

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2020

COUNCIL BILL NO. CB20-1200  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating portions of right-of-way near the intersection of 20th**  
7 **Street and Wewatta Street, adjacent to 1995 Wewatta 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 requires those certain areas 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 rights-of-way in the City and County of Denver,  
16 State of Colorado, to wit:

17 **PARCEL DESCRIPTION ROW NO. 2019-VACA-0000008-001:**

18 A TRACT OR PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼ OF SECTION 28,  
19 TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND  
20 COUNTY OF DENVER, STATE OF COLORADO, BEING A PORTION OF DIVISION STREET,  
21 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22  
23 BEGINNING AT A POINT OF THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE  
24 OF DIVISION STREET AND THE NORTHERLY RIGHT-OF-WAY LINE OF WEWATTA STREET,  
25 WHENCE THE SOUTHEAST CORNER OF SECTION 28 BEARS S18°28'17"E, 683.77 FEET;

26  
27 THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DIVISION STREET, N14°16'37"W,  
28 106.82 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 20TH STREET;

29  
30 THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF 20TH STREET, S41°30'19"E,  
31 108.51 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEWATTA STREET;

32  
33 THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEWATTA STREET,  
34 S63°58'18"W, 50.71 FEET TO THE POINT OF BEGINNING.

35  
36 CONTAINING 2,652 SQUARE FEET OR 0.061 ACRES, MORE OR LESS.

1  
2 BASIS OF BEARING: BEARINGS USED HEREIN ARE BASED ON THE EAST LINE OF  
3 THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF  
4 THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, AS SHOWN ON THE  
5 SUBDIVISION PLAT OF THE COMMONS SUBDIVISION FILING NO. 6, AS RECORDED  
6 JULY 25, 2008 AT RECEPTION NO. 2008103305 OF THE CITY AND COUNTY OF  
7 DENVER RECORDS, STATE OF COLORADO, BEING MEASURED AS N00°07'24"W  
8 REFERENCING THE CITY AND COUNTY OF DENVER CONTROL SYSTEM, AND AS  
9 MONUMENTED ON THE EAST BY A FOUND 3.25" BRASS CAP STAMPED PLS 16395  
10 1995 ACCEPTED AS THE EAST 1/4 CORNER OF SECTION 28, AND AS MONUMENTED  
11 ON THE WEST BY A FOUND 3.25" ALUMINUM CAP STAMPED PLS 25379 IN RANGE  
12 BOX, ACCEPTED AS THE SOUTHEAST CORNER OF SECTION 28

13  
14 AND

15  
16 **PARCEL DESCRIPTION ROW NO. 2019-VACA-0000008-002:**

17  
18 A TRACT OR PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼ OF SECTION 28,  
19 TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND  
20 COUNTY OF DENVER, STATE OF COLORADO, BEING A PORTION OF WEWATTA  
21 STREET, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22  
23 BEGINNING AT A POINT OF THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY  
24 LINE OF DIVISION STREET AND THE NORTHERLY RIGHT-OF-WAY LINE OF  
25 WEWATTA STREET, WHENCE THE SOUTHEAST CORNER OF SECTION 28 BEARS  
26 S18°28'17"E, 683.77 FEET;

27  
28 THENCE S64°15'22"W, 11.12 FEET;

29  
30 THENCE N36°15'08"W, 17.83 FEET;

31  
32 THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEWATTA  
33 STREET, N44°58'30"E, 20.45 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF  
34 DIVISION STREET;

35  
36 THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID DIVISION STREET,  
37 S14°16'37"E, 24.77 FEET TO THE POINT OF BEGINNING.

38  
39 CONTAINING 315 SQUARE FEET OR 0.007 ACRES, MORE OR LESS.

40  
41 BASIS OF BEARING: BEARINGS USED HEREIN ARE BASED ON THE EAST LINE OF  
42 THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF  
43 THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, AS SHOWN ON THE  
44 SUBDIVISION PLAT OF THE COMMONS SUBDIVISION FILING NO. 6, AS RECORDED  
45 JULY 25, 2008 AT RECEPTION NO. 2008103305 OF THE CITY AND COUNTY OF  
46 DENVER RECORDS, STATE OF COLORADO, BEING MEASURED AS N00°07'24"W  
47 REFERENCING THE CITY AND COUNTY OF DENVER CONTROL SYSTEM, AND AS  
48 MONUMENTED ON THE EAST BY A FOUND 3.25" BRASS CAP STAMPED PLS 16395  
49 1995 ACCEPTED AS THE EAST 1/4 CORNER OF SECTION 28, AND AS MONUMENTED

1 ON THE WEST BY A FOUND 3.25" ALUMINUM CAP STAMPED PLS 25379 IN RANGE  
2 BOX, ACCEPTED AS THE SOUTHEAST CORNER OF SECTION 28

3  
4 be and the same are hereby approved and the described rights-of-way are hereby vacated and  
5 declared vacated;

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

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

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22  
23 **REMAINDER OF PAGE INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: November 10, 2020 by Consent  
2 MAYOR-COUNCIL DATE: November 17, 2020 by Consent  
3 PASSED BY THE COUNCIL: November 30, 2020  
4 *Stacie Filmore* - 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: November 19, 2020  
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the 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 Kristin M. Bronson, Denver City Attorney  
17 *Kristin J. Crawford*  
18 BY: \_\_\_\_\_, Assistant City Attorney DATE: Nov 17, 2020