

1 **BY AUTHORITY**

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

COUNCIL BILL NO. CB14-0408  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

6 **A BILL**

7 **For an ordinance vacating a portion of the right-of-way adjacent to 4451, 4455**  
8 **and 4471 Cahita Court, with reservations.**

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

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

16  
17 **Section 1.** That the action of the Manager of Public Works in vacating the following  
18 described right-of-way in the City and County of Denver, State of Colorado, to wit:

19  
20 **PARCEL DESCRIPTION ROW NO. 2012-0459-01-001**

21  
22 THAT PART OF LOTS 38 THROUGH 44 AND PART OF CAHITA COURT,  
23 BLOCK 2,  
24 HORNE'S SUBDIVISION SECOND FILING, CITY AND COUNTY OF DENVER,  
25 STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

26  
27 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 38; THENCE  
28 N32°46'01"W, A DISTANCE OF 184.77 FEET TO A POINT ON THE WEST LINE  
29 OF SAID LOT 44; THENCE N00°00'00"E ALONG THE WEST LINE OF SAID  
30 LOT 44, A DISTANCE OF 19.63 FEET TO THE NORTHWEST CORNER OF  
31 SAID LOT 44; THENCE N90°00'00"E ALONG THE NORTH LINE OF SAID LOT  
32 44, A DISTANCE OF 14.07 FEET; THENCE S29°51'23"E, A DISTANCE OF  
33 169.91 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A  
34 CURVE TO THE RIGHT HAVING A RADIUS OF 94.42 FEET AND AN ARC  
35 LENGTH OF 29.70 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 38  
36 EXTENDED; THENCE S90°00'00"W ALONG SAID LINE, A DISTANCE OF 9.18  
37 FEET TO THE POINT OF BEGINNING.

38 CONTAINING 3,432 SQUARE FEET MORE OR LESS.

39  
40 BASIS OF BEARINGS IS THE SOUTH LINE OF SAID LOT 38 BEING  
41 S90°00'00"W.  
42

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

1 declared vacated;

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

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

18 COMMITTEE APPROVAL DATE: May 8, 2014 [by consent]

19 MAYOR-COUNCIL DATE: May 13, 2014

20 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014

21 \_\_\_\_\_ - PRESIDENT

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

23 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
24 EX-OFFICIO CLERK OF THE  
25 CITY AND COUNTY OF DENVER  
26

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

28 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 15, 2014

29 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
30 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
31 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
32 3.2.6 of the Charter.  
33

34 D. Scott Martinez, Denver City Attorney

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