

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0283  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of Forest St., at approximately 43<sup>rd</sup> Ave., with**  
7 **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:

*A parcel of land located in the Southeast Quarter of Section 19, Township 3 South,  
Range 67 West, of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of  
Colorado, being more particularly described as follows:*

*That tract of land conveyed to the City and County of Denver by deed recorded  
December 17, 1985 at Reception No. 004933 and dedicated as public right-of-way by  
Ordinance 514 of 1986;*

*together with:*

*that portion of Forest St., dedicated by the Plat of Sheffield, which portion lies between  
the north line of the Southeast Quarter of said Section 19 and the north right-of-way line  
of the Union Pacific Railroad.*

18  
19 be and the same is hereby approved and the described area is hereby vacated and declared  
20 vacated;

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

22 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
23 successors and assigns, over, under, across, along, and through the portion of the vacated area  
24 described below ("Easement Area") for the purposes of constructing, operating, maintaining,  
25 repairing, upgrading and replacing public or private utilities including storm drainage and sanitary  
26 sewer facilities and all appurtenances to said utilities. A hard surface shall be maintained by the  
27 property owner over the entire Easement Area. The City reserves the right to authorize the use of the  
28 reserved easement by all utility providers with existing facilities in the Easement Area. No trees,  
29 fences, retaining walls, landscaping or structures shall be allowed over, upon or under the Easement

1 Area. Any such obstruction may be removed by the City or the utility provider at the property owner's  
2 expense. The property owner shall not re-grade or alter the ground cover in the easement area  
3 without permission from the City and County of Denver. The property owner shall be liable for all  
4 damages to such utilities, including their repair and replacement, at the property owner's sole  
5 expense. The City and County of Denver, its successors, assigns, licensees, permittees and other  
6 authorized users shall not be liable for any damage to property owner's property due to use of this  
7 reserved easement. The Easement Area is described as follows:

A 24 foot wide strip of land located in the Southeast One Quarter of Section 19,  
Township 3 South, Range 67 West, of the 6<sup>th</sup> Principal Meridian, City and County of  
Denver, State of Colorado, being more particularly described as follows:

Beginning at the Northwest corner of the Northeast One Quarter of the Southeast One  
Quarter of said Section 19, from which the Center One Quarter corner of said Section 19  
bears North 89°51'55" West, a distance of 1320.98 feet and the East One Quarter corner  
of said Section 19 bears South 89°51'55" East, a distance of 1320.98 feet; thence South  
89°51'55" East, along the north line of said Southeast One Quarter, a distance of 23.32  
feet; thence South 00°24'42" West, a distance of 309.95 feet, more or less, to the  
northerly right-of-way line of the Union Pacific Railroad; thence North 79°28'26" West,  
along said northerly line, a distance of 24.38 feet; thence North 00°24'42" East, a  
distance of 305.56 feet, more or less, to a point on the north line of said Southeast One  
Quarter; thence South 89°51'55" East, along said north line, a distance of 0.68 feet to the  
Point of Beginning.

Bearings are based on the north line of the Southeast One Quarter of Section 9 bearing  
South 89°51'55" East between a 3.25" aluminum cap in rangebox at the Center One  
Quarter corner and a 3" brass cap in rangebox at the East One Quarter corner.

8  
9 COMMITTEE APPROVAL DATE: June 16, 2011 by consent.

10 MAYOR-COUNCIL DATE: June 21, 2011

11 PASSED BY THE COUNCIL: \_\_\_\_\_, 2011

12 \_\_\_\_\_ - PRESIDENT

13 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2011

14 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
15 EX-OFFICIO CLERK OF THE  
16 CITY AND COUNTY OF DENVER

17  
18 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2011; \_\_\_\_\_, 2011

19 PREPARED BY: KAREN A. AVILES, - Assistant City Attorney - DATE: June 23, 2011

20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
21 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
23 3.2.6 of the Charter.

24  
25 David W. Broadwell, Denver City Attorney

26 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2011