

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0293
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

6 **A BILL**

7 **For an ordinance vacating a portion of the alley bounded by Clay Street,
8 Bryant Street, West 23rd Avenue and West 24th Avenue, with reservations.**

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

14 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY
15 OF DENVER:**

16
17 **Section 1.** That the action of the Manager of Public Works in vacating the following
18 described right-of-way in the City and County of Denver and State of Colorado, to wit:

19
20 **PARCEL DESCRIPTION ROW NO. 2013-0283-03-001**

21
22 A PARCEL OF LAND BEING A PORTION OF A PLATTED ALLEY IN BLOCK
23 11, HIGHLAND TERRACE, SITUATED IN THE NORTHEAST QUARTER OF
24 SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH
25 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
26 COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

27
28 BEGINNING AT THE NORTHEAST CORNER OF LOT 27 OF SAID BLOCK 11,
29 SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID ALLEY;
30 THENCE NORTH 89°59'19" EAST, A DISTANCE OF 10.00 FEET TO A POINT
31 ON THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY;
32 THENCE SOUTH 00°02'34" WEST ALONG SAID EAST RIGHT-OF-WAY LINE,
33 A DISTANCE OF 121.84 FEET;
34 THENCE SOUTH 89°56'52" WEST, A DISTANCE OF 10.00 FEET TO A POINT
35 ON SAID WEST RIGHT-OF-WAY LINE SAID POINT BEING 3.00 FEET
36 NORTH OF THE SOUTHEAST CORNER OF SAID LOT 27;
37 THENCE NORTH 00°02'34" EAST ALONG SAID WEST RIGHT-OF-WAY LINE,
38 A DISTANCE OF 121.85 FEET TO THE POINT OF BEGINNING.

39
40 PARCEL CONTAINS 1,218 SQUARE FEET OR 0.03 ACRES, MORE OR
41 LESS.

42
43 BEARINGS ARE BASED ON THE WEST LINE OF THE ALLEY IN BLOCK 11,
44 HIGHLAND TERRACE, ASSUMED TO BEAR NORTH 00°02'34" EAST.

1 be and the same is hereby approved and the described right-of-way is hereby vacated and
2 declared vacated;

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

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

19 COMMITTEE APPROVAL DATE: April 10, 2014 [by consent]

20 MAYOR-COUNCIL DATE: April 15, 2014

21 PASSED BY THE COUNCIL: _____, 2014

22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____, 2014

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER
27

28 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014

29 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: April 17, 2014

30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
31 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
33 3.2.6 of the Charter.
34

35 D. Scott Martinez, Denver City Attorney

36 BY: _____, City Attorney DATE: _____, 2014