

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0580  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating portions of right of way at 17th Street, 18th Street,**  
7 **Pecos Street and the alley bounded by 17th Street, 18th Street, Platte Street and**  
8 **Interstate 25, with reservations.**

9 **WHEREAS**, the Executive Director of Public Works of the City and County of Denver has  
10 found and determined that the public use, convenience and necessity no longer require those certain  
11 areas in the system of thoroughfares of the municipality hereinafter described and, subject to  
12 approval by ordinance, has vacated the same with the 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 Public Works in vacating the  
15 following described right-of-way in the City and County of Denver, State of Colorado, to wit:

16 **PARCEL DESCRIPTION ROW NO. 2018-VACA-0000003-001:**

17 ALL OF THOSE PORTIONS OF 17<sup>TH</sup> ST., 18<sup>TH</sup> ST., PECOS ST., PLATTE ST., AND THE PUBLIC  
18 ALLEY LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

19  
20 PART OF KASSERMANS ADDITION TO DENVER AND CENTRAL SUBDIVISION LOCATED IN  
21 THE SOUTH HALF OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH  
22 PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER MORE PARTICULARLY  
23 DESCRIBED AS FOLLOWS:

24  
25 **COMMENCING** AT THE INTERSECTION OF THE 20.00 FOOT RANGE LINE IN PLATTE  
26 STREET AND THE 21.50 FOOT RANGE LINE IN 17TH STREET IN SAID KASSERMAN'S  
27 ADDITION, WHENCE SAID 20.00 FOOT RANGE LINE IN PLATTE STREET BEARS NORTH  
28 44°53'40" EAST WITH ALL BEARINGS HEREIN BEING REFERENCED TO SAID 20.00 FOOT  
29 RANGE LINE;

30  
31 THENCE NORTH 25°54'09" EAST, 49.16 FEET TO A POINT BEING 46.50 FEET  
32 NORTHEASTERLY OF SAID 21.5 FOOT RANGE LINE AND 16.00 FEET NORTHWESTERLY OF  
33 SAID 20.00 FOOT RANGE LINE AND LYING ON THE SOUTHEASTERLY EXTENTION OF THE  
34 LINE OF THE VALLEY HIGHWAY AS DEDICATED BY ORDINANCE NO. 3 SERIES OF 1962,  
35 AND BEING THE **POINT OF BEGINNING**.

36  
37 THENCE NORTH 45°08'14" WEST, ALONG SAID EXTENSION AND ALONG SAID VALLEY

1 HIGHWAY, 159.02 FEET;  
2  
3 THENCE DEPARTING SAID VALLEY HIGHWAY, NORTH 47°28'13" EAST, 117.52 FEET;  
4  
5 THENCE NORTH 53°57'06" EAST, 159.85 FEET;  
6  
7 THENCE NORTH 59°37'13" EAST, 88.17 FEET;  
8  
9 THENCE NORTH 65°49'33" EAST, 144.08 FEET TO THE BEGINNING OF A NON-TANGENT  
10 CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 89.97 FEET, THE RADIUS  
11 POINT OF SAID CURVE BEARS NORTH 84°05'27" EAST;  
12  
13 THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  
14 39°10'10" AN ARC LENGTH OF 61.51 FEET;  
15  
16 THENCE TANGENT TO SAID CURVE, SOUTH 45°04'44" EAST, 8.87 FEET TO A POINT ON  
17 SAID VALLEY HIGHWAY;  
18  
19 THENCE ALONG SAID VALLEY HIGHWAY, SOUTH 44°53'40" WEST, 217.43 FEET;  
20  
21 THENCE CONTINUING ALONG SAID VALLEY HIGHWAY, SOUTH 56°59'07" WEST, 52.52  
22 FEET TO A LINE THAT IS PARALLEL WITH AND DISTANT NORTHWESTERLY 16.00 FEET  
23 FROM SAID HEREINABOVE DESCRIBED 20.00 FOOT RANGE LINE;  
24  
25 THENCE DEPARTING SAID VALLEY HIGHWAY ALONG SAID PARALLEL LINE, SOUTH  
26 44°53'40" WEST, 205.98 FEET TO THE **POINT OF BEGINNING**

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

29 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:  
30 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
31 successors and assigns, over, under, across, along and through the vacated area for the purposes  
32 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
33 including electric and gas facilities, storm drainage, sanitary sewer, and water facilities and all  
34 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the  
35 entire easement area. The City reserves the right to authorize the use of the reserved easement by  
36 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,  
37 landscaping or structures shall be allowed over, upon or under the easement area. Any such  
38 obstruction may be removed by the City or the utility provider at the property owner's expense. The  
39 property owner shall not re-grade or alter the ground cover in the easement area without permission  
40 from the City and County of Denver. The property owner shall be liable for all damages to such  
41 utilities, including their repair and replacement, at the property owner's sole expense. The City and

1 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall  
2 not be liable for any damage to property owner's property due to use of this reserved easement.  
3 The reserved easement area is legally described as follows:

4 **PARCEL DESCRIPTION ROW NO. 2018-VACA-0000003-002:**

5 A PARCEL OF LAND LOCATED IN THE SOUTH ONE-HALF (S. 1/2) OF SECTION 28, TOWNSHIP 3  
6 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE  
7 OF COLORADO, DESCRIBED AS FOLLOWS:

8 BEGINNING AT THE INTERSECTION OF THE TWENTY (20) FOOT RANGE LINE FOR PLATTE STREET  
9 AND THE TWENTY ONE AND ONE HALF (21.5) FOOT RANGE LINE FOR 17<sup>TH</sup> STREET; THENCE  
10 N44°33'13"E, 46.50 FEET ALONG SAID TWENTY (20) FOOT RANGE LINE;  
11 THENCE N45°28'41"W, 16.00 FEET TO THE TRUE POINT OF BEGINNING.

12  
13 THENCE CONTINUING N45°28'41"W, 38.00 FEET;  
14 THENCE N44°33'13"E, 10.00 FEET;  
15 THENCE S45°28'41"E, 38.00 FEET;  
16 THENCE S44°33'13"W, 10.00 FEET TO THE TRUE POINT OF BEGINNING.

17  
18 PARCEL A CONTAINS 380 SQUARE FEET MORE OR LESS.

19  
20 AN ILLUSTRATION FOR PARCEL A IS ATTACHED HERETO AND MADE A PART HEREOF.

21  
22 THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE TWENTY (20) FOOT RANGE LINE FOR  
23 PLATTE STREET, WHICH IS ASSUMED TO BEAR N44°33'13"E.  
24

25 COMMITTEE APPROVAL DATE: June 26, 2018

26 MAYOR-COUNCIL DATE: July 3, 2018 by Consent

27 PASSED BY THE COUNCIL: \_\_\_\_\_

28 \_\_\_\_\_ - PRESIDENT

29 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

30 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
31 EX-OFFICIO CLERK OF THE  
32 CITY AND COUNTY OF DENVER

33 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_

34 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: July 5, 2018

35 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
36 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
37 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
38 3.2.6 of the Charter.

39  
40 Kristin M. Bronson, Denver City Attorney

41 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Jul 3, 2018  
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