

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2022

COUNCIL BILL NO. CB22-1517
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating the North Clay Way right-of-way located near 999 North Clay Way, with reservations.

WHEREAS, the Executive Director of the Department of Transportation and Infrastructure 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 the Department of Transportation and Infrastructure in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2022-VACA-0000013-001:

A PARCEL OF LAND BEING THAT PORTION OF CLAY WAY BETWEEN W. 10TH AVE. AND BRYANT ST. AS SHOWN ON SUN VALLEY HOMES SECOND FILING HOUSING PROJECT COLORADO (1-12), RECORDED MARCH 13, 1956 IN BOOK 23 AT PAGE 4 AT RECEPTION NO. 93449, IN THE RECORDS OF THE CLERK AND RECORDER'S OFFICE FOR THE CITY AND COUNTY OF DENVER, COLORADO, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT LOCATED AT THE INTERSECTION OF W. 11TH AVE. AND DECATUR ST. FROM WHENCE THE RANGE POINT AT W. 10TH AVE. AND DECATUR ST. BEARS SOUTH 00°31'40" EAST 342.20 FEET AND UPON WHICH ALL BEARINGS HEREIN ARE BASED;
THENCE SOUTH 36°17'25" EAST A DISTANCE OF 472.24 FEET TO THE POINT OF BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CLAY WAY AND THE SOUTH RIGHT-OF-WAY LINE OF W. 10TH AVE.;
THENCE NORTH 89°40'48" EAST, DEPARTING SAID SOUTHWESTERLY INTERSECTION OF CLAY WAY AND W. 10TH AVE., A DISTANCE OF 51.23 FEET TO A POINT AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF CLAY WAY AND

1 W. 10TH AVE.;

2 THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF CLAY WAY THE

3 FOLLOWING THREE (3) COURSES:

4 1. SOUTH 12°15'05" WEST A DISTANCE OF 258.84 FEET TO A POINT OF

5 CURVATURE;

6 2. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF

7 102°29'57", A RADIUS OF 131.00 FEET AND AN ARC LENGTH OF 234.35 FEET

8 (CHORD BEARS SOUTH 38°59'57" EAST, 204.33 FEET) TO A POINT;

9 3. NORTH 89°45'05" EAST A DISTANCE OF 268.16 FEET TO A POINT ON THE WEST

10 RIGHT-OF-WAY LINE OF BRYANT ST.;

11 THENCE SOUTH 00°33'30" EAST, DEPARTING THE NORTHWEST INTERSECTION OF THE

12 RIGHTS-OF-WAY OF CLAY WAY AND BRYANT ST., A DISTANCE OF 50.00 FEET TO A

13 POINT AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF

14 CLAY WAY AND SAID WEST RIGHT-OF-WAY LINE OF BRYANT ST.;

15 THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF CLAY WAY THE

16 FOLLOWING THREE (3) COURSES:

17 1. SOUTH 89°45'05" WEST A DISTANCE OF 268.43 FEET TO A POINT OF

18 CURVATURE;

19 2. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF

20 102°29'57", A RADIUS OF 181.00 FEET AND AN ARC LENGTH OF 323.80 FEET

21 (CHORD BEARS NORTH 38°59'56" WEST, 282.32 FEET) TO A POINT;

22 3. NORTH 12°15'05" EAST A DISTANCE OF 247.69 FEET TO THE POINT OF

23 BEGINNING.

24

25 CONTAINING 40,032 SQUARE FEET OR 0.92 ACRES, MORE OR LESS

26 be and the same is hereby approved and the described right-of-way is hereby vacated and declared

27 vacated;

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

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

30 successors and assigns, over, under, across, along and through the vacated area for the purposes

31 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities

32 including, without limitation, storm drainage, sanitary sewer, and water facilities and all

33 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the

34 entire easement area. The City reserves the right to authorize the use of the reserved easement by

35 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,

36 landscaping or structures shall be allowed over, upon or under the easement area. Any such

37 obstruction may be removed by the City or the utility provider at the property owner's expense. The

38 property owner shall not re-grade or alter the ground cover in the easement area without permission

39 from the City and County of Denver. The property owner shall be liable for all damages to such

40 utilities, including their repair and replacement, at the property owner's sole expense. The City and

41 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall

1 not be liable for any damage to property owner's property due to use of this reserved easement.

2 COMMITTEE APPROVAL DATE: November 22, 2022 by Consent

3 MAYOR-COUNCIL DATE: November 29, 2022

4 PASSED BY THE COUNCIL: _____

5 _____ - PRESIDENT

6 APPROVED: _____ - MAYOR _____

7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

11 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: December 1, 2022

12 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
13 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
15 § 3.2.6 of the Charter.

16
17 Kerry Tipper, Interim Denver City Attorney

18
19 BY: _____, Assistant City Attorney DATE: _____