

1 **BY AUTHORITY**

2
3 ORDINANCE NO. _____
4 SERIES OF 2022

COUNCIL BILL NO. CB22-0320
COMMITTEE OF REFERENCE:
5 Finance & Governance

6 **A BILL**

7 **For an ordinance granting the authority to acquire through negotiated purchase**
8 **or condemnation of all or any portion of any property interest as needed in**
9 **support of the Weir Gulch Reach 1 - Decatur Street Crossing Point project in**
10 **Council District 3.**

11
12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13 **Section 1.** That the City Council hereby designates the following parcels of real property
14 (collectively, the "Parcels") situated in the City and County of Denver, State of Colorado, as being
15 needed for public uses and purposes by the City and County of Denver, a home rule city and
16 municipal corporation of the State of Colorado (the "City"):

17 Parcel 1:

18
19 LAND DESCRIPTION (for information only: 2830 W. 9TH AVE):

20
21 A PARCEL OF LAND CONVEYED BY WARRANTY DEED TO THE CITY AND COUNTY OF
22 DENVER, RECORDED ON THE 10TH DAY OF SEPTEMBER, 2007, AT RECEPTION NUMBER
23 2007141543 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE
24 OF COLORADO, THEREIN AS:

25
26 A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF
27 SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN
28 THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING MORE
29 PARTICULARLY DESCRIBED AS FOLLOWS:
30 LOT 6, EXCEPT THE EAST 16 FEET OF SAID LOT 6,
31 ALL OF LOTS 7, 8 AND 9, AND THE EAST 16 FEET OF LOT 10,
32 BLOCK 17,
33 SOUTH FAIRVIEW,
34 TOGETHER WITH ALL OF THE VACATED ALLEY LYING SOUTH OF AND ADJOINING SUBJECT
35 PROPERTY; AND THE WEST 9 FEET OF LOT 6, ALL OF LOTS 7, 8 AND 9 AND THE EAST 16 FEET
36 OF LOT 10,
37 BLOCK 3,
38 FISK'S ADDITION TO SOUTH FAIRVIEW,
39 AND THE SOUTH 68 FEET OF THE WEST 1.3 FEET OF THE EAST 16 FEET OF LOT 6,
40 BLOCK 3.
41 FISK'S ADDITION TO SOUTH FAIRVIEW,

1 CITY AND COUNTY OF DENVER,
2 STATE OF COLORADO

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5 Parcel 2:

6
7 LAND DESCRIPTION (for information only: 899 N. DECATUR ST):

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9 A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY
10 OF DENVER, RECORDED ON THE 26TH DAY OF MARCH, 2013, AT RECEPTION NUMBER
11 2013041758 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE
12 OF COLORADO, THEREIN AS:

13
14 A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF
15 SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN
16 THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING MORE
17 PARTICULARLY DESCRIBED AS FOLLOWS:
18 LOT 1 THROUGH 5, BLOCK 17, SOUTH FAIRVIEW, CITY AND COUNTY OF DENVER, STATE OF
19 COLORADO

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21
22 Parcel 3:

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24 LAND DESCRIPTION (for information only: 2734 W. 9TH AVE):

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26 A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY
27 OF DENVER, RECORDED ON THE 31ST DAY OF AUGUST, 2016, AT RECEPTION NUMBER
28 2016117142 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE
29 OF COLORADO, THEREIN AS:

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31 A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF
32 SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN
33 THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING MORE
34 PARTICULARLY DESCRIBED AS FOLLOWS:
35 LOTS 11 TO 17, INCLUSIVE, BLOCK 11, SOUTH FAIRVIEW, EXCEPTING THEREFROM THAT
36 PORTION CONVEYED TO THE CITY AND COUNTY OF DENVER IN DEED RECORDED
37 DECEMBER 3, 1989 IN BOOK 2281 AT PAGE 235, CITY AND COUNTY OF DENVER, STATE OF
38 COLORADO.

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41 Parcel 4:

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43 LAND DESCRIPTION (for information only: 855 N. DECATUR ST):

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45 A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY
46 OF DENVER, RECORDED ON THE 9TH DAY OF SEPTEMBER, 2013, AT RECEPTION NUMBER
47 2013132253 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE

1 OF COLORADO, THEREIN AS:
2

3 A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF
4 SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN
5 THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING MORE
6 PARTICULARLY DESCRIBED AS FOLLOWS:

7 LOTS 1, 2, 3, 4, 5 AND 6, EXCEPT THE WEST 9 FEET OF LOT 6 AND EXCEPT THE SOUTH 68
8 FEET OF THE WEST 1.3 FEET OF EAST 16 FEET OF LOT 6, BLOCK 3, FISK'S ADDITION TO
9 SOUTH FAIRVIEW. CITY AND COUNTY OF DENVER, STATE OF COLORADO.
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12 Parcel 5:

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14 LAND DESCRIPTION (for information only: 2740 W. 9TH AVE):

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16 A PARCEL OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO THE CITY AND COUNTY
17 OF DENVER, RECORDED ON THE 17TH DAY OF JUNE, 2016, AT RECEPTION NUMBER
18 2016079364 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, STATE
19 OF COLORADO, THEREIN AS:
20

21 A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF
22 SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN
23 THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL BEING MORE
24 PARTICULARLY DESCRIBED AS FOLLOWS:

25 LOTS 18 TO 25, INCLUSIVE, BLOCK 11, SOUTH FAIRVIEW, EXCEPTING THEREFROM THAT
26 PORTION CONVEYED TO THE CITY AND COUNTY OF DENVER IN DEED RECORDED
27 DECEMBER 3, 1980 IN BOOK 2281 AT PAGE 235, CITY AND COUNTY OF DENVER, STATE OF
28 COLORADO.
29

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31 **Section 2.** That the City Council hereby finds that the public use and purpose described in
32 Section 3 below will require the acquisition and use by the City of interests in the Parcels.

33 **Section 3.** That the City Council hereby finds and determines that interests in the Parcels
34 described in Section 1 are needed and required for the following public uses and public purposes:
35 to construct, locate, reconstruct, improve, modify, remove, and relocate storm and/or sanitary and/or
36 domestic water drainage, pipes, channels, detention areas, outfalls, and related facilities, systems
37 and structures, and other appurtenant improvements including constructing and maintaining parks,
38 trails, open space and related work for the Weir Gulch Reach 1, Decatur Street Crossing, project,
39 including the initial location and construction thereof, and the redirection of vehicular access relating
40 thereto (the "Project").

41 **Section 4.** That the City Council hereby authorizes the Mayor, including his duly authorized
42 representatives, in accordance with applicable federal, state, and local laws and rules and

1 regulations adopted pursuant thereto, to (1) acquire the needed property interests in and to the
2 Parcels, including, without limitation, fee title, beneficial title, permanent easements, temporary
3 easements, fixtures, licenses, permits, leasehold interests, improvements, and any other rights,
4 interests, and appurtenances thereto; (2) take all actions necessary to do so without further action
5 by City Council, such as conducting negotiations, executing all related agreements, and making all
6 necessary payments; (3) take actions required by law before instituting condemnation proceedings;
7 (4) allow the temporary use and leasehold of City-owned land; and (5) convey City-owned land,
8 including remnants.

9 **Section 5.** That if for the property interest set forth above, the interested parties do not agree
10 upon the compensation to be paid for such needed property interests, the owner or owners thereof
11 are incapable of consenting, the name or residence of any owner thereof is unknown, or any of the
12 owners thereof are non-residents of the State of Colorado, then the City Attorney of the City, upon
13 the Mayor's direction, is hereby authorized and empowered to exercise the City's eminent domain
14 powers by instituting and, as necessary, prosecuting to conclusion proceedings under Title 38,
15 Colorado Revised Statutes, to acquire any needed property interests upon, through, over, under and
16 along the Parcels described in Section 1 above as necessary for the purposes set forth in Section 3
17 above.

18 **Section 6.** That the City Council hereby finds and determines that the City's Department of
19 Transportation and Infrastructure and any federal and state agencies, if applicable, may find the
20 need to alter the legal descriptions of the properties referred to in this Ordinance and may continue
21 to do so in order to meet the needs of the Project. City Council hereby authorizes the Mayor,
22 including his duly authorized representatives, in accordance with any applicable federal, state, and
23 local laws and rules and regulations adopted pursuant thereto, to acquire the Parcels as the legal
24 descriptions are altered in accordance with the means authorized in this Ordinance.

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

27 **[Remainder of page left intentionally left blank]**

1 COMMITTEE APPROVAL DATE: March 22, 2022 by Consent
2 MAYOR-COUNCIL DATE: March 29, 2022
3 PASSED BY THE COUNCIL: _____ April 18, 2022 _____,
4 *Steve Filmer* - 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: John McGrath, Assistant City Attorney DATE: April 7, 2022
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 Kristin Bronson, City Attorney for the City and County of Denver
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18 BY: *Jonathan Griffin* , Assistant City Attorney Date: Apr 6, 2022