

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB16-0898

SERIES OF 2016

COMMITTEE OF REFERENCE:

AMENDED 11-07-16

Finance & Governance

A BILL

For an ordinance designating certain property as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple and other interests, including any rights and interests related or appurtenant to such property, as needed for the National Western Center Project.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Council designates the following property 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 home rule city and municipal corporation of the State of Colorado:

THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED OCTOBER 1, 2014 AT RECEPTION NO. 2014119366 IN THE OFFICE OF THE CLERK AND RECORDER, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED THEREIN AS FOLLOWS:

LOTS 12 THROUGH 18, INCLUSIVE, BLOCK 43, KEENER'S SUBDIVISION, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY ADJOINING SAID LOTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

TOGETHER WITH:

THOSE PARCELS OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED MARCH 11, 2015 AT RECEPTION NO. 2015030423 IN THE OFFICE OF THE CLERK AND RECORDER, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED THEREIN AS FOLLOWS:

PARCEL A:

A PARCEL OF LAND LOCATED IN LOTS 19 TO 25, INCLUSIVE, BLOCK 43, KEENER'S SUBDIVISION AND THE EAST 1/2 OF VACATED ALLEY LYING WEST OF AND ADJACENT TO SAID LOTS, AND ALSO LOTS 12 TO 25, INCLUSIVE, BLOCK 42, KEENER'S SUBDIVISION AND THE VACATED ALLEY LYING ADJACENT TO AND BETWEEN SAID LOTS, AND THE VACATED WILLIAMS ST. LYING ADJACENT TO AND BETWEEN SAID BLOCK 42 AND 43 KEENER'S SUBDIVISION IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID BLOCK 43 WHICH IS 120.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID BLOCK 43; THENCE NORTH, PARALLEL WITH THE EAST LINE OF GILPIN ST. (BRIGHTON BLVD.), A DISTANCE OF 190.0 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF 48TH AVENUE, A DISTANCE OF 420.0 FEET TO THE NORTHEAST CORNER OF LOT 25, BLOCK 42, KEENER'S SUBDIVISION; THENCE SOUTH PARALLEL WITH THE EAST LINE OF GILPIN ST. (BRIGHTON BLVD.), A

1 DISTANCE OF 190.0 FEET TO THE SOUTHEAST CORNER OF LOT 19, BLOCK 42, KEENER'S
2 SUBDIVISION, WHICH POINT IS ON THE NORTH LINE OF 48TH AVENUE; THENCE WEST
3 ALONG THE NORTH LINE OF 48TH AVENUE, A DISTANCE OF 420.0 FEET TO THE POINT OF
4 BEGINNING.

5
6 PARCEL B:

7 A PARCEL OF LAND LOCATED IN LOTS 9, 10, 11, AND 26, 27, 28, BLOCK 43, KEENER'S
8 SUBDIVISION AND THE VACATED ALLEY LYING BETWEEN AND ADJACENT TO SAID LOTS,
9 AND ALSO LOTS 9, 10, 11 AND 26, 27, 28, BLOCK 42, KEENER'S SUBDIVISION AND THE
10 VACATED ALLEY LYING BETWEEN AND ADJACENT TO SAID LOTS, AND VACATED
11 WILLIAMS STREET, LYING BETWEEN AND ADJACENT TO SAID BLOCKS 42 AND 43, BEING
12 MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

13
14 BEGINNING AT A POINT ON THE EAST LINE OF GILPIN ST. (BRIGHTON BLVD.), WHICH IS
15 190.0 FEET NORTH OF THE SOUTHWEST CORNER OF BLOCK 43, KEENER'S SUBDIVISION;
16 THENCE NORTH ALONG THE EAST LINE OF GILPIN ST. (BRIGHTON BLVD.), A DISTANCE
17 OF 63.8 FEET; THENCE NORTH 89°55' EAST, A DISTANCE OF 540.0 FEET; THENCE SOUTH,
18 PARALLEL WITH THE EAST LINE OF GILPIN ST. (BRIGHTON BLVD.), A DISTANCE OF 62.63
19 FEET TO A POINT 190.0 FEET NORTH OF THE SOUTH LINE OF SAID BLOCK 42, WHICH
20 POINT IS THE SOUTHEAST CORNER OF LOT 26, BLOCK 42, KEENER'S SUBDIVISION:
21 THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SAID BLOCKS 42 AND 43, KEENER'S
22 SUBDIVISION, A DISTANCE OF 540.0 FEET TO THE POINT OF BEGINNING.

23
24 PARCEL C:

25 A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SE 1/4) SOUTHEAST
26 QUARTER (SE 1/4) SECTION 14, TOWNSHIP 3 SOUTH, RANGE 68 WEST AND IN LOTS 1-9,
27 INCLUSIVE, AND LOTS 28-36, INCLUSIVE, BLOCK 43, KEENER'S SUBDIVISION AND THE
28 VACATED ALLEY LYING BETWEEN AND ADJACENT TO SAID LOTS; AND ALSO LOTS 1-9,
29 INCLUSIVE, AND LOTS 28-36, INCLUSIVE, BLOCK 42, KEENER'S SUBDIVISION AND THE
30 VACATED ALLEY LYING BETWEEN AND ADJACENT TO SAID LOTS; AND VACATED
31 WILLIAMS STREET, LYING BETWEEN SAID BLOCKS 42 AND 43 AND VACATED EAST 49TH
32 AVENUE, LYING BETWEEN THE WEST LINE OF SAID BLOCK 43 AND THE EAST LINE OF
33 SAID BLOCK 42 IN THE CITY AND COUNTY OF DENVER. STATE OF COLORADO, BEING
34 MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

35
36 BEGINNING AT A POINT ON THE EAST LINE OF GILPIN STREET (BRIGHTON BLVD.), WHICH
37 IS 253.8 FEET NORTH OF THE SOUTHWEST CORNER OF SAID BLOCK 43; THENCE NORTH,
38 ALONG THE EAST LINE OF GILPIN ST. (BRIGHTON BLVD.), A DISTANCE OF 323.0 FEET TO
39 A POINT 161.3 FEET SOUTH OF THE POINT OF INTERSECTION OF THE SOUTHEASTERLY
40 LINE OF BRIGHTON BLVD. AND THE EAST LINE OF GILPIN ST. (BRIGHTON BLVD.); THENCE
41 NORTH 89°55' EAST, A DISTANCE OF 540.0 FEET; THENCE SOUTH, PARALLEL WITH THE
42 EAST LINE OF GILPIN ST. (BRIGHTON BLVD.), A DISTANCE OF 323.0 FEET; THENCE
43 SOUTH 89°55' WEST, A DISTANCE OF 540.0 FEET, MORE OR LESS, TO THE POINT OF
44 BEGINNING, ALL IN THE CITY AND COUNTY OF DENVER.

45
46 EXCEPT THAT PORTION CONVEYED TO THE CITY AND COUNTY OF DENVER BY SPECIAL
47 WARRANTY DEED RECORDED MAY 8, 1995 AT RECEPTION NO. 9500051856. **(Lines 23**
48 **through 47 constitute the "DPS Parcel".)**

1 **Section 2.** That the Council finds and determines that property interests in these properties
2 are needed and required for the following public uses and public purposes: roads, sidewalks,
3 drainage, landscaping, parks, playgrounds, pleasure ways, public squares, bridges, medians,
4 access points, and other appurtenant improvements to the roads and construction thereof; drainage
5 facilities and related appurtenant improvements to the drainage facilities and construction thereof;
6 sanitary sewer facilities and related appurtenant improvements to the sanitary sewer facilities and
7 construction thereof; recreational and entertainment facilities and related appurtenant improvements
8 to the recreational and entertainment facilities and construction thereof; public parking facilities and
9 related appurtenant improvements to the public parking facilities and construction thereof; and
10 educational facilities and related appurtenant improvements to the educational facilities and
11 construction thereof.

12 **Section 3.** That Council authorizes the Mayor, including his duly authorized representatives,
13 in accordance with applicable federal, state, and City laws and rules and regulations adopted
14 pursuant thereto, to acquire the needed property interests, including, but not limited to, fee title,
15 permanent easements, temporary easements, fixtures, licenses, permits, improvements (including
16 without limitation, general outdoor advertising devices, buildings, and access points) and any other
17 rights, interests, and appurtenances thereto, including the taking of all actions necessary to do so
18 without further action by City Council, such as conducting negotiations, executing all related
19 agreements, and making all necessary payments; to take actions required by law before instituting
20 condemnation proceedings; to allow the temporary use of City-owned land; and to convey City-
21 owned land, including remnants.

22 **Section 4.** That if for the property interest set forth above, **but not the DPS Parcel**, the
23 interested parties do not agree upon the compensation to be paid for the needed property interests,
24 the owner or owners of the property are incapable of consenting, the name or residence of any owner
25 is unknown, or any of the owners are non-residents of the State, then the City Attorney of the City
26 and County of Denver, upon the Mayor's direction, is authorized and empowered to exercise the City
27 and County of Denver's eminent domain powers by instituting and, as necessary, prosecuting to
28 conclusion proceedings under Article Title 38, Colorado Revised Statutes, to acquire needed
29 property interests upon, through, over, under and along the above-described property as necessary
30 for the purposes set forth in Section 2 above.

31 **Section 5.** That the Council finds and determines that the Denver Department of Public Works
32 and federal and state agencies may find the need to alter the legal descriptions of the properties
33 referred to in this Ordinance and may continue to do so in order to meet the needs of the Project.

1 Council authorizes the Mayor, including his duly authorized representatives, in accordance with
2 applicable federal, state, and City laws and rules and regulations adopted pursuant thereto, to
3 acquire the property as the legal descriptions are altered in accordance with the means authorized
4 in this Ordinance.

5 **Section 6.** That the Council finds and determines that to improve the land described in Section
6 1, it may be necessary to obtain, build and modify the land in connection with the development of
7 the National Western Center and that the Council authorizes the City to use the power of eminent
8 domain to act as the local authority to obtain, build and modify the land described in Section 1.

9 COMMITTEE APPROVAL DATE: October 6, 2016 by consent

10 MAYOR-COUNCIL DATE: October 11, 2016

11 PASSED BY THE COUNCIL: _____

12 _____ - PRESIDENT

13 APPROVED: _____ - MAYOR _____

14 ATTEST: _____ - CLERK AND RECORDER,
15 EX-OFFICIO CLERK OF THE
16 CITY AND COUNTY OF DENVER

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____

18 PREPARED BY: Jennifer M. Welborn, Assistant City Attorney DATE: October 13, 2016

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
22 § 3.2.6 of the Charter.

23 Denver City Attorney

24 BY: _____, Assistant City Attorney DATE: _____