

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0759  
COMMITTEE OF REFERENCE:  
Infrastructure & Culture

6 **A BILL**

7 **For an ordinance vacating the alley between East Illif Avenue, East Wesley**  
8 **Avenue, vacated South Gaylord Street and South York Street, with**  
9 **reservations.**

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

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

17  
18 **Section 1.** That the action of the Manager of Public Works in vacating the following  
19 described right-of-way in the City and County of Denver and State of Colorado, to wit:

20  
21 **PARCEL DESCRIPTION ROW NO. 2013-0294-04-001**

22  
23 A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF  
24 SECTION 26, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH  
25 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF  
26 COLORADO, ALSO BEING A PORTION OF EVANSTON 3<sup>RD</sup> FILING, FILED  
27 IN THE DENVER COUNTY CLERK AND RECORDER'S OFFICE, SAID  
28 PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS  
29 FOLLOWS:

30  
31 THE ALLEY IN BLOCK 43 OF EVANSTON 3<sup>RD</sup> FILING, BETWEEN EAST  
32 ILIFF AVENUE AND EAST WESLEY AVENUE, BEING 15 FEET IN WIDTH.

33  
34 be and the same is hereby approved and the described right-of-way is hereby vacated and  
35 declared vacated;

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

37 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
38 successors and assigns, over, under, across, along, and through the vacated area for the  
39 purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or  
40 private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and  
41 all appurtenances to said utilities. A hard surface shall be maintained by the property owner over

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

11 COMMITTEE APPROVAL DATE: September 11, 2014 [by consent]

12 MAYOR-COUNCIL DATE: September 16, 2014

13 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014  
14 \_\_\_\_\_ - PRESIDENT

15 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

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

20 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

21 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 18, 2014

22 Pursuant to section 14-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
23 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
24 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
25 3.2.6 of the Charter.  
26

27 D. Scott Martinez, Denver City Attorney

28 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2014