

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2024

COUNCIL BILL NO. CB24-0940
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of the alley right-of-way located between**
7 **West 34th Avenue and West 33rd Avenue, and between North Wyandot Street**
8 **and North Zuni Street, with reservations.**

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

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

15 **Section 1.** That the action of the Executive Director of the Department of Transportation
16 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,
17 State of Colorado, to wit:

18 **PARCEL DESCRIPTION ROW NO. 2022-VACA-0000024-001:**

19 A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4, SECTION 28, TOWNSHIP 3 SOUTH,
20 RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, BEING A PORTION OF THAT 20' ALLEY
21 IN BLOCK 7, WILSON'S RE-SUBDIVISION OF PART OF H. WITTERS NORTH DENVER
22 ADDITION, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

23
24 BEGINNING AT THE SOUTHEAST CORNER OF LOT 37, SAID BLOCK 7, MONUMENTED BY A
25 #4 REBAR AND YELLOW CAP STAMPED 34183, AND A 1-1/2" IRON PIPE, FROM WHICH THE
26 SOUTHWEST CORNER OF LOT 38, SAID BLOCK 7, BEARS S89°15'49"W, WITH ALL BEARINGS
27 HEREIN RELATIVE THERETO;

28
29 THENCE N00°50'10"W, A DISTANCE OF 41.88 FEET, ON THE EAST LINE OF SAID LOT 37, TO
30 THE NORTHEAST CORNER OF SAID LOT 37;

31 THENCE N89°10'31"E, A DISTANCE OF 20.00 FEET, ON THE SOUTH LINE OF LOT 4, SAID
32 BLOCK 7;

33 THENCE S00°50'10"E, A DISTANCE OF 41.91 FEET, ON THE WEST LINE OF LOTS 6, 7, AND
34 8, SAID BLOCK 7;

35 THENCE S89°15'49"W, A DISTANCE OF 20.00 FEET, ON THE EASTERLY EXTENSION OF
36 THE SOUTH LINE OF SAID LOT 37, TO THE POINT OF BEGINNING.

37
38 CONTAINING 838± SQUARE FEET (0.019± ACRES)

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

18 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: July 23, 2024 by Consent
2 MAYOR-COUNCIL DATE: July 30, 2024 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: August 1, 2024

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 BY: *Jonathan Griffin* _____, Assistant City Attorney DATE: Aug 1, 2024
18