

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2020

COUNCIL BILL NO. CB20-0540  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 A BILL

6 **For an ordinance vacating a portion of right-of-way near the intersection of 17th**  
7 **Street and Platte Street, with reservations.**

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

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

14 **Section 1.** That the action of the Executive Director of the Department of Transportation  
15 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,  
16 State of Colorado, to wit:

17 **PARCEL DESCRIPTION ROW NO. 2016-VACA-0000021-001:**

18 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 28,  
19 TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND  
20 COUNTY OF DENVER, COLORADO, DESCRIBED AS FOLLOWS:  
21 **COMMENCING** AT THE NORTH END OF SAID 20' RANGE LINE, THENCE NORTH 68°28'18"  
22 WEST, A DISTANCE OF 21.73 FEET TO THE **POINT OF BEGINNING**;  
23 THENCE SOUTH 44°33'03" WEST, RUNNING PARALLEL TO AND 20 FEET DISTANT FROM  
24 SAID 20 FOOT RANGE LINE OF PLATTE STREET, A DISTANCE OF 13.00 FEET TO THE  
25 SOUTHERLY RIGHT-OF-WAY LINE OF 17<sup>TH</sup> STREET;  
26 THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 45°26'44" WEST, A DISTANCE OF 50.01  
27 FEET TO THE SOUTHEASTERLY CORNER OF VACATED 17<sup>TH</sup> STREET PER ORDINANCE 56-  
28 2014;  
29 THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG SAID 17<sup>TH</sup> STREET  
30 VACATION, NORTH 44°33'03" EAST, A DISTANCE OF 18.69 FEET;  
31 THENCE SOUTH 45°26'44" EAST, A DISTANCE OF 42.72 FEET;  
32 THENCE SOUTH 07°28'18" EAST, A DISTANCE OF 9.25 FEET TO THE **POINT OF BEGINNING**.  
33 PARCEL CONTAINS 914 SQUARE FEET OR 0.020 ACRE.  
34 ALL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.  
35 **BASIS OF BEARINGS:** THE 20' RANGE LINE LOCATED IN PLATTE STREET LYING  
36 SOUTHEAST OF BLOCK 8, KASSERMAN'S ADDITION, IS ASSUMED TO BEAR SOUTH

1 44°33'03" WEST FOR 960.48 FEET BETWEEN THE NORTHEAST CORNER OF SAID 20'  
2 RANGE LINE, MONUMENTED WITH A 3" ALUMINUM CAP IN HOLE IN ASPHALT  
3 STAMPED "COLO DEPT OF HIGHWAYS DENVER RANGE POINT 1988" AND THE  
4 SOUTHWEST CORNER OF SAID 20' RANGE LINE, MONUMENTED WITH A 3.25"  
5 ALUMINUM CAP IN RANGE BOX STAMPED "COLO DEPT OF HIGHWAYS RANGE  
6 POINT", WITH ALL OTHER BEARINGS REFERENCED THERETO  
7

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

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1 COMMITTEE APPROVAL DATE: June 16, 2020 by Consent

2 MAYOR-COUNCIL DATE: June 23, 2020

3 PASSED BY THE COUNCIL: July 20, 2020

4 *David Filmore* - PRESIDENT

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

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

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

10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: June 25, 2020

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

15  
16 Kristin M. Bronson, Denver City Attorney

17 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Jun 24, 2020  
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