

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0755
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of the alley bounded by Perry Street, Quitman Street and West Colfax Avenue, with reservations.

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

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

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

PARCEL DESCRIPTION ROW NO. 2015-VACA-0000005-001:

A PARCEL OF LAND BEING PART OF THAT ALLEY SIXTEEN FEET (16') IN WIDTH LYING WITHIN BLOCK 1, GAVIN ADDITION AS RECORDED NOVEMBER 8TH, 1927, IN PLAT BOOK 18 AT PAGE 68 OF THE RECORDS OF THE CITY AND COUNTY OF DENVER, LOCATED IN THE SOUTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 28, OF SAID BLOCK 1, GAVIN ADDITION, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF SAID ALLEY, AND CONSIDERING THE SOUTHERLY LINE OF SAID LOT 28 OF SAID BLOCK 1 TO BEAR NORTH 90°00'00" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE SOUTHERLY LINE OF SAID ALLEY NORTH 90°00'00" WEST A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 1, SAID BLOCK 1 AND THE SOUTHWESTERLY CORNER OF SAID ALLEY;
THENCE ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 5, INCLUSIVE, SAID BLOCK 1 AND THE WESTERLY LINE OF SAID ALLEY NORTH 00°00'00" EAST A DISTANCE OF 118.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 5, BLOCK 1;

THENCE NORTH 90°00'00" EAST A DISTANCE OF 16.00 FEET TO A POINT ON THE WESTERLY LINE OF LOT 24, SAID BLOCK 1;

THENCE ALONG THE WESTERLY LINE OF LOTS 24 THROUGH 28, INCLUSIVE, SAID BLOCK 1, AND THE EASTERLY LINE OF SAID ALLEY SOUTH 00°00'00" EAST A DISTANCE OF 118.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS AN AREA OF 1,888 SQUARE FEET, OR 0.043 ACRES, MORE OR LESS.

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

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

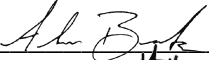
A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its

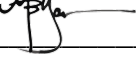
1 successors and assigns, over, under, across, along and through the vacated area for the purposes
2 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
3 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard
4 surface shall be maintained by the property owner over the entire easement area. The City reserves
5 the right to authorize the use of the reserved easement by all utility providers with existing facilities
6 in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed
7 over, upon or under the easement area. Any such obstruction may be removed by the City or the
8 utility provider at the property owner's expense. The property owner shall not re-grade or alter the
9 ground cover in the easement area without permission from the City and County of Denver. The
10 property owner shall be liable for all damages to such utilities, including their repair and replacement,
11 at the property owner's sole expense. The City and County of Denver, its successors, assigns,
12 licensees, permittees and other authorized users shall not be liable for any damage to property
13 owner's property due to use of this reserved easement.

14 COMMITTEE APPROVAL DATE: September 1, 2016, by consent

15 MAYOR-COUNCIL DATE: September 6, 2016

16 PASSED BY THE COUNCIL: September 19, 2016

17  - PRESIDENT

18 APPROVED:  - MAYOR Sep 20, 2016

19 ATTEST: _____ - CLERK AND RECORDER,
20 EX-OFFICIO CLERK OF THE
21 CITY AND COUNTY OF DENVER
22

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

24 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 8, 2016

25 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
26 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
28 § 3.2.6 of the Charter.

29 Denver City Attorney

30 BY: , Assistant City Attorney DATE: Sep 8, 2016