

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0265
COMMITTEE OF REFERENCE:
Finance & Services

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 easements and other interests, including any rights and interest related or appurtenant to such properties so designated, as needed for the installation of upgraded traffic signals and ADA curb ramps along Colorado Boulevard at the intersections of Louisiana Avenue and Arkansas Avenue.

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, 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:

LEGAL DESCRIPTIONS

Permanent easement, No. PE-1, of the Department of Transportation, State of Colorado, Project No. SHE CO10-112, containing 115 square feet (0.003 acres), more or less, in the northwest quarter of Section 19, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being a portion of Block 25, Cherry Creek Gardens, no recording information available, being more particularly described as follows:

Commencing at the west quarter section corner of Section 19, Township 4 South, Range 67 West of the Sixth Principal Meridian; Thence N06°22'1 O"E, a distance of 616.30 feet to a point on the easterly line of an existing pedestrian easement as described in the Easement Deed recorded in Book 2677 at Page 241 of the City and County of Denver Clerk and Recorder's Office, said point being the POINT OF BEGINNING;

1. Thence along said easterly line, and the southerly lines of said pedestrian easement, the following three (3) courses:
 1. N00°23'10"W, a distance of 13.15 feet;
 2. N44°08'56"E, a distance of 4.32 feet;
 3. N89°27'33"E, a distance of 11.41 feet;
2. Thence S00°21'36"E, a distance of 4.25 feet;
3. Thence 889°25'31 "W, a distance of 9.47 feet;
4. Thence S02°25'19"W, a distance of 1.99 feet;
5. Thence S00°35'03"E, a distance of 10.00 feet;
6. Thence S89°38'37"W, a distance of 4.91 feet to the POINT OF BEGINNING.

The above described permanent easement contains 115 square feet (0.003 acres), more or less, and is for the construction, maintenance and use of sidewalks, traffic signals and associated appurtenances.

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2 BASIS OF BEARINGS: Bearings are based on the west line of the southwest quarter of the northwest quarter of
3 Section 19, T4S, 467W of the 6th P.M. calculated using reference ties at the west quarter corner of said Section
4 19 and at the north sixteenth corner of said Section 19 from current monument records. The line described herein
5 bears N00°23'10"W a distance of 1321.11 feet.
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7 Permanent easement, No. PE-2, of the Department of Transportation, State of Colorado, Project No. SHE
8 2014/Faster 2015, containing 348 square feet (0.008 acres), more or less, in the northeast quarter of Section 24,
9 Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being
10 more particularly described as follows:
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12 Commencing at the east quarter section corner of Section 24, Township 4 South, Range 68 West of the Sixth
13 Principal Meridian; thence N03°14'02"W, a distance of 603.87 feet to a point on the westerly right-of-way of S.
14 Colorado Blvd., said point being the POINT OF BEGINNING;
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- 17 1. Thence S89°38'49"W, a distance of 9.06 feet;
- 18 2. Thence N05°53'20"W, a distance of 11.55 feet;
- 19 3. Thence N00°21'11"W, a distance of 23.37 feet to a point on the north property line of a parcel of land
20 recorded at Rec. No. 0000060069;
- 21 4. Thence N89°37'28"E along said property line, a distance of 10.16 feet to a point on the westerly right-of-
22 way of S. Colorado Blvd.;
- 23 5. Thence S00°23'10"E along said right-of-way, a distance of 34.88 feet to the POINT OF BEGINNING.
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25 The above described permanent easement contains 348 square feet (0.008 acres), more or less, and is for the
26 construction, maintenance and use of roadway facilities and associated appurtenances, including sidewalks.
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28 BASIS OF BEARINGS: Bearings are based on the west line of the southwest quarter of the northwest quarter
29 of Section 19, T4S, R67W of the 6th P.M. calculated using reference ties at the west quarter corner of said
30 Section 19 and the north sixteenth corner of said Section 19 from current monument records. The line described
31 herein bears N00°23'10"W a distance of 1321.11'.
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33 Permanent easement, No. PE-3, of the Department of Transportation, State of Colorado, Project No. SHE
34 2014/Faster 2015, containing 345 square feet (0.008 acres), more or less, in the northeast quarter of Section 24,
35 Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being
36 more particularly described as follows:
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38 Commencing at the east quarter section corner of Section 24, Township 4 South, Range 68 West of the Sixth
39 Principal Meridian; thence N02°53'34"W, a distance of 686.01 feet to a point on the westerly right-of-way of S.
40 Colorado Blvd., said point being the POINT OF BEGINNING;
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- 43 1. Thence S89°36'50"W, a distance of 10.18 feet;
- 44 2. Thence N00°21'27"W, a distance of 27.19 feet;
- 45 3. Thence N29°38'33¹¹E, a distance of 10.48 feet;
- 46 4. Thence N89°36'50"E, a distance of 4.92 feet to a point on the westerly right-of-way of S. Colorado
47 Blvd.;
- 48 5. Thence S00°23'10"E along said right-of-way, a distance of 36.26 feet to the POINT OF BEGINNING.
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50 The above described permanent easement contains 345 square feet (0.008 acres), more or less, and is for the
51 construction, maintenance and use of roadway facilities and associated appurtenances, including sidewalks.
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1 BASIS OF BEARINGS: Bearings are based on the west line the southwest quarter of the northwest quarter of
2 Section 19, T4S, R67W of the 6th P.M calculated using reference ties at the west quarter corner of said Section 19 and
3 at the north sixteenth corner of said Section 19 from current monument records. The line described herein bears
4 N00°23'10"W a distance of 1321.11'

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7 Permanent easement, No. PE-3A, of the Department of Transportation, State of Colorado, Project No. SHE
8 2014/Faster 2015, containing 201 square feet (0.005 acres), more or less, in the northeast quarter of Section 24,
9 Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being
10 more particularly described as follows:

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12 Commencing at the northeast corner of the southeast quarter of the northeast quarter Section 24, Township 4
13 South, Range 68 West of the Sixth Principal Meridian; Thence S28°13'57"W, a distance of 62.63 feet to a point
14 on the westerly right-of-way of S. Colorado Blvd., said point being the POINT OF BEGINNING;

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- 16 1. Thence S00°23'10"E along the westerly right-of-way of S. Colorado Blvd., a distance of 4.94 feet;
- 17 2. Thence S89°38'36"W, a distance of 8.50 feet;
- 18 3. Thence N00°21'24"W, a distance of 9.87 feet;
- 19 4. Thence N46°13'34"W, a distance of 27.36 feet to a point on the southerly right-of-way of E. Louisiana
20 Ave. and a point of non-tangent curvature;
- 21 5. Thence along the arc of a non-tangent curve to the right an arc length of 37.32 feet, said curve having a
22 radius of 24.00 feet, a central angle of 89°06'20", and a chord which bears S44°56'21" Ea chord distance
23 of 33.68 feet;
- 24 6. Thence N89°36'50"E, a distance of 4.50 feet to the POINT OF BEGINNING.

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26 The above described permanent easement contains 201 square feet (0.005 acres), more or less, and is for the
27 construction, maintenance and use of roadway facilities and associated appurtenances, including sidewalks.

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29 BASIS OF BEARINGS: Bearings are based on the west line of the southwest quarter of the northwest quarter
30 of Section 19, T4S, R67W of the 6th P.M calculated using reference ties at the west quarter corner of said
31 Section 19 and at the north sixteenth corner of said Section 19 from current monument records. The line
32 described herein bears N00°23'10"W a distance of 1321.11'.

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34 Permanent easement, No. PE-4, of the Department of Transportation, State of Colorado, Project No. SHE
35 2014/Faster 2015, containing 135 square feet (0.003 acres), more or less, in the northwest quarter of Section
36 19, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver,
37 Colorado, being a portion of Lot I, Block 4, Kibler Addition, no recording information available, being more
38 particularly described as follows:

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40 Commencing at the northwest corner of the southwest quarter of the northwest quarter of Section 19,
41 Township 4 South, Range 67 West of the Sixth Principal Meridian; Thence S69°58'32"E, a distance of
42 85.36 feet to a point on the north line of said Lot 1, said point also being 20 feet east of the northwest corner
43 of said Lot 1, and the POINT OF BEGINNING;

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- 45 1. Thence N89°26'31"E along the southerly right-of-way of E. Louisiana Ave., a distance of 16.32 feet;
- 46 2. Thence S44°09'58"W, a distance of 23.27 feet to a point on the easterly right-of-way of S.
47 Colorado Blvd.;
- 48 3. Thence N00°23'10"W along said easterly right-of-way, a distance of 16.53 feet to the POINT OF
49 BEGINNING.

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51 The above described permanent easement contains 135 square feet (0.003 acres), more or less, and is for
52 the construction, maintenance and use of roadway facilities and associated appurtenances, including

1 sidewalks.

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3 BASIS OF BEARINGS: Bearings are based on the west line of the southwest quarter of the northwest
4 quarter of Section 19, T4S, R67W of the 6th P.M calculated using reference ties at the west quarter corner
5 of said Section 19 and at the north sixteenth corner of said Section 19 from current monument records.
6 The line described herein bears N00°23'10"W a distance of 1321.11'.

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8 Permanent easement, No. PE-5, of the Department of Transportation, State of Colorado, Project No. SHE
9 2014/Faster 2015, containing 80 square feet (0.002 acres), more or less, in the northwest quarter of Section 19,
10 Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being
11 a portion of Block 9, Cherry Creek Gardens, no recording information available, being more particularly
12 described as follows:

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14 Commencing at the southwest corner of the northwest quarter of the northwest quarter of Section 19,
15 Township 4 South, Range 67 West of the Sixth Principal Meridian; Thence N66°16'12"E, a distance of 76.24
16 feet a point on the south line of said Block 9 and the POINT OF BEGINNING;

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20 1. Thence N00°23'08"W along the easterly right-of-way of S. Colorado Blvd., a distance of 17.43 feet;
21 2. Thence S59°42'30"E, a distance of 2.27 feet;
22 3. Thence S00°17'41"E, a distance of 6.64 feet;
23 4. Thence S45°15'37"E, a distance of 12.30 feet;
24 5. Thence N89°10'36"E, a distance of 2.08 feet;
25 6. Thence S00°49'24"E, a distance of 0.89 feet to a point on the south line of said Block 9, being the
26 northerly right-of-way of E. Louisiana Ave.;
- 27 7. Thence S89°26'31"W along said northerly right-of-way, a distance of 12.71 feet to the POINT OF
28 BEGINNING.

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30 The above described permanent easement contains 80 square feet (0.002 acres), more or less, and is for the
31 construction, maintenance and use of roadway facilities and associated appurtenances, including sidewalks.

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33 BASIS OF BEARINGS: Bearings are based on the west line of the northwest quarter of the northwest
34 quarter of Section 19, T4S, R67W of the 6th P.M calculated using reference ties at the north sixteenth
35 corner of said Section 19 and at the northwest corner of said Section 19 from current monument records.
36 The line described herein bears N00°23'08"W a distance of 1321.31'.

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39 **Section 2.** That the Council hereby finds and determines that these properties are
40 needed and required for the following public uses and public purposes: traffic signal upgrades,
41 upgraded sidewalk improvements and drainage, lighting standards and conduits, ADA curb ramps,
42 appurtenant improvements and construction thereof.

43 **Section 3.** That the Council authorizes the Mayor, including his duly authorized
44 representatives, in accordance with applicable federal, state, and City laws and rules and
45 regulations adopted pursuant thereto, to acquire the needed property interests described in
46 Section 1, including permanent easements, temporary easements, fixtures, licenses, permits,
47 improvements, and any other rights and interests, including appurtenances thereto, including the

1 taking of all actions necessary to do so without further action by City Council, including conducting
2 negotiations, executing all related agreements, and making all necessary payments; to take
3 actions required by law before instituting condemnation proceedings; to allow the temporary use of
4 City-owned land; and to convey City-owned land, including remnants.

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

14 **Section 5.** That the Council hereby finds and determines that the Denver Department of
15 Public Works and the Colorado Department of Transportation may find the need to alter the legal
16 descriptions of certain easement areas or property referred to in this Ordinance and may continue
17 to do so in order to meet the needs of the Project.

18 **Section 6.** If modifications are made to the legal descriptions of the properties referred to
19 in this Ordinance, Council authorizes the Mayor, including his duly authorized representatives, in
20 accordance with applicable federal, state, and City laws and rules and regulations adopted
21 pursuant thereto, to acquire those easements and properties as the legal descriptions are altered
22 by the Denver Department of Public Works and the Colorado Department of Transportation in
23 accordance with the means authorized in this Ordinance.

24 **Section 7.** That the Council hereby finds and determines that to improve the safety and
25 operation of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary to
26 rebuild, modify, remove, and relocate existing access points to streets located in the vicinity of the
27 Project.

28 **Section 8.** That the Council authorizes the City to use the power of eminent domain to act
29 as the local authority to build upgraded traffic signals, ADA curb ramps, and appurtenances as
30 traffic and pedestrian improvements along Colorado Boulevard at the intersections of Louisiana
31 Avenue and Arkansas Avenue.

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1 COMMITTEE APPROVAL BY CONSENT: April 21, 2016, by consent
2 MAYOR-COUNCIL DATE: April 26, 2016
3 PASSED BY THE COUNCIL: _____,
4 2016.

5 _____ - PRESIDENT
6 APPROVED: _____ - MAYOR _____, 2016.
7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016.

11 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: April 28, 2016

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 not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.

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

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18 BY: _____, Assistant City Attorney DATE: April 28, 2016