

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0583
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

**For an ordinance vacating an alley at East 42nd Avenue at its intersection with
Monroe Street, 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 and State of Colorado, to wit ("Vacated
Area"):

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LEGAL DESCRIPTION FOR ROW 2011-0174-04-001

Alley Vacation of the RTD East Corridor Commuter Rail Project, being the alley in Block 1, Swansea Heights recorded December 20, 1889 in Book 8 at Page 44 and per the Official City Survey adopted by Ordinance 136 of 1949, both in the City and County of Denver Clerk and Recorder's Office, except the southerly 10.20 feet thereof, located in the Southeast Quarter of Section 24, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, more particularly described as follows:

COMMENCING at the 17.80 foot by 20.10 foot Range Point at 42nd Avenue and Monroe Street (a chiseled "X") WHENCE the 17.80 foot by 20.00 foot Range Point at 42nd Avenue and Jackson Street (a 1" square iron rod) bears S89°53'59"E a distance of 637.33 feet (basis of bearing - assumed);

THENCE N79°10'39"E a distance of 147.77 feet to the westerly line of said alley right-of-way 10.20 feet northerly of the southeast corner of Lot 12 of said Block 1 and the POINT OF BEGINNING;

THENCE N S00°04'22"W coincident with said westerly right-of-way line a distance of 254.09 feet;

THENCE N86°06'05"E coincident with the southerly line of the Union Pacific Railroad Company right-of-way a distance of 16.04 feet;

THENCE S S00°04'22"E coincident with the easterly line of said alley right-of-way a distance of 255.21 feet;

THENCE N89°53'59"W a distance of 16.00 feet to the POINT OF BEGINNING.

Containing 4,074 square feet, (0.094 Acres), more or less.

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 purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire Vacated Area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the Vacated Area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the Vacated Area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or

1 alter the ground cover in the Vacated Area without permission from the City and County of Denver.
2 The property owner shall be liable for all damages to such utilities, including their repair and
3 replacement, at the property owner's sole expense. The City and County of Denver, its successors,
4 assigns, licensees, permittees and other authorized users shall not be liable for any damage to
5 property owner's property due to use of this reserved easement.

6 COMMITTEE APPROVAL DATE: August 29, 2013 [by consent]

7 MAYOR-COUNCIL DATE: September 3, 2013

8 PASSED BY THE COUNCIL: _____, 2013

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2013

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: _____, 2013; _____, 2013

16 PREPARED BY: - Brent A. Eisen, Assistant City Attorney DATE: September 5, 2013

17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
18 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.
21

22 Douglas J. Friednash, Denver City Attorney

23 BY: _____, City Attorney DATE: _____, 2013