

BY AUTHORITY

ORDINANCE NO. *619*
SERIES OF 2006

COUNCIL BILL NO. *600*
COMMITTEE OF REFERENCE:
Public Works

A BILL

For an ordinance vacating the alley bound by Wewatta Street, 21st Street and Delgany Street, subject to certain 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 the following described area in the City and County of Denver and State of Colorado, to wit:

A portion of the alley in Block 9, GASTON'S ADDITION to the City of Denver, recorded October 11, 1873, Book 1 at Page 49 and located in the SW 1/4 of Sec. 27 and the SE 1/4 Sec. 28, Township 3 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at the most Easterly corner of Lot 8, Block 9, GASTON'S ADDITION TO THE CITY OF DENVER, which point of beginning is monumented by a No. 4 rebar with yellow surv-cap stamped "LINN INC. PLS No. 14112" attached;
thence S45°09'30"E along a Southerly extension of the common line to Lots 8 and 7 of said Block 9 a distance of 16.00 feet to a point on the Southeasterly line of the alley in said Block 9;
thence S44°50'41"W along said Southeasterly line a distance of 151.09 feet to a point on the Northeasterly line of tract conveyed in deed recorded under Reception No. 930047852, City and County of Denver records;
thence N45°18'24"W along said Northeasterly line a distance of 16.00 feet to a point on the Northwesterly line of said alley in Block 9, which point is monumented by a No. 4 rebar with yellow surv-cap stamped "LINN INC. PLS No. 14112";
thence N44°50'41"E along said Northwesterly line a distance of 151.13 feet to the point of beginning,
City and County of Denver,
State of Colorado,

containing 2417.4 sq. ft = 0.0555 Acres.

BASIS OF BEARINGS:

An inverse between the range point at West 29th Avenue and Division Street and the range point at West 29th Avenue and Fox Street both monumented by No. 6 rebars in range boxes as S89°50'50"W assumed.

1 be and the same is hereby approved and the described area is hereby vacated and declared
2 vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

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

18 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: September 5, 2006

19 PASSED BY THE COUNCIL September 18 2006

20 [Signature] - PRESIDENT
21 APPROVED [Signature] - MAYOR Sept. 19, 2006

22 ATTEST: [Signature] - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER
25

26 NOTICE PUBLISHED IN THE DAILY JOURNAL Sept. 15, 2006; Sept. 22, 2006

27 PREPARED BY: KAREN A. AVILES, ^{UH} ASSISTANT CITY ATTORNEY 9/5/06

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29 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
30 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
31 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
32 3.2.6 of the Charter.
33

34 Cole Finegan, City Attorney
35 BY: [Signature] Asst City Attorney
36 DATE: 9-7-06

