

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2014

COUNCIL BILL NO. CB14-0638
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating the eastern portion of an alley located between Corona Street, Downing Street, 14th Avenue and Colfax 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. 2013-0123-10-001

PARCEL OF LAND BEING A PORTION OF THE 10-FOOT ALLEY IN BLOCK 37, PARK AVENUE ADDITION TO DENVER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A THE SOUTHEAST CORNER OF THE WEST 17 FEET OF LOT 13, SAID BLOCK 37, SAID POINT BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF AN EXISTING 10-FOOT ALLEY AND THE WEST RIGHT-OF-WAY LINE OF DOWNING STREET;

THENCE SOUTH 00°14'37" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ALLEY;

THENCE NORTH 89°35'57" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 117.21 FEET;

THENCE NORTH 00°12'36" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALLEY;

THENCE SOUTH 89°35'57" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 117.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,172 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

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: August 14, 2014 [by consent]

20 MAYOR-COUNCIL DATE: August 19, 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: August 21, 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