

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2020

COUNCIL BILL NO. CB20-0309
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating portions of East Alameda Avenue near the**
7 **intersection of East Alameda Circle and East Alameda Avenue, adjacent to 2520**
8 **East Alameda Circle, 2550 East Alameda Circle and 2565 East Alameda Circle,**
9 **with reservations.**

10 **WHEREAS**, the Executive Director of the Department of Transportation and Infrastructure of
11 the City and County of Denver has found and determined that the public use, convenience and
12 necessity no longer require that certain area in the system of thoroughfares of the municipality
13 hereinafter described and, subject to approval by ordinance, has vacated the same with the
14 reservations hereinafter set forth;

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

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

19 **PARCEL DESCRIPTION ROW NO. 2018-VACA-0000010-001:**

20 PARCEL 1 LYING SOUTH OF LOT 7, ADAMS COUNTRY CLUB SUBDIVISION AND ABUTTING
21 THE VACATED PORTION OF ALAMEDA AVE., AS DESCRIBED IN ORDINANCE NO. 793,
22 SERIES 2002 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE,
23 LOCATED IN THE SW1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE
24 SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

25
26 COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 7;
27 THENCE S00°26'44"E ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID
28 LOT 7, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID VACATED PORTION OF
29 ALAMEDA AVE., AND THE POINT OF BEGINNING;

30
31 THENCE CONTINUING S00°26'44"E ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF
32 8.00 FEET;

33 THENCE S89°51'46"W ALONG A LINE 8.00 FEET SOUTH OF AND PARALLEL WITH THE
34 SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., A DISTANCE OF 88.16 FEET;
35 THENCE N59°09'01"W, A DISTANCE OF 18.87 FEET TO A POINT OF TANGENCY ON THE
36 SOUTHWESTERLY LINE OF SAID VACATED PORTION OF ALAMEDA AVE.;

1 THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHWESTERLY AND
2 SOUTHERLY LINES OF SAID VACATED PORTION OF ALAMEDA AVE.;

- 3
4 1) 6.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADUIS OF 12.00
5 FEET, A CENTRAL ANGLE OF 30°59'13", AND WHOSE CHORD BEARS S74°38'37"E, A
6 DISTANCE OF 6.41 FEET;
7 2) N89°51'46"E, A DISTANCE OF 98.11 FEET TO THE POINT OF BEGINNING.

8
9 CONTAINING 759 SQUARE FEET (0.017 ACRES) MORE OR LESS.

10
11 THE BASIS OF BEARINGS: BEARINGS ARE BASED ON A GRID BEARING OF
12 N05°01'14"E FROM USGS BM_65 TO CCD BM183A. USGS BM_65 IS A FOUND USGS BM
13 DISK SET IN CONCRETE AND CCD BM183A IS A FOUND CCD BRASS CAP

14
15 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
16 vacated;

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

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

32 **Section 2.** That the action of the Executive Director of the Department of Transportation
33 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,
34 State of Colorado, to wit:

35

PARCEL DESCRIPTION ROW NO. 2018-VACA-0000010-002:

PARCEL 2 LYING SOUTH OF LOT 8, ADAMS COUNTRY CLUB SUBDIVISION AND ABUTTING THE VACATED PORTION OF ALAMEDA AVE, AS DESCRIBED IN ORDINANCE NO. 793, SERIES 2002 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, LOCATED IN THE SW1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8;
THENCE S00°08'14"E ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 8, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., AND THE POINT OF BEGINNING;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY AND SOUTHEASTERLY LINE OF VACATED PORTION OF ALAMEDA AVE.;

- 1) N89°51'46"E, A DISTANCE OF 75.50 FEET TO A POINT OF CURVATURE;
- 2) 6.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADUIS OF 12.00 FEET, A CENTRAL ANGLE OF 29°55'01", AND WHOSE CHORD BEARS N74°54'16"E, A DISTANCE OF 6.19 FEET;

THENCE S59°56'45"W , A DISTANCE OF 19.25 FEET
THENCE S89°51'46"W ALONG A LINE 8.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID VACATED PORTION OF ALAMEDA AVE., A DISTANCE OF 64.80 FEET;
THENCE N00°08'14"W ALONG SAID SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 8, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 575 SQUARE FEET (0.013 ACRES) MORE OR LESS.

THE BASIS OF BEARINGS: BEARINGS ARE BASED ON A GRID BEARING OF N05°01'14"E FROM USGS BM_65 TO CCD BM183A. USGS BM_65 IS A FOUND USGS BM DISK SET IN CONCRETE AND CCD BM183A IS A FOUND CCD BRASS CAP

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 area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, without limitation, 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 easement area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the easement area. Any such

1 obstruction may be removed by the City or the utility provider at the property owner's expense. The
2 property owner shall not re-grade or alter the ground cover in the easement area without permission
3 from the City and County of Denver. The property owner shall be liable for all damages to such
4 utilities, including their repair and replacement, at the property owner's sole expense. The City and
5 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall
6 not be liable for any damage to property owner's property due to use of this reserved easement.

7 **Section 3.** That the action of the Executive Director of the Department of Transportation
8 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,
9 State of Colorado, to wit:

10 **PARCEL DESCRIPTION ROW NO. 2018-VACA-0000010-003:**

11 PARCEL 3 LYING SOUTH OF LOT 9, ADAMS COUNTRY CLUB SUBDIVISION AND ABUTTING
12 THE VACATED PORTION OF ALAMEDA AVE, AS DESCRIBED IN ORDINANCE NO. 793, SERIES
13 2002 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, LOCATED
14 IN THE SW1/4 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH
15 PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

16
17 COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 9;
18 THENCE S00°08'14"E ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT
19 9, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID VACATED PORTION OF
20 ALAMEDA AVE., AND THE POINT OF BEGINNING;

21
22 THENCE CONTINUING S00°08'14"E ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF
23 8.00 FEET;

24 THENCE S89°51'46"W ALONG A LINE 8.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH
25 LINE OF SAID VACATED PORTION OF ALAMEDA AVE., A DISTANCE OF 66.00 FEET;

26 THENCE N58°22'08"W, A DISTANCE OF 18.61 FEET TO A POINT OF TANGENCY ON THE
27 SOUTHWESTERLY LINE OF SAID VACATED PORTION OF ALAMEDA AVE.;

28 THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHWESTERLY AND
29 SOUTHERLY LINES OF SAID VACATED PORTION OF ALAMEDA AVE.;

- 30
31 1) 6.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADUIS OF 12.00
32 FEET, A CENTRAL ANGLE OF 31°46'05", AND WHOSE CHORD BEARS S74°15'11"E, A
33 DISTANCE OF 6.57 FEET;
34 2) N89°51'46"E, A DISTANCE OF 75.50 FEET TO THE POINT OF BEGINNING.

35
36 CONTAINING 758 SQUARE FEET (0.017 ACRES) MORE OR LESS.

37
38 THE BASIS OF BEARINGS: BEARINGS ARE BASED ON A GRID BEARING OF N05°01'14"E
39 FROM USGS BM_65 TO CCD BM183A. USGS BM_65 IS A FOUND USGS BM DISK SET IN
40 CONCRETE AND CCD BM183A IS A FOUND CCD BRASS CAP

41
42 be and the same is hereby approved and the described right-of-way is hereby vacated and declared

1 vacated;

2
3 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

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

18
19 COMMITTEE APPROVAL DATE: March 31, 2020 by Consent

20 MAYOR-COUNCIL DATE: April 7, 2020 by Consent

21 PASSED BY THE COUNCIL: _____

22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER

27 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

28 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: April 9, 2020

29 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
30 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
31 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
32 3.2.6 of the Charter.

33
34 Kristin M. Bronson, Denver City Attorney

35
36 BY: _____, Assistant City Attorney DATE: _____