

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2017

COUNCIL BILL NO. CB16-1274  
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance vacating a portion of right-of-way near 1750 15<sup>th</sup> Street, 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 those certain areas 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. 2016-VACA-0000018-001:**

A PORTION OF WEWATTA STREET RIGHT-OF-WAY WITHIN BLOCK 12, EAST DENVER SUBDIVISION LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 33, TOWNSHIP 3 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 MOST NORTHERLY CORNER OF BLOCK 12, EAST DENVER SUBDIVISION BEING THE **POINT OF BEGINNING**, THENCE ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 12, EAST DENVER SUBDIVISION AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 15<sup>th</sup> STREET S44°54'48"E A DISTANCE OF 18.00 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF 15<sup>th</sup> STREET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET S45°07'18"W A DISTANCE OF 125.20 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET N44°54'48"W A DISTANCE OF 18.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID BLOCK 12 EAST DENVER SUBDIVISION; THENCE ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 12, EAST DENVER SUBDIVISION N45°07' 18"E A DISTANCE OF 125.20 TO A POINT BEING THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 0.052 ACRES (2254 SQ. FT.)

BASIS OF BEARINGS: THE NORTHWESTERLY LINE OF BLOCK 12, EAST DENVER SUBDIVISION, ASSUMED TO BEAR N45°07' 18"E BEING MONUMENTED BY A #5 REBAR WITH 1 1/2" ALUMINUM CAP PLS #16406 AT THE MOST WESTERLY CORNER OF BLOCK 12 EAST DENVER, AND A PK NAIL WITH A BRASS TAG PLS #34183 AT THE MOST NORTHERLY CORNER OF BLOCK 12 EAST DENVER.

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

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

2 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
3 successors and assigns, over, under, across, along and through the reserved easement for the  
4 purposes of constructing, operating, maintaining, repairing, upgrading and replacing a sidewalk,  
5 including any installation of any right-of-way uses such as traffic control devices, street lights,  
6 landscaping, and any necessary appurtenances thereto ("Improvements"), upon, over, through and  
7 across the reserved easement, together with the right to remove trees, bushes, undergrowth and  
8 other obstructions interfering with the location, construction, use, and maintenance of said  
9 Improvements. Nothing herein shall require the City to construct, reconstruct, maintain, service or  
10 repair such Improvements. The City and County of Denver, its successors, assigns, licensees,  
11 permittees and other authorized users shall not be liable for any damage to property owner's property  
12 due to use of this reserved easement.

13 **Section 2.** 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. 2016-VACA-0000018-002:**

16 A PARCEL OF LAND LOCATED IN A PORTION OF LOTS 1 THROUGH 6, BLOCK 12, EAST DENVER  
17 SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE  
18 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,  
19 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

20 CONSIDERING THE NORTHWEST LINE OF BLOCK 12, EAST DENVER SUBDIVISION AS ASSUMED TO  
21 BEAR NORTH 45 DEGREES 07 MINUTES 18 SECONDS EAST, WITH ALL BEARINGS CONTAINED HEREIN  
22 RELATIVE THERETO.

23 BEGINNING AT THE NORTHERLY-MOST CORNER OF SAID BLOCK 12, EAST DENVER SUBDIVISION;  
24 THENCE ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 12, ALSO BEING THE SOUTHWESTERLY  
25 RIGHT-OF-WAY LINE OF 15TH STREET, SOUTH 44 DEGREES 54 MINUTES 48 SECONDS EAST, A  
26 DISTANCE OF 8.00 FEET; THENCE SOUTH 45 DEGREES 07 MINUTES 18 SECONDS WEST, PARALLEL  
27 WITH THE SOUTHEAST RIGHT OF WAY LINE OF WEWATTA STREET, A DISTANCE OF 125.20 FEET;  
28 THENCE NORTH 44 DEGREES 54 MINUTES 48 SECONDS WEST, A DISTANCE OF 8.00 FEET TO A POINT  
29 ON SAID NORTHWESTERLY LINE OF BLOCK 12, EAST DENVER SUBDIVISION, ALSO BEING THE  
30 SOUTHEASTERLY RIGHT-OF-WAY LINE OF WEWATTA STREET; THENCE NORTH 45 DEGREES 07  
31 MINUTES 18 SECONDS EAST, A DISTANCE 125.20 FEET ALONG SAID NORTHWESTERLY LINE OF  
32 BLOCK 12, EAST DENVER SUBDIVISION AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF  
33 WEWATTA STREET TO THE POINT OF BEGINNING.

34 THE ABOVE DESCRIPTION CONTAINS 1,002 SQUARE FEET OR 0.023 ACRES MORE OR LESS.

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

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

38 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  
15 COMMITTEE APPROVAL DATE: December 13, 2016 by Consent

16 MAYOR-COUNCIL DATE: December 20, 2016

17 PASSED BY THE COUNCIL: \_\_\_\_\_  
18 \_\_\_\_\_ - PRESIDENT

19 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

20 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
21 EX-OFFICIO CLERK OF THE  
22 CITY AND COUNTY OF DENVER  
23

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

25 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: December 29, 2016

26 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
27 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
28 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
29 3.2.6 of the Charter.

30  
31 Kristin M. Bronson, Denver City Attorney

32 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_