

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. CB18-0973

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance relinquishing the easement reserved in Ordinance No. 174, Series of 2006, recorded with Denver Clerk & Recorder at Reception No. 2006042919 and simultaneously replacing it with an alternate easement, located near 660 Bannock Street.

WHEREAS, the Executive Director of Public Works of the City and County of Denver has found and determined that the public use, convenience and necessity no longer requires the easement reserved in Ordinance No. 174, Series of 2006, recorded with Denver Clerk & Recorder at Reception No. 2006042919, and subject to approval by ordinance, has relinquished the same (“Relinquished Easement”); and

WHEREAS, the Executive Director of Public Works of the City and County of Denver has determined that the public use, convenience and necessity is better served by replacing the Relinquished Easement with an alternate reserved easement (“Alternate Easement”) that is located within the boundaries of the Relinquished Easement and encompasses less area than the Relinquished Easement, in the areas hereinafter described, and subject to approval by ordinance, has reserved the same.

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

Section 1. That the action of the Executive Director of Public Works in relinquishing the easement reserved in Ordinance No.174, Series 2006, recorded with Denver Clerk & Recorder at Reception No. 2006042919, be and the same is hereby approved and that the easement is hereby relinquished.

Section 2. That the action of the Executive Director of Public Works in reserving the Alternate Easement located entirely within the boundaries of the Relinquished Easement, in the following areas:

PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-001:

A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15 AND 18, WHITSITT’S ADDITION TO DENVER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,

1 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
2 DESCRIBED AS FOLLOWS:

3
4 COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 15, WHITSITT'S ADDITION
5 TO DENVER, THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID VACATED
6 7TH AVENUE, N89°11'51"E A DISTANCE OF 22.73 FEET TO THE POINT OF BEGINNING;
7 THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N89°11'51"E A
8 DISTANCE OF 110.00 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE,
9 S00°51'50"E A DISTANCE OF 70.50 FEET; THENCE S89°11'51"W A DISTANCE OF 110.00
10 FEET; THENCE N00°51'50"W A DISTANCE OF 70.50 FEET TO THE POINT OF BEGINNING.

11
12 THE AREA HEREIN DESCRIBED SHALL FOREVER BE SUBJECT TO MAINTENANCE OF A 25
13 FOOT CLEARANCE AS MEASURED FROM THE GROUND SURFACE TO THE UNDERSIDE OF
14 THE PROPOSED STRUCTURE.

15
16 SAID PARCEL CONTAINS 7,755 SQUARE FEET (0.178 ACRES), MORE OR LESS.

17
18 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

19
20 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH
21 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"
22 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

23
24 and

25 **PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-002:**

26
27 A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN
28 BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE
29 SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF
30 THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
31 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

32
33 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S
34 ADDITION TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF
35 SAID VACATED 7TH AVENUE, N89°11'51"E A DISTANCE OF 9.10 FEET; THENCE
36 DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE N00°51'50"W A DISTANCE OF
37 1.00 FEET TO THE POINT OF BEGINNING;
38 THENCE N00°51'50"W A DISTANCE OF 8.50 FEET; THENCE N89°11'51"E A DISTANCE
39 OF 137.00 FEET; THENCE S00°51'50"E A DISTANCE OF 8.50 FEET; THENCE
40 S89°11'51"W A DISTANCE OF 54.81 FEET; THENCE N00°51'50"W A DISTANCE OF 4.00
41 FEET; THENCE S89°11'51"W A DISTANCE OF 24.00 FEET; THENCE S00°51'50"E A
42 DISTANCE OF 4.00 FEET; THENCE S89°11'51"W A DISTANCE OF 58.19 FEET TO THE
43 POINT OF BEGINNING.

44
45 THE AREA HEREIN DESCRIBED SHALL FOREVER BE SUBJECT TO MAINTENANCE
46 OF A 13.5 FOOT CLEARANCE AS MEASURED FROM THE GROUND SURFACE TO THE
47 UNDERSIDE OF THE PROPOSED STRUCTURE.

48
49 SAID PARCEL CONTAINS 1,069 SQUARE FEET (0.025 ACRES), MORE OR LESS.

50

1 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

2
3 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH
4 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"
5 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

6
7 and

8 **PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-003:**

9
10 A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN
11 BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE
12 SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF
13 THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
14 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

15
16 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S
17 ADDITION TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF
18 SAID VACATED 7TH AVENUE N89°11'51"E A DISTANCE OF 9.10 FEET TO THE POINT
19 OF BEGINNING; THENCE N00°51'50"W A DISTANCE OF 1.00 FEET; THENCE
20 N89°11'51"E A DISTANCE OF 58.19 FEET; THENCE N00°51'50"W A DISTANCE OF 4.00
21 FEET; THENCE N89°11'51"E A DISTANCE OF 24.00 FEET; THENCE S00°51'50"E A
22 DISTANCE OF 4.00 FEET; N89°11'51"E A DISTANCE OF 54.81 FEET THENCE
23 S00°51'50"E A DISTANCE OF 1.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT-
24 OF-WAY LINE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S89°11'51"W
25 A DISTANCE OF 137.00 FEET TO THE POINT OF BEGINNING.

26
27 SAID PARCEL CONTAINS 233 SQUARE FEET (0.005 ACRES), MORE OR LESS.

28
29 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

30
31 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH
32 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"
33 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

34
35 and

36 **PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-004:**

37
38 A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15
39 AND 18, WHITSITT'S ADDITION TO DENVER, LOCATED IN THE SOUTHWEST QUARTER OF
40 SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
41 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
42 DESCRIBED AS FOLLOWS:

43
44 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION
45 TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VACATED
46 7TH AVENUE, N89°11'51"E A DISTANCE OF 146.10 FEET TO THE POINT OF BEGINNING;
47 THENCE N00°51'50"W A DISTANCE OF 9.50 FEET; THENCE S89°11'51"W A DISTANCE OF
48 13.37 FEET; THENCE N00°51'50"W A DISTANCE OF 70.50 FEET TO A POINT ON THE
49 NORTHERLY LINE OF SAID VACATED 7TH AVENUE; THENCE ALONG SAID NORTHERLY
50 LINE, N89°11'51"E A DISTANCE OF 148.98 FEET TO A POINT ON THE SOUTHWESTERLY

1 RIGHT-OF-WAY LINE OF SPEER BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY
2 LINE, 49.71 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A
3 RADIUS OF 1891.39 FEET, A CENTRAL ANGLE OF 01°30'21" AND A CHORD WHICH BEARS
4 S51°21'14"E 49.71 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ACOMA
5 STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE, S00°52'36"E A DISTANCE OF 48.42
6 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION TO
7 DENVER; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 7TH AVENUE,
8 S89°11'51"W A DISTANCE OF 173.97 FEET TO THE POINT OF BEGINNING.

9
10 SAID PARCEL CONTAINS 14,250 SQUARE FEET (0.327 ACRES), MORE OR LESS.

11
12 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

13
14 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH
15 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"
16 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

17 and

18 **PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-005:**

19
20 A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15
21 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE SOUTHWEST QUARTER OF
22 SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
23 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY
24 DESCRIBED AS FOLLOWS:

25
26 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION
27 TO DENVER, POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BANNOCK
28 STREET AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY
29 LINE, N00°51'50"W A DISTANCE OF 80.00 FEET TO THE NORTHWEST CORNER OF
30 VACATED 7TH AVENUE; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID
31 VACATED 7TH AVENUE, N89°11'51"E A DISTANCE OF 22.73 FEET; THENCE S00°51'50"E A
32 DISTANCE OF 70.50 FEET; THENCE S89°11'51"W A DISTANCE OF 13.63 FEET; THENCE
33 S00°51'50"E A DISTANCE OF 9.50 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY
34 LINE OF SAID 7TH AVENUE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE,
35 S89°11'51"W A DISTANCE OF 9.10 FEET TO THE POINT OF BEGINNING.

36
37 SAID PARCEL CONTAINS 1,689 SQUARE FEET (0.039 ACRES), MORE OR LESS.

38
39 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

40
41 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH
42 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"
43 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

44 be and the same is hereby approved and the above described Alternate Easement is hereby
45 established as a perpetual, non-exclusive easement reserved by the City and County of Denver
46 ("City"), its successors and assigns, over, under, across, along and through the Alternate

1 Easement for the purposes of constructing, operating, maintaining, repairing, upgrading and
2 replacing public or private utilities including storm drainage, sanitary sewer, and water facilities and
3 all appurtenances to said utilities. With the exception of any structures or improvements approved
4 in writing by Public Works, a hard surface shall be maintained by the property owner over the
5 entire Alternate Easement area. The City reserves the right to authorize the use of the Alternate
6 Easement by all utility providers with existing facilities in the Alternate Easement area. With the
7 exception of any structures or improvements approved in writing by Public Works, no trees, fences,
8 retaining walls, landscaping or structures shall be allowed over, upon or under the Alternate
9 Easement area. Any such obstruction may be removed by the City or the utility provider at the
10 property owner's expense. The property owner shall not re-grade or alter the ground cover in the
11 Alternate Easement area without permission from the City, except as allowed by an approved Site
12 Development Plan. The property owner shall be liable for all damages to such utilities, including
13 their repair and replacement, at the property owner's sole expense. The City, its successors,
14 assigns, licensees, permittees and other authorized users shall not be liable for any damage to
15 property owner's property due to use of this Alternate Easement.

16 COMMITTEE APPROVAL DATE: September 11, 2018 by Consent

17 MAYOR-COUNCIL DATE: N/A

18 PASSED BY THE COUNCIL: September 24, 2018

19  - PRESIDENT

20 APPROVED: _____ - MAYOR _____

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

24 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

25 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 13, 2018

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
27 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
28 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6
29 of the Charter.

30 Kristin M. Bronson, Denver City Attorney

31 BY: , Assistant City Attorney DATE: Sep 13, 2018