

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. CB12-0816
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating a dead end alley bounded by West 33rd Avenue, Navajo Street and I-25, 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 2012-0293-01-001

A PORTION OF THE 15.00' FOOT ALLEY LOCATED WITHIN BLOCK 108, VIADUCT ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO. SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF LOT 30 OF SAID BLOCK 108, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE S00°03'05"W, ALONG THE WEST LINE OF LOTS 28, 29 and 30 OF SAID BLOCK 108, A DISTANCE OF 50.30' FEET, TO A POINT ON THE WESTERLY R.O.W. LINE OF INTERSTATE - 25; THENCE S33°58'24"W, ALONG SAID WESTERLY LINE OF INTERSTATE - 25, A DISTANCE OF 26.88' FEET, TO A POINT ON THE EAST LINE OF LOTS 1, 2 and 3, OF SAID BLOCK 108; THENCE N00°03'05"E, ALONG SAID EAST LINE OF LOTS 1, 2 and 3, A DISTANCE OF 72.67' FEET, TO THE NORTHEAST CORNER OF LOT 1, OF SAID BLOCK 108; THENCE S89°42'18"E, ALONG THE SOUTH R.O.W. LINE OF 33rd AVENUE, A DISTANCE OF 15.00' FEET, TO THE TRUE POINT OF BEGINNING.
CONTAINING 922.22 sq., ft. more or less

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

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

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its

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

15 COMMITTEE APPROVAL DATE: November 1, 2012 [by consent]

16 MAYOR-COUNCIL DATE: November 6, 2012

17 PASSED BY THE COUNCIL: _____, 2012

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____, 2012

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: _____, 2012; _____, 2012

25 PREPARED BY: - Brent A. Eisen, Assistant City Attorney DATE: November 8, 2012

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
27 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 Douglas J. Friednash, Denver City Attorney

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

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