

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2024

COUNCIL BILL NO. CB24-0427  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of the alley right-of-way south of West**  
7 **Ellsworth Avenue and west of South Kalamath Street, at 39 South Kalamath**  
8 **Street, with reservations.**

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

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

15 **Section 1.** That the action of the Executive Director of the Department of Transportation  
16 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,  
17 State of Colorado, to wit:

18 **PARCEL DESCRIPTION ROW NO. 2022-VACA-0000023-001:**

19 A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 4  
20 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF  
21 DENVER, STATE OF COLORADO, ALSO BEING A PORTION OF BLOCK 12, LAKE ARCHER  
22 SUBDIVISION AND RESOLUTION 2014-0201 FILED AT RECEPTION NO, 2014128517, ALL  
23 BEING FILED IN THE DENVER COUNTY CLERK AND RECORDER'S OFFICE, SAID PARCEL  
24 OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

25  
26 BEARINGS ARE BASED ON THE RANGE LINE ALONG WEST ELLSWORTH AVENUE FROM  
27 LIPAN STREET TO SANTA FE DRIVE, ASSUMED TO BEAR N89°34'04"E A DISTANCE OF  
28 854.93 FEET FROM A FOUND NO. 8 REBAR IN DENVER RANGE BOX TO A FOUND 1" AXLE  
29 IN DENVER RANGE BOX;

30  
31 BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID RESOLUTION 2014-0201  
32 AND THE NORTH LINE OF LOT 5 OF SAID BLOCK 12, SAID POINT BEARS S40°30'11"E A  
33 DISTANCE OF 313.62 FEET FROM SAID NO. 8 REBAR IN RANGE BOX LOCATED IN LIPAN  
34 STREET;

35  
36 THENCE N89°34'04"E A DISTANCE OF 8.00 FEET TO THE EAST LINE OF SAID RESOLUTION  
37 2014-0201; THENCE ALONG THE EAST, SOUTHERLY, AND WEST LINE OF SAID  
38 RESOLUTION 2014-0201 THE FOLLOWING THREE(3) COURSES:

1 1.) THENCE S00°24'22"E A DISTANCE OF 78.57 FEET;  
2 2.) THENCE N43°26'39"W A DISTANCE OF 11.72 FEET;  
3 3.) THENCE N00°24'22"W A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;  
4 WHENCE SAID AXLE IN RANGE BOX LOCATED IN SANTA FE DR. BEARS N69°23'20"E A  
5 DISTANCE OF 695.74 FEET.

6  
7 SAID PARCEL CONTAINS 594 SQUARE FEET OR 0.014 ACRES, MORE OR LESS

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

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

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

25 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: April 2, 2024 by Consent  
2 MAYOR-COUNCIL DATE: April 9, 2024  
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 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_

10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: April 11, 2024

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 § 3.2.6 of the Charter.

15  
16 Kerry Tipper, Denver City Attorney

17  
18 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_