

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2015

COUNCIL BILL NO. CB15-0353  
COMMITTEE OF REFERENCE:  
Infrastructure & Culture

**A BILL**

**For an ordinance vacating a portion of right-of-way north of 3525 West 22<sup>nd</sup> Avenue, with reservations.**

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

**NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

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

**PARCEL DESCRIPTION ROW NO. 2014-1052-01-001**

A PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 16, BLOCK 33, JOHN C. GALLUPS RESUB.

THENCE N 89°59'30" W A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF LOT 17;  
THENCE N 00°00'00" E A DISTANCE OF 13.00 FEET;  
THENCE S 89°59'30" E A DISTANCE OF 40.00 FEET;  
THENCE S 00°00'00" W A DISTANCE OF 13.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 520 S.F.

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

**PROVIDED, HOWEVER**, said vacation shall be subject to the following reservation:  
A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the portion of the vacated area as described below ("Easement Area") for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm

1 drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface  
2 shall be maintained by the property owner over the entire Easement Area. The City reserves the  
3 right to authorize the use of the reserved easement by all utility providers with existing facilities in  
4 the Easement Area. No trees, fences, retaining walls, landscaping or structures shall be allowed  
5 over, upon or under the Easement Area. Any such obstruction may be removed by the City or the  
6 utility provider at the property owner's expense. The property owner shall not re-grade or alter the  
7 ground cover in the Easement Area without permission from the City and County of Denver. The  
8 property owner shall be liable for all damages to such utilities, including their repair and  
9 replacement, at the property owner's sole expense. The City and County of Denver, its  
10 successors, assigns, licensees, permittees and other authorized users shall not be liable for any  
11 damage to property owner's property due to use of this reserved easement.

12 COMMITTEE APPROVAL DATE: May 21, 2015 by consent

13 MAYOR-COUNCIL DATE: May 26, 2015

14 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015

15 \_\_\_\_\_ - PRESIDENT

16 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2015

17 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
18 EX-OFFICIO CLERK OF THE  
19 CITY AND COUNTY OF DENVER  
20

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2015; \_\_\_\_\_, 2015

22 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 28, 2015

23 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
24 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
26 3.2.6 of the Charter.  
27

28 D. Scott Martinez, Denver City Attorney

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30 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015