

BY AUTHORITY

ORDINANCE NO. 24-1335

COUNCIL BILL NO. CB24-1335

SERIES OF 2024

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 completion of the Sanderson Gulch Trail Multi-Modal Safety Improvement Project in Council District 7. This includes easement interests, access rights and any improvements on the property as part of the 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:

**PARCEL NUMBER: RW-01
1490 S. SHOSHONE ST.
LAND DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF LOT 13, KEY WEST ADDITION, RECORDED AT RECEPTION NO. 034513 ON AUGUST 30, 1961, IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, AND SITUATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 21, THENCE N83°36'47"W, A DISTANCE OF 1045.92 FEET TO THE NORTHWESTERLY CORNER OF A CITY AND COUNTY OF DENVER PARCEL RECORDED AT BOOK 228, PAGE 93 ON SEPTEMBER 23, 1970, AND THE POINT OF BEGINNING;

THENCE S24°38'40"W, COINCIDENT WITH THE WESTERLY LINE OF SAID PARCEL, A DISTANCE OF 63.28 FEET TO THE NORTHERLY LINE OF A CITY AND COUNTY OF DENVER EASEMENT RECORDED AT BOOK 8110, PAGE 124 ON NOVEMBER 4, 1957;

THENCE N89°31'30"W, COINCIDENT WITH SAID NORTHERLY LINE, A DISTANCE OF 6.07 FEET;

THENCE N21°42'36"E, A DISTANCE OF 61.94 FEET TO THE NORTHERLY LINE OF SAID LOT 13;

THENCE S89°31'30"E, COINCIDENT WITH SAID NORTHERLY LINE, A DISTANCE OF 9.55

1 FEET TO THE POINT OF BEGINNING.

2
3 THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 451 SQUARE FEET, (0.010 ACRES),
4 MORE OR LESS.

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7 **PARCEL NUMBER: RW-02**
8 **1480 S. SHOSHONE ST.**
9 **LAND DESCRIPTION**

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11 A PARCEL OF LAND BEING A PORTION OF LOT 12, KEY WEST ADDITION, RECORDED AT
12 RECEPTION NO. 034513 ON AUGUST 30, 1961, IN THE CITY AND COUNTY OF DENVER
13 CLERK AND RECORDER'S OFFICE, AND SITUATED IN THE NORTHWEST QUARTER OF
14 SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN,
15 CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

16
17 COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 21, THENCE
18 N83°36'47"W, A DISTANCE OF 1045.92 FEET TO THE SOUTHWESTERLY CORNER OF A
19 CITY AND COUNTY OF DENVER PARCEL RECORDED AT BOOK 249, PAGE 334 ON
20 NOVEMBER 16, 1970, AND THE POINT OF BEGINNING;

21
22 THENCE N89°31'30"W, COINCIDENT WITH THE SOUTHERLY LINE OF SAID LOT 12, A
23 DISTANCE OF 9.55 FEET;
24 THENCE N21°52'37"E, A DISTANCE OF 57.47 FEET TO THE NORTHERLY LINE OF SAID LOT
25 12;
26 THENCE S89°31'30"E, COINCIDENT WITH SAID NORTHERLY LINE, A DISTANCE OF 13.23
27 FEET TO THE WESTERLY LINE OF SAID CITY AND COUNTY OF DENVER PARCEL;
28 THENCE S25°12'46"W, COINCIDENT WITH SAID WESTERLY LINE, A DISTANCE OF 58.92
29 FEET TO THE POINT OF BEGINNING.

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31 THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 609 SQUARE FEET, (0.014 ACRES),
32 MORE OR LESS.

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35 **PARCEL NUMBER: RW-03**
36 **1470 S. SHOSHONE ST.**
37 **LAND DESCRIPTION**

38
39 A PARCEL OF LAND BEING A PORTION OF LOT 11, KEY WEST ADDITION, RECORDED AT
40 RECEPTION NO. 034513 ON AUGUST 30, 1961, IN THE CITY AND COUNTY OF DENVER
41 CLERK AND RECORDER'S OFFICE, AND SITUATED IN THE NORTHWEST QUARTER OF
42 SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN,
43 CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

44
45 COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 21, THENCE
46 N80°30'17"W, A DISTANCE OF 1028.42 FEET TO THE SOUTHWESTERLY CORNER OF A
47 CITY AND COUNTY OF DENVER PARCEL RECORDED AT BOOK 228, PAGE 94 ON
48 SEPTEMBER 23, 1970, AND THE POINT OF BEGINNING;

1 THENCE N89°31'30"W, COINCIDENT WITH THE SOUTHERLY LINE OF SAID LOT 11, A
2 DISTANCE OF 9.24 FEET;
3 THENCE N18°57'17"E, A DISTANCE OF 31.47 FEET;
4 THENCE N17°55'10"E, A DISTANCE OF 21.10 FEET TO THE NORTHERLY LINE OF SAID LOT
5 11;
6 THENCE S89°35'59"E, COINCIDENT WITH SAID NORTHERLY LINE, A DISTANCE OF 3.94
7 FEET TO THE WESTERLY LINE OF SAID CITY AND COUNTY OF DENVER PARCEL;
8 THENCE S12°53'23"W, COINCIDENT WITH SAID WESTERLY LINE, A DISTANCE OF 51.18
9 FEET TO THE POINT OF BEGINNING.

10
11 THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 323 SQUARE FEET, (0.007 ACRES),
12 MORE OR LESS.

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15 **PARCEL NUMBER: TE-01**
16 **1901 W. FLORIDA AVE.**
17 **LAND DESCRIPTION**
18

19 A PARCEL OF LAND BEING A PORTION OF A PARCEL OF LAND RECORDED AT
20 RECEPTION NO. 2021223672 ON DECEMBER 7, 2021, IN THE CITY AND COUNTY OF
21 DENVER CLERK AND RECORDER'S OFFICE, AND SITUATED IN THE NORTHWEST
22 QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE 6TH
23 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
24 DESCRIBED AS FOLLOWS:

25
26 COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 21, THENCE
27 N77°30'35"W, A DISTANCE OF 888.67 FEET TO THE NORTHWESTERLY CORNER OF SAID
28 PARCEL AND THE POINT OF BEGINNING;

29
30 THENCE S89°31'30"E, COINCIDENT WITH THE NORTHERLY LINE OF SAID PARCEL, A
31 DISTANCE OF 22.83 FEET;
32 THENCE S42°38'51"W, A DISTANCE OF 34.00 FEET TO THE WESTERLY LINE OF SAID
33 PARCEL;
34 THENCE N00°28'24"E, COINCIDENT WITH SAID WESTERLY LINE, A DISTANCE OF 25.20
35 FEET TO THE POINT OF BEGINNING.

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37 THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 288 SQUARE FEET, (0.007 ACRES),
38 MORE OR LESS.

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41 **Section 2.** That the Council finds and determines that property interests in these properties
42 are needed and required for the following public uses and public purposes: for the construction of
43 the Sanderson Gulch Trail Multi-Modal Safety Improvement Project. This includes easement
44 interests, access rights and any improvements on the property as part of the project.

45 **Section 3.** That Council authorizes the Mayor, including his duly authorized representatives,
46 in accordance with applicable federal, state, and City laws and rules and regulations adopted

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

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

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

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

30 **Section 7.** That the Council authorizes the City to acquire through negotiated purchase or
31 condemnation all or any portion of any property interest as needed for the construction of Sanderson
32 Gulch Trail Multi-Modal Safety Improvement Project.

33 **Section 8.** That the City Council hereby finds and determines that the Project is necessary

1 for the health, safety, and welfare of the public.
2 COMMITTEE APPROVAL DATE: October 8, 2024 by Consent
3 MAYOR-COUNCIL DATE: October 15, 2024
4 PASSED BY THE COUNCIL: October 28, 2024
5 *Amursh P. Sandora* - PRESIDENT
6 APPROVED: *Michael C. Johnston* - MAYOR 10/30/2024
Michael C. Johnston (Oct 30, 2024 10:06 MDT)
7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER
10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
11 PREPARED BY: Johna M. Varty, Assistant City Attorney DATE: October 17, 2024
12 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
13 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.
16
17 Kerry Tipper, Denver City Attorney
18
19 BY: *Anshul Bagga*, Assistant City Attorney DATE: Oct 17, 2024