

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO.BR23-0396
COMMITTEE OF REFERENCE:
Finance & Governance

5 **A BILL**

6 **For an ordinance granting the authority to acquire through negotiated**
7 **purchase or condemnation of all or any portion of any property interest as**
8 **needed in completing sidewalk gap improvements along a portion of North**
9 **Newton Street and at the northeast corner of Federal Boulevard and West 45th**
10 **Avenue as part of Council District 1 and Council District 3 Sidewalk Gap**
11 **Improvement Project in Council Districts 1 and 3.**
12

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

14 **Section 1.** That the City Council hereby designates the following parcels of real property
15 (collectively, the “Parcels”) situated in the City and County of Denver, State of Colorado, as being
16 needed for public uses and purposes by the City and County of Denver, a home rule city and
17 municipal corporation of the State of Colorado (the “City”):
18

19 **Parcel 1: Permanent Easement**

20 **Land Description (for information only): North Federal Boulevard and W. 45th Ave.**

21 A PARCEL OF LAND, LOCATED IN THAT PART OF THE NORTH WEST 1/4 OF THE
22 SOUTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 68
23 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN DENVER COUNTY, COLORADO, BEING A PART
24 OF A TRACT OF LAND DESCRIBED IN A DEED RECORDED AT RECEPTION NUMBER
25 2014045993 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDERS OFFICE,
26 STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS
27 FOLLOWS:
28

29 THE POINT OF BEGINNING BEING THE INTERSECTION OF THE EAST ROW LINE OF
30 CO HWY-287C ALSO KNOWN AS FEDERAL BLVD AS ESTABLISHED BY FOUND CDOT OW
31 MONUMENTS AND THE NORTH LINE FOR W. 45TH AVE;

32 THENCE NORTH 00°17’56” EAST, 10.23 FEET ALONG SAID ROW FOR CO HWY 287C;
33 THENCE DEPARTING SAID ROW FOR CO HWY 287C, SOUTH 41°15’24” EAST, 13.61
34 FEET; TO SAID ROW FOR W. 45TH AVE;

35 THENCE NORTH 89°57’37” WEST, 9.03 FEET ALONG SAID ROW FOR W. 45TH AVE TO
36 THE POINT OF BEGINNING;

1 THE ABOVE-DESCRIBED PARCEL CONTAINS 46 SQ. FT. (0.001 ACRES), MORE OR
2 LESS.

3 BASIS OF BEARINGS: ALL BEARINGS SHOWN HEREIN ARE BASED ON A GRID
4 BEARING OF NORTH 00°17'56" EAST FROM A 3 1/4" ALUMINUM CDOT ROW MONUMENT
5 STAMPED " COLORADO DEPT. OF TRANSPORTATION PLS NO. 38486 CP 148" TO A 3 1/4"
6 ALUMINUM CDOT ROW MONUMENT CDOT MONUMENT STAMPED "COLORADO DEPT. OF
7 TRANSPORTATION PLS NO 38486 CP 149".

8

9 **Parcel 2: Temporary Easement**

10 **Land Description (for Information only): 1276 North Newton Street**

11 A PARCEL LOCATED IN THAT PART OF THE NORTHEAST 1/4 SECTION 6, TOWNSHIP
12 4 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, DENVER COUNTY, STATE
13 OF COLORADO, BEING A PORTION OF LOTS 4 AND 5 OF BLOCK 2, WEST VILLA PARK, THE
14 PARENT PARCEL BEING DESCRIBED IN A DEED RECORDED ON DECEMBER 3, 1996 AS
15 RECEPTION NUMBER 1996165253, OF THE CITY AND COUNTY OF DENVER CLERK AND
16 RECORDERS OFFICE, SAID PARCEL BEING THE WEST 10 FEET OF SAID LOTS 4 AND 5 OF
17 BLOCK 2, WEST VILLA PARK, DESCRIBED AS FOLLOWS:

18 COMMENCING FROM A CHISELED + IN THE TOP BACK OF CURB ON THE EAST SIDE
19 OF N NEWTON ST., NORTH 04°46'35" EAST, 205.14 FEET TO THE INTERSECTION OF THE
20 EAST RIGHT OF WAY LINE OF N. NEWTON ST. AND THE SOUTH LINE OF SAID LOT 5, SAID
21 INTERSECTION BEING THE POINT OF BEGINNING;

22 THENCE NORTH 00°43'12" EAST, 50.00 FEET ALONG THE SAID EAST RIGHT OF WAY
23 LINE OF N NEWTON ST, COINCIDENT WITH SAID WEST LINES OF SAID LOTS 4 AND 5, TO
24 THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF N. NEWTON ST. AND THE NORTH
25 LINE OF SAID LOT 4;

26 THENCE ALONG SAID NORTH LINE OF LOT 4 SOUTH 89°15'48" EAST, 10.00 FEET;

27 THENCE SOUTH 00°43'12" WEST, 50.00 FEET TO SAID SOUTH LINE OF LOT 5;

28 THENCE ALONG SAID SOUTH LINE OF LOT 5 NORTH 89°15'48" WEST, 10.00 FEET TO
29 THE POINT OF BEGINNING.

30 THE ABOVE-DESCRIBED PARCEL CONTAINS 500 SQ. FT. (0.011 ACRES), MORE OR
31 LESS.

32 BASIS OF BEARINGS: ALL BEARINGS SHOWN HEREIN ARE BASED ON A GRID
33 BEARING OF NORTH 06°42'13" EAST, 291.13 FEET FROM THE RANGE POINT AT THE
34 INTERSECTION OF N NEWTON ST AND W. 12TH AVE, BEING A 2 1/2 IN ALUMINUM CAP IN A

1 RANGE BOX MARKED "RANGE PT 37969", TO THE SAID CHISELED + IN THE TOP BACK OF
2 CURB ON THE EAST SIDE OF N NEWTON ST.

3

4 **Parcel 3: Temporary Easement**

5 **Land Description (for Information only): 1274 North Newton Street**

6 A PARCEL LOCATED IN THAT PART OF THE NORTHEAST 1/4 SECTION 6, TOWNSHIP
7 4 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, DENVER COUNTY, STATE
8 OF COLORADO, BEING A PORTION OF LOTS 6 AND 7 OF BLOCK 2, WEST VILLA PARK, THE
9 PARENT PARCEL BEING DESCRIBED IN A DEED RECORDED ON JANUARY 16, 2014 AS
10 RECEPTION NUMBER 2014005164, OF THE CITY AND COUNTY OF DENVER CLERK AND
11 RECORDERS OFFICE, SAID PARCEL BEING THE WEST 10 FEET OF SAID LOTS 6 AND 7 OF
12 BLOCK 2, WEST VILLA PARK, DESCRIBED AS FOLLOWS:

13 COMMENCING FROM A CHISELED + IN THE TOP BACK OF CURB ON THE EAST SIDE OF N
14 NEWTON ST., NORTH 04°46'35" EAST, 205.14 FEET TO THE INTERSECTION OF THE EAST
15 RIGHT OF WAY LINE OF N. NEWTON ST. AND THE NORTH LINE OF SAID LOT 6, SAID
16 INTERSECTION BEING THE POINT OF BEGINNING;

17 THENCE ALONG SAID NORTH LINE LOT 6 SOUTH 89°15'48" EAST, 10.00 FEET;

18 THENCE SOUTH 00°43'12" WEST, 50.00 FEET TO THE SOUTH LINE OF LOT 7;

19 THENCE NORTH 89°15'48" WEST, 10.00 FEET TO SAID INTERSECTION OF THE EAST
20 RIGHT OF WAY LINE OF N. NEWTON ST. AND SAID SOUTH LINE OF LOT 7;

21 THENCE ALONG SAID EAST RIGHT OF WAY LINE OF N. NEWTON ST., COINCIDENT
22 WITH THE WEST LINES OF SAID LOTS 6 AND 7, NORTH 00°43'12" EAST, 50.00 FEET TO THE
23 POINT OF BEGINNING.

24 THE ABOVE-DESCRIBED PARCEL CONTAINS 500 SQ. FT. (0.011 ACRES), MORE OR
25 LESS.

26 BASIS OF BEARINGS: ALL BEARINGS SHOWN HEREIN ARE BASED ON A GRID
27 BEARING OF NORTH 06°42'13" EAST, 291.13 FEET FROM THE RANGE POINT AT THE
28 INTERSECTION OF N NEWTON ST AND W. 12TH AVE, BEING A 2 1/2 IN ALUMINUM CAP IN A
29 RANGE BOX MARKED "RANGE PT 37969", TO THE SAID CHISELED + IN THE TOP BACK OF
30 CURB ON THE EAST SIDE OF N NEWTON ST.

31

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

1 **Section 3.** That the City Council hereby finds and determines that interests in the Parcels
2 described in Section 1 are needed and required for the following public uses and public purposes:
3 to construct, locate, reconstruct, improve, modify improvements, including sidewalks, at three
4 locations as part of the Council District 1 and Council District 3 Sidewalk Gap Improvement Project
5 (the “Project”).

6 **Section 4.** That the City Council hereby authorizes the Mayor, including his duly authorized
7 representatives, in accordance with applicable federal, state, and local laws and rules and
8 regulations adopted pursuant thereto, to (1) acquire the needed property interests in and to the
9 Parcels, including, without limitation, fee title, beneficial title, permanent easements, temporary
10 easements, fixtures, licenses, permits, leasehold interests, improvements, and any other rights,
11 interests, and appurtenances thereto; (2) take all actions necessary to do so without further action
12 by City Council, such as conducting negotiations, executing all related agreements, and making all
13 necessary payments; (3) take actions required by law before instituting condemnation proceedings;
14 (4) allow the temporary use and leasehold of City-owned land; and (5) convey City-owned land,
15 including remnants.

16 **Section 5.** That if for the property interest set forth above, the interested parties do not agree
17 upon the compensation to be paid for such 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 of Colorado, then the City Attorney of the City, upon
20 the Mayor's direction, is hereby authorized and empowered to exercise the City's eminent domain
21 powers by instituting and, as necessary, prosecuting to conclusion proceedings under Title 38,
22 Colorado Revised Statutes, to acquire any needed property interests upon, through, over, under and
23 along the Parcels described in Section 1 above as necessary for the purposes set forth in Section 3
24 above.


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

32 **Section 7.** That the City Council hereby finds and determines that the Project is necessary
33 for the health, safety, and welfare of the public.
34

1 COMMITTEE APPROVAL DATE: April 18, 2023 by Consent

2 MAYOR-COUNCIL DATE: April 25, 2023

3 PASSED BY THE COUNCIL: May 8, 2023

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: Gabrielle S. Corica, Assistant City Attorney DATE: April 27, 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 Kerry Tipper, Denver City Attorney

16 BY:  _____, Assistant City Attorney DATE: Apr 27, 2023