

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0773
COMMITTEE OF REFERENCE:
4 Land Use, Transportation, and Infrastructure

5 **A BILL**

6 **For an ordinance to vacate the entire alley bounded by Walnut Street, Larimer**
7 **Street, 24th Street and Park Avenue West, with reservations.**

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

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

15
16 **Section 1.** That the action of the Manager of Public Works in vacating the following
17 described area in the City and County of Denver and State of Colorado, to wit:

18 **PARCEL DESCRIPTION ROW 2011-0300-001**

A PARCEL OF LAND BEING ALL OF THE ALLEY LOCATED IN BLOCK 54 EAST
DENVER, COMMONLY KNOWN AS STECK'S ADDITION TO DENVER, SITUATED IN THE
SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF
THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

19
20 be and the same is hereby approved and the described area is hereby vacated and declared
21 vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations
22 covering the land described below:

23 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
24 successors and assigns, over, under, across, along, and through the vacated area for the purposes of
25 constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
26 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard
27 surface shall be maintained by the property owner over the entire easement area. The City reserves
28 the right to authorize the use of the reserved easement by all utility providers with existing facilities in
29 the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over,
30 upon or under the easement area. Any such obstruction may be removed by the City or the utility
31 provider at the property owner's expense. The property owner shall not re-grade or alter the ground
32 cover in the easement area without permission from the City and County of Denver. The property

1 owner shall be liable for all damages to such utilities, including their repair and replacement, at the
2 property owner's sole expense. The City and County of Denver, its successors, assigns, licensees,
3 permittees and other authorized users shall not be liable for any damage to property owner's property
4 due to use of this reserved easement.

5 COMMITTEE APPROVAL DATE: October 27, 2011 [by consent]

6 MAYOR-COUNCIL DATE: November 1, 2011

7 PASSED BY THE COUNCIL: _____, 2011

8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____, 2011

10 ATTEST: _____ - CLERK AND RECORDER,
11 EX-OFFICIO CLERK OF THE
12 CITY AND COUNTY OF DENVER
13

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011

15 PREPARED BY: - KAREN A. AVILES, Assistant City Attorney DATE: November 3, 2011

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
18 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.
20

21 Douglas J. Friednash, Denver City Attorney

22 BY: _____, City Attorney DATE: _____, 2011