

1 **BY AUTHORITY**

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

COUNCIL BILL NO. CB18-0080  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of the alley bounded by Julian Street, Irving**  
7 **Street, West 17<sup>th</sup> Avenue and West 16<sup>th</sup> Avenue, 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-0000012-001:**

16 BEING A PORTION OF THE SOUTH 43.5 FEET OF THE NORTH AND SOUTH ALLEY  
17 BOUNDED ON THE WEST BY LOTS 20 AND 21 AND LOT 29 ON THE EAST. TOGETHER  
18 WITH A PORTION OF THE WEST 6 FEET OF THE SOUTH 43.5 FEET OF LOT 29, BLOCK 21  
19 AS DESCRIBED IN ORDINANCE 95, SERIES 1951 IN THE RESUBDIVISION OF BLOCKS 16,  
20 19, 21, 31 CHELTENHAM HEIGHTS, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 32,  
21 TOWNSHIP 3 SOUTH, RANGE 68 WEST, CITY AND COUNTY OF DENVER, STATE OF  
22 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

23 COMMENCING AT A SET NO 5 REBAR ORANGE PLASTIC CAP (L.S. 37969), ALSO BEING  
24 THE SOUTHWEST CORNER OF LOT 20, CHELTENHAM HEIGHTS SUBDIVISION;

25 THENCE N71°37'23"E, A DISTANCE OF 136.98 FEET TO A POINT ON THE EAST LOT LINE  
26 OF LOT 21, BLOCK 21, CHELTENHAM HEIGHTS SUBDIVISION MONUMENTED BY A FOUND  
27 NO. 5 REBAR W/ RED PLASTIC CAP (L.S. 27601) ALSO BEING THE POINT OF BEGINNING;

28 THENCE S89°51'42"E, A DISTANCE OF 16.00 FEET;

29 THENCE S00°00'13"E, A DISTANCE OF 40.34 FEET;

30 THENCE N89°51'42"W, A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF LOT  
31 20 MONUMENTED BY A MAG NAIL AND BRASS TAG

32 (L.S. 37969);

1 THENCE N00°00'13"W, A DISTANCE OF 40.34 FEET MORE OR LESS TO THE POINT OF  
2 BEGINNING;

3 CONTAINING 645.5 SQUARE FEET (0.015 ACRES) MORE OR LESS.

4 BASIS OF BEARINGS: BEARINGS ARE BASED OF THE NORTHERLY RANGE LINE OF  
5 BLOCK 21 OF CHELTENHAM HEIGHTS SUBDIVISION BETWEEN THE FOUND 3" ALUMINUM  
6 CAP INSIDE A RANGE BOX (L.S. 16801) AND THE FOUND 3" BRASS CAP INSIDE A RANGE  
7 BOX. ASSUMED TO BEAR S89°55'49"E

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

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

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

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1 COMMITTEE APPROVAL DATE: January 30, 2018 by Consent

2 MAYOR-COUNCIL DATE: February 6, 2018

3 PASSED BY THE COUNCIL: \_\_\_\_\_

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9

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

11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: February 8, 2018

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

17 Kristin M. Bronson, Denver City Attorney

18 BY:  \_\_\_\_\_, Assistant City Attorney DATE: Feb 8, 2018 \_\_\_\_\_