

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB23-0063
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of the alley right-of-way bounded by 40th**
7 **Street, East 40th Avenue, and Walnut Street at 4003 Walnut Street, without**
8 **reservations.**

9 **WHEREAS**, the Executive Director of the Department of Transportation and Infrastructure of
10 the City and County of Denver has found and determined that the public use, convenience and
11 necessity no longer require that certain area in the system of thoroughfares of the municipality
12 hereinafter described and, subject to approval by ordinance, has vacated the same, without
13 reservations;

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

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

18 **PARCEL DESCRIPTION ROW NO. 2022-VACA-0000003-001:**

19 A PORTION OF THE ALLEY WITHIN BLOCK 23, RIVERSIDE ADDITION TO DENVER, AS
20 RECORDED IN BOOK 1 AT PAGE 18 ON JANUARY 31, 1871 IN THE COUNTY OF
21 ARAPAHOE CLERK AND RECORDER'S OFFICE (ARCHIVED WITH THE CITY AND
22 COUNTY OF DENVER CLERK AND RECORDER'S OFFICE), AND BEING LOCATED IN
23 THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF
24 THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
25 COLORADO, DESCRIBED AS FOLLOWS:

26 BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 16, SAID BLOCK 23, ALSO
27 BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF 40TH STREET;

28 THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 16, N44°04'47"E, A
29 DISTANCE OF 13.73 FEET;

30 THENCE S32°48'43"E, A DISTANCE OF 16.43 FEET TO THE NORTHWESTERLY LINE
31 OF LOT 17, SAID BLOCK 23;

32 THENCE ALONG SAID NORTHWESTERLY LINE, S44°04'47"W, A DISTANCE OF 10.00
33 FEET TO THE MOST WESTERLY CORNER OF LOT 17;

34 THENCE N45°55'13"W, A DISTANCE OF 16.00 FEET ALONG SAID NORTHEASTERLY
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1 RIGHT OF WAY LINE TO THE POINT OF BEGINNING.
2
3 CONTAINING AN AREA OF 190 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.
4
5 BASIS OF BEARINGS: THE 20' RANGE LINE WITHIN 40TH STREET MONUMENTED BY
6 A DENVER RANGE POINT BEING A 4" STONE IN A RANGE BOX LOCATED AT THE
7 INTERSECTION OF BLAKE STREET AND 40TH STREET AND BY A 3-1/4" ALUMINUM
8 CAP IN A RANGE BOX STAMPED LUCHETTI SURVEYING PLS 36053 IN THE
9 INTERSECTION OF 40TH STREET AND WALNUT STREET AND IS ASSUMED TO BEAR
10 S45°55'13"E

11 be and the same is hereby approved and the described portion of right-of-way is hereby vacated and
12 declared vacated, without reservations.

13 COMMITTEE APPROVAL DATE: January 24, 2023 by Consent

14 MAYOR-COUNCIL DATE: January 31, 2023

15 PASSED BY THE COUNCIL: _____
16 _____ - PRESIDENT

17 APPROVED: _____ - MAYOR _____

18 ATTEST: _____ - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

22 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: February 2, 2023

23 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
24 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
26 3.2.6 of the Charter.

27
28 Kerry Tipper, Denver City Attorney

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30 BY: Anshul Bagga, Assistant City Attorney DATE: Feb 2, 2023