

1 **BY AUTHORITY**

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

COUNCIL BILL NO. CB18-0282  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of Ulster Street between East 40th Avenue**  
7 **and Interstate 70, with reservations.**

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

12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13 **Section 1.** That the action of the Executive Director of Public Works in vacating the  
14 following described right-of-way in the City and County of Denver, State of Colorado, to wit:

15 **PARCEL DESCRIPTION ROW NO. 2017-VACA-0000019-001:**

16 THE EAST 30 FEET OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 21,  
17 TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., LYING NORTH OF 40<sup>TH</sup> AVENUE

18 be and the same is hereby approved and the described right-of-way is hereby vacated and declared  
19 vacated;

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

21 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
22 successors and assigns, over, under, across, along and through the vacated area for the purposes  
23 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
24 including storm drainage, sanitary sewer, and water facilities and all appurtenances to said  
25 utilities. A hard surface shall be maintained by the property owner over the entire easement  
26 area. The City reserves the right to authorize the use of the reserved easement by all utility providers  
27 with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or  
28 structures shall be allowed over, upon or under the easement area. Any such obstruction may be  
29 removed by the City or the utility provider at the property owner's expense. The property owner shall  
30 not re-grade or alter the ground cover in the easement area without permission from the City and  
31 County of Denver. The property owner shall be liable for all damages to such utilities, including their

1 repair and replacement, at the property owner's sole expense. The City and County of Denver, its  
2 successors, assigns, licensees, permittees and other authorized users shall not be liable for any  
3 damage to property owner's property due to use of this reserved easement.

4 COMMITTEE APPROVAL DATE: March 20, 2018 by Consent

5 MAYOR-COUNCIL DATE: March 27, 2018

6 PASSED BY THE COUNCIL: \_\_\_\_\_ May 14, 2018

7 \_\_\_\_\_ - PRESIDENT PRO-TEM

8 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ May 15, 2018

9 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
10 EX-OFFICIO CLERK OF THE  
11 CITY AND COUNTY OF DENVER

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

13 PREPARED BY: Bradley A. Beck, Assistant City Attorney DATE: May 3, 2018

14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
15 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
16 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
17 3.2.6 of the Charter.

18  
19 Kristin M. Bronson, Denver City Attorney

20 BY: \_\_\_\_\_, Assistant City Attorney DATE: May 3, 2018  
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