

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB18-1080

3 SERIES OF 2018

COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of South Cherokee Street at West Iowa**
7 **Avenue, with reservations.**

8 **WHEREAS**, the Executive Director of Public Works of the City and County of Denver has
9 found and determined that the public use, convenience and necessity no longer require that certain
10 area in the system of thoroughfares of the municipality hereinafter described and, subject to approval
11 by ordinance, has vacated the same with the reservations hereinafter set forth;

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

13 **Section 1.** That the action of the Executive Director of Public Works in vacating the
14 following described right-of-way in the City and County of Denver, State of Colorado, to wit:

15 **PARCEL DESCRIPTION ROW NO. 2017-VACA-0000016-001:**

16 A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH,
17 RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
18 STATE OF COLORADO, DESCRIBED AS FOLLOWS:

19 **BEGINNING** AT THE NORTHWEST CORNER OF LOT 2, BLOCK 19 OF "FIRST ADDITION TO
20 OVERLAND PARK" ON FILE IN THE CITY AND COUNTY OF DENVER CLERK AND
21 RECORDER'S OFFICE, COLORADO;

22 THENCE ALONG THE WEST LINE OF SAID BLOCK 19, SOUTH 00°37'30" WEST, 153.67 FEET
23 TO THE BEGINNING OF A TANGENT CURVE HAVING A RADIUS OF 53.00 FEET;

24 THENCE DEPARTING SAID WEST LINE AND CURVING TO THE LEFT ALONG THE ARC OF
25 SAID CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90°42'57",
26 AN ARC LENGTH OF 83.91 FEET, THE CHORD OF SAID CURVE BEARS NORTH 44°43'58"
27 WEST FOR A LENGTH OF 75.42 FEET;

28 THENCE SOUTH 89°54'33" WEST, 6.34 FEET TO THE SOUTHEAST CORNER OF BLOCK 18
29 OF SAID "FIRST ADDITION OF OVERLAND PARK";

30 THENCE ALONG THE EAST LINE OF SAID BLOCK 18, NORTH 00°37'30" EAST, 100.01 FEET
31 TO THE SOUTH RIGHT-OF-WAY LINE OF WEST IOWA AVENUE, SAID POINT ALSO BEING
32 THE SOUTH LINE OF THE NORTH 25 FEET OF LOT 1 OF SAID BLOCK 18;

33 THENCE DEPARTING SAID EAST LINE, NORTH 89°54'33" EAST, 60.00 FEET TO THE **POINT**

1 **OF BEGINNING.**

2 CONTAINING: 6,621 SQUARE FEET OR 0.152 ACRE OF LAND.

3 THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE EASTERLY LINE OF
4 BLOCK 19, FIRST ADDITION TO OVERLAND PARK AS MONUMENTED AS SHOWN ON THE
5 ATTACHED EXHIBIT. SAID LINE BEARS SOUTH 11°47'51" WEST.

6 be and the same is hereby approved and the described right-of-way is hereby vacated and
7 declared vacated;

8 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

9 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
10 successors and assigns, over, under, across, along and through the vacated area for the purposes
11 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
12 including, without limitation, storm drainage, sanitary sewer, and water facilities and all
13 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the
14 entire easement area. The City reserves the right to authorize the use of the reserved easement by
15 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,
16 landscaping or structures shall be allowed over, upon or under the easement area. Any such
17 obstruction may be removed by the City or the utility provider at the property owner's expense. The
18 property owner shall not re-grade or alter the ground cover in the easement area without permission
19 from the City and County of Denver. The property owner shall be liable for all damages to such
20 utilities, including their repair and replacement, at the property owner's sole expense. The City and
21 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall
22 not be liable for any damage to property owner's property due to use of this reserved easement.

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1 COMMITTEE APPROVAL DATE: October 2, 2018 by Consent
2 MAYOR-COUNCIL DATE: October 9, 2018
3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

11 PREPARED BY: Bradley A. Beck, Assistant City Attorney DATE: October 11, 2018

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

17 Kristin M. Bronson, Denver City Attorney

18 BY:  _____, Assistant City Attorney DATE: Oct 11, 2018