

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2014

COUNCIL BILL NO. CB13-1017
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

**For an ordinance vacating a portion of 17th Street adjacent to 2420 17th Street,
with 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 right-of-way in the City and County of Denver and State of Colorado, to wit:

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PARCEL DESCRIPTION ROW 2013-0239-2-001

A PARCEL OF LAND BEING A PORTION OF 17TH STREET, LYING BETWEEN BLOCKS 7 & 8 OF KASSERMAN'S ADDITION TO DENVER. LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE 20' RANGE LINE IN PLATTE STREET BETWEEN 16TH AND 17TH STREETS, MONUMENTED AT THE NORTH END BY A 3.0' ALUMINUM CAP STAMPED 'COLORADO DEPT. OF HIGHWAYS DENVER RANGE POINT 1988' AND MONUMENTED AT THE SOUTH END BY A 3.25' ALUMINUM CAP STAMPED 'COLORADO DEPT. OF HIGHWAYS RANGE POINT", WITH THE LINE BEARING S44°33'03"W PER COLORADO STATE PLANE COORIDINATE SYSTEMS, CENTRAL ZONE, NAD 83.

COMMENCING AT THE NORTH END OF SAID RANGE LINE; THENCE N62°31'01"W, A DISTANCE OF 73.24 FEET TO THE MOST EASTERLERY CORNER OF SAID LOT 30 AND THE POINT OF BEGINNING;

THENCE N4°26'44"W ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LOTS 26 THROUGH 30, A DISTANCE OF 125.00 FEET; THENCE THE FOLLOWING TWO COURSES ALONG THE COLORADO DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PER ORDINANCE NO.3 SERIES OF 1962:

- 1) N44°33'03"E, A DISTANCE OF 68.00 FEET;
 - 2) 845°26'44"E, ALONG A LINE PARALLEL TO AND 68.00' NORTHEASTERLY OF THE NORTHEAST LINE OF LOTS 26 THROUGH 30 A DISTANCE OF 125.00 FEET;
- THENCE S44°33'03"W, A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING,

CONTAINING A CALCULATED AREA OF 8,500 SQUARE FEET OR 0.195 ACRES.

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

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

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated portion for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire vacated area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the vacated area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the vacated area without

1 permission from the City and County of Denver. The property owner shall be liable for all damages
2 to such utilities, including their repair and replacement, at the property owner's sole expense. The
3 City and County of Denver, its successors, assigns, licensees, permittees and other authorized
4 users shall not be liable for any damage to property owner's property due to use of this reserved
5 easement.

6 COMMITTEE APPROVAL DATE: January 2, 2014 [by consent]

7 MAYOR-COUNCIL DATE: January 7, 2014

8 PASSED BY THE COUNCIL: _____, 2014

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2014

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER
14

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014

16 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: January 9, 2014

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

21

22 D. Scott Martinez, Denver City Attorney

23 BY: _____, City Attorney DATE: _____, 2014