

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. CB17-1396
COMMITTEE OF REFERENCE:
Finance & Governance

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, easement and other interests, including any rights and interests related or appurtenant to properties as needed for the Platte to Park Hill Stormwater Systems Project.

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

Section 1. That the City Council hereby designates the following property (the "Parcel") situated in the City and County of Denver, State of Colorado, as being needed for public uses and purposes by the City and County of Denver, a home rule city and municipal corporation of the State of Colorado (the "City"):

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 19 AND THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 30, ALL IN TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 67 WEST; THENCE NORTH 89°40'10" EAST ALONG THE SOUTHERLY LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 19 A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°04'08" WEST ALONG A LINE 50.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19 A DISTANCE OF 909.31 FEET; THENCE NORTH 03°44'42" EAST A DISTANCE OF 150.33 FEET; THENCE NORTH 00°04'08" WEST ALONG A LINE 60.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 19 A DISTANCE OF 175.00 FEET; THENCE THE FOLLOWING (5) COURSES:

- 1) NORTH 44°57'00" EAST A DISTANCE OF 91.95 FEET;
- 2) NORTH 89°56'36" EAST A DISTANCE OF 290.00 FEET;
- 3) NORTH 00°04'44" WEST A DISTANCE OF 115.00 FEET;
- 4) NORTH 89°55'48" EAST A DISTANCE OF 1025.05 FEET;
- 5) NORTH 00°04'45" WEST A DISTANCE OF 1114.17 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SMITH ROAD AND A POINT OF NON-TANGENT CURVATURE; THENCE THE FOLLOWING (3) COURSES ALONG THE SOUTHERLY RIGHT-OF- WAY LINE OF SMITH ROAD:
 - 1) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5607.93 FEET, A CENTRAL ANGLE OF 09°02'08" AND AN ARC LENGTH OF 884.37 FEET (THE CHORD OF WHICH BEARS SOUTH 84°28'25" EAST A DISTANCE OF 883.46 FEET) TO A POINT OF TANGENCY;
 - 2) SOUTH 80°43'42" EAST A DISTANCE OF 89.72 FEET;
 - 3) SOUTH 79°58'45" EAST A DISTANCE OF 28.82 FEET;

THENCE SOUTH 00°09'32" EAST ALONG A LINE 50.00 WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19 A DISTANCE OF 1086.52 FEET; THENCE SOUTH 00°09'08" EAST ALONG A LINE 50.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION

1 19 A DISTANCE OF 1324.84 FEET; THENCE, SOUTH 00°08'13" EAST ALONG A LINE 50.00 FEET WESTERLY OF
2 AND PARALLEL WITH THE EASTERLY LINE OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-
3 QUARTER OF SECTION 30 A DISTANCE OF 2.96 FEET; THENCE THE FOLLOWING (3) COURSES:
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- 5 1) NORTH 82°31'11" WEST A DISTANCE OF 28.58 FEET;
- 6 2) SOUTH 89°39'27" WEST A DISTANCE OF 483.58 FEET;
- 7 3) SOUTH 00°37'56" EAST A DISTANCE OF 1264.16 FEET;

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9 THENCE SOUTH 89°38'54" WEST ALONG A LINE 59.00 FEET NORTHERLY OF AND PARALLEL WITH THE
10 SOUTHERLY LINE OF THE NORTH ONE-HALF OF THE NORTHWEST ONE- QUARTER OF SAID SECTION 30 A
11 DISTANCE OF 1891.72 FEET; THENCE NORTH 00° 00'00" WEST ALONG A LINE 50.00 FEET EASTERLY OF AND
12 PARALLEL WITH THE WESTERLY LINE OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF
13 SAID SECTION 30 A DISTANCE OF 1263.62 FEET TO THE POINT OF BEGINNING,
14

15 LESS AND EXCEPT THAT PORTION CONVEYED TO THE REGIONAL TRANSPORTATION DISTRICT BY
16 QUITCLAIM DEED RECORDED MARCH 4, 2013 UNDER RECEPTION NO. 2013029217.
17

18 **Section 2.** That the City Council hereby finds that the public use and purpose described in
19 Section 3 below will require the acquisition and use by the City of interests in a portion of the Parcel
20 not to exceed a total of ninety (90) acres of land area (which land area is referred to herein as
21 the "Property").

22 **Section 3.** That the City Council hereby finds and determines that interests in the Property
23 described in Section 2 are required for the following public uses and public purposes: to construct,
24 locate, reconstruct, improve, modify, remove, and relocate storm water drainage, pipes, channels,
25 detention areas, outfalls, and related facilities, systems and structures, and other appurtenant
26 improvements, including the initial location and construction thereof (the "Project").

27 **Section 4.** That the City Council hereby authorizes the Mayor, including his duly authorized
28 representatives, in accordance with applicable federal, state, and local laws and rules and
29 regulations adopted pursuant thereto, to (1) identify, survey and determine the specific location and
30 configuration of the Property within the boundaries of the Parcel; (2) acquire the needed property
31 interests in and to the Property, including, without limitation, fee title, beneficial title, permanent
32 easements, temporary easements, fixtures, licenses, permits, leasehold interests, improvements,
33 contract rights (including any beneficial, agency, or contract rights or interests in or to the Property
34 arising under the Agency Agreement, dated October 13, 2000, and recorded in the real property
35 records of the City and County of Denver, State of Colorado, on December 1, 2000, under Reception
36 Number 2000175267), and any other rights, interests, and appurtenances thereto; (3) take all actions
37 necessary to do so without further action by City Council, such as conducting negotiations, executing
38 all related agreements, and making all necessary payments; (4) take actions required by law before
39 instituting condemnation proceedings; (5) allow the temporary use and leasehold of City-owned land;
40 and (6) convey City-owned land, including remnants.

1 **Section 5.** That if for the property interest set forth above, the interested parties do not
2 agree upon the compensation to be paid for such needed property interests, the owner or owners
3 thereof are incapable of consenting, the name or residence of any owner thereof is unknown, or any
4 of the owners thereof are non-residents of the State of Colorado, then the City Attorney of the City,
5 upon the Mayor's direction, is hereby authorized and empowered to exercise the City's eminent
6 domain powers by instituting and, as necessary, prosecuting to conclusion proceedings under Title
7 38, Colorado Revised Statutes, to acquire any needed property interests upon, through, over, under
8 and along the Property described in Section 2 above as necessary for the purposes set forth in
9 Section 3 above.

10 **Section 6.** That the City Council hereby finds and determines that the City's Department of
11 Public Works and any federal and state agencies, if applicable, may find the need to alter the legal
12 descriptions of the properties referred to in this Ordinance and may continue to do so in order to
13 meet the needs of the Project. City Council hereby authorizes the Mayor, including his duly
14 authorized representatives, in accordance with applicable federal, state, and local laws and rules
15 and regulations adopted pursuant thereto, to acquire the Property as the legal descriptions are
16 altered in accordance with the means authorized in this Ordinance.

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

19 COMMITTEE APPROVAL DATE: December 5, 2017

20 MAYOR-COUNCIL DATE: December 12, 2017

21 PASSED BY THE COUNCIL: _____
22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER

27 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

28 PREPARED BY: John McGrath, Assistant City Attorney DATE: December 14, 2017

29 Pursuant to section 13-12, D.R.M.C., this proposed Ordinance has been reviewed by the office of
30 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
31 Ordinance. The proposed Ordinance is not submitted to the City Council for approval pursuant to
32 §3.2.6 of the Charter.

33
34 Kristen Bronson, Denver City Attorney

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36 BY: _____, Assistant City Attorney Date: _____