

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2016

COUNCIL BILL NO. CB16-1198  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating the alley bounded by 15<sup>th</sup> Street, 16<sup>th</sup> Street, Welton**  
7 **Street and California Street, 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. 2016-VACA-0000003-001:**

16 A PARCEL OF LAND BEING ALL OF THE 16 FOOT WIDE ALLEY ADJACENT TO LOTS 1  
17 THROUGH 32, INCLUSIVE, BLOCK 162, EAST DENVER; SAID PARCEL BEING SITUATED IN THE  
18 SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH  
19 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

20 SAID PARCEL CONTAINS 6405 SQUARE FEET, 0.147 ACRES, MORE OR LESS.

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

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


24 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver ("City"),  
25 its successors and assigns, over, under, across, along and through the vacated area for the  
26 purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private  
27 utilities including storm drainage and sanitary sewer facilities and all appurtenances to said  
28 utilities. A hard surface shall be maintained by the property owner over the entire easement  
29 area. The City reserves the right to authorize the use of the reserved easement by all utility providers  
30 with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or  
31 structures shall be allowed over, upon or under the easement area. Any such obstruction may be

1 removed by the City or the utility provider at the property owner's expense. The property owner shall  
2 not re-grade or alter the ground cover in the easement area without permission from the City and  
3 County of Denver. The property owner shall be liable for all damages to such utilities, including their  
4 repair and replacement, at the property owner's sole expense. The City, its successors, assigns,  
5 licensees, permittees and other authorized users shall not be liable for any damage to property  
6 owner's property due to use of this reserved easement.

7 COMMITTEE APPROVAL DATE: November 29, 2016, by consent

8 MAYOR-COUNCIL DATE: December 6, 2016

9 PASSED BY THE COUNCIL: December 19, 2016

10  - PRESIDENT PRO-TEM

11 APPROVED:  - MAYOR Dec 20, 2016

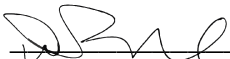
12 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
13 EX-OFFICIO CLERK OF THE  
14 CITY AND COUNTY OF DENVER  
15

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

17 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: December 8, 2016

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

22  
23 Kristin M. Bronson, City Attorney for the City and County of Denver

24 BY: , Assistant City Attorney DATE: Dec 8, 2016