

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0831
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance amending the legal description in Ordinance No. 15-0354, Series of 2015 to vacate a portion of the right-of-way between 2345 7th Street and 695 Water 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 amending the legal description in Ordinance No. 15-0354, Series of 2015 to vacate 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. 2014-0867-01-002:

LEGAL DESCRIPTION (CORRECTED FOR ORD. 354-2015)

A PARCEL OF LAND BEING A PORTION OF 7TH STREET RIGHT-OF-WAY LOCATED BETWEEN BLOCKS 1 AND 2, HIGHLAND (COMMONLY CALLED NORTH DENVER), SITUATED IN THE NORTH QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST CORNER OF LOT 3, SAID BLOCK 1; THENCE NORTH 59°54'00" EAST ALONG A LINE FROM THE EAST CORNER OF LOT 3, SAID BLOCK 1 TO THE SOUTH CORNER OF LOT 18, SAID BLOCK 2, A DISTANCE OF 8.31 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 30°13'00" WEST, A DISTANCE OF 52.71 FEET; THENCE SOUTH 59°47'00" WEST, A DISTANCE OF 4.99 FEET; THENCE NORTH 30°13'00" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 59°47'00" EAST, A DISTANCE OF 11.13 FEET; THENCE NORTH 30°13'00" WEST, A DISTANCE OF 101.29 FEET TO A POINT ON THE 7TH STREET / I-25 RIGHT-OF-WAY LINE; THENCE NORTH 31°28'29" EAST ALONG SAID LINE, A DISTANCE OF 52.82 FEET; THENCE CONTINUING ALONG SAID LINE NORTH 35°25'26" EAST A DISTANCE OF 20.91 FEET TO A POINT ON THE SOUTHWEST LINE OF LOT 14, SAID BLOCK 2; THENCE SOUTH 30°13'00" EAST ALONG THE SOUTHWEST LINE OF SAID LOT 14, A DISTANCE OF 27.30 FEET; THENCE SOUTH 14°47'00" WEST, A DISTANCE OF 20.46 FEET; THENCE SOUTH 30°13'00" EAST, A DISTANCE OF 166.03 FEET TO A POINT ON THE LINE FROM THE EAST CORNER OF SAID LOT 3, BLOCK 1 TO THE SOUTH CORNER OF SAID LOT 18, BLOCK 2; THENCE SOUTH 59°54'00" WEST ALONG SAID LINE, A DISTANCE OF 57.22 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 10,590 SQUARE FEET OR 0.24 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF BLOCK 1, HIGHLAND (COMMONLY CALLED NORTH DENVER), ASSUMED TO BEAR SOUTH 30°13'00" EAST.

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 portion of the vacated area as described below ("Easement Area") for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. Further, a perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, across, and through the vacated area for the purpose of fire and other emergency vehicular and personnel access. 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

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

8 COMMITTEE APPROVAL DATE: November 5, 2015 by Consent

9 MAYOR-COUNCIL DATE: November 10, 2015

10 PASSED BY THE COUNCIL: _____, 2015

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____, 2015

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER
16

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

18 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: November 12, 2015

19 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
22 3.2.6 of the Charter.
23

24 D. Scott Martinez, Denver City Attorney

25

26 BY: _____, Assistant City Attorney DATE: _____, 2015