



September 27, 2019

Denver Public Works Engineering Regulatory & Analytics Department
201 W. Colfax Avenue, Department 507
Denver, CO 80202

Re: Broadway Park – Parcel C Easement Relinquishment Request
Martin/Martin, Inc. Project No.: 15.0575

On behalf of BMP Northwest, LLC, Martin/Martin Inc. is requesting to partially or fully relinquish existing easements associated with Record Document 9500046347. The property owner, BMP Northwest, LLC, is requesting that the easements be released to construct an apartment building, an open space plaza, and to dedicate Bannock Street between Alameda Avenue and Dakota Avenue as public right-of-way. See attached Site Plan.

For Record Document 9500046347, alley reservations associated with Lot 4, Block 43 Byers Subdivision and Lot 45, Block 44 Byers Subdivision, Parcel No. 2 (Wastewater – Phase II), Parcel No. 5 (Water Board – Phase III), and Parcel No. 6 (Wastewater – Phase III) are being requested to be fully relinquished. Parcel No. 1 (Wastewater – Phase II) and Parcel No. 3 (Water Board – Phase II) are being requested to be partially relinquished. The remainder of the easements outlined in Record Document 9500046347 will be maintained. The easements were put in place for water and sewer utilities. There are existing sanitary sewer and water mains within the limits of the easements. The existing sanitary sewer main that runs through the Parcel C development will be re-routed through Bannock Street. Since both sanitary and water mains will be located within public right-of-way, any existing easements for the utilities are no longer necessary.

Refer to the included original record document and prepared legal descriptions and exhibits showing the locations of the easements to be relinquished.

If additional information is required to further clarify the intent of the project, please contact me at the number below.

Sincerely,

Tracy Scurlock, PE
Professional Engineer
720.544.5479

Attachments:

Legal Descriptions for partial and full relinquished easements
Exhibits for partial and full relinquished easements
Site Plan
Original Record Document for 9500046347

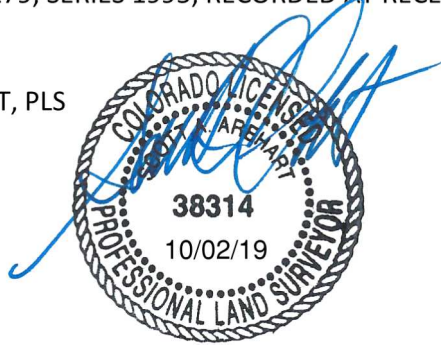
G:\SCHLAGETER\15.0575-Denver Design District-Master Plan Refresh-Development Strategy\DOCS\Kmart Parcel Docs\Parcel C\Easement Relinquishment\Easement Relinquishment Letter-4-7-12.docx

BROADWAY PARK
ALLEY RESERVATION RELINQUISHMENT

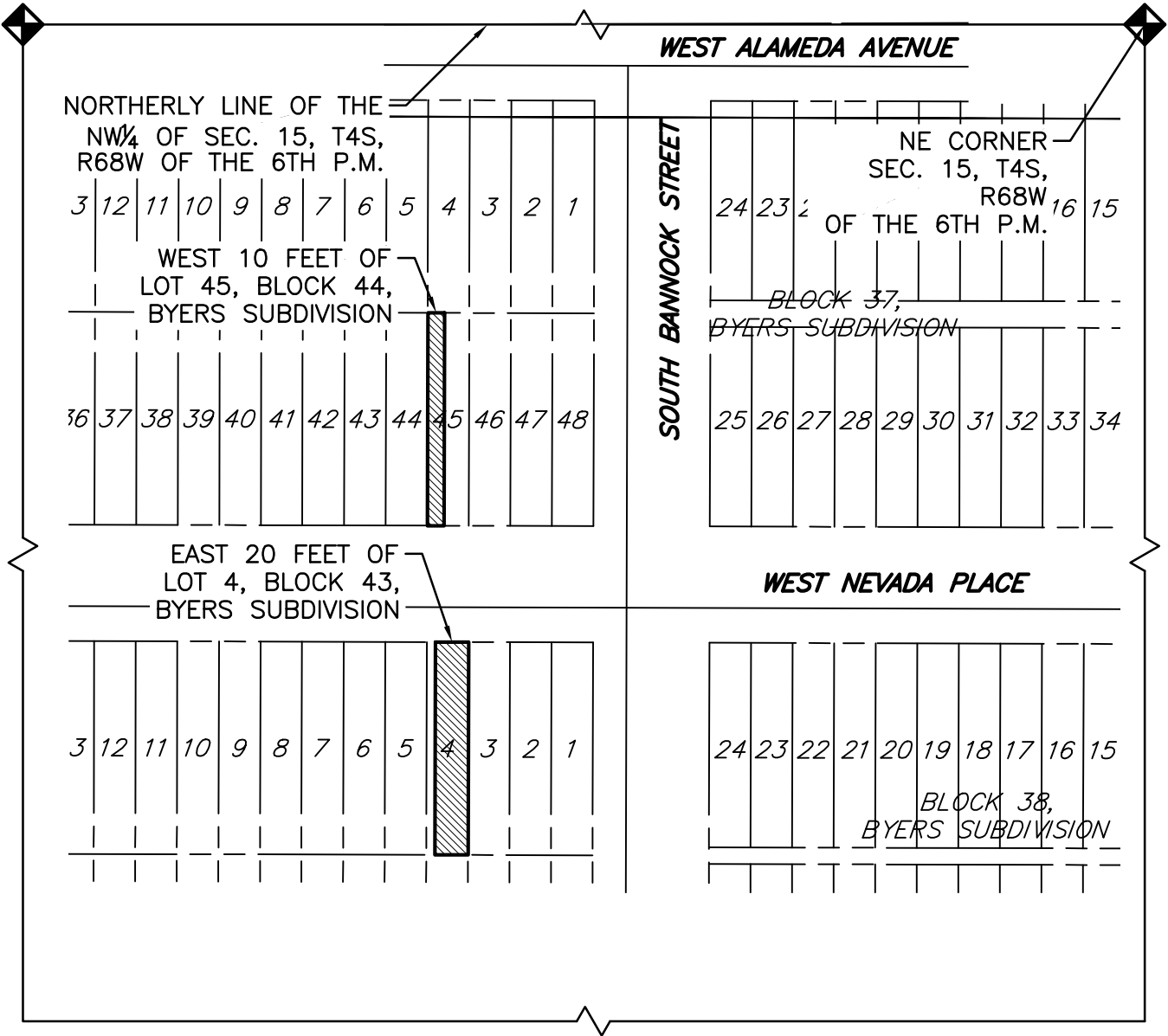
LAND DESCRIPTION

THE ALLEY RESERVATION CONSISTING OF THE EAST 20 FEET OF LOT 4, BLOCK 43, BYERS SUBDIVISION;
AND THE ALLEY RESERVATION CONSISTING OF THE WEST 10 FEET OF LOT 45, BLOCK 44, BYERS
SUBDIVISION, PER ORDINANCE 279, SERIES 1995, RECORDED AT RECEPTION NO. 9500046347.

PREPARED BY JAKE TIHANSKY
REVIEWED BY SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
303-431-6100
OCTOBER 02, 2019

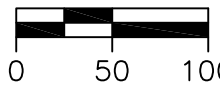
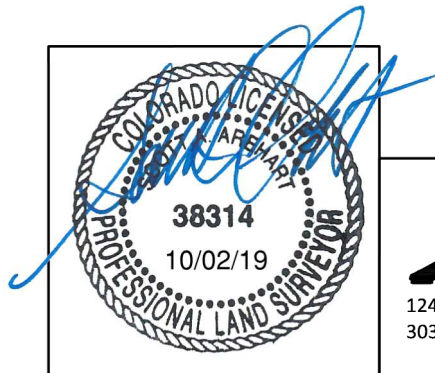


EASEMENT RELINQUISHMENT EXHIBIT
 ALLEY VACATIONS W/ RESERVATIONS
 REC. NO. 9500046347



DRAWING LOCATION: G:\SCHLAGETER\15.0575-Denver Design District-Master Plan_Refresh-Development Strategy\PLANS\EXHIBITS\PARCEL_C\Easement Relinquish Exhibit.dwg

NOTE:
 THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO DEPICT THE ATTACHED DESCRIPTION.



SCALE: 1"=100'
 ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET

OCTOBER 02, 2019

MARTIN/MARTIN
 CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
 303.431.6100 MARTINMARTIN.COM

BROADWAY PARK
EASEMENT RELINQUISHMENT

LAND DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF DENVER WATER BOARD PARCEL 1 (WASTEWATER-PHASE II) EASEMENT RECORDED AT RECEPTION NO. 9500046347, LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15;
THENCE S63°27'52"W A DISTANCE OF 727.65 FEET TO THE NORTHWEST CORNER OF SAID UTILITY EASEMENT SAID POINT BEING THE POINT OF BEGINNING;
THENCE ALONG THE NORTHERLY LINE OF SAID UTILITY EASEMENT, S89°50'03"E A DISTANCE OF 8.93 FEET;
THENCE S00°09'09"W A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID UTILITY EASEMENT;
THENCE ALONG SAID SOUTHERLY LINE, N89°50'03"W A DISTANCE OF 8.93 FEET TO THE SOUTHWEST CORNER OF SAID UTILITY EASEMENT;
THENCE ALONG THE WESTERLY LINE OF SAID UTILITY EASEMENT, N00°09'57"E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

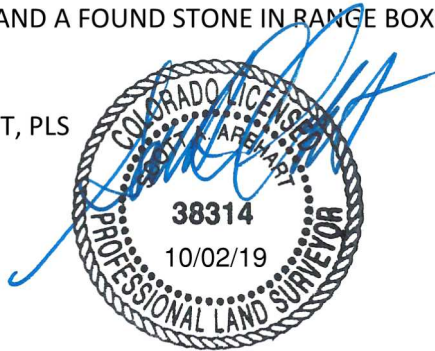
SAID PARCEL CONTAINS 0.006 ACRES OR 268 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE U.S. SURVEY FEET.

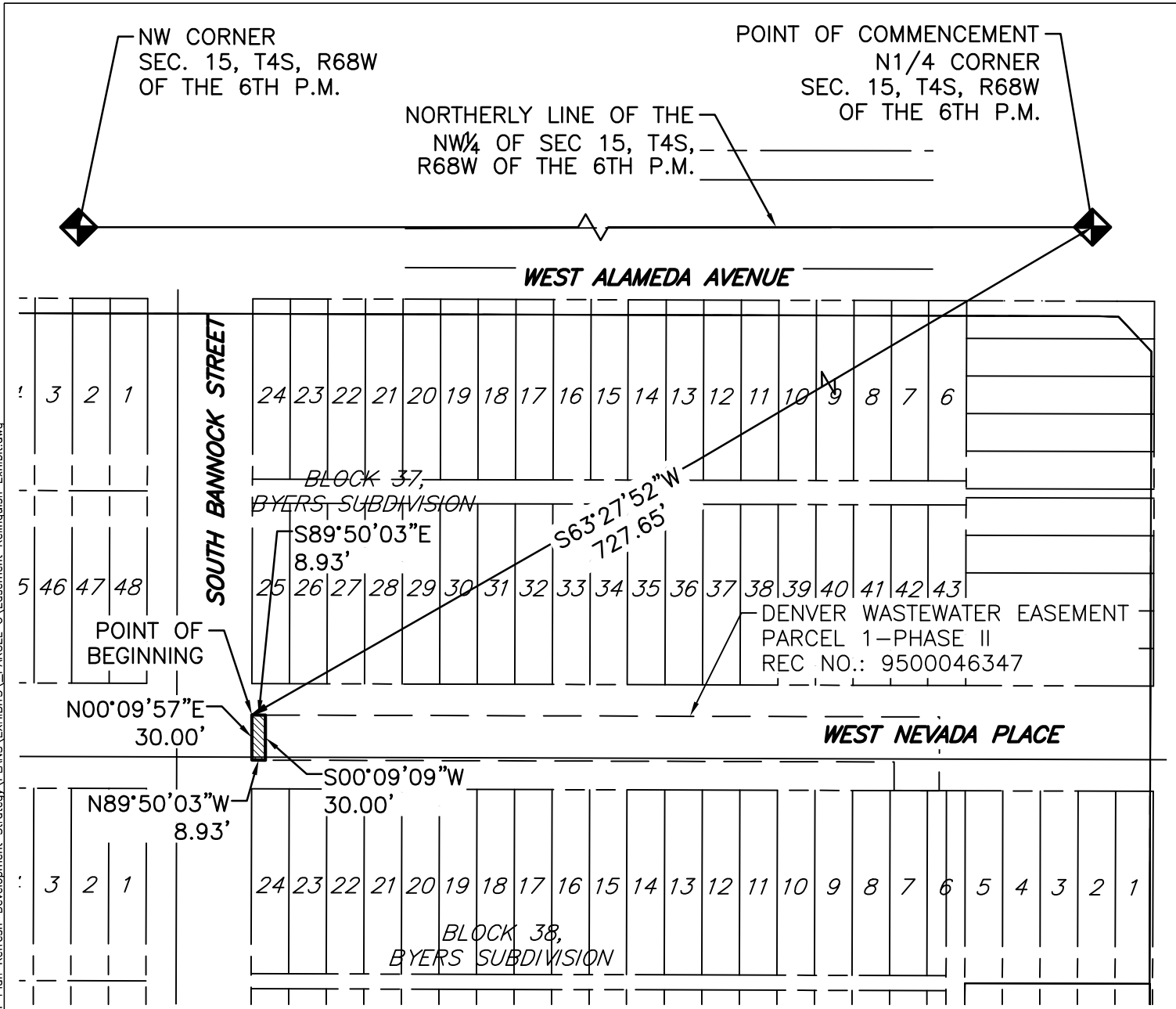
BASIS OF BEARINGS

BEARINGS ARE BASED ON AN ASSUMED BEARING OF N00°45'32"W ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, BEING MONUMENTED BY A FOUND STONE IN RANGE BOX AT THE NORTH QUARTER CORNER AND A FOUND STONE IN RANGE BOX AT THE CENTER QUARTER CORNER.

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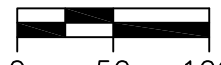
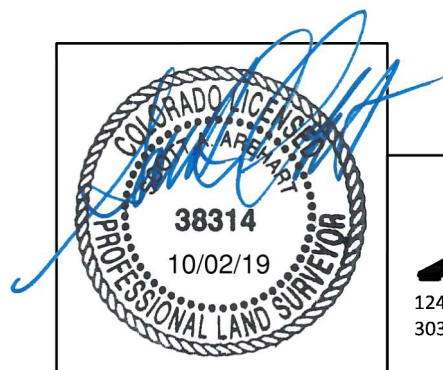


EASEMENT RELINQUISHMENT EXHIBIT
 DENVER WASTEWATER EASEMENT PARCEL 1-PHASE II
 REC. NO. 9500046347



RELINQUISHED PORTION OF EASEMENT 9500046347
 PARCEL 1 - PHASE II CONTAINS 268 SQ.FT±

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0 50 100
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DRAWING LOCATION: G:\SCHLAGETER\15.0575-Denver Design District-Master Plan_Refresh-Development Strategy\PLANS\EXHIBITS\PARCEL 1-Easement Relinquish Exhibit.dwg

BROADWAY PARK
EASEMENT RELINQUISHMENT

LAND DESCRIPTION

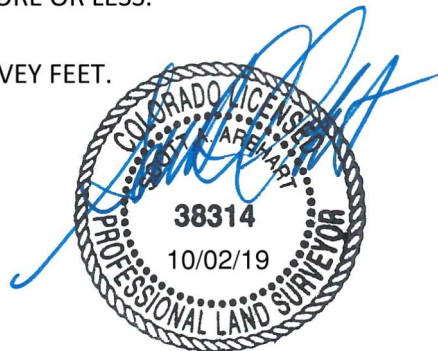
A PARCEL OF LAND BEING THE DENVER WASTEWATER EASEMENT PARCEL NO. 2 – PHASE II RECORDED AT RECEPTION NO. 9500046347, LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYER'S SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4, SE 1/4, NW 1/4 OF THE SAID SECTION 15;
THENCE N05°07'15"W, A DISTANCE OF 973.27 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;
THENCE N89°59'10"W, A DISTANCE OF 268.92 FEET;
THENCE S00°00'50"W, A DISTANCE OF 19.13 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NEVADA PLACE;
THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, N89°59'25"W, A DISTANCE OF 35.00 FEET;
THENCE N00°00'50"E, A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEVADA PLACE;
THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, S89°59'10"E, A DISTANCE OF 35.00 FEET;
THENCE S00°00'50"W, A DISTANCE OF 20.87 FEET;
THENCE S89°59'10"E, A DISTANCE OF 268.92 FEET;
THENCE S00°00'50 W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

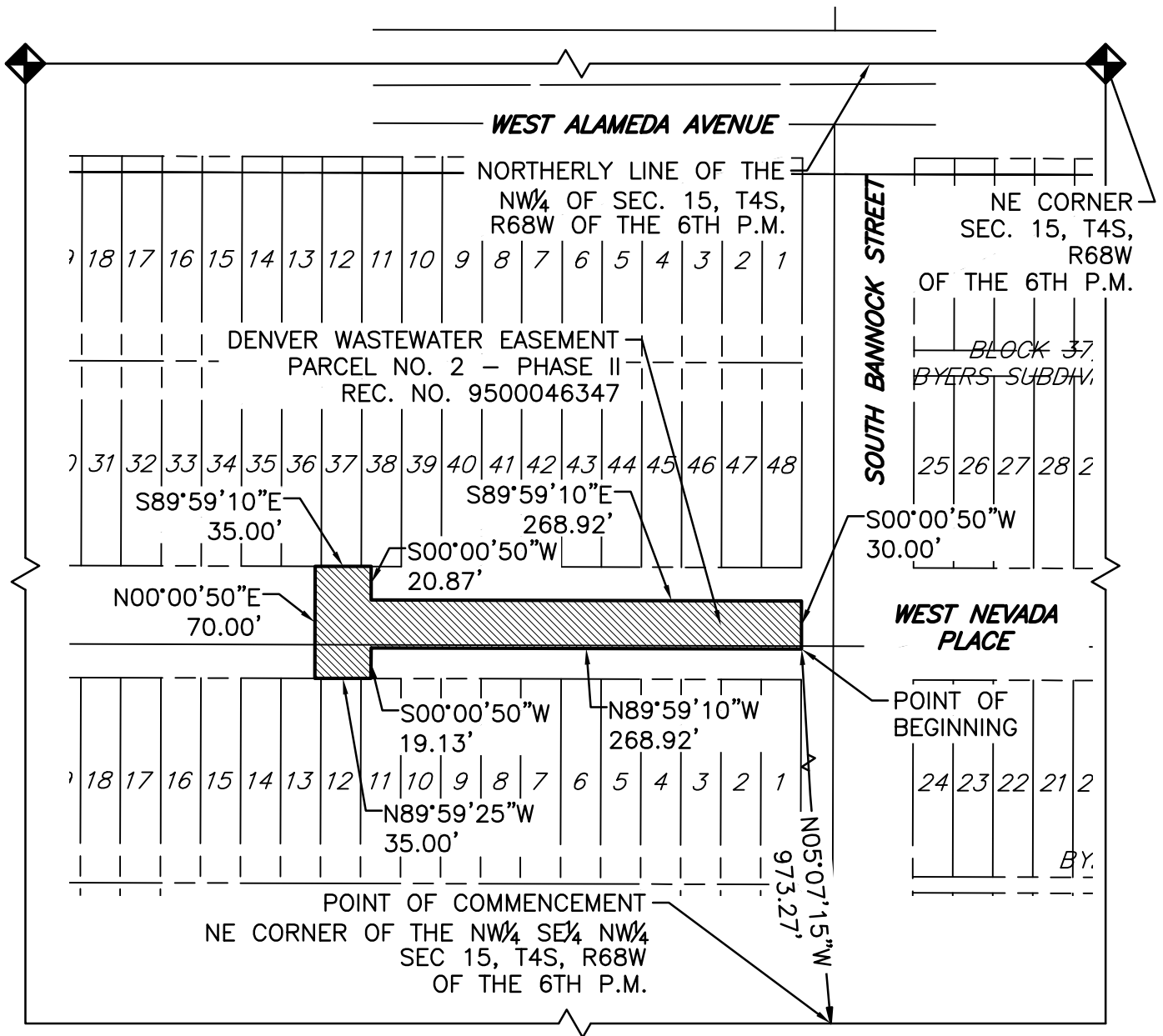
CONTAINING 10,517 SQUARE FEET, MORE OR LESS.

ALL LINEAL DIMENSIONS ARE U.S. SURVEY FEET.

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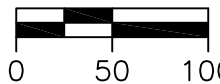
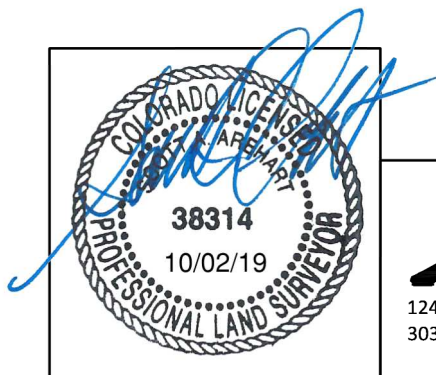


EASEMENT RELINQUISHMENT EXHIBIT
 DENVER WASTEWATER EASEMENT PARCEL NO. 2 - PHASE II
 REC. NO. 9500046347



EASEMENT 9500046347 PARCEL 2 CONTAINS 10,517 SQ.FT±

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BROADWAY PARK
EASEMENT RELINQUISHMENT

LAND DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF DENVER WATER BOARD PARCEL 3 (WATER BOARD – PHASE II) EASEMENT RECORDED AT RECEPTION NO. 95000046347, LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15;
THENCE S64°12'31"W A DISTANCE OF 722.97 FEET TO THE NORTHWEST CORNER OF SAID UTILITY EASEMENT SAID POINT BEING THE POINT OF BEGINNING;
THENCE ALONG THE NORTHERLY LINE OF SAID UTILITY EASEMENT, 10.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 24°01'11" AND A CHORD WHICH BEARS S60°49'30"E A DISTANCE OF 10.20 FEET;
THENCE S00°09'09"W A DISTANCE OF 33.14 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID UTILITY EASEMENT;
THENCE ALONG SAID SOUTHERLY LINE, 10.28 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 24°02'15" AND A CHORD WHICH BEARS S61°10'17"W A DISTANCE OF 10.20 FEET TO THE SOUTHWEST CORNER OF SAID UTILITY EASEMENT;
THENCE ALONG THE WESTERLY LINE OF SAID UTILITY EASEMENT, N00°09'57"E A DISTANCE OF 43.03 FEET TO THE POINT OF BEGINNING.

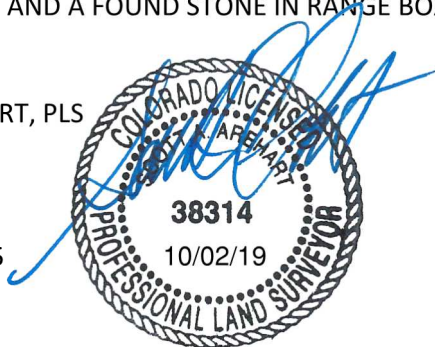
SAID PARCEL CONTAINS 0.008 ACRES OR 347 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE U.S. SURVEY FEET.

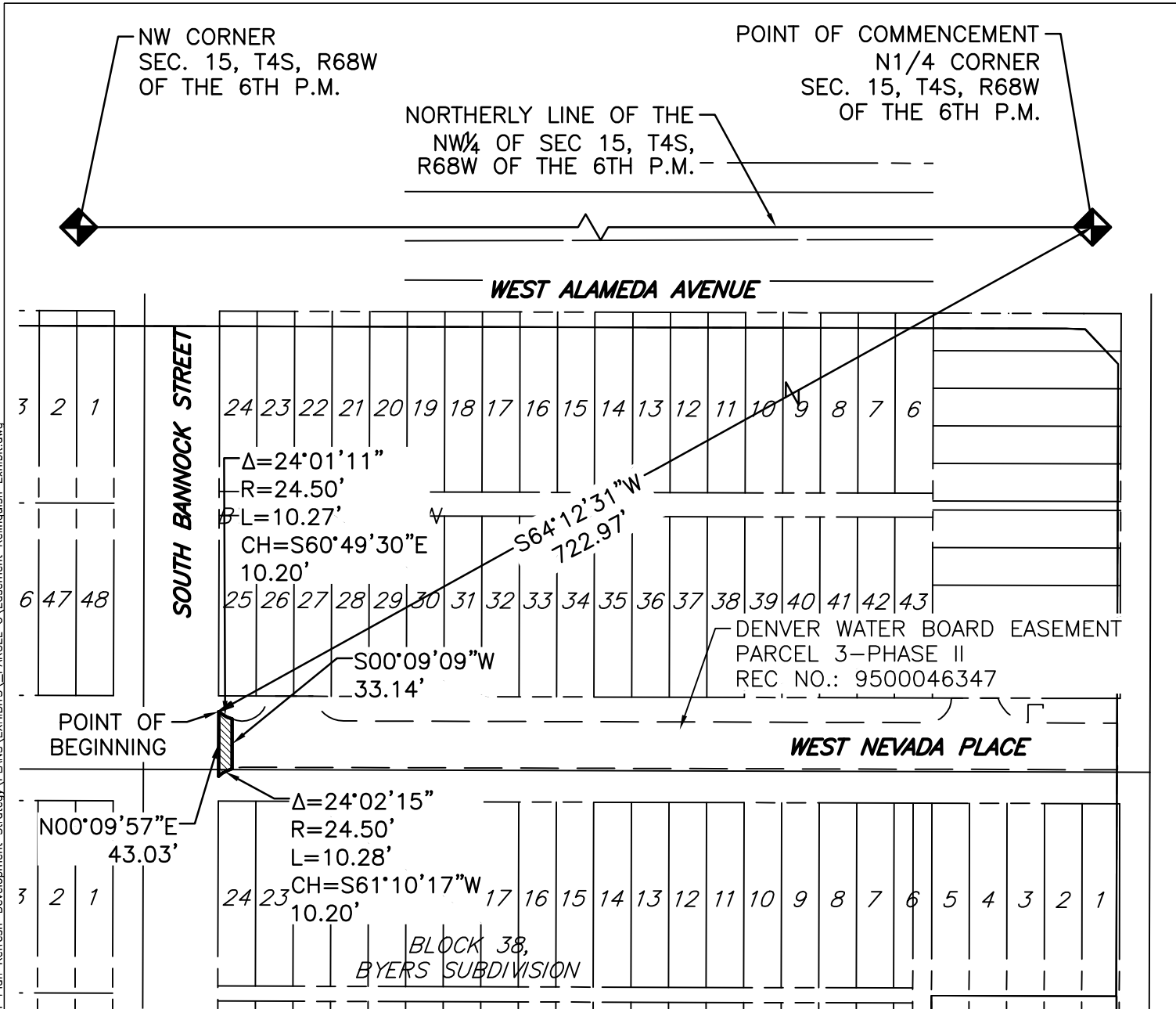
BASIS OF BEARINGS

BEARINGS ARE BASED ON AN ASSUMED BEARING OF N00°45'32"W ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, BEING MONUMENTED BY A FOUND STONE IN RANGE BOX AT THE NORTH QUARTER CORNER AND A FOUND STONE IN RANGE BOX AT THE CENTER QUARTER CORNER.

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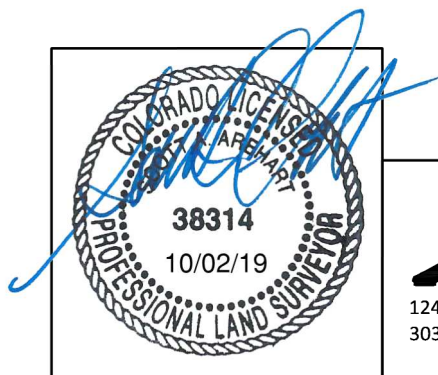


EASEMENT RELINQUISHMENT EXHIBIT
 DENVER WATER BOARD EASEMENT PARCEL 3-PHASE II
 REC. NO. 9500046347



RELINQUISHED PORTION OF EASEMENT 9500046347
 PARCEL 3 CONTAINS 347 SQ.FT±

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0 50 100
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BROADWAY PARK
EASEMENT RELINQUISHMENT

LAND DESCRIPTION

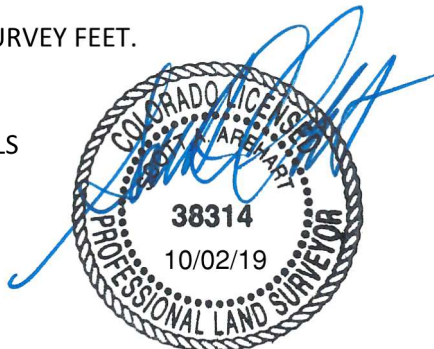
A PARCEL OF LAND BEING THE DENVER WATER BOARD EASEMENT PARCEL NO. 5 - PHASE III RECORDED AT RECEPTION NO 9500046347 LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N02°20'48"W, A DISTANCE OF 619.76 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF DAKOTA AVENUE PROJECTED;
THENCE N89°59'15"W, A DISTANCE OF 37.00 FEET;
THENCE N00°00'50"E, A DISTANCE OF 433.38 FEET;
THENCE N89°59'10"W, A DISTANCE OF 9.50 FEET;
THENCE N00°00'50"E, A DISTANCE OF 10.00 FEET;
THENCE S89°59'10"E, A DISTANCE OF 9.50 FEET;
THENCE N00°00'50"E, A DISTANCE OF 13.64 FEET;
THENCE N07°57'21"W, A DISTANCE OF 100.98 FEET;
THENCE N00°00'50"E, A DISTANCE OF 78.29 FEET TO A POINT OF CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 29.50 FEET, A CENTRAL ANGLE OF 23°28'13" AND AN ARC LENGTH OF 12.08 FEET TO A POINT OF NON-TANGENT, SAID POINT BEING 10.00 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF ALAMEDA AVENUE;
THENCE ALONG A LINE BEING 10.00 FEET SOUTH OF AND PARALLEL TO THE SAID SOUTH RIGHT-OF-WAY LINE, S89°59'35"E, A DISTANCE OF 55.86 FEET TO A POINT OF NON-TANGENT CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 29.50 FEET, A CENTRAL ANGLE OF 23°20'32" AND AN ARC LENGTH OF 12.02 FEET (WHOSE CHORD BEARS S 11°41'06" W, A CHORD DISTANCE OF 11.94 FEET) TO A POINT OF TANGENT;
THENCE S00°00'50"W, A DISTANCE OF 226.24 FEET TO A POINT OF CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 48°59'12" AND AN ARC LENGTH OF 20.95 FEET TO A POINT OF NON-TANGENT;
THENCE S00°00'50"W, A DISTANCE OF 43.03 FEET TO A POINT OF NON-TANGENT CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 48°59'12" AND AN ARC LENGTH OF 20.95 FEET (WHOSE CHORD BEARS S24°30'26"W, A CHORD DISTANCE OF 20.31 FEET) TO A POINT OF TANGENT;
THENCE S00°00'50"W, A DISTANCE OF 249.13 FEET TO A POINT OF CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 48°59'12" AND AN ARC LENGTH OF 20.95 FEET TO A POINT OF NON-TANGENT;
THENCE S00°00'50"W, A DISTANCE OF 43.03 FEET TO A POINT OF NON-TANGENT CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE 48°59'12" AND AN ARC LENGTH OF 20.95 FEET (WHOSE CHORD BEARS S24°30'25"W, A CHORD DISTANCE OF 20.31 FEET TO THE POINT OF BEGINNING.

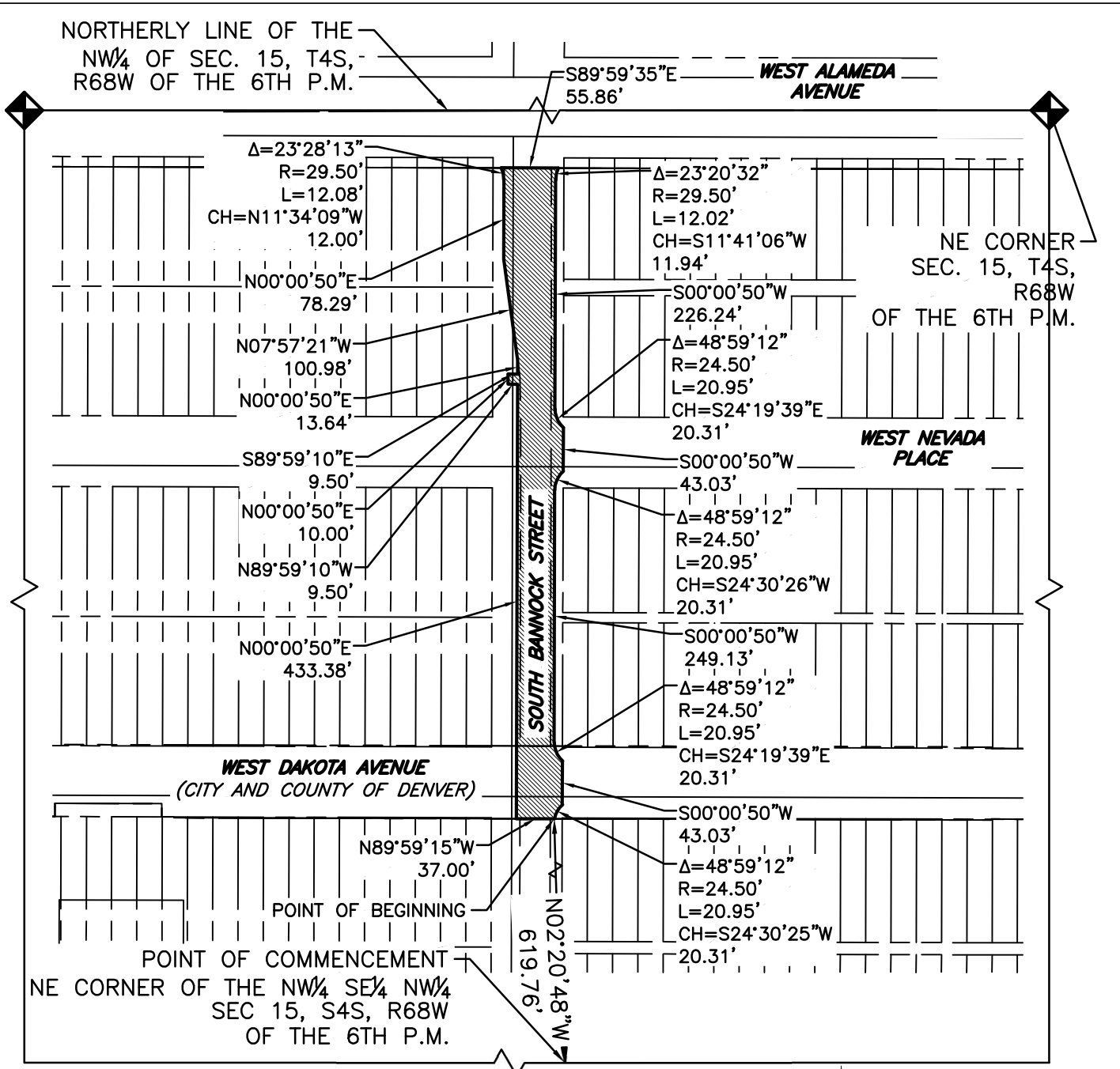
CONTAINING 27,191 SQUARE FEET, MORE OR LESS.

ALL LINEAL DIMENSIONS ARE U.S. SURVEY FEET.

PREPARED BY JAKE TIHANSKY
REVIEWED BY SCOTT A. AREHART, PLS
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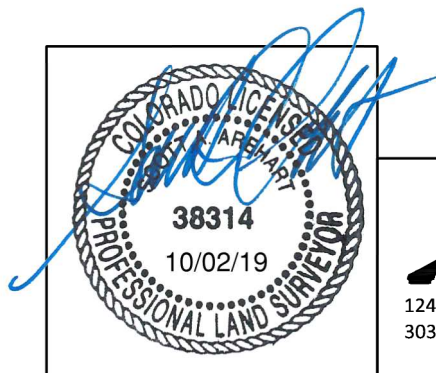


EASEMENT RELINQUISHMENT EXHIBIT
 DENVER WATER BOARD - PARCEL 5 - PHASE III
 REC. NO. 9500046347



EASEMENT 9500046347 PARCEL 5 - PHASE III CONTAINS
 27,191 SQ.FT±

NOTE:
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0 75 150
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BROADWAY PARK
EASEMENT RELINQUISHMENT

LAND DESCRIPTION

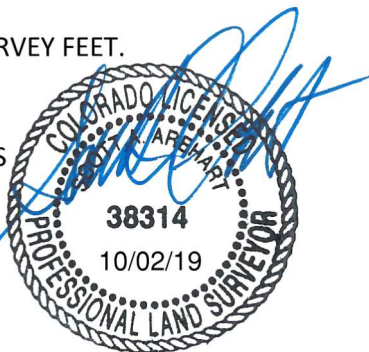
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COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4, SE 1/4, NW 1/4 OF SAID SECTION 15; THENCE N00°59'49"W, A DISTANCE OF 969.52 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;
THENCE N89°59'10"W, A DISTANCE OF 70.00 FEET;
THENCE N00°00'50"E, A DISTANCE OF 30.00 FEET;
THENCE S89°59'10"E, A DISTANCE OF 70.00 FEET;
THENCE S00°00'50"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,100 SQUARE FEET, MORE OR LESS.

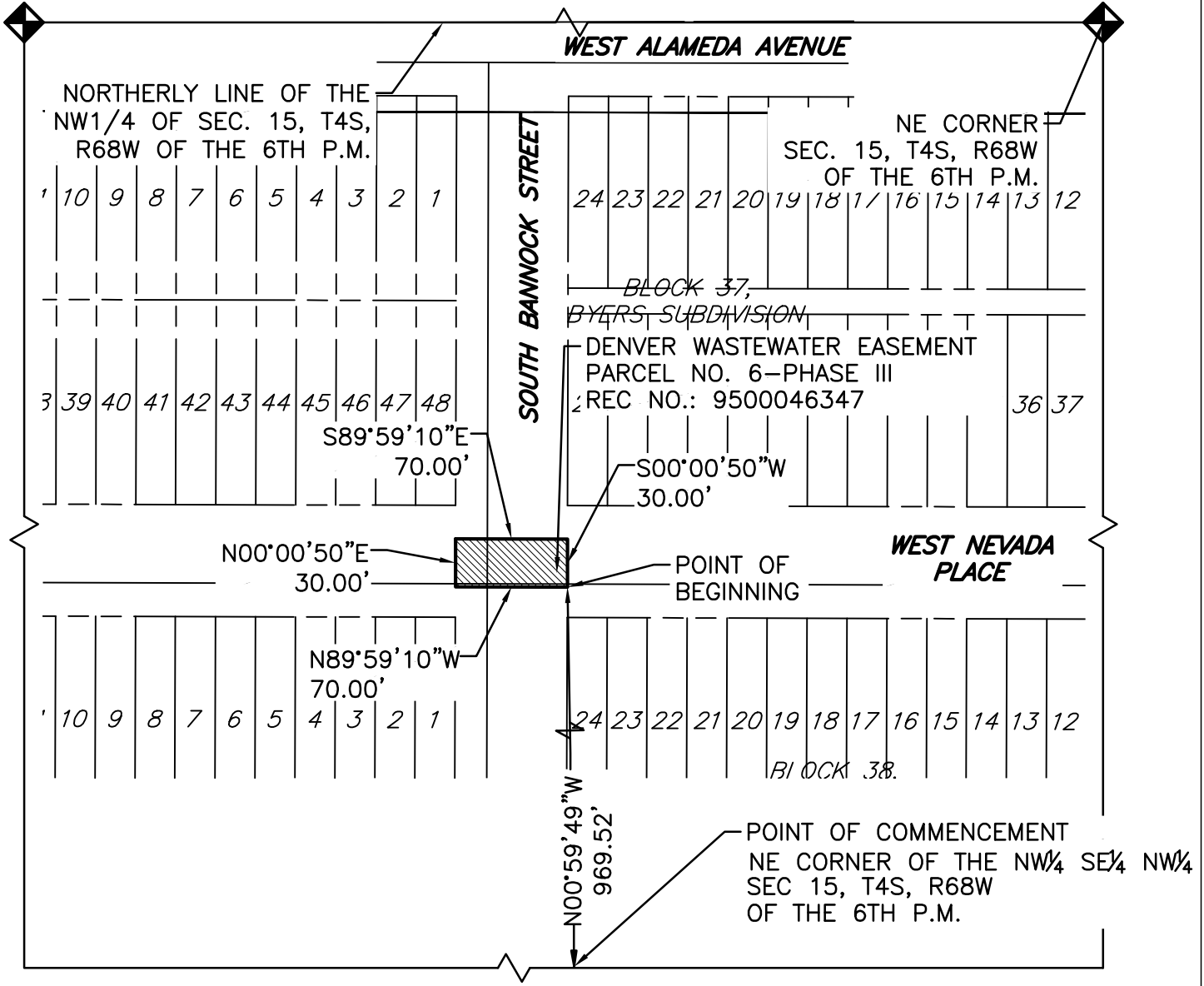
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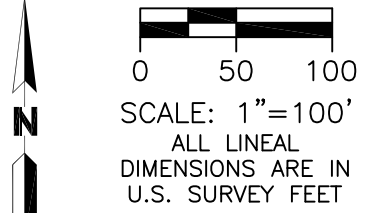
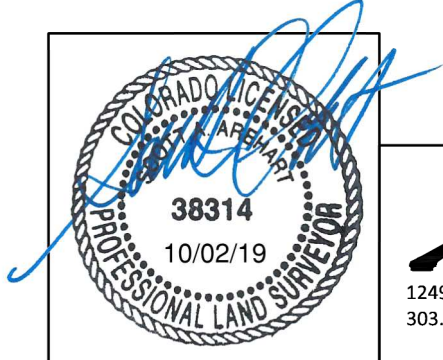
EASEMENT RELINQUISHMENT EXHIBIT
 DENVER WASTEWATER EASEMENT PARCEL NO. 6-PHASE III
 REC. NO. 9500046347

DRAWING LOCATION: G:\SCHLAGETER\15.0575-Denver_District-Master_Plan_Refresh-Development_Strategy\PLANS\EXHIBITS\PARCEL_C\Easement Relinquish Exhibit.dwg



EASEMENT 9500046347 PARCEL 6 CONTAINS 2,100 SQ.FT±

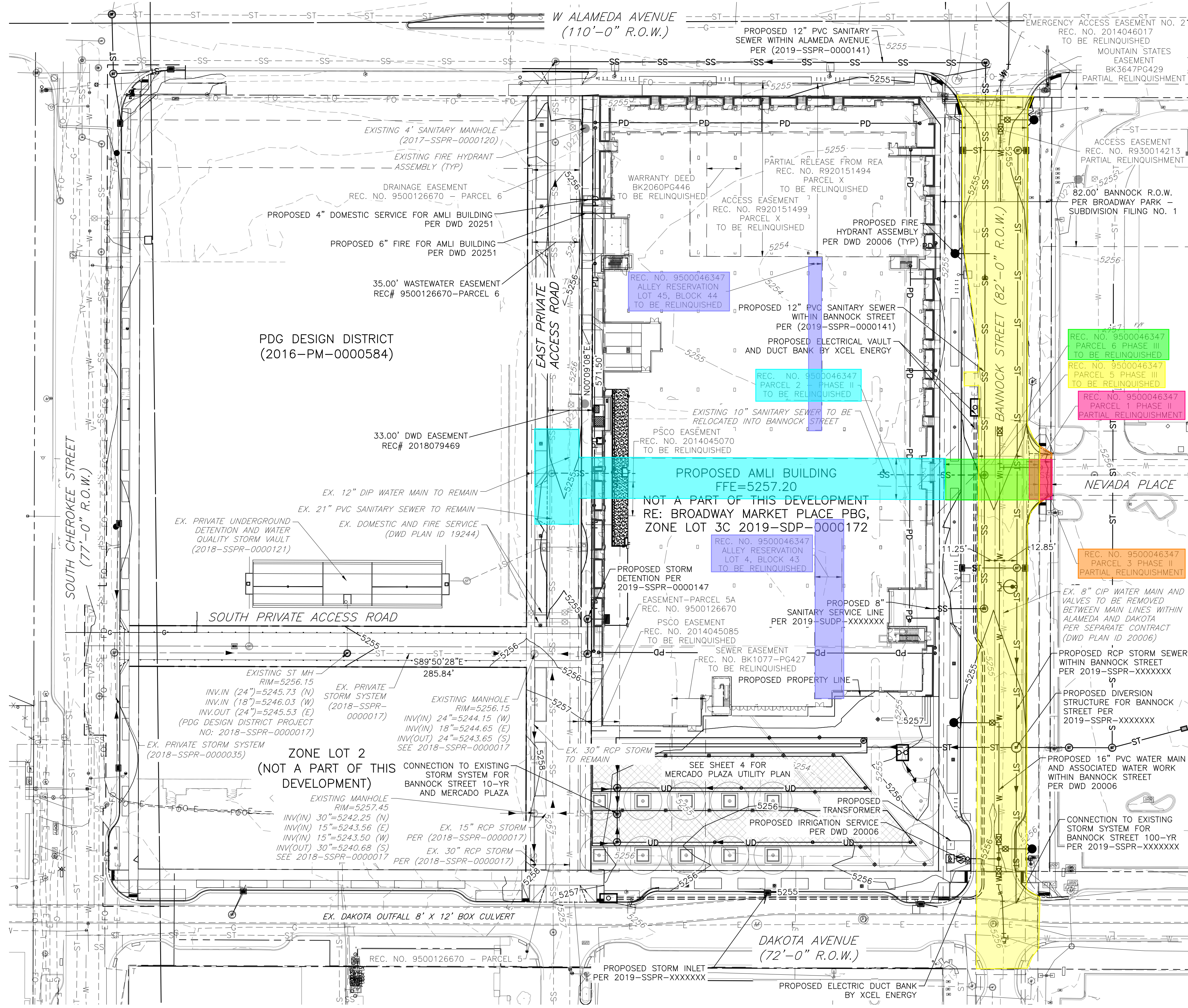
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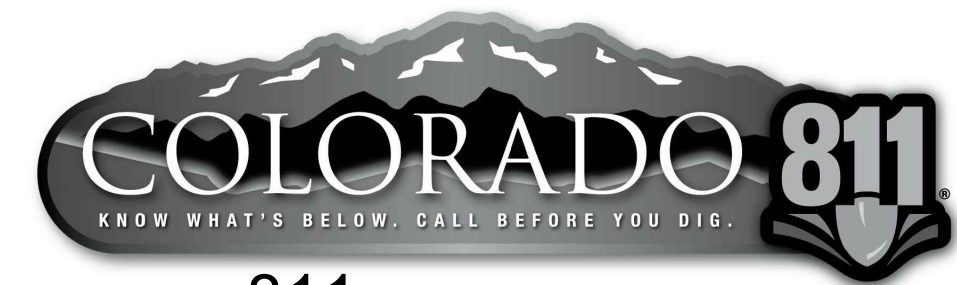
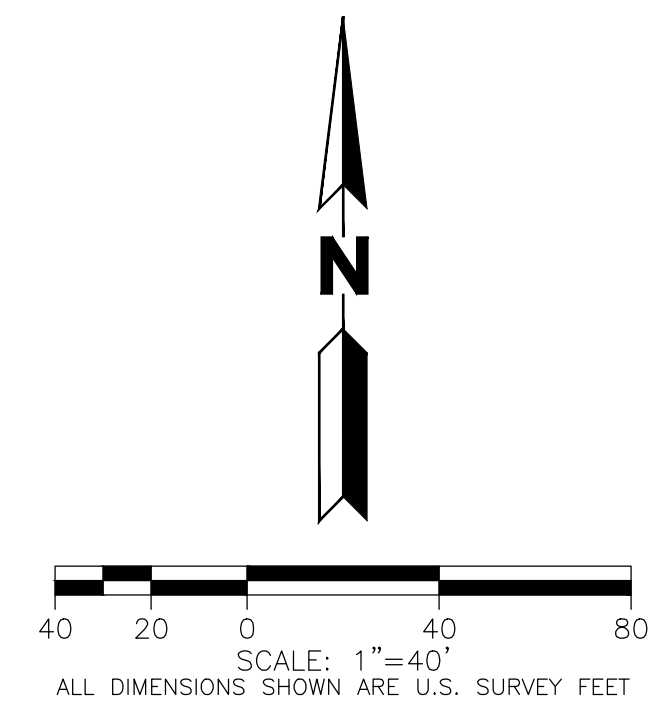
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PLOT DATE: Tuesday, September 24, 2019 9:58 AM LAST SAVED BY: TSCURLOCK
 DRAWING LOCATION: G:\SCHLAGETER\15.0575-Denver Design District-Master Plan Refresh-Development Strategy\PLANS\PARCEL C\MERCADO SDP\UTILITY PLAN.dwg



NOTES:

- SEE SHEETS 1 AND 2 FOR ADDITIONAL NOTES, LEGEND AND ABBREVIATIONS.
- THE PROPOSED MERCADO PLAZA WILL UTILIZE PERMEABLE PAVER AREAS FOR WATER QUALITY AND 10-YEAR DETENTION. THE WATER QUALITY AND 10-YEAR DETENTION STRUCTURES FOR BANNOCK STREET ARE LOCATED WITHIN THE PLAZA AREA AND ARE DETAILED AS PART OF THIS PLAN SET.
- THE PROPOSED AMLI BUILDING TO THE NORTH TO BE CONSTRUCTED PER CCD PROJECT NO. 2018-PM-000648/2019-SDP-0000172/2019-SSPR-0000147.
- THE PRIVATE ACCESS ROAD TO THE WEST WAS APPROVED IN BROADWAY MARKET PLACE ZONE LOT 3 PBG, CCD PROJECT NO. 2018PM000248/2018SDP0000142. SAID PRIVATE ACCESS ROAD IS INCLUDED AS PART OF THE BROADWAY PARK-MERCADO PLAZA SITE DEVELOPMENT PLAN, 2019-SDP-0000182.
- THE BANNOCK STREET AND DAKOTA AVENUE ROADWAY, STREETSCAPE, AND UTILITY IMPROVEMENTS TO BE CONSTRUCTED PER CCD PROJECT NO. 2019TRAN000137/2019SSPRXXXXXX.
- BANNOCK STREET 16" WATER MAIN IMPROVEMENTS TO BE CONSTRUCTED PER DENVER WATER PLAN ID#20006.



CALL **811** 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR MARKING OF UNDERGROUND MEMBER UTILITIES

MARTIN/MARTIN ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM (PROVIDED) ASCE (38) UTILITY QUALITY LEVEL D (Qd) AVAILABLE INFORMATION. IT IS, HOWEVER, THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE SIZE, MATERIAL, HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES (DEPICTED OR NOT DEPICTED) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

CITY AND COUNTY OF DENVER Department of Public Works Development Engineering Services			
DES PROJECT NO. 2018-PM-648/ 2019-SSPR-XXXXXX			
PROJECT NAME: BROADWAY PARK - MERCADO PLAZA ON-SITE PRIVATE STORM SEWER SSPR			
DESIGNED BY: TFS	DATE: 09/11/19	DATE ISSUED: 09/11/19	DRAWING NO. 3
DRAWN BY: AEL	DATE: 09/11/19	SHEET 3 OF 11 SHEETS	
CHECKED BY: DCW	DATE: 09/11/19		

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE NORTH LINE OF PARCEL ONE(A) BEARING S89°59'35"E AS REFERENCED AND BOUNDED BY THE MONUMENTS SHOWN HEREON.

BENCHMARK:

CITY AND COUNTY OF DENVER BM#35A - 2" DIAMETER BRASS CAP AT THE TOP BACK OF CURB AT THE NORTHEAST CORNER OF ALAMEDA AVENUE AND BROADWAY.

ELEVATION: 5260.26 FEET (NAVD 1988 DATUM)

**MERCADO PLAZA
ON-SITE PRIVATE STORM
SEWER SSPR
OVERALL UTILITY PLAN**

No.	Issue / Revision	Submittal #1	Date	Name
1	SSPR (STORM)		09/11/19	TFS

Job Number	15.0575
Project Manager	D. WEBER
Design By	T. SCURLOCK
Drawn By	T. SCURLOCK
Principal In Charge	M. SCHLAGETER

Sheet Number:

3

NOT FOR CONSTRUCTION

BY AUTHORITY

ORDINANCE NO. 279

COUNCIL BILL NO. 257

SERIES OF 1995

COMMITTEE OF REFERENCE:

PUBLIC WORKS

9500046347 1995/04/25 18:00:12 1/ 14 OFD
ARIE P. TAYLOR - DENVER COUNTY .00 .00 DVH

A B I L L

FOR AN ORDINANCE VACATING A CERTAIN PART OF THE SYSTEM OF THOROUGHFARES OF THE MUNICIPALITY, SUBJECT TO CERTAIN RESERVATIONS: I.E., VACATING OF A PORTION OR PORTIONS OF EACH OF WEST NEVADA PLACE, WEST DAKOTA AVENUE, WEST ALASKA PLACE, SOUTH BANNOCK STREET, AND CERTAIN ALLEYS LOCATED IN BLOCKS 38, 40, 43 AND 44, BYERS SUBDIVISION.

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 those certain portions of those certain streets and alleys in the system of thoroughfares of the municipality hereinafter described and, subject to approval by ordinance, has vacated the same with reservations hereafter 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 portions of those certain streets ^{and alleys} in the City and County of Denver in the State of Colorado, to wit:

That part of West Nevada Place lying between east line of South Cherokee Street and a line parallel to and two feet west of the west line of South Broadway;

That part of West Dakota Avenue lying between a line parallel to and 34 feet east of the east line of South Cherokee Street and a line

parallel to and two feet west of the west line of South Broadway;

That part of South Bannock Street lying between the south line of West Dakota Avenue and a line parallel to and 10 feet south of the south line of West Alameda Avenue;

The alley running north and south in Block 38, Byers Subdivision, consisting of the east one-half of Lots 6 and 43 of said Block 38;

The alley running east and west in Block 38, Byers Subdivision, from the east line of South Bannock Street to the east line of Lot 43 of said Block 38;

The alley running north and south in Block 40, Byers Subdivision, consisting of the east 16 feet of Lots 7 and 42 of said Block 40;

The alley consisting of the east 20 feet of Lot 4, Block 43, Byers Subdivision; and

The alley consisting of the west 10 feet of Lot 45, Block 44, Byers Subdivision.

be and the same is hereby approved and the described portions of those certain streets and alleys are hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following conditions and reservations:

A. The City and County of Denver (the "City") hereby reserves unto itself for the use of the City acting by and through its Board of Water Commissioners (the "Board"), its successors and assigns, the permanent, nonexclusive right to enter, re-enter, occupy and use the hereinafter described property to construct, maintain, repair, replace, remove, enlarge and operate one or more water pipelines and all underground and service appurtenances thereto, including electric or other related control systems, underground cables, wires and connections and surface appurtenances (hereinafter referred to as the "Water Board Easement"). By way of example and not by way of limitation, the City intends to include within the terms "pipelines" and "appurtenances" the following: mains and conduits, valves, vaults, manholes, control systems, ventilators, and the like, in, through, over and across the following described parcels

of land (hereinafter referred to as "Water Board Easement Area") situate, lying and being in the City and County of Denver and State of Colorado, to wit:

PARCEL NO. 1 (Water Board - Phase II)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 30°38'45" E, A DISTANCE OF 748.13 FEET TO THE POINT OF BEGINNING; THENCE N 89°59'10" W, A DISTANCE OF 382.21 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 41°00'49" AND AN ARC LENGTH OF 17.54 FEET TO A POINT OF NON-TANGENT, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF BANNOCK STREET PROJECTED; THENCE ALONG THE SAID EAST RIGHT-OF-WAY LINE PROJECTED, N 00°00'50" E, A DISTANCE OF 43.03 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, CENTRAL ANGLE OF 41°00'48" AND AN ARC LENGTH OF 17.54 FEET (WHOSE CHORD BEARS S 69°28'46" E, A CHORD DISTANCE OF 17.17 FEET) TO A POINT OF TANGENT; THENCE S 89°59'10" E, A DISTANCE OF 382.21 FEET; THENCE S 00°00'50" W, A DISTANCE OF 31.00 FEET TO THE POINT OF BEGINNING, CONTAINING 12,408 SQUARE FEET, MORE OR LESS.

PARCEL NO. 2 (Water Board - Phase II)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 29°26'29" W, A DISTANCE OF 716.88 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF DAKOTA STREET; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, N 89°59'15" W, A DISTANCE OF 31.00 FEET; THENCE N 00°00'50" E, A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DAKOTA STREET; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, S 89°59'15" E, A DISTANCE OF 31.00 FEET; THENCE S 00°00'50" W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,170 SQUARE FEET, MORE OR LESS.

PARCEL NO. 3 (Water Board - Phase II)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH

PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 30°51'58" E, A DISTANCE OF 1133.23 FEET TO THE POINT OF BEGINNING, SAID POINT BEING TWO FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH BROADWAY; THENCE N 89°59'10" W, A DISTANCE OF 582.17 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 41°00'48" AND AN ARC LENGTH OF 17.54 FEET TO A POINT OF NON-TANGENT, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF BANNOCK STREET PROJECTED; THENCE ALONG THE SAID EAST RIGHT-OF-WAY LINE PROJECTED, N 00°00'50" E, A DISTANCE OF 43.03 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 41°00'48" AND AN ARC LENGTH OF 17.54 FEET (WHOSE CHORD BEARS S 69°28'46" E, A CHORD DISTANCE OF 17.17 FEET) TO A POINT OF COMPOUND CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 89°37'52" AND AN ARC LENGTH OF 25.81 FEET TO A POINT OF NON-TANGENT, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF NEVADA PLACE; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, S 89°59'25" E, A DISTANCE OF 31.25 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 19.50 FEET, A CENTRAL ANGLE OF 80°50'27" AND AN ARC LENGTH OF 27.51 FEET (WHOSE CHORD BEARS S 49°33'57" E, A CHORD DISTANCE OF 25.29 FEET) TO A POINT OF TANGENT; THENCE S 89°59'10" E, A DISTANCE OF 388.17 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 89°44'45" AND AN ARC LENGTH OF 25.85 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEVADA AVENUE; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, S 89°59'25" E, A DISTANCE OF 31.00 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2.50 FEET, A CENTRAL ANGLE OF 19°41'53" AND AN ARC LENGTH OF 0.86 FEET (WHOSE CHORD BEARS S 11°27'39" E, A CHORD DISTANCE OF 0.86 FEET) TO A POINT OF COMPOUND CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 61°34'21" AND AN ARC LENGTH OF 26.33 FEET TO A POINT OF NON-TANGENT; THENCE N 00°00'50" E, A DISTANCE OF 11.95 FEET; THENCE S 89°59'10" E, A DISTANCE OF 10.00 FEET; THENCE S 00°00'50" W, A DISTANCE OF 12.14 FEET; THENCE S 89°59'10" E, A DISTANCE OF 49.54 FEET TO A POINT BEING 2.00 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH BROADWAY; THENCE ALONG A LINE BEING 2.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SOUTH BROADWAY, S 00°00'50" W, A DISTANCE OF 31.00 FEET TO THE POINT OF BEGINNING, CONTAINING 20,044 SQUARE FEET, MORE OR LESS.

PARCEL NO. 4 (Water Board - Phase II)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 20°20'25" W, A DISTANCE OF 1013.52 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NEVADA PLACE; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, N 89°59'25" W, A DISTANCE OF 35.38 FEET; THENCE N 02°50'55" W, A DISTANCE OF 12.32 FEET; THENCE N 00°00'50" E, A DISTANCE OF 57.70 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEVADA PLACE; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, S 89°59'25" E, A DISTANCE OF 36.00 FEET; THENCE S 00°00'50" W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,516 SQUARE FEET, MORE OR LESS.

PARCEL NO. 5 (Water Board - Phase III)

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 02°20'48" W, A DISTANCE OF 619.76 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF DAKOTA AVENUE PROJECTED; THENCE N 89°59'15" W, A DISTANCE OF 37.00 FEET; THENCE N 00°00'50" E, A DISTANCE OF 433.38 FEET; THENCE N 89°59'10" W, A DISTANCE OF 9.50 FEET; THENCE N 00°00'50" E, A DISTANCE OF 10.00 FEET; THENCE S 89°59'10" E, A DISTANCE OF 9.50 FEET; THENCE N 00°00'50" E, A DISTANCE OF 13.64 FEET; THENCE N 07°57'21" W, A DISTANCE OF 100.98 FEET; THENCE N 00°00'50" E, A DISTANCE OF 78.29 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 29.50 FEET, A CENTRAL ANGLE OF 23°28'13" AND AN ARC LENGTH OF 12.08 FEET TO A POINT OF NON-TANGENT, SAID POINT BEING 10.00 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF ALAMEDA AVENUE; THENCE ALONG A LINE BEING 10.00 FEET SOUTH OF AND PARALLEL TO THE SAID SOUTH RIGHT-OF-WAY LINE, S 89°59'35" E, A DISTANCE OF 55.86 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 29.50 FEET, A CENTRAL ANGLE OF 23°20'32" AND AN ARC LENGTH OF 12.02 FEET (WHOSE CHORD BEARS S 11°41'06" W, A CHORD DISTANCE OF 11.94 FEET) TO A POINT OF TANGENT; THENCE S 00°00'50" W, A DISTANCE OF

226.24 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 48°59'12" AND AN ARC LENGTH OF 20.95 FEET TO A POINT OF NON-TANGENT; THENCE S 00°00'50" W, A DISTANCE OF 43.03 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 48°59'12" AND AN ARC LENGTH OF 20.95 FEET (WHOSE CHORD BEARS S 24°30'26" W, A CHORD DISTANCE OF 20.31 FEET) TO A POINT OF TANGENT; THENCE S 00°00'50" W, A DISTANCE OF 249.13 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 48°59'12" AND AN ARC LENGTH OF 20.95 FEET TO A POINT OF NON-TANGENT; THENCE S 00°00'50" W, A DISTANCE OF 43.03 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 48°59'12" AND AN ARC LENGTH OF 20.95 FEET (WHOSE CHORD BEARS S 24°30'25" W, A CHORD DISTANCE OF 20.31 FEET) TO THE POINT OF BEGINNING, CONTAINING 26,931 SQUARE FEET, MORE OR LESS.

PARCEL NO. 6 (Water Board - Phase IV)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 30°38'45" W, A DISTANCE OF 748.13 FEET TO THE POINT OF BEGINNING; THENCE N 00°00'50" E, A DISTANCE OF 31.00 FEET; THENCE S 89°59'10" E, A DISTANCE OF 81.65 FEET; THENCE N 00°00'50" E, A DISTANCE OF 10.91 FEET; THENCE S 89°59'10" E, A DISTANCE OF 10.00 FEET; THENCE S 00°00'50" W, A DISTANCE OF 10.91 FEET; THENCE S 89°59'10" E, A DISTANCE OF 95.31 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 32°02'49" AND AN ARC LENGTH OF 13.70 FEET TO A POINT OF NON-TANGENT, SAID POINT BEING 2.00 FEET WEST OF THE WEST RIGHT OF WAY LINE OF SOUTH BROADWAY; THENCE ALONG A LINE BEING 2.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT OF WAY LINE OF SOUTH BROADWAY, S 00°00'50" W, A DISTANCE OF 48.47 FEET TO A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 24.50 FEET, A CENTRAL ANGLE OF 32°02'49" AND AN ARC LENGTH OF 13.70 FEET (WHOSE CHORD BEARS N 73°57'46" W, A CHORD DISTANCE 13.53 FEET) TO A POINT OF TANGENT; THENCE N 89°59'10" W, A DISTANCE OF 105.19 FEET; THENCE N 86°24'35" W, A DISTANCE OF 80.16 FEET; THENCE N 89°59'10" W, A DISTANCE OF 1.77 FEET TO THE POINT OF BEGINNING, CONTAINING 7,130 SQUARE FEET, MORE OR LESS.

In conjunction with the Water Board Easement, the City also reserves the following rights:

1. The Board shall have and exercise the right of ingress and egress in, to, over, through and across the Water Board Easement Area for any purpose needful for the full enjoyment of any other right of occupancy or use provided for herein.

2. The owner of the Water Board Easement Area shall not construct or place any structure or building, streetlight, power pole, yard light, mailbox or sign, temporary or permanent, or plant any shrub, tree, woody plant or nursery stock, on any part of the Water Board Easement Area. Any structure or building, streetlight, power pole, yard light, mailbox or sign, temporary or permanent, or shrub, tree, woody plant or nursery stock, of any kind situated on the Water Board Easement Area as of the date of this reservation, may be removed by the Board without liability for damages arising therefrom.

3. The Board shall have and exercise the right to subjacent and lateral support to whatever extent is necessary or desirable for the full, complete and unmolested enjoyment of the rights hereinabove described. The owner of the Water Board Easement Area shall take no action which would impair the earth cover over, or the lateral or subjacent support for any water pipeline or lines and appurtenances within the Water Board Easement, provided, however, that upon obtaining the specific written permission of the Board, the earth cover over any water pipeline or lines may be modified, but normally permission will not be granted for a modification involving a cover of less than four feet nor greater than ten feet measured vertically from the top of any water pipeline or lines, and any modification undertaken by the owner of the Water Board Easement Area shall be upon terms which will provide for reimbursement to the Board of the cost of any alterations to any pipeline facility made necessary by the change.

4. The owner of the Water Board Easement Area, at such owner's sole expense, shall construct and maintain a private surfaced roadway over the entire Water Board Easement Area excepting the ten-foot wide portions that are for fire hydrants only. Planters, islands, or medians are not permitted within the Water Board Easement Area.

5. The owner of the Water Board Easement Area shall have the right to use the Water Board Easement Area for ingress and egress, including vehicular traffic, insofar as such use and occupancy is consistent with and

does not impair any grant herein contained. Parking within the Water Board Easement Area is prohibited.

6. The City and the Board agree that other public utilities such as sanitary sewer, storm sewer, gas, and electric lines, but not including cable TV lines, may be installed after the date of the reservation of this Water Board Easement in the Water Board Easement Area. All public utilities installed subsequent to the date of this reservation and crossing the Water Board Easement Area should cross at approximately right angles and any and all of subsequently installed sanitary and storm sewers which parallel the Board's facilities will not be permitted within ten feet of said Board facilities. The City and the Board acknowledge that there are existing public utilities such as sanitary sewer, storm sewer, gas, electric, and cable TV lines within the Water Board Easement Area as of the date of the reservation of this Water Board Easement and that the owners and/or operators of such public utilities have rights within the Water Board Easement Area with respect to their existing facilities.

7. The owner of the Water Board Easement Area, at such owner's expense, shall be solely responsible for the maintenance of streets, surfacing, curbs and gutters within the said Water Board Easement Area, except as specified in this paragraph. When the Board deems it necessary to reconstruct, repair, relocate, remove, replace, enlarge, operate or in any way maintain its water mains or pipes, and appurtenances thereto, the Board will backfill, compact and resurface the area of excavation, to include replacement of asphalt and/or concrete pavement, curbs and gutters, damaged by the Board's activity, to the grade and condition existing immediately prior to excavation, as nearly as may reasonably be. The Board will exercise all reasonable means to prevent damage to pavement, curbs and gutters, which are situated within the Water Board Easement Area but outside of the immediate area of excavation. In the event said improvements are damaged due solely to Board negligence, the Board will repair and/or replace said improvements at its expense.

8. Each and every one of the benefits and burdens of this reserved Water Board Easement shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the Board and the owner of the Water Board Easement Area.

B. The City hereby reserves unto itself, its successors and assigns (collectively, the "City"), a non-

exclusive and perpetual easement and right-of-way for drainage facilities for water and sewage (the "Drainage Easement"), including the perpetual right to enter, re-enter and use the hereinafter described parcels of land to locate, construct, inspect, operate, maintain, repair, remove, replace, relocate and reconstruct drainage facilities for water and sewage, including underground and surface facilities and appurtenances thereto, into, within, over, upon, across, through and under the parcels of land for which the easement and right-of-way is hereby reserved, and said parcels of land (hereinafter referred to as the "Drainage Easement Area") are more particularly described as follows, to wit:

PARCEL NO. 1 (Wastewater - Phase II)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 23°22'32" E, A DISTANCE OF 1035.15 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF NEVADA PLACE; THENCE N 00°00'50" E, A DISTANCE OF 19.08 FEET; THENCE N 89°59'10" W, A DISTANCE OF 427.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF BANNOCK STREET PROJECTED; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF BANNOCK STREET PROJECTED, N 00°00'50" E, A DISTANCE OF 30.00 FEET; THENCE S 89°59'10" E, A DISTANCE OF 457.58 FEET; THENCE S 00°00'50" W, A DISTANCE OF 49.08 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NEVADA PLACE; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, N 89°59'25" W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 14,300 SQUARE FEET, MORE OR LESS.

PARCEL NO. 2 (Wastewater - Phase III)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 05°07'15" W, A DISTANCE OF 973.27 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF BANNOCK STREET PROJECTED; THENCE N 89°59'10" W, A DISTANCE OF 268.92 FEET; THENCE S 00°00'50" W, A DISTANCE OF 19.13 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE

OF NEVADA PLACE; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, N 89°59'25" W, A DISTANCE OF 35.00 FEET; THENCE N 00°00'50" E, A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEVADA PLACE; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, S 89°59'10" E, A DISTANCE OF 35.00 FEET; THENCE S 00°00'50" W, A DISTANCE OF 20.87 FEET; THENCE S 89°59'10" E, A DISTANCE OF 268.92 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BANNOCK STREET PROJECTED; THENCE ALONG THE SAID WEST RIGHT-OF-WAY LINE PROJECTED, S 00°00'50" W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10,518 SQUARE FEET, MORE OR LESS.

PARCEL NO. 3 (Wastewater - Phase II)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF SAID SECTION 15; THENCE N 28°28'03" E, A DISTANCE OF 935.24 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF LOT 6 OF BLOCK 38 OF SAID BYERS SUBDIVISION, SAID POINT ALSO BEING ON THE PROJECTED WEST LINE OF THE NORTH-SOUTH ALLEY IN SAID BLOCK 38; THENCE ALONG THE PROJECTED WEST LINE OF SAID NORTH-SOUTH ALLEY, N 00°00'50" E, A DISTANCE OF 21.92 FEET; THENCE S 89°49'36" E, A DISTANCE OF 12.51 FEET TO A POINT ON THE EAST LINE OF SAID NORTH-SOUTH ALLEY; THENCE ALONG THE EAST LINE OF SAID NORTH-SOUTH ALLEY, S 00°00'50" W, A DISTANCE OF 21.88 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF LOT 6 OF SAID BLOCK 38; THENCE N 89°59'20" W, A DISTANCE OF 12.51 FEET TO THE POINT OF BEGINNING, CONTAINING 274 SQUARE FEET, MORE OR LESS.

PARCEL NO. 4 (Wastewater - Phase II)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 67°49'52" E, A DISTANCE OF 450.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST LINE OF THE NORTH-SOUTH ALLEY THROUGH BLOCK 40 OF THE SAID BYERS SUBDIVISION; THENCE ALONG THE SAID WEST ALLEY LINE, N 00°00'00" E, A DISTANCE OF 128.10 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ALASKA PLACE; THENCE ALONG

THE SAID SOUTH RIGHT-OF-WAY LINE, S 89°59'04" E, A DISTANCE OF 12.39 FEET; THENCE S 00°00'50" W, A DISTANCE OF 128.10 FEET; THENCE N 90°00'00" W, A DISTANCE OF 12.36 FEET TO THE POINT OF BEGINNING, CONTAINING 1,585 SQUARE FEET, MORE OR LESS.

PARCEL NO. 5 (Wastewater - Phase II)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 29°41'04" W, A DISTANCE OF 718.61 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF DAKOTA AVENUE; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, N 89°59'15" W, A DISTANCE OF 35.00 FEET; THENCE N 00°00'50" E, A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DAKOTA AVENUE; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, S 89°59'15" E, A DISTANCE OF 35.00 FEET; THENCE S 00°00'50" W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,450 SQUARE FEET, MORE OR LESS.

PARCEL NO. 6 (Wastewater - Phase III)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYER'S SUBDIVISION IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 00°59'49" W, A DISTANCE OF 969.52 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF BANNOCK STREET PROJECTED; THENCE N 89°59'10" W, A DISTANCE OF 70.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BANNOCK STREET PROJECTED; THENCE ALONG THE SAID WEST RIGHT-OF-WAY LINE PROJECTED, N 00°00'50" E, A DISTANCE OF 30.00 FEET; THENCE S 89°59'10" E, A DISTANCE OF 70.00 FEET TO A POINT ON THE SAID EAST RIGHT-OF-WAY LINE PROJECTED; THENCE ALONG THE SAID EAST RIGHT-OF-WAY LINE PROJECTED, S 00°00'50" W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,100 SQUARE FEET, MORE OR LESS.

PARCEL NO. 7 (Wastewater - Phase III)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH

PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYER'S SUBDIVISION IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 84°14'51" E, A DISTANCE OF 419.27 FEET, MORE OR LESS TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VIRGINIA AVENUE, SAID POINT ALSO BEING A POINT ON THE WEST LINE OF THE NORTH-SOUTH ALLEY IN BLOCK 40 OF THE SAID BYER'S SUBDIVISION; THENCE ALONG THE SAID WEST ALLEY LINE, N 00°00'00" E, A DISTANCE OF 127.95 FEET; THENCE S 90°00'00" E, A DISTANCE OF 12.36 FEET; THENCE S 00°00'50" W, A DISTANCE OF 127.95 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF VIRGINIA AVENUE; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, N 89°58'54" W, A DISTANCE OF 12.33 FEET TO THE POINT OF BEGINNING, CONTAINING 1,580 SQUARE FEET, MORE OR LESS.

PARCEL NO. 8 (Wastewater - Phase IV)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PRESENTLY PLATTED AS BYERS SUBDIVISION IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4 OF THE SAID SECTION 15; THENCE N 32°42'29" E, A DISTANCE OF 824.93 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF DAKOTA AVENUE, SAID POINT ALSO BEING ON THE WEST LINE OF THE ALLEY RUNNING NORTH-SOUTH IN BLOCK 38 OF THE SAID BYERS SUBDIVISION; THENCE ALONG THE SAID WEST ALLEY LINE, N 00°00'50" E, A DISTANCE OF 123.03 FEET TO A POINT ON THE SOUTH LINE OF AN EAST-WEST ALLEY IN SAID BLOCK 38; THENCE ALONG THE SAID SOUTH LINE OF THE EAST-WEST ALLEY, N 89°59'20" W, A DISTANCE OF 35.11 FEET; THENCE N 00°00'50" E, A DISTANCE OF 10.00 FEET TO A POINT ON THE NORTH LINE OF THE SAID EAST-WEST ALLEY; THENCE ALONG THE SAID NORTH LINE OF THE EAST-WEST ALLEY, S 89°59'20" E, A DISTANCE OF 35.11 FEET TO A POINT ON THE WEST LINE OF THE ALLEY RUNNING NORTH-SOUTH IN SAID BLOCK 38; THENCE S 00°00'50" W, A DISTANCE OF 5.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 6 OF SAID BLOCK 38; THENCE ALONG THE SOUTH LINE OF SAID LOT 6, S 89°59'20" E, A DISTANCE OF 12.51 FEET TO A POINT ON THE EAST LINE OF THE SAID NORTH-SOUTH ALLEY; THENCE ALONG THE EAST LINE OF THE SAID NORTH-SOUTH ALLEY, S 00°00'50" W, A DISTANCE OF 128.03 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY LINE; THENCE ALONG THE SAID NORTH RIGHT-OF-WAY LINE, N 89°59'15" W, A DISTANCE OF 12.51 FEET TO THE POINT OF BEGINNING, CONTAINING 1,952 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: THE EAST LINE BETWEEN THE SOUTHWEST CORNER OF THE NE 1/4 SE 1/4 NW 1/4 AND THE NORTHEAST CORNER OF THE NW 1/4 SE 1/4 NW 1/4, BOTH BEING IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS N 00°50'51" W. IRON PINS WITH CAPS WERE FOUND AT BOTH CORNERS.

In conjunction with the Drainage Easement, the City also reserves the following rights:

1. The City further reserves the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on the Drainage Easement Area which now or hereafter in the opinion of the City may be a hazard to the said facilities, or appurtenances thereto, or may interfere with the exercise of the City's rights hereunder; provided, however, that all trees which the City is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of the owner of the Drainage Easement Area, but all tops, lops, brush and refuse wood shall be burned or removed by the City.

2. The owner of the Drainage Easement Area and its successors in interest and assigns shall have the right to use and enjoy the Drainage Easement Area, PROVIDING such use and enjoyment shall not interfere with the installation, construction, maintenance, repair, inspection, and operation of said facilities installed or permitted to be installed by the City, and PROVIDING FURTHER that such owner shall not erect or place any building, tree or other obstruction on the Drainage Easement Area and the City shall not be liable for their removal if they are so placed.

PASSED By The Council

April 10,

1995

Deborah L. Ortega

- PRESIDENT

APPROVED: *Jack E. Weir*

- MAYOR *April 12,* 1995

ATTEST: *Dee K. Taylor*

- CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PUBLISHED IN THE DAILY JOURNAL *April 7,* 1995 *April 14,* 1995

The Manager of Public Works has made the findings and determinations as set forth in the above and foregoing draft or form of a proposed Bill for an Ordinance, and subject to approval by Ordinance, has vacated and does hereby vacate the described street, subject to certain reservations, and requests the Council of the City and County of Denver to approve such vacation subject to certain reservations, by the enactment of an appropriate ordinance, and approves said draft or form of a proposed Bill for an Ordinance and recommends the introduction and passage thereof.

PREPARED BY: Otten, Johnson, Robinson,
Neff & Raconetti, P.C.

3/13/95

REVIEWED BY: *Dee K. Taylor*

CITY ATTORNEY *3/29*

1995

SPONSORED BY COUNCIL MEMBER(S):