

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2017

COUNCIL BILL NO. CB17-0391  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating an alley near the intersection of West 4<sup>th</sup> Avenue and**  
7 **Kalamath Street, with reservations.**

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

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

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

15 **PARCEL DESCRIPTION ROW NO. 2016-VACA-0000030-001:**

16 A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 4 SOUTH,  
17 RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF  
18 COLORADO BEING THE 20 FOOT WIDE ALLEY WITHIN BLOCK 12 OF SUMNER'S ADDITION TO  
19 DENVER FILED FOR RECORD MAY 21, 1872 DULY RECORDED IN ARAPAHOE COUNTY BOOK OF  
20 PLATS, PAGE 35

21  
22 be and the same is hereby approved and the described right-of-way is hereby vacated and  
23 declared vacated;

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

25 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
26 successors and assigns, over, under, across, along and through the vacated area for the purposes  
27 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
28 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard  
29 surface shall be maintained by the property owner over the entire easement area. The City reserves  
30 the right to authorize the use of the reserved easement by all utility providers with existing facilities  
31 in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed  
32 over, upon or under the easement area. Any such obstruction may be removed by the City or the

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

7 COMMITTEE APPROVAL DATE: April 11, 2017 by Consent

8 MAYOR-COUNCIL DATE: April 18, 2017

9 PASSED BY THE COUNCIL: \_\_\_\_\_

10 \_\_\_\_\_ - PRESIDENT

11 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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: \_\_\_\_\_; \_\_\_\_\_

17 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: April 20, 2017

18 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
19 the 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 Kristin M. Bronson, Denver City Attorney

24 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_