

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0414
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating a portion of right-of-way at 3100 Cherry Creek South Drive, 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. 2015-0313-01-001

A PARCEL OF LAND CONTAINING 10,395 SQUARE FEET, MORE OR LESS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SAID PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 12 WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHERRY CREEK DRIVE SOUTH (100' R.O.W.) RECORDED AS ORDINANCE 108, SERIES 1954, CITY AND COUNTY OF DENVER RECORDS, FROM WHENCE THE SOUTH ONE-QUARTER CORNER SAID SECTION 12 BEARS S00°21'38"E, A DISTANCE OF 513.59 FEET;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHERRY CREEK SOUTH DRIVE (100' R.O.W.) N43°12'09"W, A DISTANCE OF 15.94 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE N43°12'09"W, A DISTANCE OF 330.74 FEET;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2,444.58 FEET, AN ARC LENGTH OF 106.77 FEET, A CENTRAL ANGLE OF 02°30'09", A CHORD BEARING N44°27'13"W, A DISTANCE OF 106.76 FEET;

THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIXTEEN (16) COURSES;

[continued on next page]

- 1) N44°17'11"E, A DISTANCE OF 21.49 FEET;
- 2) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,213.50 FEET, AN ARC LENGTH OF 46.29 FEET, A DELTA ANGLE OF 01°11'54", A CHORD BEARING S45°09'59"E, A DISTANCE OF 46.29 FEET;
- 3) N45°25'58"E, A DISTANCE OF 6.50 FEET;
- 4) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,220.00 FEET, AN ARC LENGTH OF 45.84 FEET, A DELTA ANGLE OF 01°10'59", A CHORD BEARING S43°58'32"E, A DISTANCE OF 45.84 FEET;
- 5) S46°36'57"W, A DISTANCE OF 6.50 FEET;
- 6) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,213.50 FEET, AN ARC LENGTH OF 7.02 FEET, A DELTA ANGLE OF 00°10'54", A CHORD BEARING S43°17'36"E, A DISTANCE OF 7.02 FEET;
- 7) TANGENT TO THE PREVIOUSLY DESCRIBED CURVE S43°12'09"E, A DISTANCE OF 70.27 FEET;
- 8) ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5,893.50 FEET, AN ARC LENGTH OF 19.87 FEET, A DELTA ANGLE OF 00°11'35", A CHORD BEARING S43°06'21"E, A DISTANCE OF 19.87 FEET;
- 9) NON-TANGENT TO THE PREVIOUSLY DESCRIBED CURVE N46°59'27"E, A DISTANCE OF 6.50 FEET;
- 10) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5,900.00 FEET, AN ARC LENGTH OF 126.41 FEET, A DELTA ANGLE OF 01°13'39", A CHORD BEARING S42°23'44"E, A DISTANCE OF 126.41 FEET;
- 11) S48°13'06"W, A DISTANCE OF 2.50 FEET;
- 12) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5,897.50 FEET, AN ARC LENGTH OF 35.00 FEET, A DELTA ANGLE OF 00°20'24", A CHORD BEARING S41°36'42"E, A DISTANCE OF 35.00 FEET;
- 13) TANGENT TO THE PREVIOUSLY DESCRIBED CURVE S41°26'30"E, A DISTANCE OF 4.00 FEET;
- 14) N48°33'30"E, A DISTANCE OF 2.50 FEET;
- 15) S41°26'30"E, A DISTANCE OF 61.01 FEET;
- 16) S02°01'08"W, A DISTANCE OF 32.50 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 10,395 SQUARE FEET OR 0.239 ACRES, MORE OR LESS.

BASIS OF BEARINGS: FOR THE PURPOSE OF THIS DESCRIPTION, THE BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP (PLS 36068, 2013) AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 12, AND BY A 2-1/2" ALUMINUM CAP (LS 16398, 1986), AT THE CENTER ONE-QUARTER CORNER OF SAID SECTION 12, BEARING N00°21'38"W.

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

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

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purpose

1 of requiring and maintaining a parkway setback from Cherry Creek Drive, which is designated as a
2 Parkway in accordance with section 49-116 of the Denver Revised Municipal Code. No building,
3 structure, fence, wall or other improvement, except for parking and its associated landscaping,
4 shall be built, installed or erected within the vacated area except as specifically approved in writing
5 by the City and County of Denver's Manager of Parks & Recreation.

6 COMMITTEE APPROVAL DATE: June 18, 2015 by consent

7 MAYOR-COUNCIL DATE: June 23, 2015

8 PASSED BY THE COUNCIL: _____, 2015

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2015

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER
14

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

16 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: June 25, 2015

17 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
18 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
20 3.2.6 of the Charter.

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22 D. Scott Martinez, Denver City Attorney

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24 BY: _____, Assistant City Attorney DATE: _____, 2015