

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2016

COUNCIL BILL NO. CB16-1134  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating the alley bounded by West 14<sup>th</sup> Avenue, West Colfax**  
7 **Avenue, Fox Street and Galapago Street, with reservations.**

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

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

13 **Section 1.** That the action of the Executive Director of Public Works in vacating the  
14 following described right-of-way in the City and County of Denver, State of Colorado, to wit:

15 **PARCEL DESCRIPTION ROW NO. 2016-VACA-0000005-001:**

16 BEING THE 16-FOOT ALLEY AND THE 25-FOOT ALLEY, BLOCK 13, WITTER'S FIRST ADDITION TO THE CITY  
17 OF DENVER, EXCEPT THAT PORTION OF THE 25-FOOT ALLEY VACATED IN BOOK 1431 AT PAGE 349 IN THE  
18 OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER; SITUATED IN THE  
19 NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6<sup>th</sup> PRINCIPAL  
20 MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING MORE PARTICULARLY  
21 DESCRIBED AS FOLLOWS:

22 BEGINNING AT THE SOUTHEAST CORNER OF LOT 23, SAID BLOCK 13:

23 THENCE NORTH, ALONG THE WEST LINE OF SAID 16-FOOT ALLEY, 350.5 FEET; THENCE EAST, ALONG THE  
24 NORTH LINE OF SAID 25-FOOT ALLEY, 140.9 FEET TO THE WEST RIGHT-OF-WAY LINE OF FOX STREET;

25 THENCE SOUTH, ALONG SAID WEST RIGHT-OF-WAY LINE, 25.0 FEET;

26 THENCE WEST, ALONG THE SOUTH LINE OF SAID 25-FOOT ALLEY, 124.9 FEET;

27 THENCE SOUTH, ALONG THE EAST LINE OF SAID 16-FOOT ALLEY, 325.5 FEET TO A POINT ON THE NORTH  
28 RIGHT-OF-WAY OF WEST 14<sup>TH</sup> AVENUE;

29 THENCE WEST, ALONG SAID NORTH RIGHT-OF-WAY, 16.0 FEET TO THE POINT OF BEGINNING.

30 CONTAINS A CALCULATED AREA OF 8,732 SQUARE FEET OR 0.20 ACRES, MORE OR LESS.

31 be and the same is hereby approved and the described right-of-way is hereby vacated and  
32 declared vacated;

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

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

15 COMMITTEE APPROVAL DATE: November 17, 2016, by consent

16 MAYOR-COUNCIL DATE: November 22, 2016

17 PASSED BY THE COUNCIL: \_\_\_\_\_

18 \_\_\_\_\_ - PRESIDENT

19 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

20 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
21 EX-OFFICIO CLERK OF THE  
22 CITY AND COUNTY OF DENVER  
23

24 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

25 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: November 23, 2016

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

30  
31 Kristin M. Bronson, City Attorney for the City and County of Denver

32 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_