

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2010

COUNCIL BILL NO. CB10-0972
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

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 including all improvements, fixtures, licenses, permits, access points and any other rights and interests related or appurtenant to properties so designated.

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:

PERMANENT EASEMENTS

[BALANCE OF PAGE INTENTIONALLY BLANK]

CDOT Property
2000 S. Holly St.
Parcel ID#0629200069000
and 0629200064000

PE-1
Land Description

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded September 7, 2004 at Reception No. 2004186450 and being more particularly described as follows:

Commencing at the northwest corner of said Northwest $\frac{1}{4}$, thence S00°10'18"E, along the west line of said Northwest $\frac{1}{4}$ (Basis of Bearings), a distance of 839.33 feet; thence N89°49'42"E, a distance of 33.00 feet, to a point on the west line of said tract of land described in deed recorded at Reception No. 2004186450, said point being the Point of Beginning; thence S85°13'30"E, a distance of 217.47 feet; thence S88°49'48"E, a distance of 45.41 feet; thence S01°10'12"W, a distance of 10.00 feet; thence S88°49'48"E, a distance of 50.97 feet; thence N01°10'12"E, a distance of 10.00 feet; thence S88°49'48"E, a distance of 30.86 feet; thence S85°13'30"E, a distance of 444.18 feet; thence S89°53'16"E, a distance of 258.34 feet; thence S85°13'30"E, a distance of 134.47 feet to a point on the east line of said tract of land described in deed recorded at Reception No. 2004186450; thence S00°06'00"E, along said east line, a distance of 35.13 feet; thence N85°13'30"W, a distance of 136.03 feet; thence N89°53'16"W, a distance of 258.34 feet; thence N85°13'30"W, a distance of 444.51 feet; thence N88°49'48"W, a distance of 206.76 feet; thence N85°13'30"W, a distance of 135.74 feet to a point on the west line of said tract of land described in deed recorded at Reception No. 2004186450; thence N00°10'18"W, along said west line, a distance of 40.15 feet to the Point of Beginning. Parcel contains: 41,727 square feet or 0.96 acres, more or less.

Description prepared by



Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

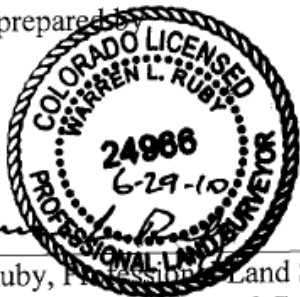
Public Service Company Property
2001 S. Monaco Parkway Apprx.
Parcel ID 0629200062000

PE-2 Land Description

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded August 9, 1960 in Book 1206 at page 453 (Arapahoe County Records) and being more particularly described as follows:

Commencing at the northwest corner of said Northwest $\frac{1}{4}$, thence S53°53'15"E, (Bearings are based on the west line of said Northwest $\frac{1}{4}$ assumed to bear S00°10'18"E) a distance of 1602.36 feet to the Point of Beginning, said point lying 20.00 feet southerly (perpendicular) of the north line of said tract of land described in deed recorded in Book 1206 at page 453; thence S00°06'00"E, a distance of 8.17 feet; thence S76°32'42"E, a distance of 88.53 feet; thence S85°13'30"E, a distance of 181.17 feet to the west line of that tract of land described in deed recorded September 1, 1992 at Reception No. 9200100933; thence S00°04'23"E, along said west line, a distance of 7.03 feet; thence N85°13'30"W, a distance of 202.01 feet; thence N76°28'16"W, a distance of 121.56 feet; thence N85°13'30"W, a distance of 7.19 feet to a point lying 20.00 feet easterly (perpendicular) of the east line of that tract of land described in deed recorded September 7, 2004 at Reception No. 2004186450; thence N00°06'00"W, parallel with and 20.00 easterly of said east line, a distance of 10.04 feet to a point lying 20.00 feet southerly (perpendicular) of the north line of that tract of land described in deed recorded August 9, 1960 in Book 1206 at page 453 (Arapahoe County Records); thence S85°13'30"E, parallel with and 20.00 feet southerly of said north line, a distance of 60.22 feet to the Point of beginning. Parcel contains 2,936 square feet or 0.07 acres, more or less.

Description prepared by



Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

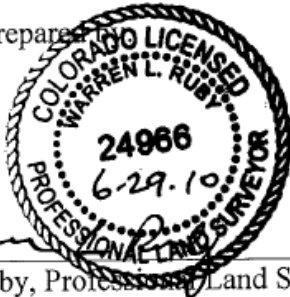
Public Service Company Property
2001 S. Monaco Parkway Apprx.
Parcel ID 0629200062000

PE-3
Land Description

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded August 9, 1960 in Book 1206 at page 453 (Arapahoe County Records) and being more particularly described as follows:

Commencing at the northwest corner of said Northwest $\frac{1}{4}$, thence S53°53'15"E, (Bearings are based on the west line of said Northwest $\frac{1}{4}$ assumed to bear S00°10'18"E) a distance of 1602.36 feet to the Point of Beginning, said point lying 20.00 feet southerly (perpendicular) of the north line of said tract of land described in deed recorded in Book 1206 at page 453; thence S85°13'30"E, parallel with and 20.00 southerly of said north line, a distance of 267.56 feet to the west line of that tract of land described in deed recorded September 1, 1992 at Reception No. 9200100933; thence S00°04'23"E, along said west line, a distance of 21.58 feet; thence N85°13'30"W, a distance of 181.17 feet; thence N76°32'42"W, a distance of 88.53 feet; thence N00°06'00"W, a distance of 8.17 feet to the Point of Beginning. Parcel contains 5,175 square feet or 0.12 acres, more or less.

Description prepared by



Warren L. Ruby
Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

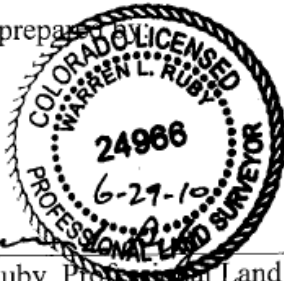
Chuo-Sen & Sau Wail Hsu Property
2001 S. Monaco Parkway Apprx.
Parcel ID 0629200061000

PE-4
Land Description

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded September 1, 1992 at Reception No. 9200100933 and being more particularly described as follows:

Commencing at the northwest corner of said Northwest $\frac{1}{4}$, thence S57°59'42"E, (Bearings are based on the west line of said Northwest $\frac{1}{4}$ assumed to bear S00°10'18"E) a distance of 1840.95 feet to a point on the west line of said tract of land described in deed recorded at Reception No. 9200100933 lying 29.00 feet southerly (perpendicular) of the north line of said tract and said point being the Point of Beginning; N00°04'23"W, along said west line, a distance of 9.03 feet; to a point lying 20.00 feet southerly (perpendicular) of said north line; thence S85°13'30"E, parallel with and 20.00 feet southerly of said north line, a distance of 551.97 feet to the east line of said tract of land described in deed recorded at Reception No. 9200100933; thence S00°04'23"E, along said east line, a distance of 9.03 feet; thence N85°13'30"W, a distance of 551.97 feet to the Point of Beginning. Parcel 4,968 square feet or 0.11 acres, more or less.

Description prepared by



Warren L. Ruby
Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

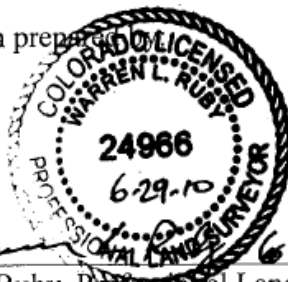
Chuo-Sen & Sau Wail Hsu Property
2001 S. Monaco Parkway Apprx.
Parcel ID 0629200061000

PE-5
Land Description

A tract of land situated in the Northwest ¼ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded September 1, 1992 at Reception No. 9200100933 and being more particularly described as follows:

Commencing at the northwest corner of said Northwest ¼, thence S57°59'42"E, (Bearings are based on the west line of said Northwest ¼ assumed to bear S00°10'18"E) a distance of 1840.95 feet to a point on the west line of said tract of land described in deed recorded at Reception No. 9200100933 lying 29.00 feet southerly (perpendicular) of the north line of said tract and said point being the Point of Beginning, thence S85°13'30"E, parallel with and 29.00 southerly of said north line, a distance of 551.97 feet to the east line of said tract of land described in deed recorded at Reception No. 9200100933; thence S00°04'23"E, along said east line, a distance of 10.04 feet; thence N85°13'30"W, a distance of 551.97 feet to the west line of said tract of land described in deed recorded at Reception No. 9200100933; thence N00°04'23"W, along said west line, a distance of 10.04 feet to the Point of Beginning. Parcel contains 5,520 square feet or 0.13 acres, more or less.

Description prepared by



Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

Public Service Company Property
2001 S. Monco Parkway Apprx.
Parcel ID 0629200063000

PE-6
Land Description

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded August 9, 1960 in Book 1206 at page 453 (Arapahoe County Records) and being more particularly described as follows:

Commencing at the northwest corner of said Northwest $\frac{1}{4}$, thence $S64^{\circ}10'37''E$, (Bearings are based on the west line of said Northwest $\frac{1}{4}$ assumed to bear $S00^{\circ}10'18''E$) a distance of 2345.39 feet to a point on the east line of that tract of land described in deed recorded September 1, 1992 at Reception No. 9200100933 lying 29.00 feet southerly (perpendicular) of the north line of said tract of land described in deed recorded in Book 1206 at page 453 and said point being the Point of Beginning; $N00^{\circ}04'23''W$, along said east line, a distance of 9.03 feet to a point lying 20.00 feet southerly (perpendicular) of said north line; thence $S85^{\circ}13'30''E$, parallel with and 20.00 feet southerly of said north line, a distance of 385.65 feet; thence $S00^{\circ}00'17''E$, a distance of 9.03 feet; thence $N85^{\circ}13'30''W$, a distance of 385.64 feet to the Point of Beginning. Parcel contains 3,471 square feet or 0.08 acres, more or less.

Description prepared



Warren L. Ruby
Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

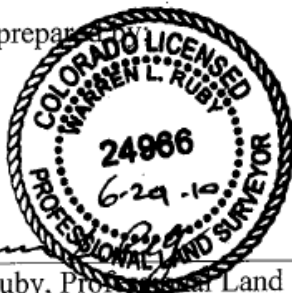
Public Service Company Property
2001 S. Monaco Parkway Apprx.
Parcel ID 0629200063000

PE-7
Land Description

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded August 9, 1960 in Book 1206 at page 453 (Arapahoe County Records) and being more particularly described as follows:

Commencing at the northwest corner of said Northwest $\frac{1}{4}$, thence S64°10'37"E, (Bearings are based on the west line of said Northwest $\frac{1}{4}$ assumed to bear S00°10'18"E) a distance of 2345.39 feet to a point on the east line of that tract of land described in deed recorded September 1, 1992 at Reception No. 9200100933 lying 29.00 feet southerly (perpendicular) of the north line of said tract of land described in deed recorded in Book 1206 at page 453 and said point being the Point of Beginning; thence S85°13'30"E, parallel with and 29.00 feet southerly of said north line, a distance of 385.64 feet; thence S25°32'03"E, a distance of 24.32 feet to a point on the north line of that tract of land described in deed recorded April 15, 1974 in the Arapaho County Records in Book 863 at Page 575; thence N85°13'30"W, along said north line, a distance of 23.17 feet; thence N25°32'03"W, a distance of 12.74 feet; thence N85°13'30"W, a distance of 367.47 feet to a point on the east line of said tract of land described in deed recorded at Reception No. 9200100933; thence N00°04'23"W, along said east line, a distance of 10.04 feet to the Point of Beginning. Parcel contains 4,136 square feet or 0.09 acres, more or less.

Description prepared by



Warren L. Ruby
Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

B.L.Z. Company Property
6433 E. Evans Ave. &
6495 E. Evans Ave.
Parcel ID 062920005600 &
0629200089000

PE-8 Land Description

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded April 15, 1974 in the Arapaho County Records in Book 863 at Page 575 and being more particularly described as follows:

Commencing at the northwest corner of said Northwest $\frac{1}{4}$, thence S66°36'48"E, (Bearings are based on the west line of said Northwest $\frac{1}{4}$ assumed to bear S00°10'18"E) a distance of 2705.13 feet to a point on the north line of said tract of land described in deed recorded in Book 863 at Page 575 said point being the Point of Beginning; thence S85°13'30"E, along said north line, a distance of 23.17 feet; thence S25°32'03"E, a distance of 46.33 feet; thence S85°13'30"E, a distance of 90.04 feet to a point lying 30.00 feet westerly (perpendicular) of the east line of said Northwest $\frac{1}{4}$; thence S00°01'42"E, parallel with and 30.00 feet westerly of said east line, a distance of 20.07 feet; thence N85°13'30"W, a distance of 103.19 feet; thence N25°32'03"W, a distance of 69.50 feet to the Point of Beginning. Parcel contains 3,091 square feet or 0.07 acres, more or less.

Description prepared by



Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

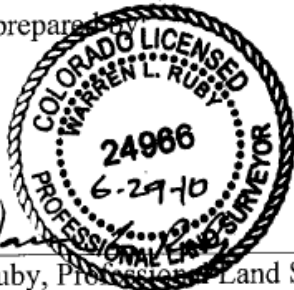
Public Service Company Property
2001 S. Monaco Parkway Apprx.
Parcel ID 0629200063000

PE-9
Land Description

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded August 9, 1960 in Book 1206 at page 453 (Arapahoe County Records) and being more particularly described as follows:

Commencing at the northwest corner of said Northwest $\frac{1}{4}$, thence S67°13'21"E, (Bearings are based on the west line of said Northwest $\frac{1}{4}$ assumed to bear S00°10'18"E) a distance of 2793.50 feet to a point on the north line of the tract of land described in deed recorded April 15, 1974 in the Arapaho County Records in Book 863 at Page 575, said point being the Point of Beginning; thence N00°01'42"W, parallel with the east line of said Northwest $\frac{1}{4}$, a distance of 30.11 feet to a point lying 20.00 feet southerly (perpendicular) of the north line of said tract of land described in deed recorded in Book 1206 at page 453; thence S85°13'30"E, parallel with and 20.00 feet southerly of said north line, a distance of 40.14 feet to a point lying 30.00 feet westerly (perpendicular) of said east line of the Northwest $\frac{1}{4}$; thence S00°01'42"E, parallel with and 30.00 feet westerly of said east line, a distance of 30.11 feet to the northeast corner of said tract of land described in deed recorded in Book 863 at Page 575; thence N85°13'30"W, along the north line of said tract, a distance of 40.14 feet to the Point of Beginning. Parcel contains 1,204 square feet or 0.03 acres, more or less.

Description prepared by



Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

B.L.Z. Company Property
6433 E. Evans Ave.
Parcel ID 0629200056000

PE-10
Land Description

A tract of land situated in the Northwest ¼ of Section 29, Township 4 South, Range 67 West, of the Sixth P.M., City and County of Denver, State of Colorado, being a part of that tract of land described in deed recorded April 15, 1974 in the Arapaho County Records in Book 863 at Page 575 and being more particularly described as follows:

Commencing at the northwest corner of said Northwest ¼, thence S67°13'21"E, (Bearings are based on the west line of said Northwest ¼ assumed to bear S00°10'18"E) a distance of 2793.50 feet to a point on the north line of said tract of land described in deed recorded in Book 863 at Page 575, said point being the Point of Beginning; thence S85°13'30"E, along said north line, a distance of 40.14 feet to a point lying 30.00 feet westerly (perpendicular) of the east line of said Northwest ¼; thence S00°01'42"E, parallel with and 30.00 feet westerly of said east line, a distance of 40.14 feet; thence N85°13'30"W, a distance of 40.14 feet; thence N00°01'42"W, a distance of 40.14 feet to the Point of Beginning. Parcel contains 1,606 square feet or 0.04 acres, more or less.

Description prepared by:



Warren L. Ruby, Professional Land Surveyor 24966
For and on behalf of the City and County of Denver
Public Works Right-of-Way Services – Survey
201 W. Colfax Ave. Dept. 507
Denver, CO 80202
720-865-3046

1 **Section 2.** That the Council hereby finds and determines that these properties are needed
2 and required for the following public uses and public purposes: storm sewer outfall, drainage, other
3 appurtenant improvements and construction thereof.

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

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

22 **Section 5.** That the Council hereby finds and determines that the Denver Department of
23 Public Works may find the need to alter the legal descriptions of certain easement areas referred to
24 in this Ordinance and may continue to do so in order to meet the needs of the project.

25 **Section 6.** If minor modifications are made to the legal descriptions of any of the properties
26 referred to in this Ordinance, Council hereby authorizes the Mayor, including his duly authorized
27 representatives, in accordance with applicable federal, state, and City laws and rules and
28 regulations adopted pursuant thereto, to acquire those easements as the legal descriptions are
29 altered by the Denver Department of Public Works in accordance with the means authorized in this
30 Ordinance.

31 **Section 7.** That the Council hereby finds and determines that to improve the safety and
32 operation of the South Holly Street and Pacific Place storm sewer outfall to Goldsmith Gulch, it

1 may be necessary to rebuild, modify, remove, and relocate facilities for the benefit of the project.

2 **Section 8.** That the Council hereby authorizes the City to use the power of eminent
3 domain to act as the local authority to rebuild, modify, remove, and relocate existing South Holly
4 and Pacific Place storm sewer outfall facilities to Goldsmith Gulch

5 COMMITTEE APPROVAL BY CONSENT: (by consent) November 10, 2010

6 MAYOR-COUNCIL DATE: November 16, 2010

7 PASSED BY THE COUNCIL _____ 2010

8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____ 2010

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

13 NOTICE PUBLISHED IN THE DAILY JOURNAL _____, 2010

14 PREPARED BY: Jo Ann Weinstein - ASSISTANT CITY ATTORNEY- December 9, 2010

15 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
16 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 ordinance. The proposed ordinance is, in part, submitted to the City Council for approval pursuant to
18 § 3.2.6 of the Charter.

19

20 City Attorney

21 BY: _____, _____ City Attorney DATE: _____, 2010