

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0269  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

6 **A BILL**

7 **For an ordinance vacating an alley bounded by 36<sup>th</sup> Street, Blake Street, Walnut**  
8 **Street and Downing Street, with reservations.**

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

14 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
15 **DENVER:**

16  
17 **Section 1.** That the action of the Manager of Public Works in vacating the following  
18 described right-of-way in the City and County of Denver and State of Colorado, to wit:

19  
20 **PARCEL DESCRIPTION ROW NO. 2013-0536-01-001**

21 A Tract of Land, Being That 16 Foot Wide Alley Shown on Baldwin's Addition Lying  
22 Southeast of Blake Street, Northeast of 36th Street, Northwest of Walnut Street and  
23 Southwest of Downing Street, Situated in the Southwest ¼ of Section 23 And The Northwest  
24 ¼ of Section 26, Township 3 South, Range 68 West of The Sixth Principal Meridian, City  
25 and County of Denver, State of Colorado.

26  
27 Containing 5,280 Square Feet, More or Less.

28  
29 be and the same is hereby approved and the described right-of-way is hereby vacated and  
30 declared vacated;

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

32 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
33 successors and assigns, over, under, across, along, and through the vacated area for the purposes of  
34 constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
35 including, but not limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances  
36 to said utilities. A hard surface shall be maintained by the property owner over the entire vacated  
37 area. The City reserves the right to authorize the use of the reserved easement by all utility providers  
38 with existing facilities in the vacated area. No trees, fences, retaining walls, landscaping or structures  
39 shall be allowed over, upon or under the vacated area. Any such obstruction may be removed by the

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

7 COMMITTEE APPROVAL DATE: April 3, 2014 [by consent]

8 MAYOR-COUNCIL DATE: April 8, 2014

9 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014  
10 \_\_\_\_\_ - PRESIDENT

11 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

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: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

17 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: April 10, 2014

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
19 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 D. Scott Martinez, Denver City Attorney

24 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2014