

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0741
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating the alley bounded by Knox Court, King Street, and West 13th Avenue, 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, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2015-VACA-0006701-001:

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING A PORTION OF THE ALLEY LOCATED IN BLOCK 2, VILLA PARK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, VILLA PARK, WHENCE THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5 BEARS N86°37'12"W 518.52 FEET, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 13TH AVENUE;

THENCE S89°59'12"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 13TH AVENUE 15.00 FEET TO THE NORTHWEST CORNER OF LOT 48, BLOCK 2, VILLA PARK;

THENCE S00°08'31"E ALONG THE WEST LINE OF LOTS 38 THROUGH 48, INCLUSIVE, BLOCK 2, VILLA PARK, 274.96 FEET TO THE SOUTHWEST CORNER OF LOT 38, BLOCK 2, VILLA PARK;

THENCE N89°59'39"W 15.00 FEET TO THE SOUTHEAST CORNER OF LOT 11, BLOCK 2, VILLA PARK;

THENCE N00°08'31"W ALONG THE EAST LINE OF LOTS 1 THROUGH 11, INCLUSIVE, BLOCK 2, VILLA PARK, 274.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,124 SQUARE FEET OR 0.095 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF LOTS 38 THROUGH 48, INCLUSIVE, BLOCK 2, VILLA PARK, BEING S00°08'31"E AS MONUMENTED ON THE NORTH BY A NAIL WITH SHINER, PLS 38162 AND ON THE SOUTH BY A NAIL WITH SHINER, PLS 38162.

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 15 foot alley between Knox
6 Court and King Street area as described below (“Easement Area”) for the purposes of
7 constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
8 including, but not limited to, storm drainage, sanitary sewer, and water facilities and all
9 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the
10 entire Easement Area. The City reserves the right to authorize the use of the reserved easement
11 by all utility providers with existing facilities in the Easement Area. No trees, fences, retaining
12 walls, landscaping or structures shall be allowed over, upon or under the Easement Area. Any
13 such obstruction may be removed by the City or the utility provider at the property owner's
14 expense. The property owner shall not re-grade or alter the ground cover in the Easement Area
15 without permission from the City and County of Denver. The property owner shall be liable for all
16 damages to such utilities, including their repair and replacement, at the property owner’s sole
17 expense. The City and County of Denver, its successors, assigns, licensees, permittees and other
18 authorized users shall not be liable for any damage to property owner’s property due to use of this
19 reserved easement.

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1 COMMITTEE APPROVAL DATE: October 15, 2015 by Consent
2 MAYOR-COUNCIL DATE: October 20, 2015
3 PASSED BY THE COUNCIL: _____, 2015
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2015
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9
10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015
11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 22, 2015
12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the 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 D. Scott Martinez, Denver City Attorney
18
19 BY: _____, Assistant City Attorney DATE: _____, 2015