

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2019

COUNCIL BILL NO. CB19-0776  
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance vacating a portion of the right-of-way adjacent to 2099 Chestnut Place bounded by West 29th Avenue and Chestnut Place and Division Street, with reservations.**

**WHEREAS**, the Executive Director 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;

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

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

**PARCEL DESCRIPTION ROW NO. 2017-VACA-0000014-001:**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE NORTHERLY LINE OF W. 29TH AVENUE, MONUMENTED BY A NAIL AND SHINER STAMPED "LS 36062" AT THE WEST END AND A NAIL AND SHINER ILLEGIBLE AT THE EAST END. SAID LINE BEING ASSUMED TO BEAR S89°56'31"E.

COMMENCING AT RANGE POINT AT THE INTERSECTION OF W. 29<sup>TH</sup> AVENUE AND INCA STREET, BEING MONUMENTED BY A REBAR WITH NO CAP, IN A RANGE BOX;

THENCE S10°26'48"W A DISTANCE OF 41.01 FEET, TO THE NORTHWESTERLY CORNER OF THAT PROPERTY DESCRIBED IN ORDINANCE NO. 207 RECORDED IN BOOK 8549 AT PAGE 361, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE S89°56'31"E A DISTANCE OF 68.50 FEET, TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 81°43'14" AND AN ARC LENGTH OF 28.53 FEET, TO A POINT OF COMPOUND CURVE;

1 THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET, A CENTRAL  
2 ANGLE OF 52°52'39" AND AN ARC LENGTH OF 55.37 FEET, TO A POINT OF TANGENT;  
3  
4 THENCE S44°39'22"W A DISTANCE OF 44.14 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY  
5 LINE OF DIVISION STREET AS SHOWN ON THE PLAT OF HOYT & ROBINSON'S ADDITION TO  
6 DENVER 1871;  
7  
8 THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, N14°32'05"W A DISTANCE OF 81.96 FEET, TO A  
9 POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF W. 29<sup>TH</sup> AVENUE;  
10  
11 THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N89°56'31"W A DISTANCE OF 20.00 FEET, TO  
12 A POINT ON THE WESTERLY LINE OF SAID PROPERTY DESCRIBED IN ORDINANCE NO. 207  
13 RECORDED IN BOOK 8549 AT PAGE 361;  
14  
15 THENCE ON SAID WESTERLY LINE, N00°03'29"E A DISTANCE OF 20.00 FEET, TO THE POINT OF  
16 BEGINNING;

17  
18 CONTAINING AN AREA OF 5,074 SQUARE FEET OR 0.1165 ACRES  
19 be and the same is hereby approved and the described right-of-way is hereby vacated and declared  
20 vacated;

21 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:  
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 vacated area for the purposes  
24 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
25 including, without limitation, storm drainage, sanitary sewer, and water facilities and all  
26 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the  
27 entire easement area. The City reserves the right to authorize the use of the reserved easement by  
28 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,  
29 landscaping or structures shall be allowed over, upon or under the easement area. Any such  
30 obstruction may be removed by the City or the utility provider at the property owner's expense. The  
31 property owner shall not re-grade or alter the ground cover in the easement area without permission  
32 from the City and County of Denver. The property owner shall be liable for all damages to such  
33 utilities, including their repair and replacement, at the property owner's sole expense. The City and  
34 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall  
35 not be liable for any damage to property owner's property due to use of this reserved easement.

36  
37 **REMAINDER OF PAGE INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: August 13, 2019  
2 MAYOR-COUNCIL DATE: August 20, 2019  
3 PASSED BY THE COUNCIL: \_\_\_\_\_  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_  
10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: August 22, 2019  
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
14 3.2.6 of the Charter.  
15  
16 Kristin M. Bronson, Denver City Attorney  
17  
18 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Aug 22, 2019