sidewalk improvements at the corner of Morrison Road and Walsh Place.**

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

**Section 1.** That the Council designates the following property 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 DESCRIPTION**

A TRACT OF LAND CONTAINING 315 SQUARE FEET, MORE OR LESS, LOCATED WITHIN A PARCEL OF LAND RECORDED AT RECEPTION NO. 2006137762, CITY AND COUNTY OF DENVER RECORDS, ALSO IN THE SOUTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF W. WALSH PL. (60' ROW) WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MORRISON RD. (60' ROW), WHENCE A FOUND DENVER RANGE MONUMENT (1" REBAR IN RANGE BOX) BEARS N26°13'25"E, A DISTANCE OF 54.78 FEET;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF W. WALSH PL. (60' ROW) S43°18'51"E, A DISTANCE OF 20.80 FEET;

THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE S47°38'20"W, A DISTANCE OF 7.40 FEET;

THENCE N43°18'51"W, A DISTANCE OF 14.50 FEET; THENCE

S47°38'20"W, A DISTANCE OF 25.60 FEET;

THENCE N43°18'51"W, A DISTANCE OF 6.30 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MORRISON RD. (60' ROW);

1 THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE N47°38'20"E, A DISTANCE OF 33.00  
2 FEET TO THE **POINT OF BEGINNING**.

3  
4 THE ABOVE DESCRIBED PROPERTY CONTAINS 315 SQUARE FEET OR 0.007 ACRES, MORE  
5 OR LESS.

6  
7 **Section 2.** That the Council finds and determines that this property is needed and  
8 required for the following public uses and public purposes: multimodal improvements including  
9 curb ramp upgrades, sidewalk improvements and drainage, pedestrian lighting standards and  
10 conduits, appurtenant improvements and construction thereof.

11 **Section 3.** That the Council authorizes the Mayor, including his duly authorized  
12 representatives, in accordance with applicable federal, state, and City laws and rules and  
13 regulations adopted pursuant thereto, to acquire the needed property interests described in  
14 Section 1, including but not limited to, fee title, permanent easements, temporary easements,  
15 fixtures, licenses, permits, improvements, and any other rights and interests, including  
16 appurtenances thereto, including the taking of all actions necessary to do so without further action  
17 by City Council, including conducting negotiations, executing all related agreements, and making  
18 all necessary payments; to take actions required by law before instituting condemnation  
19 proceedings; to allow the temporary use of City-owned land; and to convey City-owned land,  
20 including remnants.

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

30 **Section 5.** That the Council finds and determines that the Denver Department of Public  
31 Works may find the need to alter the legal descriptions of certain easement areas or property  
32 referred to in this Ordinance and may continue to do so in order to meet the needs of the Project.

33 **Section 6.** If modifications are made to the legal description of the property referred to in  
34 this Ordinance, Council authorizes the Mayor, including his duly authorized representatives, in  
35 accordance with applicable federal, state, and City laws and rules and regulations adopted

1 pursuant thereto, to acquire those easements and property as the legal descriptions are altered in  
2 accordance with the means authorized in this Ordinance.

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

6 **Section 8.** That the Council authorizes the City to use the power of eminent domain to act  
7 as the local authority to upgrade the sidewalk, curb ramps and sidewalk drainage as pedestrian  
8 improvements on Morrison Road and Walsh Place.

9 COMMITTEE APPROVAL BY CONSENT: March 17, 2016, by consent

10 MAYOR-COUNCIL DATE: March 22, 2016

11 PASSED BY THE COUNCIL: \_\_\_\_\_,  
12 2016.

13 \_\_\_\_\_ - PRESIDENT

14 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2016.

15 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
16 EX-OFFICIO CLERK OF THE  
17 CITY AND COUNTY OF DENVER

18 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2016; \_\_\_\_\_, 2016.

19 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: March 24, 2016

20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
21 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
23 3.2.6 of the Charter.

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

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26 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2016.