

**BY AUTHORITY**

1  
2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2023

COUNCIL BILL NO. CB23-0680  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of the alley bounded by West 29th Avenue,**  
7 **North Huron Street, West 30th Avenue and North Fox Street, with reservations.**

8 **WHEREAS**, the Executive Director of the Department of Transportation and Infrastructure of  
9 the City and County of Denver has found and determined that the public use, convenience and  
10 necessity no longer require that certain area in the system of thoroughfares of the municipality  
11 hereinafter described and, subject to approval by ordinance, has vacated the same with the  
12 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 the Department of Transportation  
15 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,  
16 State of Colorado, to wit:

17 **PARCEL DESCRIPTION ROW NO. 2022-VACA-0000021-001:**

18 A parcel of land being a portion of the alley adjacent to Block 1, Gerspachs First Addition To Denver  
19 per the plat recorded January 29, 1874 in Plat Book 2 at Page 52, located in the Southwest One-  
20 Quarter of Section 27, Township 3 South, Range 68 West, of the Sixth Principal Meridian, in the City  
21 and County of Denver, State of Colorado, said parcel being more particularly described as follows:

22  
23 **Basis of Bearings:** Bearings are based upon the West Line of the Northwest One-Quarter of the  
24 Southwest One-Quarter of Section 27, said to bear North 00°26'55" West, a distance of 1,320.96  
25 Feet between the monuments listed below:

26  
27 West One-Sixteenth Corner of Section 27 - Monumented by a 3.25" Aluminum Cap, Stamped  
28 "FLATIRONS SURVEYING INC., S 1/16, T3S, R68W, S28/S27, 2004, LS-16406" in a Range Box  
29 without a lid, 0.2' below ground surface.

30  
31 West One-Quarter Corner of Section 27 - Monumented by a 3.25" Aluminum Cap, Stamped  
32 "FARNSWORTH, 1/4, T3S, R68W, S28/S27, 2003, LS 24949", on a #6 Rebar, 0.7' above ground  
33 surface.

34  
35 **COMMENCING (P.O.C.)** at the West One-Sixteenth Corner of Section 27, Thence N85°09'17"E, a  
36 distance of 297.47 Feet to the Range Point at the Intersection of West 29<sup>th</sup> Avenue and Delgany  
37 Street monument by a 2" Aluminum Cap, Stamped "CALVADA SURVEYING, PLS 36580" in a

1 Range Box with lid marked "CL DENVER RANGE POINT", 0.5' below ground surface.  
2  
3 Thence N07°27'21"E, a distance of 20.19 Feet to the Southwest corner of Lot 1, Block 1, Gerspachs  
4 First Addition to Denver and to the **POINT OF BEGINNING (P.O.B.)**;  
5  
6 Thence S89°34'04"W along the North Right-of-Way of West 29<sup>th</sup> Avenue, a distance of 8 Feet;  
7  
8 Thence N00°33'38"W, a distance of 125 Feet to the Westerly extension of the North Line of Lot 5,  
9 Block 1, Gerspachs First Addition to Denver;  
10  
11 Thence N89°32'36"E along said Westerly extension, a distance of 8 Feet to the Northwest Corner  
12 of said Lot 5, Block 1, Gerspachs First Addition to Denver;  
13  
14 Thence S00°33'38"E along the West Line of Lot 5 through Lot 1, a distance of 125 Feet to the said  
15 Southwest Corner of Lot 1, Block 1 and to the **POINT OF BEGINNING (P.O.B.)**.

16  
17 The above-described parcel description contains 1,019 Square Feet (0.023 Acres), more or less,  
18  
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.

1 COMMITTEE APPROVAL DATE: June 6, 2023 by Consent  
2 MAYOR-COUNCIL DATE: June 13, 2023 by Consent  
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: June 15, 2023

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
12 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 Kerry Tipper, Denver City Attorney

17  
18 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_