

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. CB11-0572  
COMMITTEE OF REFERENCE:  
Government & Finance

**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:

(a) Fee simple of the following described parcel of land:

PORTIONS OF LOTS 4 THROUGH 7, BLOCK 169, EAST DENVER LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN TOGETHER WITH A PORTION OF OUTLOT 3, WHITTER'S FIRST ADDITION TO THE CITY OF DENVER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE 20 FOOT RANGE LINE IN 12TH STREET, MONUMENTED IN WELTON STREET WITH A NAIL AND 2 INCH DIAMETER DISK STAMPED PLS 28668 AND MONUMENTED IN GLENARM STREET WITH A 3-1/4 INCH DIAMETER ALUMINUM CAP STAMPED PLS 28668 IN RANGEBOX IS ASSUMED TO BEAR S 45°05'08" E, A DISTANCE OF 346.05 FEET. BEARINGS ARE BASED ON THE DENVER CITY SURVEYOR'S COORDINATE SYSTEM.

COMMENCING AT THE 20 FOOT RANGE POINT AT THE INTERSECTION OF WELTON STREET AND 12TH STREET; THENCE S 21°25'34" W, A DISTANCE OF 150.12 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF WELTON STREET, WHENCE THE MOST NORTHERLY CORNER OF SAID BLOCK 169 BEARS N 44°59'01" E, A DISTANCE OF 77.68 FEET AND THE SOUTHWEST CORNER OF SAID SECTION 34 BEARS S 70°08'56" W, A DISTANCE OF 219.03 FEET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE 44.57 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 93.00 FEET AND A CENTRAL ANGLE OF 27°27'41", THE CHORD OF WHICH BEARS S 13°54'35" W, A DISTANCE OF 44.15 FEET;

THENCE S 00°10'44" W, A DISTANCE OF 40.95 FEET;

THENCE S 46°36'22" E, A DISTANCE OF 16.60 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF WEST COLFAX AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, N 89°47'46" W, A DISTANCE OF 96.14 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF WELTON STREET;

THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, N 44°59'01" E, A DISTANCE OF 134.12 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 3,717 SQUARE FEET OR 0.085 ACRES, MORE OR LESS.

1 (b) A temporary construction easement in the following described parcel of land:  
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PORTIONS OF LOTS 4 THROUGH 6, BLOCK 169, EAST DENVER LOCATED IN THE  
SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE  
SIXTH PRINCIPAL MERIDIAN TOGETHER WITH A PORTION OF OUTLOT 3, WHITTER'S FIRST  
ADDITION TO THE CITY OF DENVER, LOCATED IN THE NORTHWEST QUARTER OF SECTION  
3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND  
COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

BASIS OF BEARINGS: THE 20 FOOT RANGE LINE IN 12TH STREET, MONUMENTED IN  
WELTON STREET WITH A NAIL AND 2 INCH DIAMETER DISK STAMPED PLS 28668 AND  
MONUMENTED IN GLENARM STREET WITH A 3-1/4 INCH DIAMETER ALUMINUM CAP  
STAMPED PLS 28668 IN RANGEBOX IS ASSUMED TO BEAR S 45°05'08" E, A DISTANCE  
OF 346.05 FEET. BEARINGS ARE BASED ON THE DENVER CITY SURVEYOR'S COORDINATE  
SYSTEM.

COMMENCING AT THE 20 FOOT RANGE POINT AT THE INTERSECTION OF WELTON STREET  
AND 12TH STREET; THENCE S 21°25'34" W, A DISTANCE OF 150.12 FEET TO THE  
SOUTHEASTERLY RIGHT OF WAY LINE OF WELTON STREET, WHENCE THE SOUTHWEST  
CORNER OF SAID SECTION 34 BEARS S 70°08'56" W, A DISTANCE OF 219.03 FEET, SAID  
POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF WELTON STREET,  
N 44°59'01" E, A DISTANCE OF 61.57 FEET;  
THENCE S 45°00'59" E, A DISTANCE OF 10.00 FEET;  
THENCE S 44°59'01" W, A DISTANCE OF 60.00 FEET;  
THENCE 38.30 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING  
A RADIUS OF 83.00 FEET AND A CENTRAL ANGLE OF 26°26'16", THE CHORD OF WHICH  
BEARS S 13°23'52" W, A DISTANCE OF 37.96 FEET;  
THENCE S 00°10'44" W, A DISTANCE OF 36.62 FEET;  
THENCE S 46°36'22" E, A DISTANCE OF 8.32 FEET;  
THENCE S 89°47'46" E, A DISTANCE OF 25.00 FEET;  
THENCE S 00°12'14" W, A DISTANCE OF 10.00 FEET TO THE NORTHERLY RIGHT OF WAY  
LINE OF WEST COLFAX AVENUE;  
THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF WEST COLFAX AVENUE,  
N 89°47'46" W, A DISTANCE OF 28.96 FEET;

THENCE N 46°36'22" W, A DISTANCE OF 16.60 FEET;  
THENCE N 00°10'44" E, A DISTANCE OF 40.95 FEET;  
THENCE 44.57 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS  
OF 93.00 FEET AND A CENTRAL ANGLE OF 27°27'41", THE CHORD OF WHICH BEARS  
N 13°54'35" E, A DISTANCE OF 44.15 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 1,804 SQUARE FEET OR 0.041 ACRES, MORE OR LESS.

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6 **Section 2.** That the Council hereby finds and determines that these properties are needed  
7 and required for the following public uses and public purposes: road, sidewalk, drainage,  
8 landscaping, medians, other appurtenant improvements and construction thereof.

9 **Section 3.** That the Council hereby authorizes the Mayor, including his duly authorized  
10 representatives, in accordance with applicable federal, state, and City laws and rules and  
11 regulations adopted pursuant thereto, to acquire the property interests described in Section 1,

1 including all fixtures, licenses, permits, improvements (including without limitation, general outdoor  
2 advertising devices and buildings) and any other rights and interests, including appurtenances  
3 thereto, including the taking of all actions necessary to do so without further action by City  
4 Council, such as conducting negotiations, executing all related agreements, and making all  
5 necessary payments; to take actions required by law before instituting condemnation proceedings;  
6 to allow the temporary use of City-owned land; and to convey City-owned land, including  
7 remnants.

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

17 **Section 5.** That the Council hereby finds and determines that the Denver Department of  
18 Public Works may find the need to alter the legal descriptions of properties including temporary  
19 easement areas, referred to in this Ordinance and may continue to do so in order to meet the  
20 needs of the Project. If minor modifications are made to the legal descriptions of any of the  
21 properties referred to in this Ordinance, Council hereby authorizes the Mayor, including his duly  
22 authorized representatives, in accordance with applicable federal, state, and City laws and rules  
23 and regulations adopted pursuant thereto, to acquire those properties as the legal descriptions are  
24 altered by the Denver Department of Public Works in accordance with the means authorized in  
25 this 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 and authorizes the Manager of Public Works to do so.

30 **Section 7.** That the Council hereby authorizes the City to use the power of eminent domain  
31 to act as the local authority to accomplish the public use and public purposes set forth herein.  
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2 COMMITTEE APPROVAL DATE: October 5, 2011

3 MAYOR-COUNCIL DATE: October 11, 2011

4 PASSED BY THE COUNCIL \_\_\_\_\_, 2011

5 \_\_\_\_\_ - PRESIDENT

6 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2011

7 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
8 EX-OFFICIO CLERK OF THE  
9 CITY AND COUNTY OF DENVER

10 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_, 2011

11 PREPARED BY: Karen A. Aviles - ASSISTANT CITY ATTORNEY - DATE: October 13, 2011

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

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17 Douglas J. Friednash, Denver City Attorney

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19 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2011