

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0842
COMMITTEE OF REFERENCE:
FINANCE & GOVERNANCE

A BILL

For an ordinance designating certain properties as being required for public use and authorizing use and acquisition thereof by negotiation, purchase and/or through condemnation proceedings of fee simple, easements and other interests, including any rights and interest related or appurtenant to such properties so designated, as needed for the pedestrian intersection improvement project at the intersection of Colfax Avenue and Lipan Street.

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

Section 1. That the Council hereby designates the following properties 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 municipal corporation of the State of Colorado:

LEGAL DESCRIPTIONS

RIGHT OF WAY 1

A PARCEL OF LAND BEING A PART OF LOT 13, BLOCK 2 "HUNT'S ADDITION TO DENVER", CITY AND COUNTY OF DENVER RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13, BLOCK 2;
THENCE S89°46'57"E, ALONG THE NORTH LINE OF SAID LOT 13, BLOCK 2, A DISTANCE OF 10.00 FEET;
THENCE S45°12'33"W, A DISTANCE OF 14.14 FEET TO A POINT ON THE WEST LINE OF SAID LOT 13, BLOCK 2;
THENCE N00°12'03"E, ALONG SAID WEST LINE OF LOT 13, BLOCK 2, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 50 SQUARE FEET 0.001 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE CITY AND COUNTY OF DENVER'S USER-DEFINED TRANSVERSE MERCATOR PROJECTION, NAD 83/92. BASED ON SAID PROJECTION, DENVER ENGINEERING DEPARTMENT HAS DETERMINED THAT THE NORTH LINE OF BLOCK 2 "HUNT'S ADDITION TO DENVER" IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARS S89°46'57"E. (GRID BEARING) SAID PROJECTION IS DEFINED AS FOLLOWS.

ZONE: CCD USER DEFINED TRANSVERSE PROJECT (NAD 83/92)

CENTRAL POINT FALSE NORTHING: 400,000.000
CENTRAL POINT FALSE EASTING: 600,000.000
LATITUDE OF ORIGIN: N39°45'19.00000"
CENTRAL MERIDIAN: W104°53'53.00000"
ZONE WIDTH: 6°00'00.0"
SCALE FACTOR AT ORIGIN: 1.000254030
UNITS: US SURVEY FEET

1 and

2
3 **RIGHT OF WAY 2**

4
5 A PARCEL OF LAND BEING A PART OF LOT 1, BLOCK 3 "HUNT'S ADDITION TO DENVER", CITY AND COUNTY
6 OF DENVER RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 4
7 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
8 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

9
10 **BEGINNING** AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 3;
11 THENCE S00°12'03"W, ALONG THE EAST LINE OF SAID LOT 1, BLOCK 3, A DISTANCE OF 59.89 FEET;
12 THENCE N89°53'19"W, A DISTANCE OF 0.90 FEET;
13 THENCE N00°06'41"E, A DISTANCE OF 35.48 FEET;
14 THENCE N00°58'37"W, A DISTANCE OF 18.29 FEET;
15 THENCE N44°58'09"W, A DISTANCE OF 7.91 FEET;
16 THENCE N81°36'59"W, A DISTANCE OF 3.86 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, BLOCK 3;
17 THENCE S89°46'57"E, ALONG SAID NORTH LINE, A DISTANCE OF 10.76 FEET TO THE **POINT OF BEGINNING**.

18
19 CONTAINING 82 SQUARE FEET 0.002 ACRES OF LAND, MORE OR LESS.

20
21 **BASIS OF BEARINGS:** ALL BEARINGS ARE GRID BEARINGS OF THE CITY AND COUNTY OF DENVER'S USER-
22 DEFINED TRANSVERSE MERCATOR PROJECTION, NAD 83/92. BASED ON SAID PROJECTION, DENVER
23 ENGINEERING DEPARTMENT HAS DETERMINED THAT THE NORTH LINE OF BLOCK 2 "HUNT'S ADDITION TO
24 DENVER" IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF
25 THE 6TH PRINCIPAL MERIDIAN BEARS S89°46'57"E. (GRID BEARING) SAID PROJECTION IS DEFINED AS
26 FOLLOWS.

27
28 **ZONE: CCD USER DEFINED TRANSVERSE PROJECT (NAD 83/92)**

29 CENTRAL POINT FALSE NORTHING: 400,000.000
30 CENTRAL POINT FALSE EASTING: 600,000.000
31 LATITUDE OF ORIGIN: N39°45'19.00000"
32 CENTRAL MERIDIAN: W104°53'53.00000"
33 ZONE WIDTH: 6°00'00.0"
34 SCALE FACTOR AT ORIGIN: 1.000254030
35 UNITS: US SURVEY FEET

36
37 and

38
39 **TEMPORARY EASEMENT 1**

40
41 A PARCEL OF LAND BEING A PART OF LOT 13, BLOCK 2 "HUNT'S ADDITION TO DENVER", CITY AND COUNTY
42 OF DENVER RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 4
43 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
44 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

45
46 **COMMENCING** AT THE NORTHWEST CORNER OF SAID LOT 13, BLOCK; THENCE S89°46'57"E, ALONG THE
47 NORTH LINE OF SAID LOT 13, BLOCK 2, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**;
48 THENCE S89°46'57"E CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 8.93 FEET;
49 THENCE S00°13'03"W, A DISTANCE OF 5.00 FEET;
50 THENCE N89°46'57"W, A DISTANCE OF 6.86 FEET;
51 THENCE S45°12'33"W, A DISTANCE OF 10.00 FEET TO A POINT 4 FEET EAST OF THE WEST LINE
52 OF SAID LOT 13, BLOCK 2;
53 THENCE S00°12'03"W, PARALLEL WITH AND 5 FEET EAST OF SAID WEST LINE, A DISTANCE OF
54 47.81 FEET;
55 THENCE N89°47'57"W, A DISTANCE OF 5.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT
56 13, BLOCK 2;
57 THENCE N00°12'03"E, ALONG SAID WEST LINE, A DISTANCE OF 49.89 FEET;
58 THENCE N45°12'33"E, A DISTANCE OF 14.14 FEET TO THE **POINT OF BEGINNING**.

1 CONTAINING 344 SQUARE FEET 0.008 ACRES OF LAND, MORE OR LESS.

2 **BASIS OF BEARINGS:** ALL BEARINGS ARE GRID BEARINGS OF THE CITY AND COUNTY OF DENVER'S USER-
3 DEFINED TRANSVERSE MERCATOR PROJECTION, NAD 83/92. BASED ON SAID PROJECTION, DENVER
4 ENGINEERING DEPARTMENT HAS DETERMINED THAT THE NORTH LINE OF BLOCK 2 "HUNT'S ADDITION TO
5 DENVER" IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF
6 THE 6TH PRINCIPAL MERIDIAN BEARS S89°46'57"E. (GRID BEARING) SAID PROJECTION IS DEFINED AS
7 FOLLOWS.

8
9 **ZONE: CCD USER DEFINED TRANSVERSE PROJECT (NAD 83/92)**

10 CENTRAL POINT FALSE NORTHING: 400,000.000
11 CENTRAL POINT FALSE EASTING: 600,000.000
12 LATITUDE OF ORIGIN: N39°45'19.00000"
13 CENTRAL MERIDIAN: W104°53'53.00000"
14 ZONE WIDTH: 6°00'00.0"
15 SCALE FACTOR AT ORIGIN: 1.000254030
16 UNITS: US SURVEY FEET

17
18 **and**

19
20 **TEMPORARY EASEMENT 2**

21
22 A PARCEL OF LAND BEING A PART OF LOTS 1 AND 2, BLOCK 3 "HUNT'S ADDITION TO DENVER", CITY AND
23 COUNTY OF DENVER RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 4,
24 TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN CITY AND COUNTY OF DENVER,
25 STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

26
27 **COMMENCING** AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 3 SECTION 4; THENCE N89°46'57"W,
28 ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 3, A DISTANCE OF 10.76 FEET; TO THE **POINT OF BEGINNING**;

29
30 THENCE S81°36'59"E, A DISTANCE OF 3.86 FEET;
31 THENCE S44°58'09"E, A DISTANCE OF 7.91 FEET;
32 THENCE S00°58'37"E, A DISTANCE OF 18.29 FEET;
33 THENCE S00°06'41"W, A DISTANCE OF 35.48 FEET;
34 THENCE N89°46'57"W, A DISTANCE OF 5.00 FEET;
35 THENCE N00°07'28"E, A DISTANCE OF 51.32 FEET;
36 THENCE N44°58'09"W, A DISTANCE OF 5.06 FEET;
37 THENCE N89°46'57"W, A DISTANCE OF 21.89 FEET;
38 THENCE N00°13'03"E, A DISTANCE OF 5.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2, BLOCK 3,
39 THENCE S89°46'57"E, ALONG THE NORTH LINE OF SAID LOTS 1 AND 2, BLOCK 3, A DISTANCE OF 20.69 FEET
40 TO **THE POINT OF BEGINNING**.

41
42 CONTAINING 408 SQUARE FEET 0.009 ACRES OF LAND, MORE OR LESS.

43
44 **BASIS OF BEARINGS:** ALL BEARINGS ARE GRID BEARINGS OF THE CITY AND COUNTY OF DENVER'S USER-
45 DEFINED TRANSVERSE MERCATOR PROJECTION, NAD 83/92. BASED ON SAID PROJECTION, DENVER
46 ENGINEERING DEPARTMENT HAS DETERMINED THAT THE NORTH LINE OF BLOCK 2 "HUNT'S ADDITION TO
47 DENVER" IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF
48 THE 6TH PRINCIPAL MERIDIAN BEARS S89°46'57"E. (GRID BEARING) SAID PROJECTION IS DEFINED AS
49 FOLLOWS.

50
51 **ZONE: CCD USER DEFINED TRANSVERSE PROJECT (NAD 83/92)**

52 CENTRAL POINT FALSE NORTHING: 400,000.000
53 CENTRAL POINT FALSE EASTING: 600,000.000
54 LATITUDE OF ORIGIN: N39°45'19.00000"
55 CENTRAL MERIDIAN: W104°53'53.00000"
56 ZONE WIDTH: 6°00'00.0"
57 SCALE FACTOR AT ORIGIN: 1.000254030
58 UNITS: US SURVEY FEET

1 **Section 2.** That the Council hereby finds and determines that these properties are needed
2 and required for the following public uses and public purposes: as part of a project that includes the
3 addition of a crosswalk, reconstructed medians, addition of two pedestrian refuge areas, upgraded
4 landscaping and irrigation systems, addition of a transit signal priority for RTD buses, addition of
5 bulb-outs, addition of ADA curb ramps and sidewalk areas and elimination of the westbound left-
6 hand turning movement from Colfax to Lipan, appurtenant improvements and construction thereof.

7 **Section 3.** That the Council authorizes the Mayor, including his duly authorized
8 representatives, in accordance with applicable federal, state, and City laws and rules and regulations
9 adopted pursuant thereto, to acquire the needed property interests described in Section 1, including
10 fee simple, permanent easements, temporary easements, fixtures, licenses, permits, improvements,
11 and any other rights and interests, including appurtenances thereto, including the taking of all actions
12 necessary to do so without further action by City Council, including conducting negotiations,
13 executing all related agreements, and making all necessary payments; to take actions required by
14 law before instituting condemnation proceedings; to allow the temporary use of City-owned land; and
15 to convey City-owned land, including remnants.

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

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

28 **Section 6.** If modifications are made to the legal descriptions of the properties referred to
29 in this Ordinance, Council authorizes the Mayor, including his duly authorized representatives, in
30 accordance with applicable federal, state, and City laws and rules and regulations adopted pursuant
31 thereto, to acquire those easements and properties as the legal descriptions are altered by the
32 Denver Department of Public Works in accordance with the means authorized in this Ordinance.

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

5 **Section 8.** That the Council authorizes the City to use the power of eminent domain to act
6 as the local authority to build upgraded traffic signals, ADA curb ramps, and appurtenances as traffic
7 and pedestrian improvements at the intersection of Colfax and Lipan Street.

8 COMMITTEE APPROVAL BY DATE: September 29, 2016 by consent

9 MAYOR-COUNCIL DATE: October 4, 2016

10 PASSED BY THE COUNCIL: _____

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____

17 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: October 6, 2016

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

22 Denver City Attorney

23 BY: _____, Assistant City Attorney DATE: _____