

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. 15-0731
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance designating certain property 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 as needed for the Globeville Landing Outfall Storm Water Project.

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

Section 1. That the Council hereby designates the following property 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 home rule city and municipal corporation of the State of Colorado:

A part of the Southwest ¼ of Section 23, Township 3 South, Range 68 West of the 6th PM, City and County of Denver, State of Colorado, described as follows:

Beginning at the southerly corner of Block 22, Riverside Addition to Denver, being the point of intersection of the northwesterly line of Blake St. with the northeasterly line of 40th St. (formerly Kansas St.); thence northwesterly along the northeasterly line of 40th St. and said line produced northwesterly, to the westerly corner of Block 27, St. Vincent Addition being the point of intersection of the northeasterly line of 40th St. and the southeasterly line of Brighton Blvd. (formerly St. Vincent Ave.) ; thence northeasterly along the southeasterly line of Brighton Blvd. 560 feet; thence northwesterly and perpendicular to the southeasterly line of Brighton Blvd., 697 feet; thence northeasterly, parallel with the southeasterly line of Brighton Blvd. 150 feet; thence southeasterly, perpendicular to the southeasterly line of Brighton Blvd. 251.5 feet; thence southwesterly, parallel with the southeasterly line of Brighton Blvd., 50 feet; thence southeasterly, perpendicular to the southeasterly line of Brighton Blvd. 460.5 feet to a point 15 feet southeasterly of the southeasterly line of Brighton Blvd.; thence southwesterly, parallel with and 15 feet southeasterly of the southeasterly line of Brighton Blvd. to a point 35 feet northeasterly of the first call in this description; thence southeasterly, parallel with and 35 feet northeasterly of said first call to the northwesterly line of Wynkoop St. in St. Vincent Addition; thence southeasterly to the intersection of the southeasterly line of Wynkoop St. and a line 70 feet northeasterly and parallel with the first call of this description; thence southeasterly, parallel with and 70 feet northeasterly of said first call, 112 feet; thence northeasterly, perpendicular to said first call, 130 feet; Thence southeasterly and parallel with said first call, to the intersection with the north line of 40th Ave. as dedicated by Ordinance 264 of 1955; Thence westerly, along said north line of 40th Ave. to the northwesterly line of Blake St. produced northeasterly; thence southwesterly to the Point of beginning.

1 **Section 2.** That the Council hereby finds and determines that interests in this property are
2 needed and required for the following public uses and public purposes: to construct, locate,
3 reconstruct, improve, modify, remove, and relocate storm water drainage and outfall facilities,
4 systems and structures, and other appurtenant improvements and construction thereof.

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

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

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

1 **Section 6.** That the Council hereby finds and determines that the Globeville Landing Outfall
2 Storm Water Project is necessary for the health, safety and welfare of the public.

3 COMMITTEE APPROVAL DATE: October 8, 2015

4 MAYOR-COUNCIL DATE: October 13, 2015

5 PASSED BY THE COUNCIL: _____, 2015

6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____, 2015

8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

12 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 15, 2015

13 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
16 3.2.6 of the Charter.

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18 D. Scott Martinez, City Attorney for the City and County of Denver

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20 BY: _____, Assistant City Attorney Date: _____, 2015