

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0895  
COMMITTEE OF REFERENCE:  
Infrastructure & Culture

6 **A BILL**

7 **For an ordinance vacating South York Street between East Iliff Avenue and**  
8 **East Wesley Avenue, with reservations.**

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

14 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**  
15 **OF DENVER:**

16  
17 **Section 1.** That the action of the Manager of Public Works in vacating the following  
18 described right-of-way in the City and County of Denver, State of Colorado, to wit:

19  
20 **PARCEL DESCRIPTION ROW NO. 2013-0294-06-001**

21  
22 A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26,  
23 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
24 CITY AND COUNTY OF DENVER, STATE OF COLORADO, ALSO BEING A  
25 PORTION OF EVANSTON 3RD FILING, FILED IN THE DENVER COUNTY CLERK  
26 AND RECORDER'S OFFICE, SAID PARCEL OF LAND BEING MORE  
27 PARTICULARLY DESCRIBED AS FOLLOWS:

28  
29 SOUTH YORK STREET BETWEEN EAST ILIFF AVENUE AND EAST WESLEY  
30 AVENUE, BEING 65 FEET IN WIDTH.

31  
32 be and the same is hereby approved and the described right-of-way is hereby vacated and  
33 declared vacated;

34 **PROVIDED, HOWEVER**, said vacation shall be subject to the following reservation:  
35 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
36 successors and assigns, over, under, across, along, and through the vacated area for the  
37 purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or  
38 private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and  
39 all appurtenances to said utilities. A hard surface shall be maintained by the property owner over  
40 the entire vacated area. The City reserves the right to authorize the use of the reserved easement

1 by all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls,  
2 landscaping or structures shall be allowed over, upon or under the vacated area. Any such  
3 obstruction may be removed by the City or the utility provider at the property owner's expense.  
4 The property owner shall not re-grade or alter the ground cover in the vacated area without  
5 permission from the City and County of Denver. The property owner shall be liable for all damages  
6 to such utilities, including their repair and replacement, at the property owner's sole expense. The  
7 City and County of Denver, its successors, assigns, licensees, permittees and other authorized  
8 users shall not be liable for any damage to property owner's property due to use of this reserved  
9 easement.

10 COMMITTEE APPROVAL DATE: October 23, 2014 [by consent]

11 MAYOR-COUNCIL DATE: October 28, 2014

12 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014

13 \_\_\_\_\_ - PRESIDENT

14 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

15 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
16 EX-OFFICIO CLERK OF THE  
17 CITY AND COUNTY OF DENVER  
18

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

20 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 30, 2014

21 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
22 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
24 3.2.6 of the Charter.  
25

26 D. Scott Martinez, Denver City Attorney

27 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2014