

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0601
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating a portion of West Florida Avenue at South Lipan 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 right-of-way in the City and County of Denver and State of Colorado, to wit:

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6 LEGAL DESCRIPTION:

7 A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 21,
8 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND
9 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY
10 DESCRIBED AS FOLLOWS:
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12 BEGINNING AT THE SOUTHWEST CORNER OF LOT 13, BLOCK 1, FIRST
13 ADDITION TO MANCHESTER BEING A NO. 5 REBAR WITH NO CAP; THENCE
14 N89°39'34"E ALONG THE SOUTH LINE OF SAID LOT 13, 147.49 FEET TO THE
15 SOUTHEAST CORNER OF SAID LOT 13 (ALSO BEING A POINT ON THE
16 WEST LINE OF THE D.S.P. & P RAILROAD) BEING A NO. 4 REBAR WITH NO
17 CAP; THENCE S02°23'56"E ALONG SAID WEST LINE OF SAID D.S.P. & P
18 RAILROAD, 22.63 FEET; THENCE DEPARTING FROM SAID WEST LINE
19 N82°12'31"W, 149.81 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK
20 1 EXTENDED; THENCE N00°00'00"E, 1.43 FEET ALONG SAID WEST LINE OF
21 SAID BLOCK 1 EXTENDED TO THE POINT OF BEGINNING, CITY AND
22 COUNTY OF DENVER, STATE OF COLORADO.
23

24 THE ABOVE DESCRIBED PARCEL CONTAINS 1,774 SQUARE FEET OR
25 0.0407 ACRES MORE OR LESS.
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28 BASIS OF BEARINGS:
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30 AN ASSUMED BEARING OF S89°41'39"W BEING THE NORTH LINE OF LOT
31 19, BLOCK 1, FIRST ADDITION TO MANCHESTER BETWEEN TWO FOUND
32 MONUMENTS. BOTH MONUMENTS BEING A REBAR WITH YELLOW CAP
33 STAMPED PLS 18475; ONE AT THE NORTHWEST CORNER OF SAID LOT 19
34 AND ONE AT THE NORTHEAST CORNER OF SAID LOT 19.
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36 be and the same is hereby approved and the described right-of-way is hereby vacated and
37 declared vacated;

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

39 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
40 successors and assigns, over, under, across, along, and through the portion for the purposes of
41 constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
42 including, but not limited to, storm drainage, sanitary sewer, and water facilities and all
43 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the
44 entire vacated area. The City reserves the right to authorize the use of the reserved easement by
45 all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls,

landscaping or structures shall be allowed over, upon or under the vacated area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the vacated area without permission from the City and County of Denver. The property owner shall be liable for all damages to such utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not be liable for any damage to property owner's property due to use of this reserved easement.

COMMITTEE APPROVAL DATE: September 5, 2013 [by consent]

MAYOR-COUNCIL DATE: September 10, 2013

PASSED BY THE COUNCIL: _____, 2013

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2013

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 12, 2013

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

Douglas J. Friednash, Denver City Attorney

BY: _____, City Attorney DATE: _____, 2013