

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0354  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance designating certain temporary easement interests in certain**  
7 **properties as being required for public use and authorizing use and**  
8 **acquisition thereof by negotiation or through condemnation proceedings,**  
9 **including any rights and interests related or appurtenant to these temporary**  
10 **easement interests as needed for the 38<sup>th</sup> and Blake Station Sidewalk TOD**  
11 **Project.**

12  
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 situated  
15 in the City and County of Denver, State of Colorado, as being needed for temporary easements  
16 for the 38<sup>th</sup> and Blake Station Sidewalks TOD Project, which is for public use and purpose by the  
17 City and County of Denver, a municipal corporation of the State of Colorado:

18  
19 \*\*\*\*\* TE-1 \*\*\*\*\*

20 The northwesterly and northeasterly 30 feet of that parcel of land described in Special Warranty Deed  
21 recorded December 14, 1988 at Reception No. R-88-0341568 in the records of the Clerk and Recorder,  
22 City and County of Denver, State of Colorado.

23  
24 \*\*\*\*\* TE-2 \*\*\*\*\*

25 The northwesterly and southwesterly 30 feet of that parcel of land described in Special Warranty Deed  
26 recorded January 31, 2006 at Reception No. 2006019761 in the records of the Clerk and Recorder, City  
27 and County of Denver, State of Colorado.

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29 \*\*\*\*\* TE-3 \*\*\*\*\*

30 The northwesterly and northeasterly 30 feet of that parcel of land described in Special Warranty Deed  
31 recorded November 15, 2012 at Reception No. 2012156723 in the records of the Clerk and Recorder,  
32 City and County of Denver, State of Colorado.

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34 \*\*\*\*\* TE-4 \*\*\*\*\*

35 The northeasterly 50 feet of that parcel of land described in Special Warranty Deed recorded May 04,  
36 2001 at Reception No. 2001069852 in the records of the Clerk and Recorder, City and County of  
37 Denver, State of Colorado.

1 \*\*\*\*\* TE-5 \*\*\*\*\*

2 The northeasterly 50 feet of that parcel of land described in Special Warranty Deed recorded May 04,  
3 2001 at Reception No. 2001069852 in the records of the Clerk and Recorder, City and County of  
4 Denver, State of Colorado.

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6 \*\*\*\*\* TE-6 \*\*\*\*\*

7 The northeasterly 30 feet of that parcel of land described in Special Warranty Deed recorded March 26,  
8 2010 at Reception No. 2010033296 in the records of the Clerk and Recorder, City and County of  
9 Denver, State of Colorado.

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11 \*\*\*\*\* TE-7 \*\*\*\*\*

12 The northwesterly 30 feet of that parcel of land described in Warranty Deed recorded December 31,  
13 2012 at Reception No. 2012181432 in the records of the Clerk and Recorder, City and County of  
14 Denver, State of Colorado.

15 \*\*\*\*\* TE-8 \*\*\*\*\*

16 The northwesterly 30 feet of that parcel of land described in Special Warranty Deed recorded December  
17 11, 2002 at Reception No. 2002235677 in the records of the Clerk and Recorder, City and County of  
18 Denver, State of Colorado.

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20 \*\*\*\*\* TE-9 \*\*\*\*\*

21 The northwesterly 30 feet of that parcel of land described in Deed recorded August 21, 1978 in Book  
22 1730, Page 79 in the records of the Clerk and Recorder, City and County of Denver, State of Colorado.

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24 \*\*\*\*\* TE-10 \*\*\*\*\*

25 The northwesterly 30 feet of that parcel of land described in Warranty Deed recorded March 03, 2006 at  
26 Reception No. 2006035037 in the records of the Clerk and Recorder, City and County of Denver, State  
27 of Colorado.

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29 \*\*\*\*\* TE-11 \*\*\*\*\*

30 The southwesterly 30 feet of that parcel of land described in Bargain and Sale Deed recorded August 11,  
31 2009 at Reception No. 2009105084 in the records of the Clerk and Recorder, City and County of  
32 Denver, State of Colorado.

33 \*\*\*\*\* TE-12 \*\*\*\*\*

34 The southwesterly 50 feet of that parcel of land described in Warranty Deed recorded December 22,  
35 1997 at Reception No. 9700173085 in the records of the Clerk and Recorder, City and County of  
36 Denver, State of Colorado.

1 \*\*\*\*\* TE-13 \*\*\*\*\*

2 The northeasterly 30 feet of that parcel of land described in General Warranty Deed recorded June 10,  
3 2011 at Reception No. 2011063120 in the records of the Clerk and Recorder, City and County of  
4 Denver, State of Colorado.

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

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

10 \*\*\*\*\* TE-15 \*\*\*\*\*

11 The southeasterly 30 feet of that parcel of land described in Special Warranty Deed recorded March 08,  
12 2002 at Reception No. 2002047328 in the records of the Clerk and Recorder, City and County of  
13 Denver, State of Colorado.

14  
15 **Section 2.** That the Council hereby finds and determines that temporary easement interests in  
16 these properties are needed and required for the construction of sidewalks, curbs, gutters and related  
17 improvements.

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

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

