

BY AUTHORITY

1
2 ORDINANCE NO. 22-0791
3 SERIES OF 2022

COUNCIL BILL NO. CB22-0791
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

6 **For an ordinance designating certain properties as being required for public use**
7 **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 Federal Boulevard Pedestrian Safety**
11 **Improvements.**

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

16 PARCEL 1:

17 A TEMPORARY EASEMENT NO. TE-1 CONTAINING 447 SQ. FT. (0.010 ACRES), MORE OR
18 LESS, BEING PART OF LOTS 14 THROUGH 18, BLOCK 31, HAGERS ADDITION TO
19 HIGHLAND, ALSO IN THE SOUTHEAST ¼ OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68
20 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER,
21 COLORADO, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22
23 **BEGINNING** AT THE NORTHWEST CORNER OF LOT 14, BLOCK 31, HAGERS ADDITION TO
24 HIGHLAND, SAID POINT
25 BEING S. 01°17'22" E. A DISTANCE OF 463.14 FEET FROM A 1-5/32 INCH BRASS CDOT
26 TYPE 5S PLUG MONUMENT (NOTED AS CP 8383 HEREIN); SAID POINT ALSO BEING THE
27 TRUE POINT OF BEGINNING;

- 28
- 29 1. THENCE ALONG THE NORTH LINE OF SAID LOT 14, S. 89°50'34" E., A DISTANCE
- 30 OF 3.00 FEET;
- 31 2. THENCE S. 00°03'35" W., A DISTANCE OF 150.43 FEET TO THE NORTH RIGHT OF
- 32 WAY LINE OF WEST 26TH AVENUE;
- 33 3. THENCE ALONG SAID NORTH LINE, N. 89°53'35" W., A DISTANCE OF 1.30 FEET TO
- 34 THE EAST RIGHT OF WAY LINE OF FEDERAL BLVD;
- 35 4. THENCE ALONG SAID EAST LINE, N. 17°06'44" W., A DISTANCE OF 5.76 FEET;
- 36 5. THENCE CONTINUING ALONG SAID EAST LINE, N. 00°03'35" E., A DISTANCE OF
- 37 144.93 FEET TO SAID NORTHWEST CORNER OF LOT 14, MORE OR LESS, TO THE
- 38 TRUE POINT OF BEGINNING.
- 39

40 NOTE: THE LOWER VERTICAL BOUNDARY OF THIS PARCEL IS 3 FEET BELOW FINISH
41 GRADE. THE ABOVE DESCRIBED TEMPORARY EASEMENT CONTAINS 447 SQ. FT. (0.010
42 ACRES), MORE OR LESS.

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BASIS OF BEARING: ALL BEARINGS ARE BASED ON THE CITY & COUNTY OF DENVER HORIZONTAL DATUM AND ARE BASED ON THE LINE BETWEEN CP 8383 AND CP 8287, BOTH CDOT TYPE 5S MONUMENTS, SAID LINE BEARS S. 00°01'58" E. PER CCD (CITY AND COUNTY OF DENVER) PROJECT # 20201106

PARCEL 2:
A TEMPORARY EASEMENT NO. TE-2, CONTAINING 629 SQ. FT. (0.014 ACRES), MORE OR LESS, BEING A PART OF LOTS 7 THROUGH 13, BLOCK 31, HAGERS ADDITION TO HIGHLAND, ALSO IN THE SOUTHEAST ¼ OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 13, BLOCK 31, HAGERS ADDITION TO HIGHLAND, SAID POINT BEING S. 01°01'22" E. A DISTANCE OF 463.14 FEET FROM A 1-5/32 INCH BRASS CDOT TYPE 5S PLUG MONUMENT (NOTED AS CP 8383 HEREIN); SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**;

- 1. THENCE ALONG THE EAST RIGHT OF WAY LINE OF FEDERAL BLVD., N. 00°03'35" E., A DISTANCE OF 207.45 FEET;
- 2. THENCE CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, N. 11°09'25" E., A DISTANCE OF 2.60 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST 27TH AVENUE;
- 3. THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, S. 89°50'34" E., A DISTANCE OF 2.50 FEET;
- 4. THENCE S. 00°03'35" W., A DISTANCE OF 210.00 FEET TO THE SOUTH LINE OF SAID LOT 13;
- 5. THENCE ALONG SAID SOUTH LINE, N. 89°50'34" W., A DISTANCE OF 3.00 FEET, MORE OR LESS, TO THE **TRUE POINT OF BEGINNING**.

NOTE: THE LOWER VERTICAL BOUNDARY OF THIS PARCEL IS 3 FEET BELOW FINISH GRADE. THE ABOVE DESCRIBED TEMPORARY EASEMENT CONTAINS 629 SQ. FT. (0.014 ACRES), MORE OR LESS.

BASIS OF BEARING: ALL BEARINGS ARE BASED ON THE CITY & COUNTY OF DENVER HORIZONTAL DATUM AND ARE BASED ON THE LINE BETWEEN CP 8383 AND CP 8287, BOTH CDOT TYPE 5S MONUMENTS, SAID LINE BEARS S. 00°01'58" E. PER CCD (CITY AND COUNTY OF DENVER) PROJECT # 20201106

Section 2. That the Council finds and determines that property interests (in the form of Temporary Easements) in these properties are needed and required for the following public uses and public purposes: The Federal Boulevard Pedestrian Safety Improvements Project (the "Project") is to design and construct pedestrian improvements within one block of Federal Boulevard between W. 23rd Ave and W. 27th Ave. The Project is to address uncomfortable and dangerous crossings for pedestrians at both controlled and uncontrolled intersections, inconsistent pedestrian lighting, substandard bus stop amenities, speeding vehicles, limited Business Improvement District

1 pedestrian amenities, and a car-centric environment in a high pedestrian use area. The Project,
2 planned for the Federal Boulevard corridor, may include but are not limited to improvements to
3 intersections throughout the corridor, a pedestrian hybrid beacon or other warranted crossings at the
4 25th Avenue and Federal Blvd. intersection, a shared street or shared street elements on 25th
5 Avenue between Federal Boulevard and Eliot Street, reconstruction of the intersection and signal at
6 26th Avenue, and other corridor-wide pedestrian-focused improvements.

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8 The Project will need two Temporary Easements in order to remove the existing sidewalk,
9 rework the bus stop for that intersection and along the right-of-way, repave a new sidewalk and
10 install landscaping as needed. Upon completion of construction for the Project, the new sidewalk will
11 still be within right-of-way and will not require a permanent easement post-construction.

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

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

31 **Section 5.** That the Council finds and determines that the County of Denver's Department of
32 Transportation and Infrastructure or federal and state agencies may find the need to alter the nature
33 of the property interests or the legal descriptions of the properties referred to in this Ordinance and

1 may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor,
2 including his duly authorized representatives, in accordance with applicable federal, state, and City
3 laws and rules and regulations adopted pursuant thereto, to acquire the property as the property
4 interests and legal descriptions are altered in accordance with the means authorized in this
5 Ordinance.

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

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

11 COMMITTEE APPROVAL DATE: July 7, 2022 by Consent
12 MAYOR-COUNCIL DATE: July 12, 2022

13 PASSED BY THE COUNCIL: _____
14 _____ - PRESIDENT

15 APPROVED: _____ - MAYOR _____

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

20 PREPARED BY: Johna M. Varty, Assistant City Attorney DATE: 7/14/2022

21 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
22 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
24 3.2.6 of the Charter.

25
26 Kristin M. Bronson, Denver City Attorney

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28 BY: *Anshul Bagga*, Assistant City Attorney DATE: July 18, 2022