

1 **BY AUTHORITY**

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

COUNCIL BILL NO. CB14-0325  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

6 **A BILL**

7 **For an ordinance vacating portions of West 16<sup>th</sup> Avenue, West 17<sup>th</sup> Avenue,**  
8 **West Conejos Place and an alley in Block 2 of the Gavin Addition in the South**  
9 **Sloan's Lake Redevelopment Area, with reservations.**

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

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

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

20  
21 **PARCEL DESCRIPTION ROW NO. 2012-0486-05-001**

22  
23 W. 16<sup>TH</sup> AVE. RIGHT-OF-WAY VACATION

24  
25 A PARCEL OF LAND BEING A PORTION OF W. 16<sup>TH</sup> AVE. LOCATED IN THE  
26 SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31,  
27 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
28 CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE  
29 PARTICULARLY DESCRIBED AS FOLLOWS:

30  
31 COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 31,  
32 THENCE S36°45'02"W A DISTANCE OF 2257.16 FEET TO THE NORTHEAST  
33 CORNER OF BLOCK 2, GAVIN ADDITION AND THE POINT OF BEGINNING;

34 THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 2, S89°48'13"W A  
35 DISTANCE OF 141.66 FEET;

36 THENCE N00°18'27"W A DISTANCE OF 84.82 FEET TO A POINT ON THE  
37 NORTHERLY RIGHT-OF-WAY LINE OF W. 16<sup>TH</sup> AVE.;

38 THENCE ALONG SAID NORTHERLY LINE N89°48'59"E A DISTANCE OF 135.51  
39 FEET TO A POINT ON THE WESTERLY LINE OF PERRY ST.;

40 THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING THREE (3)  
41 CONSECUTIVE COURSES

42 1.) S00°13'32"E A DISTANCE OF 42.39 FEET;

43 2.) THENCE N89°48'36"E A DISTANCE OF 6.21 FEET;

44 3.) THENCE S00°18'32"E A DISTANCE OF 42.39 FEET TO THE POINT OF

45 **[continued on next page]**

1 BEGINNING.

2 SAID PARCEL CONTAINS 0.270 ACRES (11751 SQ. FT.), MORE OR LESS.

3  
4 BASIS OF BEARINGS

5 BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION  
6 TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED  
7 BY A FOUND #5 REBAR W/ CAP LS #20142 AT THE SOUTHWEST CORNER OF  
8 BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND 10  
9 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK 3,  
10 BOULEVARD ADDITION TO THE CITY OF DENVER.

11  
12 and

13  
14 **PARCEL DESCRIPTION ROW NO. 2012-0486-05-002**

15  
16 W. 17<sup>TH</sup> AVE. RIGHT-OF-WAY VACATION

17  
18 A PARCEL OF LAND BEING A PORTION OF WEST 17<sup>TH</sup> AVE. BETWEEN STUART  
19 ST. AND PERRY ST. LOCATED IN THE SOUTHWEST QUARTER OF THE  
20 SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST  
21 OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE  
22 OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

23  
24 COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 31,  
25 THENCE S65°23'00"E A DISTANCE OF 3252.43 FEET TO THE NORTHWEST  
26 CORNER OF BLOCK 3, BOULEVARD ADDITION TO DENVER AND THE POINT  
27 OF BEGINNING;

28 THENCE N00°18'49"W A DISTANCE OF 11.99 FEET;

29 THENCE N89°49'41"E A DISTANCE OF 921.68 FEET;

30 THENCE S00°13'32"E A DISTANCE OF 5.69 FEET;

31 THENCE S89°48'32"W A DISTANCE OF 290.43 FEET;

32 THENCE S00°14'54"E A DISTANCE OF 6.00 FEET TO A POINT ON THE  
33 NORTHERLY LINE OF BLOCK 3 AND 4, BOULEVARD ADDITION TO DENVER  
34 EXTENDED;

35 THENCE ALONG SAID NORTHERLY LINE, S89°48'32"W A DISTANCE OF 631.23  
36 FEET TO THE POINT OF BEGINNING.

37  
38 SAID PARCEL CONTAINS 0.211 ACRES (9170 SQ. FT.), MORE OR LESS.

39  
40 BASIS OF BEARINGS

41 BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION  
42 TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED  
43 BY A FOUND #5 REBAR W/ CAP LS #20142 AT THE SOUTHWEST CORNER OF  
44 BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND 10  
45 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK 3,  
46 BOULEVARD ADDITION TO THE CITY OF DENVER.

47  
48 and

1 **PARCEL DESCRIPTION ROW NO. 2012-0486-05-003**

2  
3 W. CONEJOS PL. NORTHERLY RIGHT-OF-WAY VACATION  
4

5 A PARCEL OF LAND BEING A PORTION OF W. CONEJOS PL. BETWEEN STUART  
6 ST. AND PERRY ST. LOCATED IN THE SOUTHWEST QUARTER OF THE  
7 SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST  
8 OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE  
9 OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10  
11 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE  
12 N80°43'19"E A DISTANCE OF 2982.79 FEET TO THE SOUTHWEST CORNER OF  
13 BLOCK 2, BOULEVARD ADDITION TO THE CITY AND COUNTY OF DENVER  
14 AND THE POINT OF BEGINNING;  
15 THENCE ALONG THE NORTHERLY LINE OF WEST CONEJOS PLACE AND THE  
16 SOUTHERLY LINE OF BLOCK 2 AND BLOCK 5, BOULEVARD ADDITION TO  
17 DENVER AND THE SOUTHERLY LINE OF BLOCK 2, GAVIN ADDITION  
18 N89°47'53"E A DISTANCE OF 927.22 TO THE SOUTHEAST CORNER OF SAID  
19 BLOCK 2, GAVIN ADDITION;  
20 THENCE S00°18'32"E A DISTANCE OF 6.00 FEET;  
21 THENCE S89°47'53"W A DISTANCE OF 662.72 FEET;  
22 THENCE S00°18'32"E A DISTANCE OF 2.00 FEET;  
23 THENCE S89°47'53"W A DISTANCE OF 264.50 FEET;  
24 THENCE N00°18'49"W A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

25  
26 SAID PARCEL CONTAINS 0.140 ACRES (6,092 SQ. FT.), MORE OR LESS.  
27

28 **BASIS OF BEARINGS**

29 BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION  
30 TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED  
31 BY A FOUND #5 REBAR W/ CAP LS #20142 AT THE SOUTHWEST CORNER OF  
32 BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND 10  
33 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK 3,  
34 BOULEVARD ADDITION TO THE CITY OF DENVER.  
35

36 and

37  
38 **PARCEL DESCRIPTION ROW NO. 2012-0486-05-004**

39  
40 W. CONEJOS PL. SOUTHERLY RIGHT-OF-WAY VACATION  
41

42 A PARCEL OF LAND BEING A PORTION OF W. CONEJOS PL. BETWEEN STUART  
43 ST. AND RALEIGH ST. LOCATED IN THE SOUTHWEST QUARTER OF THE  
44 SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST  
45 OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE  
46 OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

47 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE  
48 N82°14'46"E A DISTANCE OF 2971.37 FEET TO THE NORTHWEST CORNER OF  
49 BLOCK 1, BOULEVARD ADDITION TO THE CITY AND COUNTY OF DENVER

50 **[continued on next page]**

1 AND THE POINT OF BEGINNING;  
2 THENCE N00°18'49"W A DISTANCE OF 6.00 FEET;  
3 THENCE N89°47'53"E A DISTANCE OF 270.02 FEET;  
4 THENCE S00°18'38"E A DISTANCE OF 6.00 FEET TO THE NORTHEAST CORNER  
5 OF SAID BLOCK 1;  
6 THENCE ALONG THE SOUTHERLY LINE OF WEST CONEJOS PLACE AND THE  
7 NORTHERLY LINE OF SAID BLOCK 1, S89°47'53"W A DISTANCE OF 270.02 FEET  
8 TO THE POINT OF BEGINNING.

9  
10 SAID PARCEL CONTAINS 0.037 ACRES (1620 SQ. FT.), MORE OR LESS.

11  
12 BASIS OF BEARINGS

13 BEARINGS ARE BASED ON THE WESTERLY LINE OF BOULEVARD ADDITION  
14 TO THE CITY OF DENVER BEARING N00°18'49"W AND BEING MONUMENTED  
15 BY A FOUND #5 REBAR W/ CAP LS #20142 AT THE SOUTHWEST CORNER OF  
16 BLOCK 1, BOULEVARD ADDITION TO THE CITY OF DENVER AND A FOUND 10  
17 FOOT OFFSET CHISELED CROSS AT THE NORTHWEST CORNER OF BLOCK 3,  
18 BOULEVARD ADDITION TO THE CITY OF DENVER.

19  
20 and

21  
22 **PARCEL DESCRIPTION ROW NO. 2012-0486-05-005**

23  
24 BLOCK 2, GAVIN ADDITION 16 FOOT ALLEY VACATION

25  
26 A PARCEL OF LAND BEING A PORTION OF BLOCK 2, GAVIN ADDITION  
27 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF  
28 SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL  
29 MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE  
30 PARTICULARLY DESCRIBED AS FOLLOWS:

31  
32 THE 16 FOOT ALLEY LOCATED IN BLOCK 2, GAVIN ADDITION.

33  
34 be and the same is hereby approved and the described rights-of-way is hereby vacated and  
35 declared vacated;

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

37 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
38 successors and assigns, over, under, across, along, and through the vacated areas for the  
39 purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or  
40 private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and  
41 all appurtenances to said utilities. A hard surface shall be maintained by the property owner over  
42 the entire vacated area. The City reserves the right to authorize the use of the reserved easement  
43 by all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls,  
44 landscaping or structures shall be allowed over, upon or under the vacated area. Any such

1 obstruction may be removed by the City or the utility provider at the property owner's expense.  
2 The property owner shall not re-grade or alter the ground cover in the vacated area without  
3 permission from the City and County of Denver. The property owner shall be liable for all damages  
4 to such utilities, including their repair and replacement, at the property owner's sole expense. The  
5 City and County of Denver, its successors, assigns, licensees, permittees and other authorized  
6 users shall not be liable for any damage to property owner's property due to use of this reserved  
7 easement.

8 COMMITTEE APPROVAL DATE: April 17, 2014 [by consent]

9 MAYOR-COUNCIL DATE: April 22, 2014

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

11 \_\_\_\_\_ - PRESIDENT

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

13 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
14 EX-OFFICIO CLERK OF THE  
15 CITY AND COUNTY OF DENVER

16  
17 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

18 PREPARED BY: Brent a. Eisen, Assistant City Attorney DATE: April 24, 2014

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

24 D. Scott Martinez, Denver City Attorney

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