

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0826
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of W. Mulberry Place at the intersection of**
7 **Wyandot Street, with reservations over a portion of the vacated area.**

8
9 **WHEREAS**, the Manager of Public Works of the City and County of Denver has found and
10 determined that the public use, convenience and necessity no longer require that certain area in the
11 system of thoroughfares of the municipality hereinafter described and, subject to approval by
12 ordinance, has vacated the same with the reservations hereinafter set forth;

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

16 **Section 1.** That the action of the Manager of Public Works in vacating that portion of W.
17 Mulberry Place in the following described area in the City and County of Denver and State of
18 Colorado, to wit:

19 **PARCEL DESCRIPTION ROW 2011-0126-001**

20 *LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4,
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY AND COUNTY OF DENVER, STATE OF COLORADO*

A PARCEL OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
COLORADO.

CONSIDERING THE WEST LINE OF BLOCK 10, FIRST ADDITION TO JEROME PARK TO BEAR SOUTH
00°44'17" EAST, A DISTANCE OF 200.06 FEET BETWEEN TWO FOUND #4 REBARS, WITH ALL
BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING COMMENCING AT THE NORTHWEST CORNER OF LOT 4, SAID BLOCK 10, THENCE
SOUTH 86°39'51" EAST, A DISTANCE OF 125.31 FEET TO A POINT ON THE EAST LINE OF SAID
BLOCK 10, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE
NORTH 00°31'02" WEST, A DISTANCE OF 30.44 FEET TO A POINT ON THE SOUTHERLY LINE OF
THAT PARCEL DESCRIBED IN ORDINANCE 135, SERIES 1958; THENCE DEPARTING SAID EAST LINE
AND ALONG SAID SOUTHERLY LINE NORTH 89°41'22" EAST, A DISTANCE OF 22.48 FEET TO A
POINT OF CURVATURE; THENCE CONTINUING ALONG SAID SOUTHERLY LINE AND ALONG THE ARC
OF A CURVE TO THE RIGHT HAVING A RADIUS OF 114.33 FEET, AN ARC LENGTH OF 85.40 FEET,
AN INCLUDED ANGLE OF 42°47'45" BEING SUBTENDED BY A CHORD BEARING SOUTH 68°54'46"
EAST, A DISTANCE OF 83.43 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF
WYANDOT STREET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED
IN ORDINANCE 498, SERIES 1966; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°41'22" WEST, A
DISTANCE OF 100.05 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 10, SAID POINT ALSO
BEING THE POINT OF BEGINNING

21 SAID PARCEL CONTAINING 2,306 SQ.FT. OR 0.05 ACRES, MORE OR LESS.

1 be and the same is hereby approved and the described area is hereby vacated and declared
2 vacated;

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

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

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PARCEL DESCRIPTION ROW 2011-0126-002

*LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4,
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,
CITY AND COUNTY OF DENVER, STATE OF COLORADO*

SHEET 1 OF 3

A SANITARY SEWER EASEMENT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONSIDERING THE WEST LINE OF BLOCK 10, FIRST ADDITION TO JEROME PARK TO BEAR SOUTH 00°44'17" EAST, A DISTANCE OF 200.06 FEET BETWEEN TWO FOUND #4 REBARS, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING COMMENCING AT THE NORTHWEST CORNER OF LOT 4, SAID BLOCK 10, THENCE SOUTH 86°39'51" EAST, A DISTANCE OF 125.31 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 10, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE NORTH 00°31'02" WEST, A DISTANCE OF 30.44 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89°41'22" EAST, A DISTANCE OF 22.48 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 114.33 FEET, AN ARC LENGTH OF 1.52 FEET, AN INCLUDED ANGLE OF 00°45'34" BEING SUBTENDED BY A CHORD BEARING SOUTH 89°55'51" EAST, A DISTANCE OF 1.52 FEET; THENCE SOUTH 00°31'02" EAST, A DISTANCE OF 30.43 FEET; THENCE SOUTH 89°41'22" WEST, A DISTANCE OF 24.00 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 10, SAID POINT ALSO BEING THE POINT OF BEGINNING;

SAID EASEMENT CONTAINING 731 SQ.FT. OR 0.02 ACRES, MORE OR LESS.

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COMMITTEE APPROVAL DATE: November 10, 2011 [by consent]
MAYOR-COUNCIL DATE: November 15, 2011
PASSED BY THE COUNCIL: _____, 2011
_____ - PRESIDENT
APPROVED: _____ - MAYOR _____, 2011
ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER
NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011
PREPARED BY: KAREN A. AVILES, Assistant City Attorney DATE: November 17, 2011
Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.
Douglas J. Friednash, Denver City Attorney
BY: _____, City Attorney DATE: _____, 2011