

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2022

COUNCIL BILL NO. CB22-0396
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating West Mulberry Place, North Alcott Way, a portion of**
7 **West 10th Avenue, and a portion of North Bryant Street bounded by West 9th**
8 **Avenue, West 11th Avenue and North Decatur Street, with 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 requires those certain areas 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 rights-of-way in the City and County of Denver,
17 State of Colorado, to wit:

18 **PARCEL DESCRIPTION ROW NO. 2021-VACA-0000012-001:**

19 A PARCEL OF LAND BEING THE REMAINING PORTION OF THE RIGHT-OF-WAY FOR W.
20 MULBERRY PLACE LYING WEST OF BRYANT STREET BETWEEN BLOCK 9 OF SOUTH
21 FAIRVIEW ADJACENT TO LOTS 41 THROUGH 50 AND BLOCK 10 OF SOUTH FAIRVIEW
22 ADJACENT TO LOTS 1 THROUGH 10, SAID RIGHT-OF-WAY ALSO LIES BETWEEN SUN
23 VALLEY HOMES, HOUSING PROJECT COLORADO (1-8), RECORDED APRIL 9, 1952 IN BOOK
24 21 AT PAGE 8 AT RECEPTION NO. 76315 AND SUN VALLEY HOMES SECOND FILING
25 HOUSING PROJECT COLORADO (1-12), RECORDED MARCH 13, 1956 IN BOOK 23 AT PAGE
26 4 AT RECEPTION NO. 93449, ALL IN THE RECORDS OF THE CLERK AND RECORDER'S
27 OFFICE FOR THE CITY AND COUNTY OF DENVER, COLORADO, SITUATED IN THE
28 SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE
29 SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING
30 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

31
32 COMMENCING AT THE RANGE POINT LOCATED AT THE INTERSECTION OF W. 11TH
33 AVENUE AND DECATUR STREET FROM WHENCE THE RANGE POINT AT W. 10TH AVENUE
34 AND DECATUR STREET BEARS SOUTH 00°31'40" EAST 342.20 FEET AND UPON WHICH ALL
35 BEARINGS HEREIN ARE BASED;
36 THENCE SOUTH 33°06'36" EAST A DISTANCE OF 771.20 FEET TO THE POINT OF BEGINNING

1 ON THE NORTH RIGHT-OF-WAY LINE OF W. MULBERRY PLACE, SAID POINT IS ALSO THE
2 COMMON CORNER FOR LOTS 40 AND 41, BLOCK 9 OF SOUTH FAIRVIEW AND THE
3 NORTHEAST CORNER OF THE PORTION OF W. MULBERRY PLACE VACATED BY
4 ORDINANCE NO. 79, SERIES OF 1956;
5 THENCE NORTH 89°43'36" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE
6 SOUTH LINES OF LOTS 41 THROUGH 50 OF BLOCK 9, SOUTH FAIRVIEW, A DISTANCE OF
7 249.86 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 9 OF SOUTH FAIRVIEW AND A
8 POINT ON THE WEST RIGHT-OF-WAY LINE OF BRYANT STREET;
9 THENCE SOUTH 00°33'30" EAST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE AND
10 SOUTHEAST CORNER OF BLOCK 9, A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH
11 RIGHT-OF-WAY LINE OF W. MULBERRY PLACE AND THE NORTHEAST CORNER OF SAID
12 BLOCK 10 OF SOUTH FAIRVIEW;
13 THENCE SOUTH 89°43'36" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG
14 THE NORTH LINE OF SAID LOTS 1 THROUGH 10, BLOCK 10 OF SOUTH FAIRVIEW, A
15 DISTANCE OF 249.86 FEET TO A POINT BEING THE COMMON LOT CORNER OF FOR LOTS
16 10 AND 11, BLOCK 10 OF SOUTH FAIRVIEW AND THE SOUTHEAST CORNER OF THAT
17 PORTION OF W. MULBERRY PLACE VACATED BY SAID ORDINANCE NO. 79, SERIES OF
18 1956;
19 THENCE NORTH 00°33'25" WEST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND
20 ALONG THE EAST LINE OF W. MULBERRY PLACE VACATED BY ORDINANCE NO. 79, SERIES
21 OF 1956, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.
22
23 CONTAINING 14,991 SQUARE FEET OR 0.34 ACRES, MORE OR LESS
24 AND

25 **PARCEL DESCRIPTION ROW NO. 2021-VACA-0000012-002:**

26
27 A PARCEL OF LAND BEING THE RIGHTS-OF-WAY FOR ALCOTT WAY, BRYANT STREET AND
28 W. 10TH AVENUE AS SHOWN ON THE PLAT OF SUN VALLEY HOMES, HOUSING PROJECT
29 COLORADO (1-8), RECORDED APRIL 9, 1952 IN BOOK 21 AT PAGE 8 AT RECEPTION NO.
30 76315 IN THE RECORDS OF THE CLERK AND RECORDER'S OFFICE FOR THE CITY AND
31 COUNTY OF DENVER, COLORADO, AND SITUATED IN THE EAST HALF OF SECTION 5,
32 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND
33 COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS
34 FOLLOWS:

35
36 COMMENCING AT THE RANGE POINT LOCATED AT THE INTERSECTION OF WEST 11TH
37 AVENUE AND DECATUR STREET FROM WHENCE THE RANGE POINT AT W. 10TH AVENUE
38 AND DECATUR STREET BEARS SOUTH 00°31'40" EAST 342.20 FEET AND UPON WHICH ALL
39 BEARINGS HEREIN ARE BASED;
40 THENCE SOUTH 35°58'47" EAST A DISTANCE OF 68.96 FEET TO THE NORTHWEST CORNER
41 OF SAID SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-8);
42 THENCE NORTH 89°43'32" EAST, ALONG THE NORTH LINE OF SAID SUN VALLEY HOMES,
43 HOUSING PROJECT COLORADO (1-8), AND THE SOUTH RIGHT-OF-WAY LINE OF W. 11TH
44 AVENUE, A DISTANCE OF 390.14 FEET TO A POINT BEING THE INTERSECTION OF THE
45 WESTERLY RIGHT-OF-WAY LINE OF BRYANT STREET AND SAID W. 11TH AVENUE AND THE
46 POINT OF BEGINNING;
47 THENCE NORTH 89°43'32" EAST, DEPARTING SAID EASTERLY RIGHT-OF- WAY LINE OF

1 BRYANT STREET, A DISTANCE OF 50.00 FEET TO A POINT BEING THE INTERSECTION OF
2 THE EASTERLY RIGHT-OF-WAY LINE OF SAID BRYANT STREET AND W. 11TH AVENUE;
3 THENCE ALONG THE EASTERLY, SOUTHERLY AND WESTERLY RIGHT-OF-WAY OF BRYANT
4 STREET AND ALCOTT WAY THE FOLLOWING SEVEN (7) COURSES:

- 5 1. SOUTH 00°15'44" EAST A DISTANCE OF 73.94 FEET TO A POINT OF CURVATURE;
- 6 2. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF
7 33°40'04", A RADIUS OF 130.00 FEET AND AN ARC LENGTH OF 76.39 FEET (CHORD BEARS
8 SOUTH 17°05'46" EAST, 75.30 FEET) TO A POINT;
- 9 3. SOUTH 33°55'49" EAST A DISTANCE OF 504.27 FEET TO A POINT OF CURVATURE;
- 10 4. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF
11 177°33'08", A RADIUS OF 115.00 FEET AND AN ARC LENGTH OF 356.37 FEET (CHORD BEARS
12 NORTH 57°17'38" EAST, 229.95 FEET) TO A POINT;
- 13 5. NORTH 31°28'56" WEST A DISTANCE OF 93.83 FEET TO A POINT OF CURVATURE;
- 14 6. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF
15 31°13'02", A RADIUS OF 254.00 FEET AND AN ARC LENGTH OF 138.39 FEET (CHORD BEARS
16 NORTH 15°52'25" WEST, 136.68 FEET) TO A POINT;
- 17 7. NORTH 00°15'44" WEST A DISTANCE OF 230.54 FEET TO A POINT ON THE SOUTH
18 RIGHT-OF-WAY LINE OF W. 11TH AVENUE AND THE NORTH LINE OF SUN VALLEY HOMES,
19 HOUSING PROJECT COLORADO (1-8);
20 THENCE NORTH 89°43'32" EAST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, A
21 DISTANCE OF 50.00 FEET TO A POINT BEING THE INTERSECTION OF THE EASTERLY
22 RIGHT-OF-WAY LINE OF ALCOTT WAY AND W. 11TH AVE.;

23
24 THENCE ALONG THE EASTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF ALCOTT WAY
25 THE FOLLOWING FOUR (4) COURSES:

- 26 1. SOUTH 00°15'44" EAST A DISTANCE OF 230.55 FEET TO A POINT OF NON-TANGENT
27 CURVATURE;
- 28 2. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL
29 ANGLE OF 31°13'02", A RADIUS OF 204.00 FEET AND AN ARC LENGTH OF 111.15 FEET
30 (CHORD BEARS SOUTH 15°52'25" EAST, 109.78 FEET) TO A POINT;
- 31 3. SOUTH 31°28'56" EAST A DISTANCE OF 93.83 FEET TO A POINT OF CURVATURE;
- 32 4. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF
33 177°33'08", A RADIUS OF 165.00 FEET AND AN ARC LENGTH OF 511.31 FEET (CHORD BEARS
34 SOUTH 57°17'38" WEST, 329.92 FEET) TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE
35 OF BRYANT STREET;
36 THENCE NORTH 33°55'49" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A
37 DISTANCE OF 1.78 FEET TO A POINT;
38 THENCE SOUTH 89°43'53" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY
39 LINE, A DISTANCE OF 10.99 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SUN
40 VALLEY HOMES, HOUSING PROJECT COLORADO (1-8);
41 THENCE SOUTH 89°43'53" WEST, DEPARTING THE EASTERLY RIGHT-OF-WAY LINE OF
42 BRYANT STREET AND ALONG SAID SOUTHERLY LINE OF SUN VALLEY HOMES, HOUSING
43 PROJECT COLORADO (1-8), A DISTANCE OF 60.00 FEET TO A POINT OF NON-TANGENT
44 CURVATURE ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BRYANT STREET;

45
46 THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BRYANT STREET THE
47 FOLLOWING THREE (3) COURSES:

- 48 1. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL
49 ANGLE OF 56°18'32", A RADIUS OF 61.06 FEET AND AN ARC LENGTH OF 60.01 FEET (CHORD

1 BEARS NORTH 27°53'22" EAST, 57.62 FEET) TO A POINT;
2 2. NORTH 56°02'38" EAST A DISTANCE OF 8.30 FEET TO A POINT;
3 3. NORTH 33°55'49" WEST A DISTANCE OF 317.16 FEET TO A POINT ON THE
4 SOUTHERLY RIGHT-OF-WAY LINE OF SAID W. 10TH AVENUE;
5 THENCE SOUTH 56°00'43" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE
6 OF 95.95 FEET TO A POINT;
7 THENCE SOUTH 89°40'48" WEST, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY,
8 A DISTANCE OF 29.71 FEET TO A POINT ON THE WESTERLY LINE OF SAID SUN VALLEY
9 HOMES, HOUSING PROJECT COLORADO (1-8);
10 THENCE NORTH 00°39'50" WEST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE AND
11 ALONG SAID WESTERLY LINE OF SUN VALLEY HOMES, HOUSING PROJECT COLORADO (1-
12 8), A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID
13 W. 10TH AVENUE;
14 THENCE NORTH 89°40'48" EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE
15 OF 29.96 FEET TO A POINT;
16 THENCE NORTH 56°00'43" EAST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY,
17 A DISTANCE OF 62.83 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF
18 BRYANT STREET;
19 THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BRYANT STREET THE
20 FOLLOWING THREE (3) COURSES:
21 1. NORTH 33°55'49" WEST A DISTANCE OF 68.77 FEET TO A POINT OF CURVATURE;
22 2. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF
23 33°40'04", A RADIUS OF 180.00 FEET AND AN ARC LENGTH OF 105.77 FEET (CHORD BEARS
24 NORTH 17°05'46" WEST, 104.26 FEET) TO A POINT;
25 3. NORTH 00°15'44" WEST A DISTANCE OF 73.93 FEET TO THE POINT OF BEGINNING.
26
27 CONTAINING 85,734 SQUARE FEET OR 1.968 ACRES, MORE OR LESS

28 be and the same is hereby approved and the described rights-of-way are hereby vacated and
29 declared vacated;

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


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

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

4 COMMITTEE APPROVAL DATE: April 12, 2022 by Consent

5 MAYOR-COUNCIL DATE: April 19, 2022

6 PASSED BY THE COUNCIL: _____ May 2, 2022

7  _____ - PRESIDENT PRO-TEM

8 APPROVED: _____ - MAYOR _____

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER

12 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

13 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: April 21, 2022

14 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
15 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
16 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
17 3.2.6 of the Charter.

18
19 Kristin M. Bronson, Denver City Attorney

20 BY:  _____, Assistant City Attorney DATE: Apr 20, 2022
21