

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2020

COUNCIL BILL NO. CB20-0664
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 or through condemnation proceedings of fee simple, easement and other interests, including any rights and interests related or appurtenant to properties designated as needed for the traffic and pedestrian safety improvement project at various intersections along 6th Avenue including Washington Street, Corona Street and Downing 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 and 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:

TE-1

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST, CITY AND COUNTY OF DENVER, COLORADO, AND BEING PART OF LOT 21, BLOCK 30, ARLINGTON HEIGHTS ADDITION TO DENVER SUBDIVISION, AS SHOWN IN BOOK 2, PAGE 84, RECORDED ON 07/15/1881 IN THE CITY AND COUNTY OF DENVER, CLERK AND RECORDER’S, COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a 2” aluminum cap in Range Box located at the intersection of Range Lines on 7th Avenue and Clarkson Street; **WHENCE** a found 2” aluminum cap in Range Box located at the intersection of the Range Lines on 7th Avenue and Logan Street bears North 89°51’33” West, coincident with said Range Line on 7th Avenue (Basis of bearings – Assumed)

THENCE North 89°51’33” West, coincident with said Range Line on 7th Avenue, a distance of 301.10 feet;

THENCE departing said Range Line on 7th Avenue, South 00°10’52” West, a distance of 572.71 feet to a point on the east right of way line of Washington Street, also being the west line of said Lot 21 and the **POINT OF BEGINNING**;

THENCE departing said east right of way line of Washington Street and said west line of said Lot 21 and across said Lot 21 the following four (4) courses and distances:

- 1) South 89°49'21" East a distance of 2.00 feet;
- 2) South 00°10'52" West, a distance of 9.00 feet;
- 3) South 89°49'21" East, a distance of 12.00 feet;
- 4) South 00°10'52" West, a distance of 4.00 feet to the north right of way line of 6th Avenue also being the south line of said Lot 21

THENCE North 89°49'21" West, coincident with said north right of way line of 6th Avenue and said south line of Lot 21, a distance of 14.00 feet to the southwest corner of said Lot 21;

THENCE departing said north right of way line of 6th Avenue and said south line of Lot 21, North 00°10'52" East, coincident with said east right of way line of Washington Street and said west line of Lot 21, a distance of 13.00 feet to said **POINT OF BEGINNING**.

Containing 74 square feet, more or less.

TE-2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST, CITY AND COUNTY OF DENVER, COLORADO, AND BEING PART OF LOT 23, BLOCK 188, FLETCHER'S CAPITOL HILL ADDITION SUBDIVISION, AS SHOWN IN BOOK 7, PAGE 49, RECORDED ON 06/05/1889, CITY AND COUNTY OF DENVER, CLERK AND RECORDER'S OFFICE, COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a found 2" aluminum cap in Range Box located at the intersection of the Range Lines between 7th Avenue and Corona Street, **WHENCE** a found 2" aluminum cap in Range Box located at the intersection of the Range Lines between 7th Avenue and Clarkson Street bears South 89°52'08" West, coincident with the Range Line on 7th Avenue (Basis of Bearings – Assumed);

THENCE South 89°52'08" West, coincident with said Range Line of 7th Avenue, a distance of 20.00 feet;

THENCE departing said Range Line, South 00°10'12" East, a distance of 600.41 feet to the west right of way line of said Corona Street and the east line of said Lot 23 to the **POINT OF BEGINNING**;

THENCE continuing coincident with said west right of way line of Corona Street and said east line of Lot 23, South 00°10'12" East, a distance of 5.00 feet to the southeast corner of said Lot 23;

THENCE departing said west right of way line of Corona Street and said east line of Lot 23, North 89°29'13" West, coincident with the north right of way line of 6th Avenue and the south line of said Lot 23, a distance of 5.00 feet;

THENCE departing said north right of way line of 6th Avenue said south line of Lot 23, North 45°10'17" East, across said Lot 23 to said west right of way line of Corona Street and said east line of Lot 23, a distance of 7.03 feet to said **POINT OF BEGINNING**.

Containing an area of 12.5 square feet, more or less.

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 installation of traffic lights and ADA curb ramps, sidewalks, appurtenant improvements and
4 construction thereof at various intersections along 6th Avenue (the “Project”).

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

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

24 **Section 5.** That the Council hereby finds and determines that the Denver Department of
25 Transportation & Infrastructure and federal and state agencies may find the need to alter the nature
26 of the property interests or the legal descriptions of the properties referred to in this Ordinance and
27 may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor,
28 including his duly authorized representatives, in accordance with applicable federal, state, and City
29 laws and rules and regulations adopted pursuant thereto, to acquire those easements and properties
30 as the property interests and legal descriptions are altered in accordance with the means authorized
31 in this Ordinance.

32 **Section 6.** That the Council hereby finds and determines that to improve the safety and
33 operation of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary to

1 rebuild, modify, remove, and relocate existing access points to streets located in the vicinity of the
2 Project.

3 **Section 7.** That the Council authorizes the City to use the power of eminent domain to act
4 as the local authority to install traffic lights and ADA curb ramps, sidewalks and appurtenances at
5 various intersections along 6th Avenue.

6 **Section 8.** That the City Council hereby finds and determines that the Project is necessary
7 for the health, safety, and welfare of the public.

8
9 COMMITTEE APPROVAL DATE: July 21, 2020 by Consent

10 MAYOR-COUNCIL DATE: July 28, 2020

11 PASSED BY THE COUNCIL: _____

12 _____ - PRESIDENT

13 APPROVED: _____ - MAYOR _____

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

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

18 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: July 30, 2020

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
20 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
22 § 3.2.6 of the Charter.

23
24 Kristin M. Bronson, Denver City Attorney

25 BY:  _____, Assistant City Attorney

26 DATE: Jul 29, 2020 _____