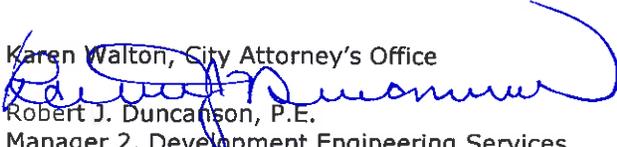




DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

****Amend MEP Ordinance****

TO: Karen Walton, City Attorney's Office
FROM: 
Robert J. Duncan, P.E.
Manager 2, Development Engineering Services
ROW NO.: 2011-0446-01
DATE: October 28, 2011
SUBJECT: Request to amend Ordinance No. 373, Series of 1989 to TCNMC LLC, their successors and assigns, to encroach into the right-of-way with a glass and metal patio enclosure over a current outdoor patio, a side garden, awnings, enclosed dining area, entryway and parking valet shed at 17th Ave and Humboldt St
NOTE: There are new items, and a new legal description to *ADD* to the current Ordinance.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request from Sean Wardroup of Jordy Construction dated 8/18/2011, on behalf of TCNMC LLC for the granting of the above-subject permit.

This matter has been checked by this office and has been coordinated with Asset Management; Colorado Department of Transportation (if required); Comcast Corporation; Commission For People With Disabilities; Councilperson Albus Brooks; CPD: Building & Construction Services, Planning Services, and Zoning & Development Review; Denver Water Board; Environmental Services (if required); Fire Department (if required); Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks and Recreation; Public Works: City Engineer, DES Construction Engineering, DES Engineering, DES Survey, IPP Infrastructure Engineering, and Street Maintenance; Qwest Corporation; Regional Transportation District; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

As a result of the investigations, it has been determined that there is no objection to the granting of the revocable permit.

Therefore, you are requested to initiate Council action for the amend Ordinance No. 373, Series of 1989 to TCNMC LLC, their successors and assigns, to encroach into the right-of-way with a glass and metal patio enclosure over a current outdoor patio, a side garden, awnings, enclosed dining area, entryway and parking valet shed at 17th Ave and Humboldt St

INSERT PARCEL DESCRIPTION ROW 2011-0446-001 HERE
INSERT PARCEL DESCRIPTION ROW 2011-0446-002 HERE

STANDARD PROVISIONS

The revocable permit ("Permit") granted by this resolution is expressly granted upon and subject to each and all of the following terms and conditions:

- (a) Permittee shall obtain a street occupancy permit from Public Works Permit Operations at 2000 West 3rd Avenue, 303.446.3759, and prior to commencing construction.
- (b) Permittee shall be responsible for obtaining all other permits and shall pay all costs that are necessary for installation and construction of items permitted herein.
- (c) If the Permittee intends to install any underground facilities in or near a public road, street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification Association of Owners and Operators of Underground Facilities by contacting the Utility Notification Center of Colorado, 12600 West Colfax Ave, Suite B-310, Lakewood, Colorado, 80215 at 303.232.1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to locate underground facilities prior to commencing any work under this permit.
- (d) Permittee is fully responsible for any and all damages incurred to facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the permit. Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the Manager of Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted structure. The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Manager of Public Works. Any and all replacement or repair of facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by the Water Department and/or the City and County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water Department's or the City and County of Denver's repair, replacement and/or operation of its facilities, repairs will be made by Permittee at its sole expense. Permittee agrees to defend, indemnify and save the City harmless and to repair or pay for the repair of any and all damages to said sanitary sewer, or those damages resulting from the failure of the sewer to properly function as a result of the permitted structure.
- (e) Permittee shall comply with all requirements of affected utility companies and pay for all costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing telephone facilities shall not be utilized, obstructed or disturbed.
- (f) All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and Specifications governing the construction of the Encroachments shall be approved by the Manager of Public Works and the

Director of the Building Inspection Division prior to construction. Upon completion, a reproducible copy of the exact location and dimensions of the Encroachments shall be filed with the Manager of Public Works.

- (g) The sidewalk and street/alley over the Encroachment Area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the Encroachment Area shall be constructed so that the paved section of the street/alley can be widened without requiring additional structural modifications. The sidewalk shall be constructed so that it can be removed and replaced without affecting structures within the Encroachment Area.
- (h) Permittee shall pay all costs of construction and maintenance of the Encroachment. Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment from the Encroachment Area, and return the Encroachment Area to its original condition under the supervision of the City Engineer.
- (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during the course of construction. In the future, Permittee shall also remove, replace or repair any street/alley paving, sidewalks, and curb and gutter that become broken or damaged when, in the opinion of the City Engineer, the damage has been caused by the activity of the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to the City and under the supervision of the City Engineer.
- (j) The City reserves the right to make an inspection of the Encroachments contained within the Encroachment Area. An annual fee, subject to change, of \$200.00 shall be assessed.
- (k) This revocable permit shall not operate or be construed to abridge, limit or restrict the City and County of Denver in exercising its right to make full use of the Encroachment Area and adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent rights-of-way.
- (l) During the existence of the Encroachments and this permit, Permittee, its successors and assigns, at its expense, and without cost to the City and County of Denver, shall procure and maintain a single limit comprehensive general liability insurance policy with a limit of not less than \$500,000.00. All coverage's are to be arranged on an occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage required herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this permit. All insurance coverage required herein shall be written in a form and by a company or companies approved by the Risk Manager of the City and County of Denver and authorized to do business in the State of Colorado. A certified copy of all such insurance policies shall be filed with

the Manager of Public Works, and each such policy shall contain a statement therein or endorsement thereon that it will not be canceled or materially changed without written notice, by registered mail, to the Manager of Public Works at least thirty (30) days prior to the effective date of the cancellation or material change. All such insurance policies shall be specifically endorsed to include all liability assumed by the Permittee hereunder and shall name the City and County of Denver as an additional insured.

- (m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of the City and County of Denver. The failure to comply with any such provision shall be a proper basis for revocation of this permit.
- (n) The right to revoke this permit is expressly reserved to the City and County of Denver.
- (o) Permittee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and privileges granted by this permit.

SPECIAL CONDITIONS FOR THIS PERMIT

- (p) None

A map of the area is attached hereto.

RJD: VLH 

cc: ~~Asset Management~~, Steve Wirth
City Council Office, Gretchen Williams
Councilperson Brooks and Aides
Department of Law, Karen Aviles
Department of Law, Arlene Dykstra
Department of Law, Karen Walton
Public Works, Alba Castro
Public Works, Christine Downs
Public Works, Stacie Loucks
Project File # 2011-0446-01

Property Owner:
TCNMC LLC
1700 Humboldt St
Denver Co 80218

Agent:
Jordy Construction
c/o Sean Wardroup
1212 S Broadway Unit 100
Denver, Co 80210

ORDINANCE/RESOLUTION REQUEST

Please email requests to Stacie Loucks at
Stacie.Loucks@denvergov.org by **NOON on Monday.**

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: October 28, 2011

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

Request to amend Ordinance No. 373, Series of 1989 to TCNMC LLC, their successors and assigns, to encroach into the right-of-way with a glass and metal patio enclosure over a current outdoor patio, a side garden, awnings, enclosed dining area, entryway and parking valet shed at 17th Ave and Humboldt St

3. **Requesting Agency:** PW Right of Way Engineering Services

4. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** Vanessa Herman
- **Phone:** 720-913-019
- **Email:** vanessa.herman@denvergov.org

5. **Contact Person:** *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- **Name:** Stacie Loucks
- **Phone:** 720-865-8720
- **Email:** Stacie.Loucks@denvergov.org

6. **General description of proposed ordinance including contract scope of work if applicable:**

This is to amend a current Ordinance 373, or 1989, to add additional items, and another legal description

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

- a. **Contract Control Number:** N/A
- b. **Duration:** Permanent
- c. **Location:** 17th Ave and Humboldt St
- d. **Affected Council District:** Dist # 8 Brooks
- e. **Benefits:** N/A
- f. **Costs:** N/A

7. **Is there any controversy surrounding this ordinance?** *(Groups or individuals who may have concerns about it?)* **Please explain.**

None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: 2011-0446-01 MEP for TCNCCM LLC at 17th Ave and Humboldt St

Description of Proposed Project: Request to amend Ordinance No. 373, Series of 1989 to TCNCCM LLC, their successors and assigns, to encroach into the right-of-way with a glass and metal patio enclosure over a current outdoor patio, a side garden, awnings, enclosed dining area, entryway and parking valet shed at 17th Ave and Humboldt St

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The ROW is needed to have an enclosed outdoor dining area.

Has a Temp MEP been issued, and if so, what work is underway: No

What is the known duration of an MEP: Permanent

Will land be dedicated to the City if the vacation goes through: N/A

Will an easement be placed over a vacated area, and if so explain: N/A

Will an easement relinquishment be submitted at a later date: N/A

Additional information: We are amending the current Ordinance # 373, Series of 1989, to add additional items and additional area.

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SW $\frac{1}{4}$ SEC.35, T3S, R68W OF THE 6TH P.M., BEING PART OF THE HUMBOLDT STREET RIGHT OF WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 22, BLOCK 13, PARK AVENUE ADDITION TO DENVER;
THENCE S 89°59'52" W, PARALLEL TO THE NORTH LINE OF LOT 22, BLOCK 13, PARK AVENUE ADDITION TO DENVER, 6.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 89°59'52" W, 7.25 FEET TO A POINT;
THENCE S 00°00'00" E, PARALLEL TO THE EAST RIGHT OF WAY LINE OF HUMBOLDT STREET, 81.35 FEET TO A POINT;
THENCE S 39°06'30" E, 11.49 FEET TO A POINT;
THENCE N 00°00'00" W, 90.27 FEET TO THE TRUE POINT OF BEGINNING.
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.
THE ABOVE DESCRIBED PARCEL CONTAINING 622.0286 SQ. FT. OR 0.0143 ACRES .

SEE ATTACHED EXHIBIT A

SURVEYOR'S CERTIFICATE

I Peter M. Palombo, a Colorado Registered Professional Land Surveyor, do hereby certify that the EXHIBIT AND LEGAL DESCRIPTION was made by me or under my direct responsibility, supervision and checking in accordance with Colorado State Law, and that it is correct to the best of my professional knowledge, belief and opinion.

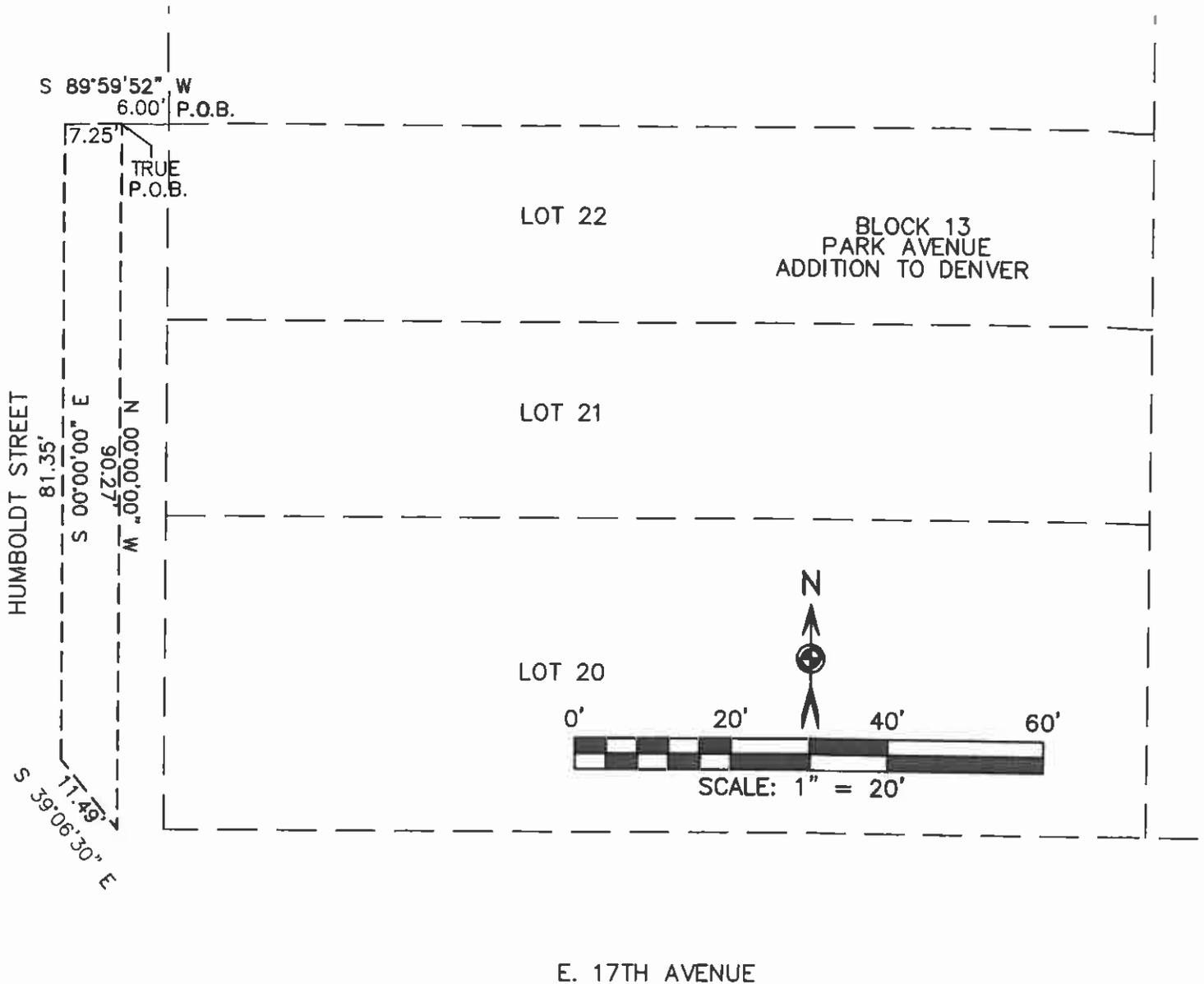
Signed: _____ Date: 10-5-11 Seal:
PETER M. PALOMBO P.L.S. 33197



PETER M. PALOMBO PLS
13221 Bryant Cir.
Broomfield, CO 80020
Bus: (720) 849-7509
DATE: 10-6-11

ROW PROJECT No 2011-0446
PLS LEGAL DESCRIPTION No. 2011-0446-01-001

EXHIBIT A



PETER M. PALOMBO PLS
13221 Bryant Cir.
Broomfield, CO 80020
Bus: (720) 849-7509
DATE: 10-5-11

PW ROW PROJECT No. 2011-0446
PW LEGAL DESCRIPTION No. 2011-0446-01-001

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SW $\frac{1}{2}$ SEC.35, T3S, R68W OF THE 6TH P.M., BEING PART OF THE E. 17TH AVENUE RIGHT OF WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 20, BLOCK 13, PARK AVENUE ADDITION TO DENVER;
THENCE S 89°59'52" W, ALONG THE SOUTH LINE OF LOT 20, BLOCK 13, PARK AVENUE ADDITION TO DENVER, 5.53 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 89°59'52" W, ALONG THE SOUTH LINE OF LOT 20, BLOCK 13, PARK AVENUE ADDITION TO DENVER, 44.61 FEET TO A POINT;
THENCE S 00°00'00" E, PARALLEL TO THE EAST RIGHT OF WAY LINE OF HUMBOLDT STREET, 15.50 FEET TO A POINT;
THENCE N 89°59'52" E, 44.61 FEET TO A POINT;
THENCE N 00°00'00" W, 15.50 FEET TO THE TRUE POINT OF BEGINNING.
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.
THE ABOVE DESCRIBED PARCEL CONTAINING 691.4750 SQ. FT. OR 0.0159 ACRES.

SEE ATTACHED EXHIBIT A

SURVEYOR'S CERTIFICATE

I Peter M. Palombo, a Colorado Registered Professional Land Surveyor, do hereby certify that the EXHIBIT AND LEGAL DESCRIPTION was made by me or under my direct responsibility, supervision and checking in accordance with Colorado State Law, and that it is correct to the best of my professional knowledge, belief and opinion.

Signed: _____ Date: 10-5-11 Seal: _____
PETER M. PALOMBO P.L.S. 33197

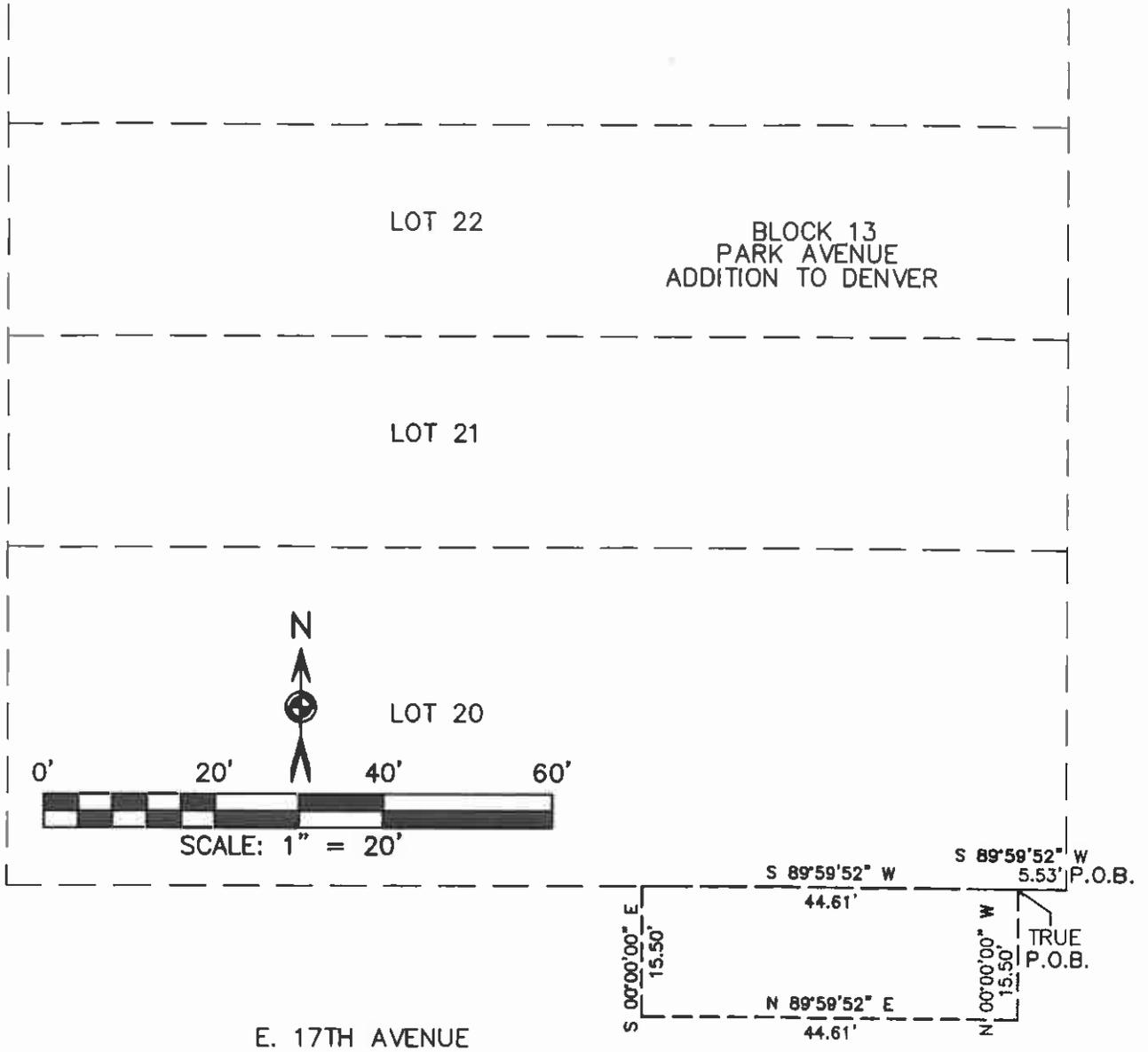
PETER M. PALOMBO PLS
13221 Bryant Cir.
Broomfield, CO 80020
Bus: (720) 849-7509
DATE: 10-5-11



PW ROW PROJECT No 2011-0446
PW LEGAL DESCRIPTION No 2011-0446-01-002

EXHIBIT A

HUMBOLDT STREET



PETER M. PALOMBO PLS
13221 Bryant Cir.
Broomfield, CO 80020
Bus: (720) 849-7509
DATE: 10-5-11

PW ROW PROJECT No. 2011-0446
PW LEGAL DESCRIPTION No. 2011-0446-01-002

BY AUTHORITY
ORDINANCE NO. 373
COUNCIL BILL NO. 34, SERIES OF 1989, COMMITTEE OF REFERENCE: PUBLIC WORKS.

A BILL
FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE, SUBJECT TO CERTAIN TERMS AND CONDITIONS, TO R.J.R. RESTAURANT CORPORATION AND UPTOWN, INC. THEIR SUCCESSORS AND ASSIGNS, TO ENCROACH INTO PORTIONS OF 17TH AVENUE AND HUMBOLDT STREET WITH AWNINGS, ENCLOSED DINING AREA, ENTRYWAY, AND PARKING MALET SHED.

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

Section 1. That the City and County of Denver hereby grants R.J.R. Restaurant Corporation and Uptown, Inc. their successors and assigns a revocable permit or license to encroach upon, enclosed dining area, entryway, and parking malet shed in the following described area: Their parts of 17th Avenue and Humboldt Street, particularly described as follows: Beginning at the southwest corner of Block 13, Park Avenue addition to Denver; thence northerly along the west line of said Block 13, 90.27 feet; thence westerly and parallel with the south line of said Block 13, 90.27 feet; thence southerly to a point that is 13.5 feet southerly from and 8.5 feet easterly from the southwest corner of said Block 13; thence easterly and parallel with the south line of said Block 13, 47 feet; thence northerly and parallel with the west line of said Block 13, 47 feet; thence southerly and parallel with the west line of said Block 13, 24 feet; thence northerly and parallel with the west line of said Block 13, 24 feet; thence southerly 8 feet to a point on the south line of said Block 13; thence easterly along the south line to the point of beginning.

Section 2. The Revocable Permit or License granted by this ordinance is expressly granted upon and subject to each and all of the following terms and conditions:

(a) All construction to, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and specifications, governing the construction of said awnings, enclosed dining area, entryway, and parking malet shed, shall be approved by the Manager of Public Works and the Director of the Building and Inspection Division prior to construction. Upon completion a reproducible copy of the exact location and dimensions of the encroachments shall be filed with the Manager of Public Works.

(b) The licensee shall pay all costs of construction and maintenance of said awnings, enclosed dining area, entryway and parking malet shed, and shall be responsible for the removal of said structures from the encroachment area and return the streets to their original condition under the supervision of the City Engineer.

(c) This revocable permit or license shall not operate as a construction to abridge, limit or restrict the City and County of Denver in exercising its right to make full use of 17th Avenue and Humboldt Street as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said streets.

Any cost that is incurred relocating facilities for the utility companies during construction within the encroachment area will have to be borne by the licensee.

(d) The licensee is to assume full responsibility for any and all damages incurred to facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the permit. Any and all replacement or repair of facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver damaged to the work shall be made by the Water Department and/or the City and County of Denver at the sole expense of the licensee.

(e) The licensee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising out of the rights and privileges granted by this permit.

(f) During the existence of said encroachment, the licensee or permittee, its successors or assigns, or their estate, and without cost to the City and County of Denver, shall procure and maintain a single limit comprehensive general liability insurance policy with a limit of not less than \$500,000. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as V.C.U.I. during construction. The insurance coverage shall be written in a policy which contains a minimum requirement and such endorsement shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable permit or license; all of the insurance coverage required herein shall be written in a policy and by a company of companies approved by the Manager of Public Works of the City and County of Denver and authorized to do business in the State of Colorado. A certified copy of all such insurance policies shall be filed with the said Manager of Public Works, and each such policy shall contain a statement therein of endorsement therein that it will not be canceled, materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County of Denver as an additional insured.

(g) The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter, both inside the area of encroachment and in the areas of the streets adjoining thereto, that become broken, damaged or unsightly during the course of construction without cost to the City.

In the future the licensee shall also remove, replace or repair any street paving, sidewalks and curb and gutter that become broken or damaged when in the opinion of the City Engineer the damage has been caused by the construction within the area of encroachment.

The work required to erect the said awnings shall be accomplished without cost to the City and under the supervision of the City Engineer.

(h) The City and County of Denver reserves the right to make an inspection of the said awnings, enclosed dining area, entryway, and parking malet shed and facilities contained within the premises of the encroachment for which an annual fee of \$500 shall be assessed.

Section 3. That the revocable permit or license hereby granted shall be revocable at any time that the Council of the City and County of Denver shall determine that the public convenience and necessity of the public health, safety or general welfare require such revocation, and the right to revoke the same is hereby expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to Council action upon such revocation or proposed revocation, opportunity shall be afforded to licensee or permittee, its successors and assigns, to be present at a hearing to be conducted by the Council upon such matters and to present in person or by their agents and advisors, and to present for consideration evidence or actions alternative to the revocation of such license or permit.

Section 4. That this license or permit shall be of no force or effect until the following things have been done and performed:

(a) The licensee or permittee shall have filed with the Manager of Public Works a written acknowledgment of the terms and conditions of this ordinance together with a fee for filing with the Clerk and Recorder in and for the City and County of Denver; said acknowledgment shall be in substantially the following form:

I, the undersigned do hereby accept all of the terms and conditions recited in Ordinance No. _____ Series of 19__.

Signed _____ (Permittee or Licensee)

_____ (Name of Officer)

(b) The licensee or permittee shall have filed with the Manager of Public Works all insurance policies and certificates therein recited; and

(c) The Manager of Public Works shall have certified in writing that the foregoing requirements have been performed.

PASSSED BY THE COUNCIL July 10, 1989, Cathy Donohue - President, APPROVED: Federico Pena - Mayor, July 11, 1989, ATTEST: Felicia Murtic - Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, (SEAL) Published in the Rocky Mtn. News, July 7 and 17, 1989. PREPARED BY: Robert M. Kelly - Assistant City Attorney, 6/27/89, REVIEWED BY: George J. Carrone, Jr. - Assistant City Attorney, 6/28/89.

BY AUTHORITY
ORDINANCE NO. 374
COUNCIL BILL NO. 35, SERIES OF 1989, COMMITTEE OF REFERENCE: PUBLIC WORKS.

A BILL
FOR AN ORDINANCE VACATING CERTAIN PARTS OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY OF DENVER TO CERTAIN RESERVATIONS; I.E. VACATING 51ST AVENUE FROM THOMPSON COURT EAST TO RAILROAD RIGHT-OF-WAY AND THOMPSON COURT FROM 51ST AVENUE SOUTH TO RAILROAD RIGHT-OF-WAY.

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 those certain portions of those certain streets in the system of thoroughfares of the municipality hereinafter described and, subject to approval by ordinance, has vacated the same with reservations as 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 portions of certain streets in the City and County of Denver and State of Colorado, to wit:

That part of 51st Avenue lying between the east right-of-way line of Thompson Court and the northwesterly line of the Union Pacific Railroad Company right-of-way.

Thompson Court That part of Thompson Court lying between the south line of 51st Avenue and the northwesterly line of the Union Pacific Railroad Company right-of-way.

be and the same is hereby approved and the described portions of those certain streets are hereby vacated and declared vacant; PROVIDED HOWEVER, said vacation shall be subject to the following conditions and reservations:

The easements in and are hereby retained to protect the utilities in the portion of vacated 51st Avenue which utilities include telephone lines, power lines, gas lines and drainage facilities for water and sewage of the City and County of Denver.

PASSSED BY THE COUNCIL July 10, 1989, Cathy Donohue - President, APPROVED: Federico Pena - Mayor, July 11, 1989, ATTEST: Felicia Murtic - Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, (SEAL) Published in the Rocky Mtn. News July 7 and 17, 1989. PREPARED BY: Robert M. Kelly - Assistant City Attorney, 6/27/89, REVIEWED BY: George J. Carrone, Jr. - Assistant City Attorney, 6/28/89.

BY AUTHORITY
ORDINANCE NO. 375
COUNCIL BILL NO. 36, SERIES OF 1989, COMMITTEE OF REFERENCE: PUBLIC WORKS.

A BILL
FOR AN ORDINANCE LAYING OUT, OPENING AND ESTABLISHING CERTAIN REAL PROPERTY AS PART OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY OF DENVER, I.E. AS PUBLIC ALLEY IN BLOCK 1, BUCHTEL'S SUBDIVISION.

WHEREAS, the Manager of Public Works of the City and County of Denver has found and determined that the public use, convenience and necessity require the laying out, opening and establishing as part of the system of thoroughfares of the municipality the certain real property hereinafter more particularly described and, subject to approval by ordinance, has laid out, opened and established the same as part of a public alley;

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 laying out, opening and establishing as part of the system of thoroughfares of the municipality the following described portion of real property located, lying and being in the City and County of Denver, State of Colorado, to wit:

A PART OF LOTS 30 THROUGH 35 INCLUSIVE, BLOCK 1, BUCHTEL'S SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 30, BLOCK OF BUCHTEL'S SUBDIVISION, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST ALAMEDA AVENUE; THENCE NORTHERLY ALONG THE WESTERLY LINE OF LOTS 30 THROUGH 35 INCLUSIVE, SAID BUCHTEL'S SUBDIVISION, A DISTANCE OF 1500 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 1254 FEET; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 46°20'00" A DISTANCE OF 714 FEET; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 11°27'55" PARALLEL WITH AND 1500 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES, SAID WESTERLY LINE OF LOTS 30 THROUGH 35 INCLUSIVE, A DISTANCE OF 500 FEET; THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 70°25'57" PARALLEL WITH AND 1500 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES, THE SOUTHERLY LINE OF SAID LOT 30; AND SAID NORTHERLY RIGHT-OF-WAY LINE OF WEST ALAMEDA AVENUE, A DISTANCE OF 1100 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 7771 SQUARE FEET OR 0.180 ACRES, MORE OR LESS.

be and the same is hereby approved and said portion of real property is hereby laid out and established and declared laid out, opened and established as a public alley.

Section 2. That the portion of real property described in Section 1 hereof shall hereinafter be a public alley.

PASSSED BY THE COUNCIL July 10, 1989, Cathy Donohue - President, APPROVED: Federico Pena - Mayor, July 11, 1989, ATTEST: Felicia Murtic - Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, (SEAL) Published in the Rocky Mtn. News July 7 and 17, 1989. PREPARED BY: Robert M. Kelly - Assistant City Attorney, 6/27/89, REVIEWED BY: George J. Carrone, Jr. - Assistant City Attorney, 6/28/89.

BY AUTHORITY
ORDINANCE NO. 376
COUNCIL BILL NO. 37, SERIES OF 1989, COMMITTEE OF REFERENCE: PUBLIC WORKS.

A BILL
FOR AN ORDINANCE AUTHORIZING THE MAYOR AND OTHER PROPER OFFICIALS TO ENTER INTO A CERTAIN AGREEMENT RELATING TO EXCHANGE OF REAL PROPERTY WITH BETHSAIDA REVIVAL FELLOWSHIP, INCORPORATED, AND TO CARRY OUT AND CONSUMMATE SAID AGREEMENT ACCORDING TO THE TERMS AND CONDITIONS THEREOF.

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

Section 1. That the Mayor and other officials of the City and County of Denver be and they hereby are authorized, empowered and directed in the name and on behalf of the City and County of Denver to make and enter into a written agreement with Bethesda Revival Fellowship incorporated, a nonprofit corporation, for exchange of certain real estate, in the words and figures contained and set forth in that form of the proposed agreement, memorandum, and maps filed in the Office of the City Clerk of the City and County of Denver, on the 28th day of June 1989, File No. 89-427, and consummate and carry out the said agreement according to the terms thereof, including making the necessary conveyances and documents pursuant thereto.

PASSSED BY THE COUNCIL July 10, 1989, Cathy Donohue - President, APPROVED: Federico Pena - Mayor, July 11, 1989, ATTEST: Felicia Murtic - Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, (SEAL) Published in the Rocky Mtn. News July 7 and 17, 1989. PREPARED BY: Herman J. Alencio - Assistant City Attorney, 6/28/89, REVIEWED BY: George J. Carrone, Jr. - Assistant City Attorney, 6/28/89.