

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2014

COUNCIL BILL NO. CB13-0912
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance designating certain property as “park” under section 2.4.5 of the city charter, namely Gates-Crescent Park

Whereas, the following real property, known as Gates-Crescent Park, which is under the jurisdiction of the Denver Department of Parks and Recreation, has been or will be used for park purposes within the City and County of Denver (“Park Property”):

A parcel of land located in Section 32, T3S, R68W, of the 6TH P.M., City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Northeast corner of the Southeast one-quarter of the Northeast one-quarter (SE1/4 NE1/4) of said Section 32; Thence S0°00’00”W, along the East line of said Section 32, a distance of 591.94 feet to the Point of Beginning, said Point of Beginning being the Southeast corner of Parcel No. 5 as described at Reception No. 9500076485, City and County of Denver records; Thence S89°58’00”W, along the South line of said Parcel No.5, a distance of 125.00 feet to the Southwest corner of said Parcel No.5; Thence N0°00’00”E, along the West line of said Parcel No.5, a distance of 25.00 feet to a point being the Southeast corner of Children’s Museum Drive as described in Book 1337, Page 147, City and County of Denver records; Thence S89°58’00”W, along the South line of said Children’s Museum Drive, a distance of 40.00 feet to a point on the East line of a parcel of land described in Book 2744, Page 637, City and County of Denver records; Thence the following two (2) courses, along the East line of said Book 2744, Page 637:

- 1. S89°58’00”W, a distance of 8.00 feet;
- 2. S3°51’38”W, a distance of 312.73 feet;

Thence S74°45’00”E, departing said East line, a distance of 32.41 feet; Thence S35°08’35”E, a distance of 28.54 feet; Thence S7°05’28”W, a distance of 53.49 feet; Thence S1°10’45”E, a distance of 21.86 feet; Thence S16°00’00”W, a distance of 21.13 feet; Thence S23°01’52”W, a distance of 15.00 feet to a point of curve; Thence along the arc of a curve to the right having a central angle of 30°52’37”, a radius of 183.71 feet and an arc length of 99.00 feet to a point of tangent; Thence S53°54’29”W, a distance of 19.34 feet; Thence N87°44’16”W, a distance of 217.34 feet to a point on the Easterly right-of-way line of Highway I-25; Thence along said Easterly right-of-way line the following eleven (11) courses:

- 1. Thence S17°27’34”W, a distance of 173.94 feet;
- 2. Thence S5°57’56”W, a distance of 147.08 feet;
- 3. Thence S4°17’22”W, a distance of 100.42 feet;
- 4. Thence S0°17’37”W, a distance of 100.02 feet;
- 5. Thence S3°10’53”E, a distance of 99.16 feet;
- 6. Thence S7°40’47”E, a distance of 48.93 feet;
- 7. Thence S54°33’40”E, a distance of 89.54 feet;
- 8. Thence S89°40’05”E, a distance of 223.98 feet;
- 9. Thence S4°40’46”W, a distance of 102.41 feet;
- 10. Thence S9°58’08”E, a distance of 441.44 feet;

1 11. Thence S18°33'26"E, a distance of 95.69 feet to a point on the Westerly line of the official
2 channel of the South Platte River as described in Ordinance No.117 series of 1910;
3 Thence N04°16'54"E, along said Westerly line, a distance of 1354.20 feet to a point on the
4 Westerly line of a parcel of land described at Reception No.9200017256, City and County of
5 Denver records; Thence along said Westerly line the following six (6) courses;

- 6
- 7 1. Thence N0°01'00"E, a distance of 163.49 feet;
- 8 2. Thence along the arc of a tangent curve to the right, having a central angle of 01°00'00", a
9 radius of 3997.27 feet, an arc length of 69.77 feet and whose chord bears N0°31'00"E, a
10 distance of 69.76 feet to a point of compound curve;
- 11 3. Thence along the arc of a tangent curve to the right, having a central angle of 1°18'20", a
12 radius of 721.28 feet, an arc length of 16.44 feet and whose chord bears N1°40'10"E, a
13 distance of 16.43 feet;
- 14 4. Thence N0°00'00"E, non-tangent to the aforementioned curve, a distance of 60.73 feet;
- 15 5. Thence along the arc of a non-tangent curve to the right, having a central angle of 9°10'59",
16 the radius of which bears S82°53'07"E, a distance of 726.28 feet, an arc length of 116.40
17 feet and whose chord bears N11°42'22"E, a distance of 116.28 feet to a point on the East
18 line of said Section 32;
- 19 6. Thence N0°00'00"E, along said East line, a distance of 73.38 feet to the Point of Beginning.
- 20

21 **Whereas**, the Parks and Recreation Advisory Board and the Manager of Parks and Recreation
22 have recommended that said Park Property be formally designated as a "park" under section 2.4.5
23 of the City Charter.

24 **THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

25 **Section 1.** That the Park Property, known as Gates-Crescent Park, is hereby designated as a
26 "park" under section 2.4.5 of the City Charter and shall henceforth be regarded as being a
27 designated park in the City and County of Denver, such designation being subject to (a) the
28 existing Public Service Company overhead transmission lines located on the Park Property, and
29 (b) any other existing utilities lawfully located in the Park Property as of the date of this park
30 designation. In addition, the designation is subject to and conditioned upon an exclusive lease to
31 The Children's Museum of Denver, Inc., contained in a Cooperative Agreement dated January 3,
32 2013, and recorded June 3, 2013 at reception number 2013078747 of the Denver Clerk and
33 Recorder's Office, such lease commencing on January 23, 2014, pursuant to that Notice of
34 Exercise dated and recorded on December 24, 2013, and recorded at reception number
35 2013181070, as the lease may be modified, amended, extended, supplemented or replaced. For
36 clarification, the exclusive use of the "Leased Property" by The Children's Museum of Denver, Inc.,
37 as provided for in the Cooperative Agreement, is a "park purpose" as required by Section 2.4.5 of
38 the City Charter. In the event of a conflict regarding the use of the "Leased Property" and the
39 designation under this ordinance, the terms of the Cooperative Agreement shall control.

1 COMMITTEE APPROVAL DATE: December 10, 2013

2 MAYOR-COUNCIL DATE: December 17, 2013

3 PASSED BY THE COUNCIL: _____, 2014

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____, 2014

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014

10 PREPARED BY: Patrick A. Wheeler - Assistant City Attorney – DATE: January 16, 2014

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the 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.

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16 D. Scott Martinez, Denver City Attorney

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18 BY: _____, Assistant City Attorney DATE: _____, 2014