

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0320  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating the alley bounded by South University Boulevard,**  
7 **East Vassar Avenue, South Josephine Street and Harvard Gulch, with**  
8 **reservations.**

9 **WHEREAS**, the Executive Director of Public Works of the City and County of Denver has  
10 found and determined that the public use, convenience and necessity no longer require that certain  
11 area in the system of thoroughfares of the municipality hereinafter described and, subject to approval  
12 by ordinance, has vacated the same with the reservations hereinafter set forth;

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

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

16 **PARCEL DESCRIPTION ROW NO. 2017-VACA-0000015-001:**

17 THE 20' ALLEY EAST OF AND ADJACENT TO BOTH LOTS 1 THROUGH 4, AND THE  
18 NORTHERLY 12.76' OF LOT 5, TOGETHER WITH THE EASTERLY 10' OF THE 20' ALLEY  
19 WEST OF AND ADJACENT TO THE SOUTHERLY 12.24 FEET OF LOT 44, ALL IN BLOCK 22,  
20 ILIFF'S UNIVERSITY ADDITION, CITY AND COUNTY OF DENVER, COLORADO, CONTAINING  
21 2,377.6 SQ. FT., MORE OR LESS

22 be and the same is hereby approved and the described right-of-way is hereby vacated and  
23 declared vacated;

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

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

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

7 COMMITTEE APPROVAL DATE: April 3, 2018 by Consent

8 MAYOR-COUNCIL DATE: April 10, 2018

9 PASSED BY THE COUNCIL: \_\_\_\_\_

10 \_\_\_\_\_ - PRESIDENT

11 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

17 PREPARED BY: Bradley A. Beck, Assistant City Attorney DATE: April 12, 2018

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

22  
23 Kristin M. Bronson, Denver City Attorney

24 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Apr 11, 2018