

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0354
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating a portion of 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 vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2014-0867-01-001

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 NORTHWEST 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°57'52" 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 3°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 100.96 FEET TO A POINT ON THE 7TH STREET/1-25 RIGHT-OF-WAY LINE;
THENCE NORTH 32°21'07" EAST ALONG SAID LINE, A DISTANCE OF 73.85 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°53'26" WEST ALONG SAID LINE, A DISTANCE OF 57.22 FEET TO THE POINT OF BEGINNING.

[Continued on next page]

1 CONTAINING 10,543 SQUARE FEET OR 0.24 ACRES, MORE OR LESS.

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

4
5 be and the same is hereby approved and the described right-of-way is hereby vacated and
6 declared vacated;

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

8 A perpetual, non-exclusive easement is hereby reserved by the City and County of
9 Denver, its successors and assigns, over, under, across, along, and through the portion
10 of the vacated area as described below ("Easement Area") for the purposes of
11 constructing, operating, maintaining, repairing, upgrading and replacing public or
12 private utilities including, but not limited to, storm drainage, sanitary sewer, and water
13 facilities and all appurtenances to said utilities. Further, a perpetual, non-exclusive
14 easement is hereby reserved by the City and County of Denver, its successors
15 and assigns, over, across, and through the vacated area for the purpose of fire and
16 other emergency vehicular and personnel access. A hard surface shall be maintained
17 by the property owner over the entire Easement Area. The City reserves the right to
18 authorize the use of the reserved easement by all utility providers with existing facilities
19 in the Easement Area. No trees, fences, retaining walls, landscaping or structures
20 shall be allowed over, upon or under the Easement Area. Any such obstruction may be
21 removed by the City or the utility provider at the property owner's expense. The
22 property owner shall not re-grade or alter the ground cover in the Easement Area
23 without permission from the City and County of Denver. The property owner shall be
24 liable for all damages to such utilities, including their repair and replacement, at the
25 property owner's sole expense. The City and County of Denver, its successors,
26 assigns, licensees, permittees and other authorized users shall not be liable for any
27 damage to property owner's property due to use of this reserved easement.

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29 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
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2 COMMITTEE APPROVAL DATE: May 21, 2015 by consent
3 MAYOR-COUNCIL DATE: May 26, 2015
4 PASSED BY THE COUNCIL: _____, 2015
5 _____ - PRESIDENT
6 APPROVED: _____ - MAYOR _____, 2015
7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER
10
11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015
12 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 28, 2015
13 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
16 3.2.6 of the Charter.
17
18 D. Scott Martinez, Denver City Attorney
19
20 BY: _____, Assistant City Attorney DATE: _____, 2015