

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB21-1480

SERIES OF 2022

COMMITTEE OF REFERENCE:

Finance & Governance

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 fee simple, easement and other interests, including any rights and interests related or appurtenant to properties designated as needed for the intersection improvement at the southwest corner of East 26th Avenue and Downing Street.

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 TEMPORARY EASEMENT CONTAINING 75 SQUARE FEET, MORE OR LESS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING WITHIN A PARCEL OF LAND RECORDED AT RECEPTION NO. 2006059285, CITY AND COUNTY OF DENVER RECORDS, SAID EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF E. 26TH AVE. (80' R.O.W.) AND THE WEST RIGHT-OF-WAY LINE OF DOWNING ST. (80' R.O.W.), WHENCE A FOUND DENVER RANGE MONUMENT BEARS N 18°32'56" E, A DISTANCE OF 63.23 FEET.

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF DOWNING ST. (80' R.O.W.) S 00°06'34" W, A DISTANCE OF 5.00 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE N 89°50'40" W, A DISTANCE OF 15.00 FEET;

THENCE N 00°06'34" E, A DISTANCE OF 5.00 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF E. 26TH AVE. (80' R.O.W.);

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S 89°50'40" E, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE-DESCRIBED TEMPORARY EASEMENT CONTAINS 75 SQUARE FEET, MORE OR LESS.

1 **BASIS OF BEARINGS:** ALL BEARINGS ARE BASED ON A 20 FOOT DENVER RANGE LINE
2 BETWEEN A FOUND DENVER RANGE MONUMENT (FOUND 3" BRASS CAP, "PLS 28275")
3 LOCATED AT THE INTERSECTION OF SAID E. 26TH AVE. AND SAID DOWNING ST. AND A
4 FOUND DENVER RANGE MONUMENT (FOUND STONE IN MONUMENT BOX) LOCATED AT
5 THE INTERSECTION OF SAID DOWNING ST. AND E. 24TH AVE., BEARING S00°06'34"W.

6 **Section 2.** That the Council finds and determines that property interests in these properties
7 are needed and required for the following public uses and public purposes: to facilitate removal of
8 an existing handicap ramp and installation of a new ADA compliant ramp at the southwest corner of
9 East 26th Avenue and Downing Street (the "Project").

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

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

29 **Section 5.** That the Council finds and determines that the Denver Department of
30 Transportation and Infrastructure and federal and state agencies may find the need to alter the
31 nature of the property interests or the legal descriptions of the properties referred to in this Ordinance
32 and may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor,
33 including his duly authorized representatives, in accordance with applicable federal, state, and City
34 laws and rules and regulations adopted pursuant thereto, to acquire those easements and properties

1 as the property interests and legal descriptions are altered in accordance with the means authorized
2 in this Ordinance.

3 **Section 6.** That the Council authorizes the City to use the power of eminent domain to act
4 as the local authority to facilitate removal of an existing handicap ramp and installation of a new ADA
5 compliant ramp at the southwest corner of East 26th Avenue and Downing Street.

6 **Section 7.** That the City Council hereby finds and determines that the Project is necessary
7 for the health, safety, and welfare of the public.

8
9 COMMITTEE APPROVAL DATE: December 7, 2021 by Consent

10 MAYOR-COUNCIL DATE: December 14, 2021

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: Nathan Lucero, Assistant City Attorney DATE: December 16, 2021

19 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
20 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
24 Kristin M. Bronson, Denver City Attorney

25
26 BY: Jonathan Griffin, Assistant City Attorney DATE: Dec 15, 2021