

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0496
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

6 **A BILL**

7 **For an ordinance vacating the southerly portion of the north/south alley**
8 **bounded by 8th Avenue, 9th Avenue, Broadway and Lincoln Street, with**
9 **reservations.**

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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 area 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 and State of Colorado, to wit:

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PARCEL DESCRIPTION ROW 2012-0180-03-001

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A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3,
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A PORTION OF
THE ALLEY IN BLOCK 8, FIRST ADDITION TO ARLINGTON HEIGHTS AND
ARLINGTON HEIGHTS ADDITION, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 27, BLOCK 8 OF SAID
FIRST ADDITION TO ARLINGTON HEIGHTS; THENCE SOUTH ALONG THE EAST
LINE OF SAID LOT 27, A DISTANCE OF 16.00 FEET; THENCE ON AN
ANGLE TO THE RIGHT OF 90°03'53", A DISTANCE OF 55.12 FEET;
THENCE ON AN ANGLE TO THE LEFT OF 28°18'48", A DISTANCE OF 29.52
FEET; THENCE ON AN ANGLE TO THE RIGHT OF 28°18'48", A DISTANCE
OF 44.00 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY, BEING
THE POINT OF BEGINNING; THENCE ON AN ANGLE TO THE LEFT OF
90°03'22", ALONG SAID EAST LINE AND THE EAST LINE OF SAID ALLEY
IN ARLINGTON HEIGHTS ADDITION, A DISTANCE OF 219.66 FEET TO THE
SOUTHEAST CORNER OF SAID ALLEY, ARLINGTON HEIGHTS ADDITION;
THENCE ON AN ANGLE TO THE RIGHT OF 89°58'51", ALONG THE SOUTH
LINE OF SAID ALLEY, A DISTANCE OF 16.00 FEET TO THE SOUTHWEST
CORNER OF SAID ALLEY; THENCE ON AN ANGLE TO THE RIGHT OF
90°01'10", ALONG THE WEST LINE OF SAID ALLEY AND THE WEST LINE
OF THE ALLEY IN SAID FIRST ADDITION TO ARLINGTON HEIGHTS, A
DISTANCE OF 219.69 FEET; THENCE ON AN ANGLE TO THE RIGHT OF
90°03'22", A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 3,515 SQUARE FEET OR 0.081 ACRES MORE OR LESS.

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

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

7 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
8 successors and assigns, over, under, across, along, and through the southerly portion of the
9 north/south alley bounded by 8th Avenue, 9th Avenue, Broadway Street and North Lincoln Street
10 for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public
11 or private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities
12 and all appurtenances to said utilities. A hard surface shall be maintained by the property owner
13 over the entire vacated area. The City reserves the right to authorize the use of the reserved
14 easement by all utility providers with existing facilities in the vacated area. No trees, fences,
15 retaining walls, landscaping or structures shall be allowed over, upon or under the vacated area.
16 Any such obstruction may be removed by the City or the utility provider at the property owner's

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

7 COMMITTEE APPROVAL DATE: July 25, 2013 [by consent]

8 MAYOR-COUNCIL DATE: July 30, 2013

9 PASSED BY THE COUNCIL: _____, 2013
10 _____ - PRESIDENT

11 APPROVED: _____ - MAYOR _____, 2013

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

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

17 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: August 22, 2013

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

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