

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2011

COUNCIL BILL NO. CB11-0282  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance vacating a portion of an alley bounded by N. Saint Paul St., N. Steele St., E. 2<sup>nd</sup> Ave., and E. 1<sup>st</sup> St., with reservations.**

**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 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;

**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 that portion of the alley within the following described area in the City and County of Denver and State of Colorado, to wit:

ALL OF THE PUBLIC ALLEY AS DESCRIBED BY ORDINANCE NO. 178, SERIES OF 1959, SITUATED IN A PORTION OF BLOCK C, COLODEN MOOR SUBDIVISION, TOGETHER WITH A PORTION OF THE 15.00 FOOT WIDE PUBLIC ALLEY IN BLOCK 72, HARMAN'S SUBDIVISION, IN A PORTION OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS - ASSUMED ALONG THE NORTH LINE OF THE EAST ½ OF BLOCK 72, HARMAN'S SUBDIVISION BETWEEN THE NORTHWEST AND NORTHEAST CORNERS, BOTH BEING A CROSS AND DISK LS 25375. S89°56'26"E 125.04'

BEGINNING AT THE NORTHEAST CORNER OF BLOCK C OF SAID COLODEN MOOR, SAID POINT BEING THE NORTHEAST CORNER OF SAID ORDINANCE NO. 178, SERIES OF 1959 AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°01'33" WEST ALONG THE EAST LINE OF SAID BLOCK C, COLODEN MOOR AND THE WEST RIGHT-OF-WAY LINE OF STEELE STREET A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF SAID ORDINANCE NO. 178, SERIES OF 1959; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTH LINE OF SAID ORDINANCE NO. 178, SERIES OF 1959:

1. THENCE NORTH 89°56'23" WEST A DISTANCE OF 60.00 FEET;
2. THENCE SOUTH 65°03'02" WEST A DISTANCE OF 33.11 FEET;
3. THENCE NORTH 89°56'23" WEST A DISTANCE OF 25.00 FEET;
4. THENCE NORTH 45°01'32" WEST A DISTANCE OF 35.41 FEET;

THENCE NORTH 00°01'53" EAST ALONG THE WEST LINE OF SAID ORDINANCE NO. 178, SERIES OF 1959 AND THE WEST LINE OF SAID 15.00 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 224.96 FEET TO THE NORTHEAST CORNER OF THE SOUTH 66 2/3 FEET OF PLOT 2, BLOCK 72 OF SAID HARMAN'S SUBDIVISION; THENCE SOUTH 89°57'44" EAST A DISTANCE OF 7.50 FEET; THENCE SOUTH 00°01'53" WEST A DISTANCE OF 16.64 FEET; THENCE SOUTH 89°57'48" EAST A DISTANCE OF 7.50 FEET TO A POINT ON THE EAST LINE OF SAID 15.00 FOOT WIDE PUBLIC ALLEY; THENCE SOUTH 00°01'53" WEST ALONG THE EAST LINE OF SAID 15.00 FOOT WIDE PUBLIC ALLEY A DISTANCE OF 203.33 FEET TO THE SOUTHWEST CORNER OF PLOT B ½, BLOCK 72 OF SAID HARMAN'S SUBDIVISION, SAID POINT BEING ON THE NORTH LINE OF SAID ORDINANCE NO. 178, SERIES OF 1959; THENCE SOUTH 89°56'23" EAST ALONG THE SOUTH LINE OF BLOCK 72 OF SAID HARMAN'S SUBDIVISION AND ALONG THE NORTH LINE OF SAID ORDINANCE NO. 178, SERIES OF 1959 A DISTANCE OF 125.08 FEET TO THE TRUE POINT OF BEGINNING.

1 CONTAINING 6,014 SQUARE FEET OR 0.1381 ACRES.

2 except for that segment of the above described portion of said alley lying within the area described as  
3 follows:

A parcel of land being a portion of that 15 foot wide public alley in Block 72, Harman's Subdivision, in a portion of Section 12, Township 4 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Basis of bearings – assumed along the north line of the east ½ of Block 72, Harman's Subdivision between the northwest and northeast corners, both being a cross and disk LS 25375. S89°56'26"E 125.04'

Beginning at the intersection of the north line of the south 66 and 2/3' of Plot 2 said Harman's Subdivision with the west line of said 15 foot alley in Block 72 being the true point of beginning;

Thence S89°57'44"E, 7.50 feet to the centerline of said alley;

Thence S00°01'53"W, 16.64' along said centerline;

Thence departing said centerline S89°57'48"E 7.50 feet to the east line of said alley;

Thence along said east line S00°01'53"W, 126.46';

Thence departing said east line N89°58'07"W 9.88';

Thence N00°01'53"E, 90.36';

Thence N09°58'07"W, 29.47' to the west line of said alley;

4 Thence along said west line N00°01'53"E, 23.71' to the point of true point of beginning.

5 be and the same is hereby approved and the described area is hereby vacated and declared  
6 vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations  
7 covering the land described below:

8 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
9 successors and assigns, over, under, across, along, and through the vacated area for the purposes of  
10 constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
11 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard  
12 surface shall be maintained by the property owner over the entire easement area. The City reserves

1 the right to authorize the use of the reserved easement by all utility providers with existing facilities in  
2 the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over,  
3 upon or under the easement area. Any such obstruction may be removed by the City or the utility  
4 provider at the property owner's expense. The property owner shall not re-grade or alter the ground  
5 cover in the easement area without permission from the City and County of Denver. The property  
6 owner shall be liable for all damages to such utilities, including their repair and replacement, at the  
7 property owner's sole expense. The City and County of Denver, its successors, assigns, licensees,  
8 permittees and other authorized users shall not be liable for any damage to property owner's property  
9 due to use of this reserved easement.

10 COMMITTEE APPROVAL DATE: April 21, 2011 by consent.

11 MAYOR-COUNCIL DATE: April 26, 2011

12 PASSED BY THE COUNCIL: \_\_\_\_\_, 2011

13 \_\_\_\_\_ - PRESIDENT

14 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2011

15 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
16 EX-OFFICIO CLERK OF THE  
17 CITY AND COUNTY OF DENVER

18 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2011; \_\_\_\_\_, 2011

19 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY DATE: April 21, 2011

20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
21 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
23 3.2.6 of the Charter.

24 David W. Broadwell, Denver City Attorney

25 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2011