

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0654
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating an alley bounded by Blake Street, Walnut Street, 28th Street and 29th 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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PARCEL DESCRIPTION ROW 2013-0060-01-001

1
2 A PLATTED 16 FOOT ALLEY, LOCATED IN BLOCK 4, CASE AND EBERTS
3 ADDITION TO THE CITY OF DENVER, IN THE EAST 1/2 OF SECTION 27,
4 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
5 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE
6 PARTICULARLY DESCRIBED AS FOLLOWS:
7 CONSIDERING A 15.75 FOOT OFFSET LINE TO THE SOUTHEASTERLY RIGHT
8 OF WAY LINE OF BLAKE STREET, ALONG SAID BLOCK 4, TO BEAR NORTH
9 45°00'00" EAST (ASSUMED), A DISTANCE OF 400.80 FEET, BETWEEN TWO
10 FOUND CHISELED CROSSES, WITH ALL BEARINGS CONTAINED HEREIN
11 RELATIVE THERETO.
12 COMMENCING AT A FOUND CHISELED CROSS, BEING A 15.75 FOOT
13 PERPENDICULAR OFFSET INTO BLAKE STREET TO THE MOST NORTHERLY
14 CORNER OF LOT 1, SAID BLOCK 4; THENCE SOUTH 45°00'00" EAST, A
15 DISTANCE OF 15.75 FEET, TO THE MOST NORTHERLY CORNER OF SAID LOT
16 1; THENCE CONTINUING SOUTH 45°00'00" EAST, ALONG THE
17 NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 125.08 FEET, TO THE
18 MOST EASTERLY CORNER OF SAID LOT 1, AND THE POINT OF BEGINNING;
19 THENCE ALONG THE SOUTHEASTERLY LINES OF LOTS 1 TO 16, SAID BLOCK
20 4, SOUTH 45°00'00" WEST, A DISTANCE OF 400.80 FEET, TO THE RIGHT OF
21 WAY OF 28TH STREET; THENCE ALONG SAID RIGHT OF WAY OF 28TH
22 STREET, SOUTH 45°00'00" EAST, A DISTANCE OF 16.00 FEET, TO THE MOST
23 NORTHWESTERLY CORNER OF LOT 17, SAID BLOCK 4; THENCE ALONG THE
24 NORTHWESTERLY LINES OF LOTS 17 TO 32, SAID BLOCK 4, NORTH 45°00'00"
25 EAST, A DISTANCE OF 400.80 FEET, TO THE RIGHT OF WAY OF 29TH STREET;
26 THENCE ALONG SAID RIGHT OF WAY OF 29TH STREET, NORTH 45°00'00"
27 WEST, A DISTANCE OF 16.00 FEET, TO THE MOST EASTERLY CORNER OF
28 SAID LOT 1, AND THE POINT OF BEGINNING.
29 SAID PARCEL CONTAINING 6,413 SQ.FT. MORE OR LESS.

30
31 be and the same is hereby approved and the described right-of-way is hereby vacated and
32 declared vacated;

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

34 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
35 successors and assigns, over, under, across, along, and through the vacated portion for the purposes
36 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
37 including, but not limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances
38 to said utilities. A hard surface shall be maintained by the property owner over the entire vacated
39 area. The City reserves the right to authorize the use of the reserved easement by all utility providers
40 with existing facilities in the vacated area. No trees, fences, retaining walls, landscaping or structures
41 shall be allowed over, upon or under the vacated area. Any such obstruction may be removed by the
42 City or the utility provider at the property owner's expense. The property owner shall not re-grade or

1 alter the ground cover in the vacated area without permission from the City and County of Denver.
2 The property owner shall be liable for all damages to such utilities, including their repair and
3 replacement, at the property owner's sole expense. The City and County of Denver, its successors,
4 assigns, licensees, permittees and other authorized users shall not be liable for any damage to
5 property owner's property due to use of this reserved easement.

6 COMMITTEE APPROVAL DATE: September 26, 2013 [by consent]

7 MAYOR-COUNCIL DATE: October 1, 2013

8 PASSED BY THE COUNCIL: _____, 2013

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2013

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER
14

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

16 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 10, 2013

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

21
22 Douglas J. Friednash, Denver City Attorney

23 BY: _____, City Attorney DATE: _____, 2013