

Legal Notice

Date: 03/07/2024

Subject: An ordinance of the City of Littleton, Colorado, authorizing the acquisition of certain property at and near the southwest corner of Mineral Avenue and Santa Fe Drive, for the construction of street, sidewalk, utility, drainage, and/or related improvements as part of the City of Littleton Santa Fe Drive and Mineral Avenue Operational Improvements Project

Passed/Failed: Passed on second reading and public hearing

CITY OF LITTLETON, COLORADO

ORDINANCE 03 SERIES 2024

purpose.

46

1 CITY OF LITTLETON, COLORADO 2 3 **ORDINANCE NO. 03** 4 5 Series, 2024 6 7 AN ORDINANCE AUTHORIZING THE ACQUISITION OF 8 CERTAIN PROPERTY AT AND NEAR THE SOUTHWEST 9 CORNER MINERAL AVENUE AND SANTA FE DRIVE, 10 FOR THE CONSTRUCTION OF STREET, SIDEWALK, 11 UTILITY, DRAINAGE. AND/OR RELATED 12 IMPROVEMENTS AS PART OF THE CITY OF LITTLETON 13 SANTA FE DRIVE **AND** MINERAL **AVENUE** 14 OPERATIONAL IMPROVEMENTS PROJECT 15 16 WHEREAS, the City of Littleton is a Colorado home rule municipality, under the authority 17 of the Constitution of the State of Colorado; and 18 19 WHEREAS, it is vested with all powers of eminent domain and condemnation pursuant to 20 Article XX of the Colorado Constitution and Littleton City Charter Section 64; and 21 22 WHEREAS, it is desirous of making certain street, sidewalk, utility, drainage, and/or 23 related improvements as part of the City of Littleton Santa Fe Drive and Mineral Avenue 24 Operational Improvements Project (the "Project"); and 25 26 WHEREAS, to the best knowledge of the city, Evergreen – Mineral & Santa Fee, LLC, is 27 the fee owner of record of the property necessary to be acquired for the Project identified as 28 PARCEL: EVERGREEN-MINERAL & SANTA FE LLC and described more specifically in the 29 attached Exhibit A; and 30 31 WHEREAS, to the best knowledge of the city, De Pietro Limited Partnership is the fee owner of record of certain property from which an easement is necessary for roadway 32 33 improvements to be acquired for the Project identified as Permanent Easement Number PE-2 for 34 CDOT Project Code: AQC M810-017 CDOT Project Number 23574 and described more 35 specifically in the attached **Exhibit B** (collectively with Exhibit A, the "Properties"). 36 37 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF 38 LITTLETON, COLORADO: 39 40 Section 1. It is hereby determined that it is necessary to the public health, safety, and 41 welfare to acquire the Properties for the Project and to construct the Project. 42 43 Section 2. The Properties may be acquired by donation or negotiation and purchase if 44 possible, and by condemnation if necessary, such Project being for and constituting a public 45

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Section 3. In furtherance of the Project, the City Attorney and his designees, and outside counsel hired by the City Attorney, are hereby specifically authorized to take any necessary measures to acquire by condemnation the Properties, or any portion thereof, as may be determined necessary for construction of the Project. If the Properties cannot be acquired by negotiation and purchase, it is necessary for the public health, safety, and welfare of the property owners and residents of the city for the city to exercise its power of eminent domain to acquire the Properties for the Project.

Section 4. In the event of condemnation, immediate possession of the Properties is necessary and required for the reasons and purposes described above.

Section 5. The City Attorney and his designees are hereby authorized to amend the legal description of the parcels to be acquired, or any interest therein, as may be necessary in the course of acquiring the Properties, or any portion thereof, necessary for the aforementioned Project. Any substantial changes will be brought back to City Council for approval.

Section 6. The City Manager or his designee is authorized to execute purchase and sale agreements, memoranda of agreement, or related documents in furtherance of the acquisition(s) authorized herein.

Section 7. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 8. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council

- of the City of Littleton on the 6th day of February, 2024, passed on first reading by a vote of <u>7</u>
- FOR and <u>0</u> AGAINST; and ordered published by posting at Littleton Center, Bemis Library,
- the Municipal Courthouse and on the City of Littleton Website.
- PUBLIC HEARING on the Ordinance to take place on the 5th day of March, 2024,
- 85 in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the

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86 hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of <u>6</u>

88 FOR and <u>0</u> AGAINST on the 5th day of March, 2024 and ordered published by posting at

89 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

90 ATTEST:

91 Callen Anarton

92 Collegn LeadNorton

93 CITY CLERK 94

95 APPROVED AS TO FORM:

96 Docusigned by: 97 Kild Betzing

98 Reil Betzing

99 CITY ATTORNEY

DocuSigned by:

Kyle Schlächter

MAYOR



EXHIBIT "A"

PARCEL: EVERGREEN-MINERAL & SANTA FE LLC PAGE 1 OF 6

LAND DESCRIPTION

A parcel of land of the City of Littleton, County of Arapahoe, State of Colorado containing 244,385 sq. ft. (5.610 acres), more or less, in the Northwest One-Quarter of Section 32, Township 5 South, Range 68 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, also being within a parcel of land recorded at Reception No. D9059972, Arapahoe County Records, being more particularly described as follows:

Beginning at a point of intersection with the south Right-of-Way line of W. Mineral Ave. (R.O.W. Varies) and the west Right-of-Way line of U.S. Highway 85 – S. Santa Fe Dr. (R.O.W. Varies), also being the Northeast Corner of said parcel of land, whence the north One-Quarter Corner of said Section 32 bears N. 17°52'06" E., a distance of 539.50 feet, said point also being the POINT OF BEGINNING;

- 1. Thence along said west Right-of-Way line S. 06°15'01" W., a distance of 12.83 feet;
- 2. Thence departing said west Right-of-Way line N. 69°40'21" W., a distance of 435.74 feet;
- 3. Thence S. 83°08'10" W., a distance of 30.93 feet;
- 4. Thence S. 34°16'02" W., a distance of 30.63 feet;
- 5. Thence on the arc of a curve to the left, a radius of 230.00 feet, a central angle of 23°27'31", a distance of 94.17 feet, (a chord bearing S. 22°32'16" W., a distance of 93.51 feet);
- 6. Thence S. 10°48'30" W., a distance of 67.54 feet;
- 7. Thence on the arc of a curve to the right, a radius of 180.00 feet, a central angle of 09°29'23", a distance of 29.81 feet, (a chord bearing S. 15°33'12" W., a distance of 29.78 feet);
- 8. Thence S. 20°17'54" W., a distance of 324.67 feet;
- 9. Thence on the arc of a curve to the left, a radius of 180.00 feet, a central angle of 20°01'13", a distance of 62.90 feet, (a chord bearing S. 10°17'17" W., a distance of 62.58 feet);
- 10. Thence S. 00°16'41" W., a distance of 59.38 feet;

- 11. Thence on the arc of a curve to the left, a radius of 75.00 feet, a central angle of 39°07'23", a distance of 51.21 feet, (a chord bearing S. 19°17'01" E., a distance of 50.22 feet);
- 12. Thence S. 38°50'43" E., a distance of 38.24 feet;
- 13. Thence on the arc of a curve to the left, a radius of 75.00 feet, a central angle of 30°49'18", a distance of 40.35 feet, (a chord bearing S. 54°15'22" E., a distance of 39.86 feet);
- 14. Thence S. 69°40'01" E., a distance of 326.56 feet;
- 15. Thence on the arc of a curve to the left, a radius of 55.00 feet, a central angle of 90°26'13", a distance of 86.81 feet, (a chord bearing N. 65°06'53" E., a distance of 78.08 feet);
- 16. Thence N. 19°53'46" E., a distance of 379.06 feet to said west Right-of-Way line of U.S. Highway 85 S. Santa Fe Dr. (R.O.W. Varies);
- 17. Thence along said west Right-of-Way line S. 13°24'55" W., a distance of 396.63 feet;
- 18. Thence continuing along said west Right-of-Way line S. 21°30'00" W., a distance of 672.17 feet to the Southeast Corner of said parcel of land;
- 19. Thence departing said west Right-of-Way line and along the south line of said parcel of land S. 89°39'24" W., a distance of 29.26 feet;
- 20. Thence departing said south line N. 19°53'46" E., a distance of 407.61 feet;
- 21. Thence on the arc of a curve to the left, a radius of 125.00 feet, a central angle of 89°33'47", a distance of 195.40 feet, (a chord bearing N. 24°53'07" W., a distance of 176.10 feet);
- 22. Thence N. 69°40'01" W., a distance of 49.25 feet;
- 23. Thence N. 59°04'07" W., a distance of 54.37 feet;
- 24. Thence N. 69°40'01" W., a distance of 116.13 feet;
- 25. Thence N. 84°24'33" W., a distance of 123.12 feet;
- 26. Thence on the arc of a curve to the left, a radius of 75.00 feet, a central angle of 75°14'29", a distance of 98.49 feet, (a chord bearing S. 57°58'12" W., a distance of 91.57 feet);

- 27. Thence S. 20°20'57" W., a distance of 65.54 feet;
- 28. Thence N. 69°39'03" W., a distance of 85.00 feet;
- 29. Thence N. 20°20'57" E., a distance of 17.62 feet;
- 30. Thence on the arc of a curve to the left, a radius of 230.00 feet, a central angle of 29°42'38", a distance of 119.27 feet, (a chord bearing N. 05°29'38" E., a distance of 117.93 feet);
- 31. Thence N. 09°21'40" W., a distance of 19.43 feet;
- 32. Thence on the arc of a curve to the left, a radius of 75.00 feet, a central angle of 60°18'20", a distance of 78.94 feet, (a chord bearing N. 39°30'50" W., a distance of 75.35 feet);
- 33. Thence N. 69°40'01" W., a distance of 117.13 feet;
- 34. Thence N. 20°17'54" E., a distance of 56.00 feet;
- 35. Thence S. 69°40'01" E., a distance of 58.40 feet;
- 36. Thence on the arc of a curve to the left, a radius of 165.00 feet, a central angle of 57°00'52", a distance of 164.19 feet, (a chord bearing N. 81°49'33" E., a distance of 157.50 feet);
- 37. Thence N. 53°19'07" E., a distance of 14.36 feet;
- 38. Thence on the arc of a curve to the left, a radius of 75.00 feet, a central angle of 45°13'20", a distance of 59.20 feet, (a chord bearing N. 30°42'27" E., a distance of 57.67 feet);
- 39. Thence N. 08°05'47" E., a distance of 65.31 feet;
- 40. Thence on the arc of a curve to the right, a radius of 90.00 feet, a central angle of 12°12'06", a distance of 19.17 feet, (a chord bearing N. 14°11'50" E., a distance of 19.13 feet);
- 41. Thence N. 20°17'54" E., a distance of 266.54 feet;
- 42. Thence on the arc of a curve to the left, a radius of 180.00 feet, a central angle of 11°50'56", a distance of 37.22 feet, (a chord bearing N. 14°22'26" E., a distance of 37.16 feet);

- 43. Thence N. 08°26'57" E., a distance of 66.09 feet;
- 44. Thence on the arc of a curve to the right, a radius of 180.00 feet, a central angle of 10°14'19", a distance of 32.17 feet, (a chord bearing N. 13°34'07" E., a distance of 32.12 feet);
- 45. Thence N. 18°41'17" E., a distance of 53.10 feet;
- 46. Thence on the arc of a curve to the left, a radius of 85.00 feet, a central angle of 88°21'38", a distance of 131.09 feet, (a chord bearing N. 25°29'32" W., a distance of 118.48 feet);
- 47. Thence N. 69°40'21" W., a distance of 263.71 feet to the westerly line of said parcel of land;
- 48. Thence along said westerly line N. 42°00'08" E., a distance of 23.18 feet to said south Right-of-Way line of W. Mineral Ave. (R.O.W. Varies);
- 49. Thence along said south Right-of-Way line S. 69°40'01" E., a distance of 930.32 feet to the POINT OF BEGINNING.

The above-described parcel contains 244,385 sq. ft. (5.610 acres), more or less.

Basis of Bearings: All bearings are based on a line between the North One-Quarter Corner of said Section 32, T.5S., R.68W., 6th P.M. (Fnd. 3-1/4" Aluminum Cap in Monument Box, "2000") and the Northwest Corner of said Section 32, T.5S., R.68W., 6th P.M. (Fnd. 3-1/4" Aluminum Cap in Monument Box, "COLO DEPT OF TRANSPORTATION, PLS 25384"), having a bearing of S. 89°29'28" W.

For and on behalf of: 105 West, Incorporated Richard D. Muntean, PLS 38189 4201 E. Yale Ave., Ste. 230 Denver, Co 80222

EXHIBIT A

THIS EXHIBIT IS A GRAPHIC DEPICTION OF THE PARCEL DESCRIBED ON THE ATTACHED LEGAL DESCRIPTION AND IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

CURVE TABLE

LINE	RADIUS	DELTA	LENGTH	CHORD BEARING	DISTANCE
C1	230.00'	23° 27'31''	94.17'	S22° 32'16''W	93.51'
C2	180.00'	09° 29'23''	29.81'	S15° 33'12''W	29.78'
С3	180.00'	20° 01'13''	62.90'	S10°17'17''W	62.58'
C4	75.00'	39° 07'23''	51.21'	S19° 17'01''E	50.22'
C5	75.00'	30° 49'18''	40.35'	S54° 15'22''E	39.86'
C6	55.00'	90° 26'13''	86.81'	N65° 06'53''E	78.08'
C7	125.00'	89° 33'47''	195.40'	N24° 53'07''W	176.10'
C8	75.00'	75° 14'29''	98.49'	S57° 58'12''W	91.57'
C9	230.00'	29° 42'38''	119.27'	N05° 29'38''E	117.93'
C10	75.00'	60° 18'20''	78.94'	N39° 30'50''W	75.35'
C11	165.00'	57° 00'52''	164.19'	N81° 49'33''E	157.50'
C12	75.00'	45° 13'20''	59.20'	N30° 42'27''E	57.67'
C13	90.00'	12° 12'06''	19.17'	N14° 11'50''E	19.13'
C14	180.00'	11° 50'56''	37.22'	N14° 22'26''E	37.16'
C15	180.00'	10° 14'19''	32.17'	N13° 34'07''E	32.12'
C16	85.00'	88° 21'38''	131.09'	N25° 29'32"W	118.48'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S06° 15'01''W	12.83'
L2	N69° 40'21''W	435.74'
L3	S83° 08'10''W	30.93'
L4	S34°16'02''W	30.63'
L5	S10° 48'30''W	67.54'
L6	S20°17'54''W	324.67'
L7	S00°16'41''W	59.38'
L8	S38° 50'43''E	38.24'
L9	S69° 40'01''E	326.56'
L10	S89° 39'24''W	29.26'
L11	N69° 40'01''W	49.25'
L12	N59° 04'07''W	54.37'
L13	N69° 40'01''W	116.13'
L14	N84° 24'33''W	123.12'

LINE TABLE CONT.

LINE	BEARING	DISTANCE
L15	S20° 20'57''W	65.54'
L16	N69° 39'03''W	85.00'
L17	N20° 20'57''E	17.62'
L18	N09° 21'40''W	19.43'
L19	N69° 40'01''W	117.13'
L20	N20° 17'54''E	56.00'
L21	S69° 40'01''E	58.40'
L22	N53° 19'07''E	14.36'
L23	N08° 05'47''E	65.31'
L24	N20° 17'54''E	266.54'
L25	N08° 26'57''E	66.09'
L26	N18° 41'17''E	53.10'
L27	N69° 40'21''W	263.71'
L28	N42° 00'08''E	23.18'

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

Job No.: 159-0004 Scale: 1" = 200' Date: December 15, 2023 Page 6 of 6 Drawn By: SDB

LINE AND CURVE TABLES
NORTHWEST 1/4 OF SECTION 32
T. 5 S., R. 68 W., 6TH P.M.
CITY OF LITTLETON, ARAPAHOE COUNTY, COLORADO



4201 E. Yale Ave., STE 230 Denver, CO 80222

EXHIBIT "B"

CDOT PROJECT CODE: AQC M810-017 CDOT PROJECT NUMBER: 23574 CDOT PROJECT DESCRIPTION: US 85 AND MINERAL ROADWAY IMPROVEMENTS PERMANENT EASEMENT NUMBER: PE-2 PAGE 1 OF 3

A Permanent Easement No. PE-2 of the City of Littleton, County of Arapahoe, State of Colorado, containing 6,317 sq. ft. (0.145 acres), more or less, in the Northwest One-Quarter of Section 32, Township 5 South, Range 68 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, also lying within a portion of Lot 1, Block, 1, Santa Fe Crossing Subdivision recorded at Reception Number D0077329, Arapahoe County Records. Permanent Easement being more particularly described as follows:

Beginning at a point on the northeasterly Right-of-Way line of W. Mineral Ave. (R.O.W. Varies), also being the Southwest Corner of said Lot 1, Block 1, Santa Fe Crossing Subdivision, whence the North One-Quarter Corner of said Section 32 bears N. 84° 35' 16" E., a distance of 951.35 feet, said point also being the POINT OF BEGINNING.

- 1. Thence along the northwesterly line of said Lot 1, Block 1, N. 41° 59′ 18″ E., a distance of 21.52 feet;
- 2. Thence departing said northwesterly line S. 69° 42' 08" E., a distance of 283.01 feet;
- 3. Thence N. 20° 51' 06" E., a distance of 18.50 feet;
- 4. Thence S. 69° 08' 54" E., a distance of 20.00 feet to the northwesterly Right-of-Way line of S. Platte River Parkway (80' R.O.W.), also being the southeasterly line of said Lot 1, Block 1;
- 5. Thence along said northwesterly Right-of-Way line S. 20° 51' 06" W., a distance of 8.60 feet;
- 6. Thence along the arc of a curve to the right, tangent to the previously described course, a radius of 30.00 feet, a central angle of 88° 56'59", a distance of 46.57 feet to said northeasterly Right-of-Way line of W. Mineral Ave. (R.O.W. Varies), also being the southwesterly line of said Lot 1, Block 1;
- 7. Thence along said northeasterly Right-of-Way line, non-tangent to the previously described curve, N. 69° 42' 08" W., a distance of 281.32 feet, more or less, to the POINT OF BEGINNING.

EXHIBIT "B"

CDOT PROJECT CODE: AQC M810-017 CDOT PROJECT NUMBER: 23574 CDOT PROJECT DESCRIPTION: US 85 AND MINERAL ROADWAY IMPROVEMENTS PERMANENT EASEMENT NUMBER: PE-2 PAGE 2 OF 3

The above-described Permanent Easement contains 6,317 sq. ft. (0.145 acres), more or less.

All lineal distances are represented in U.S. Survey Feet.

Basis of Bearings: All bearings are based on a line between the North One-Quarter Corner of said Section 32, Township 5 South, Range 68 West, of the 6th P.M. (Found 3-1/4" Aluminum Cap in Monument Box stamped "2000") and the Northwest Corner of said Section 32, Township 5 South, Range 68 West, of the 6th P.M. (Found 3-1/4" Aluminum Cap in Monument Box stamped "COLO DEPT OF TRANSPORTATION, PLS 25384"), having a grid bearing of S. 89° 29' 28" W.

For and on behalf of: 105 West, Incorporated Richard D. Muntean, PLS 38189 4201 E. Yale Ave., Ste. 230 Denver, Co 80222



