

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. CB21-0751
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of right-of-way on the west side of South**
7 **Clarkson Street between East Jewell Avenue and East Asbury Avenue, with**
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 with the
13 reservations hereinafter set forth;

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. 2019-VACA-0000009-001:**

19 A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP
20 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF
21 DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22
23 BEGINNING AT THE NORTHEAST CORNER OF BLOCK 6, SECOND SANTA FE ADDITION,
24 RECORDED IN PLAT BOOK 4, PAGE 49, AT THE ARAPAHOE COUNTY CLERK AND
25 RECORDER'S OFFICE, NOW RESIDING IN THE CITY AND COUNTY OF DENVER, STATE OF
26 COLORADO; THENCE S00°00'14"W ALONG THE EAST LINE OF SAID BLOCK 6, 600.14 FEET
27 TO THE SOUTHEAST CORNER OF SAID BLOCK 6; THENCE N89°30'41"E ALONG THE SOUTH
28 LINE OF SAID BLOCK 6 (NORTH RIGHT-OF-WAY LINE OF ASBURY AVENUE) EXTENDED,
29 14.00 FEET; THENCE N00°00'14"E 600.14 FEET TO THE NORTH LINE OF SAID BLOCK 6
30 (SOUTH RIGHT-OF-WAY OF SAID JEWELL AVENUE) EXTENDED; THENCE S89°31'58"W
31 ALONG SAID NORTH LINE EXTENDED, 14.00 FEET TO THE POINT OF BEGINNING; THE
32 ABOVE DESCRIBED PARCEL CONTAINS 8,402 SQUARE FEET OR 0.1929 ACRES MORE OR
33 LESS.

34
35 BASIS OF BEARINGS: AN ASSUMED BEARING OF S00°00'00"W BETWEEN TWO FOUND

1 CROSSES CUT IN CONCRETE 606.17 FEET APART, ONE CROSS BEING 14.75 FEET WEST
2 AND 4.00 FEET NORTH OF THE NORTHWEST CORNER OF BLOCK 6, OF SAID ABOVE
3 DESCRIBED SUBDIVISION AND THE OTHER BEING 14.75 FEET WEST AND 2.00 FEET SOUTH
4 OF THE SOUTHWEST CORNER OF BLOCK 6 OF SAID ABOVE DESCRIBED SUBDIVISION

5
6 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
7 vacated;

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

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

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1 COMMITTEE APPROVAL DATE: July 6, 2021 by Consent
2 MAYOR-COUNCIL DATE: July 13, 2021
3 PASSED BY THE COUNCIL: _____ July 26, 2021
4 *David Filmore* - PRESIDENT
5 APPROVED: _____ - MAYOR *Mike Johnston* Jul 27, 2021
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: July 15, 2021
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15
16 Kristin M. Bronson, Denver City Attorney
17
18 BY: *Jonathan Griffin* , Assistant City Attorney DATE: Jul 14, 2021