

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB23-0258
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 along the Mississippi Avenue Corridor, running from Eliot Street to Quivas Steet, also known as Safer Main Streets – Mississippi Avenue Vision Zero Project.

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
1050 S. ZUNI STREET**

LAND DESCRIPTION

A TEMPORARY EASEMENT (TE-01), BEING A PART OF THAT PARCEL OF LAND LOCATED AT 1050 S. ZUNI STREET, DENVER, CO 80223, KNOWN AS GOLDRICK ELEMENTARY SCHOOL, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16, THENCE NORTH 37°01'34" EAST, A DISTANCE OF 49.85 FEET TO A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF W. MISSISSIPPI AVENUE AND THE EAST RIGHT-OF-WAY OF ZUNI STREET, SAID INTERSECTION BEING THE POINT OF BEGINNING;

THENCE ALONG SAID EAST RIGHT-OF-WAY NORTH 00°00'46" EAST, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 89°36'50" EAST, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 00°00'46" WEST, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 89°36'50" EAST, A DISTANCE OF 75.00 FEET;

1 THENCE SOUTH 00°00'46" WEST, A DISTANCE OF 5.00 FEET TO SAID NORTH RIGHT-OF-
2 WAY;

3
4 THENCE ALONG SAID NORTH RIGHT-OF-WAY NORTH 89°36'50" WEST, A DISTANCE OF
5 80.00 FEET TO THE POINT OF BEGINNING.

6
7 CONTAINING AN AREA OF 450.00 SQUARE FEET OR 0.010 ACRES, MORE OR LESS.

8
9 BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION
10 16, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS
11 SOUTH 89°36'50" EAST BETWEEN THE SOUTHWEST CORNER OF SAID SECTION 16, BEING
12 MONUMENTED WITH A 3.25" ALUMINUM CAP IN A MONUMENT BOX STAMPED "CITY OF
13 DENVER LS 14592 1990 LAND CORNER", AND THE SOUTH QUARTER CORNER OF SAID
14 SECTION 16, BEING A METAL ROD IN A MONUMENT BOX, WITH ALL BEARINGS HEREIN
15 RELATIVE THERETO.

16
17 **TE-2**
18 **1099 S. ZUNI STREET**

19 LAND DESCRIPTION

20 A TEMPORARY EASEMENT (TE-02), SITUATED ON THAT PARCEL OF LAND DESCRIBED IN
21 THAT DEED RECORDED AT RECEPTION NO. 9700156994 IN THE DENVER COUNTY CLERK
22 AND RECORDER'S OFFICE, BEING PART OF LOTS 10 AND 11, BLOCK 5, MORRISTOWN
23 SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 4
24 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF
25 DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

26
27 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17, THENCE NORTH
28 36°54'46" WEST, A DISTANCE OF 49.92 FEET TO THE SOUTHEAST CORNER OF SAID
29 PARCEL OF LAND, ALSO BEING THE NORTH RIGHT-OF-WAY OF W. MISSISSIPPI AVE, AND
30 THE POINT OF BEGINNING;

31
32 THENCE ALONG THE SOUTH LINE OF SAID PARCEL OF LAND AND SAID NORTH RIGHT-
33 OF-WAY SOUTH 89°49'57" WEST, A DISTANCE OF 23.00 FEET;

34
35 THENCE NORTH 00°01'37" EAST, A DISTANCE OF 5.00 FEET;

36
37 THENCE NORTH 89°49'57" EAST, A DISTANCE OF 18.00 FEET;

38
39 THENCE NORTH 00°01'37" EAST, A DISTANCE OF 19.00 FEET;

40
41 THENCE NORTH 89°49'57" EAST, A DISTANCE OF 5.00 FEET TO THE EAST LINE OF SAID
42 PARCEL OF LAND AND THE WEST RIGHT-OF-WAY OF ZUNI STREET;

43
44 THENCE ALONG SAID EAST LINE AND WEST RIGHT-OF-WAY SOUTH 00°01'37" WEST, A
45 DISTANCE OF 24.00 FEET TO THE POINT OF BEGINNING.

46
47 CONTAINING AN AREA OF 210.00 SQUARE FEET OR 0.005 ACRES, MORE OR LESS.

48
49 BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16,

1 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS SOUTH
2 89°36'50" EAST BETWEEN THE SOUTHEAST CORNER OF SAID SECTION 17, BEING
3 MONUMENTED WITH A 3.25" ALUMINUM CAP IN A MONUMENT BOX STAMPED "CITY OF
4 DENVER LS 14592 1990 LAND CORNER", AND THE SOUTH QUARTER CORNER OF SAID
5 SECTION 16, BEING A METAL ROD IN A MONUMENT BOX, WITH ALL BEARINGS HEREIN
6 RELATIVE THERETO.

7
8 **TE-3**
9 **1101 S. ZUNI STREET**

10
11 **LAND DESCRIPTION**

12 A TEMPORARY EASEMENT (TE-03), SITUATED ON THAT PARCEL OF LAND DESCRIBED IN
13 THAT SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 2018057505 IN THE
14 DENVER COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHEAST
15 QUARTER OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH
16 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
17 DESCRIBED AS FOLLOWS:

18
19 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 20, THENCE ALONG THE
20 EAST LINE OF SAID NORTHEAST QUARTER SOUTH 00°11'48" WEST, A DISTANCE OF 40.00
21 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND, ALSO BEING THE SOUTH
22 RIGHT-OF-WAY OF W. MISSISSIPPI AVENUE, AND THE POINT OF BEGINNING;

23
24 THENCE CONTINUING ALONG SAID EAST LINE OF THE NORTHEAST QUARTER, ALSO
25 BEING THE EAST LINE OF SAID PARCEL OF LAND AND THE WEST RIGHT-OF-WAY OF ZUNI
26 STREET, SOUTH 00°11'48" WEST, A DISTANCE OF 18.00 FEET;

27
28 THENCE SOUTH 89°49'57" WEST, A DISTANCE OF 5.00 FEET;

29
30 THENCE NORTH 00°11'48" EAST, A DISTANCE OF 13.00 FEET;

31
32 THENCE SOUTH 89°49'57" WEST, A DISTANCE OF 10.00 FEET;

33
34 THENCE NORTH 00°11'48" EAST, A DISTANCE OF 5.00 FEET TO THE NORTH LINE OF SAID
35 PARCEL OF LAND AND SAID SOUTH RIGHT-OF-WAY OF W. MISSISSIPPI AVENUE;
36 THENCE ALONG SAID NORTH LINE AND SOUTH RIGHT-OF-WAY NORTH 89°49'57" EAST, A
37 DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

38
39 CONTAINING AN AREA OF 140.00 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

40
41 BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 21,
42 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS SOUTH
43 89°36'50" EAST BETWEEN THE NORTHEAST CORNER OF SAID SECTION 20, BEING
44 MONUMENTED WITH A 3.25" ALUMINUM CAP IN A MONUMENT BOX STAMPED "CITY OF
45 DENVER LS 14592 1990 LAND CORNER", AND THE NORTH QUARTER CORNER OF SAID
46 SECTION 21, BEING A METAL ROD IN A MONUMENT BOX, WITH ALL BEARINGS HEREIN
47 RELATIVE THERETO.

TE-4
2360 W. MISSISSIPPI AVE

LAND DESCRIPTION

A TEMPORARY EASEMENT (TE-04), SITUATED ON THAT PARCEL OF LAND DESCRIBED IN THAT WARRANTY DEED RECORDED AT RECEPTION NO. 2004237896 IN THE DENVER COUNTY CLERK AND RECORDER'S OFFICE, BEING PART OF LOTS 1, 2, 41 AND 42, BLOCK 7, KING HOUSTON SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE SOUTH 55°58'56" EAST, A DISTANCE OF 72.22 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND, ALSO BEING THE SOUTH RIGHT-OF-WAY OF W. MISSISSIPPI AVE, AND THE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID PARCEL OF LAND AND SAID SOUTH RIGHT-OF-WAY SOUTH 89°36'50" EAST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 00°11'48" WEST, A DISTANCE OF 5.00 FEET;

THENCE NORTH 89°36'50" WEST, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 00°11'48" WEST, A DISTANCE OF 18.00 FEET;

THENCE NORTH 89°36'50" WEST, A DISTANCE OF 5.00 FEET TO THE WEST LINE OF SAID PARCEL OF LAND AND THE EAST RIGHT-OF-WAY OF ZUNI STREET;

THENCE ALONG SAID WEST LINE AND EAST RIGHT-OF-WAY NORTH 00°11'48" EAST A DISTANCE OF 23.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 190.00 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS SOUTH 89°36'50" EAST BETWEEN THE NORTHWEST CORNER OF SAID SECTION 21, BEING MONUMENTED WITH A 3.25" ALUMINUM CAP IN A MONUMENT BOX STAMPED "CITY OF DENVER LS 14592 1990 LAND CORNER", AND THE NORTH QUARTER CORNER OF SAID SECTION 21, BEING A METAL ROD IN A MONUMENT BOX, WITH ALL BEARINGS HEREIN RELATIVE THERETO.

Section 2. That the Council finds and determines that property interests in these properties are needed and required for the following public uses and public purposes: as part of a project that includes the installation and/or modification of through lanes, two-way left-turn lane(s), auxiliary turn lanes, widened pavement, raised-curb medians, crosswalks, curb bulb-outs and ADA ramps along the Mississippi Avenue Corridor, running from Eliot Street to Quivas Steet (the "Project").

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

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

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

28 **Section 6.** That the Council hereby finds and determines that to improve the safety and
29 operation of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary to
30 rebuild, modify, remove, and relocate existing access points to streets located in the vicinity of the
31 Project.

32 **Section 7.** That the Council authorizes the City to use the power of eminent domain to act
33 as the local authority to install and modify through lanes, two-way turn lane(s), auxiliary turn lane(s)

1 widened pavement, raised curb medians, crosswalks, curb bulb-outs and ADA ramps along the
2 Mississippi Avenue Corridor, running from Eliot Street to Quivas Street to prioritize the movement
3 of people for safety and economic benefits.

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

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1 COMMITTEE APPROVAL DATE: March 14, 2023 by Consent
2 MAYOR-COUNCIL DATE: March 21, 2023
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
10 PREPARED BY: Johna M. Varty, Assistant City Attorney DATE: March 23, 2023
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15
16 Kerry Tipper, Denver City Attorney
17
18 BY: Anshul Bagga, Assistant City Attorney DATE: Mar 22, 2023