1	BY AUTHORITY				
2	ORDINANCE NO COUNCIL BILL NO. CB13-035	4			
3	SERIES OF 2013 COMMITTEE OF REFERENCE	Ξ:			
4	Land Use, Transportation & Infrastructure	е			
5	<u>A BILL</u>				
6 7 8 9 10 11	For an ordinance designating certain temporary easement interests in certain properties as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings, including any rights and interests related or appurtenant to these temporary easement interests as needed for the 38 th and Blake Station Sidewalk TOD 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 portions of properties situate	d			
15	in the City and County of Denver, State of Colorado, as being needed for temporary easement	s			
16	for the 38 th and Blake Station Sidewalks TOD Project, which is for public use and purpose by th	е			
17	City and County of Denver, a municipal corporation of the State of Colorado:				
18 19	***** TE-1 *****				
20 21 22 23	The northwesterly and northeasterly 30 feet of that parcel of land described in Special Warranty Deed recorded December 14, 1988 at Reception No. R-88-0341568 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.				
24	***** TE-2 ****				
25 26 27 28	The northwesterly and southwesterly 30 feet of that parcel of land described in Special Warranty Deed recorded January 31, 2006 at Reception No. 2006019761 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.	,			
29	***** TE-3 ****				
30 31 32 33	The northwesterly and northesterly 30 feet of that parcel of land described in Special Warranty Deed recorded November 15, 2012 at Reception No. 2012156723 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.				
34	***** TE-4 ****				
35 36 37	The northeasterly 50 feet of that parcel of land described in Special Warranty Deed recorded May 04, 2001 at Reception No. 2001069852 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.				

1	***** TE-5 ****
2 3 4	The northeasterly 50 feet of that parcel of land described in Special Warranty Deed recorded May 04, 2001 at Reception No. 2001069852 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.
5	
6	***** TE-6 *****
7 8 9	The northeasterly 30 feet of that parcel of land described in Special Warranty Deed recorded March 26, 2010 at Reception No. 2010033296 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.
10	
11	***** TE-7 ****
12 13 14	The northwesterly 30 feet of that parcel of land described in Warranty Deed recorded December 31, 2012 at Reception No. 2012181432 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.
15	**** TE-8 ****
16 17 18	The northwesterly 30 feet of that parcel of land described in Special Warranty Deed recorded December 11, 2002 at Reception No. 2002235677 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.
19	
20	***** TE-9 ****
21 22	The northwesterly 30 feet of that parcel of land described in Deed recorded August 21, 1978 in Book 1730, Page 79 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.
23	
24	***** TE-10 *****
25 26 27	The northwesterly 30 feet of that parcel of land described in Warranty Deed recorded March 03, 2006 a Reception No. 2006035037 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.
28	
29	***** TE-11 *****
30 31 32	The southwesterly 30 feet of that parcel of land described in Bargain and Sale Deed recorded August 11 2009 at Reception No. 2009105084 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.
33	***** TE-12 *****
34 35 36	The southwesterly 50 feet of that parcel of land described in Warranty Deed recorded December 22, 1997 at Reception No. 9700173085 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.
37	

***** TE	-13	****

The northeasterly 30 feet of that parcel of land described in General Warranty Deed recorded June 10, 2011 at Reception No. 2011063120 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.

6 ***** TE-14 *****

The northeasterly 30 feet of that parcel of land described in Quit Claim Deed recorded August 05, 1986 at Reception No. 00001724 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.

**** TE-15 ****

The southeasterly 30 feet of that parcel of land described in Special Warranty Deed recorded March 08, 2002 at Reception No. 2002047328 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.

Section 2. That the Council hereby finds and determines that temporary easement interests in these properties are needed and required for the construction of sidewalks, curbs, gutters and related improvements.

Section 3. That the Council hereby authorizes the Mayor, including his duly authorized representatives, in accordance with applicable federal, state, and City laws and rules and regulations adopted pursuant thereto, to acquire the needed temporary easement interests, and any other rights, interests, and appurtenances thereto, including the taking of all actions necessary to do so without further action by City Council, such as conducting negotiations, executing all related agreements, and making all necessary payments; to take actions required by law before instituting condemnation proceedings; to allow the temporary use of City-owned land; and to convey City-owned land.

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

Section 5. That the	Council hereby finds a	nd determines that th	ne Colorado Depar	tment of				
Transportation and the Denver Department of Public Works may find the need to alter the le								
descriptions of the temporary easement interests referred to in this Ordinance and may continue to do								
in order to meet the needs	of the Project. Counci	I hereby authorizes th	e Mayor, including	his duly				
authorized representatives, in	accordance with applic	able federal, state, ar	nd City laws and m	ules and				
regulations adopted pursuan	t thereto, to acquire the	nose temporary easer	nent interests as t	he legal				
descriptions are altered by the Colorado Department of Transportation and the Denver Department of Publ								
Works in accordance with the	means authorized in this	Ordinance.	·					
Section 6. That the Co	uncil hereby finds and de	etermines that to improv	e the safety and pe	destrian				
access near the 38th and I	·	·						
relocate existing access points located along the streets impacted by this project and that the								
Council hereby authorizes	•							
authority to rebuild, modify, remove, and relocate such existing access points.								
COMMITTEE APPROVAL D	·							
MAYOR-COUNCIL DATE:	•	,						
PASSED BY THE COUNCIL	·			, 2013				
APPROVED:				, 2013				
ATTEST:				- '				
		EX-OFFICIO CLI	ERK OF THE					
		CITY AND COUR	NTY OF DENVER					
NOTICE PUBLISHED IN TH	HE DAILY JOURNAL: _	, 2013	3;	_, 2013				
NOTICE PUBLISHED IN TH PREPARED BY: Brent A. E			3; DATE: June 13					
	Eisen, Assistant City Att D.R.M.C., this propose no irregularity as to forr	orney d ordinance has beer n, and have no legal	DATE: June 13 n reviewed by the objection to the p	- s, 2013 office of roposed				
PREPARED BY: Brent A. E Pursuant to section 13-12, I the City Attorney. We find n ordinance. The proposed or	Eisen, Assistant City Att D.R.M.C., this propose no irregularity as to form dinance is not submitte	orney d ordinance has beer m, and have no legal ed to the City Council	DATE: June 13 n reviewed by the objection to the p	- s, 2013 office of roposed				
PREPARED BY: Brent A. E Pursuant to section 13-12, I the City Attorney. We find n ordinance. The proposed or 3.2.6 of the Charter.	Eisen, Assistant City Att D.R.M.C., this propose no irregularity as to form dinance is not submitte Attorney for the City and	orney d ordinance has beer n, and have no legal ed to the City Council d County of Denver	DATE: June 13 neviewed by the objection to the period for approval pursu	office of the state of the stat				