

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. CB12-0128
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating the alley bounded by 10th Avenue, between Osage Street and Navajo Street, 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 area in the City and County of Denver and State of Colorado, to wit:

PARCEL DESCRIPTION ROW 2011-0361-04-001

HUNT'S ADDITION TO DENVER, BLOCK 28
ALLEY VACATION

A PARCEL OF LAND BEING ALL OF THAT ALLEY SIXTEEN FEET (16") IN WIDTH LYING WITHIN BLOCK 28, HUNT'S ADDITION TO DENVER AS RECORDED FEBRUARY 19TH, 1874, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING SUBORDINATELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 40, OF SAID BLOCK 28, HUNT'S ADDITION TO DENVER, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF SAID ALLEY, AND CONSIDERING THE 21' RANGE LINE IN 10TH AVENUE IMMEDIATELY NORTH OF SAID BLOCK 28 TO BEAR NORTH 89°48'59" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WESTERLY LINE OF LOTS 28 THROUGH 40, INCLUSIVE, SAID BLOCK 28 AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°10'00"EAST A DISTANCE OF 319.61 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 28 AND THE SOUTHEASTERLY CORNER OF SAID ALLEY; THENCE ALONG THE SOUTHERLY LINE OF SAID ALLEY SOUTH 89°56'11"WEST A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 13, SAID BLOCK 28 AND THE SOUTHWESTERLY CORNER OF SAID ALLEY;

THENCE ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 13, INCLUSIVE, SAID BLOCK 28, AND THE WESTERLY LINE OF SAID ALLEY NORTH 00°10'00"WEST A DISTANCE OF 319.57 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 1 AND THE NORTHWESTERLY CORNER OF SAID ALLEY; THENCE ALONG THE NORTHERLY LINE OF SAID ALLEY NORTH 89 °48'59"EAST A DISTANCE OF 16.00 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 5,113 SQUARE FEET, OR 0.117 ACRES, MORE OR LESS.

1 be and the same is hereby approved and the described area is hereby vacated and declared
2 vacated;

3 PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

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

19 COMMITTEE APPROVAL DATE: February 16, 2012 [by consent]

20 MAYOR-COUNCIL DATE: February 21, 2012

21 PASSED BY THE COUNCIL: _____, 2012

22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____, 2012

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER
27

28 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2012; _____, 2012

29 PREPARED BY: - Karen A. Aviles, Assistant City Attorney DATE: February 23, 2012

30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
31 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
33 3.2.6 of the Charter.
34

35 Douglas J. Friednash, Denver City Attorney

36 BY: _____, City Attorney DATE: _____, 2012