

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2017

COUNCIL BILL NO. CB17-1034

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, purchase and/or through condemnation proceedings of fee simple, easements and other interests, including any rights and interest related or appurtenant to such properties so designated, as needed for the traffic and pedestrian safety improvement project at various intersections on Colorado Boulevard between Mexico and Virginia and at the intersections of 13th and Lincoln and 8th and Speer.

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 1

A Permanent Easement No. PE-1 of the Department of Transportation, State of Colorado, Project Code 20303, Project Number SHE M320-092, containing 449 square feet, more or less, in the SE 1/4 of Section 24, Township 4 South, Range 68 West, of the Sixth Principal Meridian, in the City and County of Denver, State of Colorado, a portion of the property described at Reception Number 201605577, recorded in the City and County of Denver Clerk and Records office, being more particularly described as follows:

COMMENCING at the East Quarter Corner of said Section 24;

Thence, S 00°22'54" E, a distance of 613.85 feet to a point on the east line of said SE 1/4 of Section 24;

Thence, S 89°37'06" W, a distance of 53.30 feet to the **POINT OF BEGINNING**, being a point on the west right-of-way line of South Colorado Boulevard (CO-2);

1. Thence, along said right-of-way-line, S 00°34'35" E a distance of 28.62 feet to a point;
2. Thence, departing said right-of-way line, S 88°51'34" W, a distance of 29.51 feet to a point;
3. Thence, N 00°40'14" W, a distance of 9.56 feet to a point;

1 4. Thence, N 89°08'55" E, a distance of 9.96 feet to the beginning of a tangent curve to the
2 left;

3 5. Thence, along said tangent curve to the left, having an arc length of 3.72 feet, a radius of
4 4.50 feet, a central angle of 47°23'08", and whose long chord bears N 65°27'21" E, a
5 distance of 3.62 feet to a point;

6 6. Thence, N 41°45'47" E, a distance of 24.14 feet to the **POINT OF BEGINNING**.

7
8 The above described parcel contains 449 square feet, more or less.

9
10 And

11 **PERMANENT EASEMENT 2**

12
13 A Permanent Easement, No. PE-2 of the Department of Transportation, State of Colorado,
14 Project Code 20303, Project Number SHE M320-092, containing 160 square feet, more or less, in
15 the SE 1/4 of Section 24, Township 4 South, Range 68 West of the Sixth Principal Meridian, in
16 the City and County of Denver, State of Colorado, a portion of the property described at Reception
17 Number 2011129086, recorded in the City and County of Denver Clerk and Recorders office,
18 being more particularly described as follows:

19
20 **COMMENCING** at the East Quarter Corner of said Section 24;

21
22 Thence, South 00°22'54" East, a distance of 687.65 feet to a point on the east line of said SE 1/4
23 of Section 24;

24 Thence, South 89°37'06" West, a distance of 60.65 feet to the **POINT OF BEGINNING**, being
25 a point on the west right-of-way line of South Colorado Boulevard (CO-2);

26 1. Thence, along said right-of-way line, S 01°17'20" W, a distance of 13.41 feet to a point;

27 2. Thence, departing said right-of-way line, N 57°21'56" W, a distance of 5.41 feet to a
28 point;

29 3. Thence, N 45° 47' 00" W, a distance of 9.82 feet to a point;

30 4. Thence, S 89°30'42" W, a distance of 12.87 feet to a point;

31 5. Thence, N 00°53'37" W, a distance of 3.95 feet to a point;

32 6. Thence, N 89°38'46" E, a distance of 24.13 feet to the beginning of a tangent curve to the
33 right;

34 7. Thence, along said tangent curve to the right, having an arc length of 0.78 feet, a radius
35 of 30.00 feet, a central angle of 01°28'53", and whose long chord bears S 63°23'42" E, a
36 distance of 0.78 feet to the **POINT OF BEGINNING**.

1 The above described parcel contains 160 square feet, more or less.

2 And

3
4 **PERMANENT EASEMENT 3**

5 A Permanent Easement, No. PE-3 of the Department of Transportation, State of Colorado
6 Project Code 20303, Project Number SHE M320-092, containing 228 square feet, more or less, in
7 the SE 1/4 of Section 24, Township 4 South, Range 68 West of the Sixth Principal Meridian, in
8 the City and County of Denver, State of Colorado, a portion of the property described at Reception
9 Number 2009162022, recorded in the City and County of Denver Clerk and Recorders Office,
10 being more particularly described as follows:

11
12 **COMMENCING** at the Northeast Corner of the SE 1/4 of the SE 1/4 of said Section 24;

13
14 Thence, N 00°22'54" W, a distance of 1350.75 feet to a point along the east line of the SE 1/4 of
15 said Section 24;

16
17 Thence, S 89°37'06" W, a distance of 36.50 feet to the **POINT OF BEGINNING**, being a point
18 on the north right-of-way line of East Florida Avenue and west right-of-way line of Colorado
19 Blvd;

20 1. Thence along said north right-of-way-line of East Florida Ave., S 89°35'35" W, a
21 distance of 22.61 feet to a point;

22 2. Thence departing said right-of-way line, N 00°24'25" W, a distance of 0.67 feet to a
23 point;

24 3. Thence, N 89°28'42" E, a distance of 1.35 feet to a point;

25 4. Thence, N 40°35'09" E, a distance of 10.94 feet to a point;

26 5. Thence, N 89°35'35" E, a distance of 5.49 feet to a point;

27 6. Thence, N 46°20'36" E, a distance of 2.61 feet to a point;

28 7. Thence, N 00°22'54" W, a distance of 5.63 feet to a point;

29 8. Thence, N 53°54'11" E, a distance of 7.16 feet to a point;

30 9. Thence, N 89°37'06" E, a distance of 0.89 feet to a point on the said east right-of-way
31 line of Colorado Boulevard;

32 10. Thence, along said right-of-way line, S 00°22'54" E, a distance of 20.52 feet to the
33 **POINT OF BEGINNING**.

34 The above described parcel contains 228 square feet, more or less.

1 And

2 **PERMANENT EASEMENT 4**

3 A Permanent Easement, No. PE-4 of the Department of Transportation, State of Colorado
4 Project Code 20303, Project Number SHE M320-092, containing 56 square feet, more or less, in
5 the SW 1/4 of Section 19, Township 4 South, Range 67 West of the Sixth Principal Meridian, in
6 the City and County of Denver, State of Colorado, a portion of the property described at Reception
7 Number 1989031015, Recorded in the City and County of Denver Clerk and Recorders office,
8 being more particularly described as follows:

9
10 **COMMENCING** at the Northwest Corner of the SW 1/4 of the SW 1/4 of said Section 19;

11
12 Thence, N00°22'54" W, a distance of 1283.04 feet, to a point on the west line of the SW 1/4 of
13 said Section 19;

14
15 Thence, N 89°37'06" E, a distance of 85.78 feet to the **POINT OF BEGINNING**, being a point
16 on the easterly right-of-way line of South Colorado Blvd. and the south right-of-way line of East
17 Florida Avenue;

18 1. Thence, along said right-of-way line of East Florida Avenue, N 89°27'03" E, a distance
19 of 29.37 feet to a point;

20 2. Thence, departing said right-of-way line, S 21°44'25" W, for a distance of 1.39 feet to a
21 point;

22 3. Thence, S 89°23'43" W, a distance of 27.58 feet to a point;

23 4. Thence, S 45°14'56" W, a distance of 1.95 feet to a point;

24 5. Thence, S 01°14'11" W, a distance of 4.67 feet to a point;

25 6. Thence, S 52°56'50" W, a distance of 3.65 feet to a point;

26 7. Thence, S 61°33'29" W, a distance of 1.96 feet to a point on said easterly right-of-way
27 line of South Colorado Boulevard;

28 8. Thence, along said easterly right-of-way line, N 24°50'39" E, a distance of 11.55 feet to
29 the **POINT OF BEGINNING**.

30 The above described parcel contains 56 square feet, more or less.

31 And

1 **PERMANENT EASEMENT 5**

2 A Permanent Easement No. PE-5 of the Department of Transportation, State of Colorado
3 Project Code 20303, Project Number SHE M320-092, containing 45 square feet, more or less, in
4 the SE 1/4 of Section 24, Township 4 South, Range 68 West of the Sixth Principal Meridian, in
5 the City and County of Denver, State of Colorado, a portion of the property described at Reception
6 Number 2009038347, Recorded in the City and County of Denver Clerk and Records office,
7 being more particularly described as follows:

8
9 **COMMENCING** at the Northeast Corner of the SE 1/4 of said SE 1/4 of Section 24;

10
11 Thence, N00°22'54" W, a distance of 1282.24 feet to a point on the east line of said SE 1/4 of
12 Section 24;

13
14 Thence, S 89°37'06" W, a distance of 57.65 feet to the **POINT OF BEGINNING**, being a point
15 on the westerly right-of-way line of South Colorado Boulevard (CO-2) and the south right-of-way
16 line of East Florida Avenue;

17 1. Thence, along said westerly right-of-way line of South Colorado Boulevard, with a curve
18 to the right, having an arc length of 13.82 feet, a central angle of 32° 29' 21", a radius of
19 24.37 feet, and whose long chord bears S 24°01'48" E, a distance of 13.63 feet to a point;

20 2. Thence, departing said right-of-way line, N 42°18'36" W, a distance of 16.78 feet to a
21 point on said south right-of-way line of East Florida Avenue;

22 3. Thence, along said south right-of-way, N 89°35'35" E, a distance of 5.75 feet to the
23 **POINT OF BEGINNING**.

24 The above described parcel contains 45 square feet, more or less.

25 **And**

26 **PERMANENT EASEMENT 6**

27 A Permanent Easement, No. PE-6 of the Department of Transportation, State of Colorado
28 Project Code 20303, Project Number SHE M320-092, containing 315 square feet more or less, in
29 the NW 1/4 of Section 19, Township 4 South, Range 67 West of the Sixth Principal Meridian, a
30 portion of the property described at WD Book 560, page 246, Denver County Clerk and Recorder,
31 being more particularly described as follows:

32
33 **COMMENCING** at the Northwest Corner of the SW 1/4 of the SW 1/4 of said Section 19;

1 Thence, N00°22'54"W, a distance of 1350.99 feet to a point on the west line of said NW 1/4 of
2 Section 19;

3
4 Thence N89°37'06"E, a distance of 92.08 feet to the **POINT OF BEGINNING**, being a point on
5 the north right-of-way line of East Florida Avenue;

6 1. Thence, N00°24'25"W, a distance of 1.00 feet to the beginning of a non-tangent curve to
7 the right;

8 2. Thence, along said non-tangent curve to the right, having an arc length of 27.98 feet, a
9 central angle of 66°49'53", a radius of 23.99 feet, and whose long chord bears

10 N57°00'17"W, a distance of 26.42 feet to a point on the east right-of-way line of South
11 Colorado Boulevard;

12 3. Thence, along said right-of-way line, N00°24'25"W, a distance of 3.12 feet to a point;

13 4. Thence, departing said right-of-way line, S60°05'23"E, a distance of 28.32 feet to a point;

14 5. Thence, N89°37'46"E, a distance of 31.51 feet to a point;

15 6. Thence, S36°51'35"E, a distance of 5.41 feet to a point on the north right-of-way line of
16 East Florida Avenue;

17 7. Thence, along said right-of-way line, S89°35'35"W, a distance of 37.11 feet to the
18 **POINT OF BEGINNING**.

19 The above described parcel contains 315 square feet, more or less.

20 **And**

21 **PERMANENT EASEMENT 7**
22

23 A parcel of land over and across that parcel of land described as that part of Block 15, Whitsitt's
24 Addition to Denver recorded in Plat Book 6 at Page 75 in the Public Records of Denver County,
25 located in the Southwest Quarter of Section 3, Township 4 South, Range 68 West, of the Sixth
26 Principal Meridian, County of Denver, State of Colorado, said parcel being more particularly
27 described as follows:

28
29 For the purposes of this description the bearings are based on the 20' Range Line between 8th
30 Avenue and 9th Avenue, along Bannock Street, assumed to bear North 00°14'46" East, a distance
31 of 577.24 feet (bearings based on CCD coordinate system, 755 feet per CCD records and plat),
32 monumented with an axle in a range box at 9th and Bannock Street. The range point at 8th Avenue
33 and Bannock Street falls in the bridge, and was not set. Three brass cap monuments were set as
34 references to the range point.

1 Commencing at the range point at Bannock Street and 8th Avenue;
2
3 THENCE North 84°59'56" East, a distance of 191.66 feet to a point on the north line of Block
4 15, Whitsitt's Addition to Denver, the northeast corner of a tract of land described at
5 Reception No. 2001125713 in the Public Records of Denver County and the Point of
6 Beginning;
7 THENCE South 89°54'44" East, along said north line, a distance of 11.57 feet;
8 THENCE South 00°05'16" West, a distance of 1.03 feet;
9 THENCE South 85°00'06" West, a distance of 8.90 feet;
10 THENCE along a curve to the left, an arc length of 4.78 feet, said curve having a radius of
11 5.50 feet, a delta angle of 49°46'31", a chord bearing of South 60°06'50" West and a
12 chord length of 4.63 feet to the westerly line of said tract of land described at
13 Reception No. 2001125713;
14 THENCE along said westerly line and a curve to the right, an arc length of 4.36 feet, said
15 curve having a radius of 10.00 feet, a delta angle of 24°59'33", a chord bearing of
16 North 17°35'00" East and a chord length of 4.33 feet to the Point of Beginning.

17
18 Containing 21 Square Feet, or 0.001 Acres, more or less.

19 And

20
21 **PERMANENT EASEMENT 8**

22 A parcel of land over and across that parcel of land described as Lot 20, Block 26, H. C.
23 Brown's Second Addition to Denver recorded in Plat Book 6 at Page 69 in the Public Records of
24 Denver County, located in the Northeast Quarter of Section 3, Township 4 South, Range 68 West,
25 of the Sixth Principal Meridian, County of Denver, State of Colorado, said parcel being more
26 particularly described as follows:

27 For the purposes of this description the bearings are based on the 19' Range Line, between 13th
28 Avenue and 12th Avenue along Lincoln Street, assumed to bear South 00°05'2.3" West, a distance
29 of 593.25 feet (bearings based on CCD coordinate system, 593 feet per CCD records and plat),
30 monumented with a 3" Brass Cap marked PLS 35597 in walk, at 13th Avenue and with a #8 rebar
31 in a range box at 12th Avenue.

32
33 Commencing at the range point at 13th Avenue and Lincoln Street;

34 THENCE North 84°34'38" East, a distance of 71.33 feet to the southwest corner of Lot 20, Block
35

1 26, H. C. Brown's Second Addition to Denver and the Point of Beginning;
2 THENCE North 00°05'23" East, along the west line of said Lot 20, a distance of 8.73 feet;
3 THENCE North 90°00'00" East, a distance of 15.40 feet;
4 THENCE South 00°00'00" East, a distance of 8.78 feet to the south line of said Lot 20;
5 THENCE North 89°47'27" West, along said south line, a distance of 15.42 feet to the Point of
6 Beginning.

7
8 Containing 135 Square Feet, or 0.003 Acres, more or less.

9
10 **And**

11
12 **TEMPORARY EASEMENT 3**

13 A Temporary Easement No. TE-3 of the Department of Transportation, State of Colorado
14 Project Code 20303, Project Number SHE M320-092, containing 378 square feet, more or less, in
15 the NE 1/4 of Section 24, Township 4 South, Range 68 West of the Sixth P.M., in the City and
16 County of Denver, State of Colorado, a portion of the property described at Reception Number
17 2009162022 in the City and County of Denver Clerk & Recorder's Office, being more particularly
18 described as follows:

19
20 **COMMENCING** at the Northeast Corner of the SE 1/4 of the SE 1/4 of said Section 24;

21
22 Thence, N 00°22'54" W, a distance of 1371.27 feet to a point along the east line of the SE 1/4 of
23 Section 24;

24
25 Thence, S 89°37'06" W, a distance of 36.50 feet to the **POINT OF BEGINNING**, being a point
26 on the west right-of-way line of South Colorado Boulevard (CO-2);

27 1. Thence, departing said right-of-way line, S 89°37'06" W, a distance of 0.89 feet to a
28 point;

29 2. Thence, S 53°54'11" W, a distance of 7.16 feet to a point;

30 3. Thence, S 00°22'54" E, a distance of 5.63 feet to a point;

31 4. Thence, S 46°20'36" W, a distance of 2.61 feet to a point;

32 5. Thence, S 89°35'35" W, a distance of 5.49 feet to a point;

33 6. Thence, S 40°35'09" W, a distance of 10.94 feet to a point;

34 7. Thence, S 89°28'42" W, a distance of 1.35 feet to a point;

35 8. Thence, S 00°24'25" E, a distance of 0.67 feet to a point on the north right-of-way line of
36 East Florida Avenue;

- 1 9. Thence, along said right-of-way line, S 89°35'35" W, a distance of 20.07 feet to a point;
- 2 10. Thence, departing said right-of-way line, N 00°24'25" W, a distance of 5.00 feet to a
- 3 point;
- 4 11. Thence, N 89°35'35" E, a distance of 19.91 feet to a point;
- 5 12. Thence, N 47°50'58" E, a distance of 23.83 feet to a point;
- 6 13. Thence, N 00°22'54" W, a distance of 34.50 feet to a point;
- 7 14. Thence, N 89°37'06" E, a distance of 5.00 feet to a point on the west right-of-way line of
- 8 South Colorado Boulevard;
- 9 15. Thence, along said right-of-way line, S 00°22'54" E, a distance of 34.85 feet to the
- 10 **POINT OF BEGINNING.**

11 The above described parcel contains 378 square feet, more or less.

12 **Section 2.** That the Council hereby finds and determines that these properties are needed
13 and required for the following public uses and public purposes: as part of a project that includes the
14 installation of traffic lights and ADA curb ramps, sidewalks, appurtenant improvements and
15 construction thereof at various intersections on Colorado Boulevard between Mexico and Virginia
16 and at the intersections of 13th and Lincoln and 8th and Speer (the "Project").

17 **Section 3.** That the Council authorizes the Mayor, including his duly authorized
18 representatives, in accordance with applicable federal, state, and City laws and rules and regulations
19 adopted pursuant thereto, to acquire the needed property interests described in Section 1, including
20 fee simple, permanent easements, temporary easements, fixtures, licenses, permits, improvements,
21 and any other rights and interests, including appurtenances thereto, including the taking of all actions
22 necessary to do so without further action by City Council, including conducting negotiations,
23 executing all related agreements, and making all necessary payments; to take actions required by
24 law before instituting condemnation proceedings; to allow the temporary use of City-owned land; and
25 to convey City-owned land, including remnants.

26 **Section 4.** That if for the property interests set forth above, the interested parties do not
27 agree upon the compensation to be paid for needed property interests, the owner or owners thereof
28 are incapable of consenting, the name or residence of any owner thereof is unknown, or any of the
29 owners thereof are non-residents of the State, then the City Attorney of the City and County of
30 Denver, upon the Mayor's direction, is authorized and empowered to exercise the City and County
31 of Denver's eminent domain powers by instituting and, as necessary, prosecuting to conclusion
32 condemnation proceedings under Article 1, Title 38, Colorado Revised Statutes, to acquire needed
33 property interests upon, through, over, under and along the above-described property as necessary

1 for the purposes set forth in Section 2 above.

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

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

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

16 **Section 8.** That the Council authorizes the City to use the power of eminent domain to act
17 as the local authority to install traffic lights and ADA curb ramps, sidewalks and appurtenances at
18 various intersections, including on Colorado Boulevard between Mexico and Virginia and at the
19 intersections of 13th and Lincoln and 8th and Speer.

20 **[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: September 19, 2017 by Consent
2 MAYOR-COUNCIL DATE: September 26, 2017 by Consent
3 PASSED BY THE COUNCIL: October 9, 2017
4 ALB - PRESIDENT
5 APPROVED: [Signature] - MAYOR Oct 10, 2017
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
10 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: September 28, 2017
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.
15
16 Kristin M. Bronson, Denver City Attorney
17
18 BY: Kristin J Crawford, Assistant City Attorney DATE: Sep 27, 2017