

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2014

COUNCIL BILL NO. CB14-0991
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating an alley bounded by West 38th Avenue, West Clyde Place, Lowell Boulevard and Julian Street, with reservations.

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

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the action of the Manager of Public Works in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

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PARCEL DESCRIPTION ROW NO. 2014-0596-03-01

SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PORTION OF THAT ALLEY LOCATED IN BLOCK 36, SECOND FILING OF A PORTION OF HIGHLAND PARK, RECORDED IN BOOK 4 OF PLATS AT PAGE 43 OF THE ARAPAHOE COUNTY RECORDS AND ALL OF THAT ALLEY DESCRIBED IN ORDINANCE NO. 826 SERIES 1986, ALL SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 25 SAID BLOCK 36 AND ASSUMING THE SOUTH LINE OF SAID BLOCK 36 TO BEAR NORTH 89°58'45" WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 00°01'51" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LOWELL BOULEVARD, A DISTANCE OF 16.00 FEET TO THE SOUTHEAST CORNER OF LOT 24 IN SAID BLOCK 36;

THENCE SOUTH 89°59'05" EAST ALONG THE SOUTH LINE OF LOTS 10 THROUGH 24 IN SAID BLOCK 36, A DISTANCE OF 374.87 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10;

THENCE SOUTH 00°00'39" WEST, A DISTANCE OF 16.00 FEET TO THE NORTHWEST CORNER OF LOT 40 IN SAID BLOCK 36 AND THE NORTHEAST CORNER OF SAID ALLEY DESCRIBED IN ORDINANCE NO. 826 SERIES 1986;

THENCE ALONG THE PERIMETER OF SAID ALLEY FOR THE FOLLOWING FIVE (5) COURSES:

- 1) SOUTH 46°53'41" WEST, A DISTANCE OF 26.49 FEET;
- 2) SOUTH 00°00'24" WEST, A DISTANCE OF 142.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST CLYDE PLACE;
- 3) NORTH 89°58'45" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 24.08 FEET;
- 4) NORTH 00°04'04" EAST, A DISTANCE OF 150.10 FEET;
- 5) NORTH 44°57'30" WEST, A DISTANCE OF 14.14 FEET TO THE NORTH LINE OF LOT 37 IN SAID BLOCK 36;

THENCE NORTH 89°59'05" WEST ALONG THE NORTH LINE OF LOTS 25 THROUGH 37 IN SAID BLOCK 36, A DISTANCE OF 321.62 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING A CALCULATED AREA OF 10,065 S.F., OR 0.23 ACRES MORE OR LESS.

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

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

17 COMMITTEE APPROVAL DATE: November 20, 2014 [by consent]

18 MAYOR-COUNCIL DATE: November 25, 2014

19 PASSED BY THE COUNCIL: _____, 2014
20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____, 2014

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

26 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014

27 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: November 26, 2014

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

33 D. Scott Martinez, Denver City Attorney

34 BY: _____, City Attorney DATE: _____, 2014