

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0507
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of 43rd Ave., west of the Broadway**
7 **intersection with reservations.**

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 the following
17 described area in the City and County of Denver and State of Colorado, to wit:

18
19 **[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]**

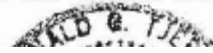
A PORTION OF WEST 43RD AVENUE LYING BETWEEN BLOCK 6, BURLINGTON AND NORTH ACOMA STREET AS VACATED AT CITY & COUNTY OF DENVER ORDINANCE 343-1960 ON THE SOUTH AND BLOCK 5, BURLINGTON AND BLOCK 12, TACOMA HEIGHTS AND NORTH ACOMA STREET AS VACATED AT CITY & COUNTY OF DENVER ORDINANCE 227-1958, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 4, BURLINGTON, SAID POINT ALSO BEING ON THE EAST LINE OF A PORTION OF WEST 43RD AVENUE AS VACATED BY CITY & COUNTY OF DENVER ORDINANCE 300-1958; THENCE S89°50'48"E ALONG THE SOUTH LINE OF SAID VACATED NORTH ACOMA STREET AND THE SOUTH LINE OF SAID BLOCK 5, BURLINGTON, AND THE SOUTH LINE OF SAID BLOCK 12 TACOMA HEIGHTS A DISTANCE OF 268.00 FEET TO THE SOUTHEAST CORNER OF LOT 18, BLOCK 12, TACOMA HEIGHTS, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF NORTH BROADWAY STREET AS SHOWN ON THE SUBDIVISION PLAT OF TACOMA HEIGHTS; THENCE S08°26'24"W ALONG SAID WEST RIGHT OF WAY LINE OF BROADWAY STREET A DISTANCE OF 60.63 FEET TO THE NORTHEAST CORNER OF LOT 25, BLOCK 6, BURLINGTON; THENCE N89°50'48"W ALONG SAID NORTH LINE OF BURLINGTON AND THE VACATED NORTH ACOMA STREET A DISTANCE OF 259.18 FEET TO THE NORTHEAST CORNER OF LOT 35, BLOCK 7, BURLINGTON, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID PORTION OF WEST 43RD AVENUE AS VACATED BY CITY & COUNTY OF DENVER ORDINANCE 300-1958; THENCE N00°04'27"E ALONG SAID EAST LINE OF A PORTION OF VACATED 43RD AVENUE A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

CITY & COUNTY OF DENVER, STATE OF COLORADO.

SAID PARCEL CONTAINS 15815.36 SQUARE FEET (0.363 ACRES)

BEARINGS ARE BASED ON THE RANGE LINE CONTAINED WITHIN WEST 43RD AVENUE BEING S89°50'48"E AS SHOWN ON THE DIVISION OF HIGHWAYS SURVEY RECORDED APRIL 5, 1991 AT RECEPTION NUMBER L000449 (RIGHT OF WAY SURVEYS PAGE 49-64)



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

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

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 ("Easement Area") for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including storm drainage and sanitary sewer 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 obstruction may be removed by

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

7 COMMITTEE APPROVAL DATE: July 14, 2011

8 MAYOR-COUNCIL DATE: July 19, 2011

9 PASSED BY THE COUNCIL: _____, 2011
10 _____ - PRESIDENT

11 APPROVED: _____ - MAYOR _____, 2011

12 ATTEST: _____ - CLERK AND RECORDER,
13 EX-OFFICIO CLERK OF THE
14 CITY AND COUNTY OF DENVER
15

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011

17 PREPARED BY: KAREN A. AVILES, - Assistant City Attorney - DATE: July 21, 2011

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
19 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.

22
23 David W. Broadwell, Denver City Attorney

24 BY: _____, City Attorney DATE: _____, 2011