

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0147
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating the right-of-way near 55 South Zuni 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. 2014-0061-04-001

A PARCEL OF LAND BEING A PORTION OF S. ZUNI ST. LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8 AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8; THENCE N44°56'36"W A DISTANCE OF 42.37 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF W. BAYAUD AVE. AND THE WESTERLY RIGHT-OF-WAY LINE OF S. ZUNI ST. SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY AND EASTERLY RIGHT-OF-WAY LINES OF SAID S. ZUNI ST. THE FOLLOWING SIX (6) CONSECUTIVE COURSES;

[continued on next page]

- 1 1.) THENCE N00°08'15"E A DISTANCE OF 130.00 FEET;
- 2 2.) THENCE S89°58'34"W A DISTANCE OF 20.00 FEET;
- 3 3.) THENCE N00°08'15" E A DISTANCE OF 100.16 FEET;
- 4 4.) THENCE S44°51'47"E A DISTANCE OF 20.71 FEET;
- 5 5.) THENCE 164.17 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO
- 6 THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF
- 7 188°07'48", AND A CHORD WHICH BEARS S40°47'51"E A DISTANCE OF
- 8 99.75 FEET;
- 9 6.) THENCE ALONG A NON-TANGENT LINE S00°08'15"W A DISTANCE OF
- 10 139.93 FEET TO A POINT ON THE NORTHERLY LINE OF SAID W.
- 11 BAYAUD AVE.;

12 THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY S89°58'34"W A DISTANCE
13 OF 60.00 FEET TO THE POINT OF BEGINNING.

14
15 SAID PARCEL CONTAINS 16,558 SQUARE FEET OR 0.380 ACRES MORE OR
16 LESS.

17 BASIS OF BEARINGS

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19
20 BEARINGS ARE BASED ON EASTERLY LINE OF THE NORTHEAST QUARTER
21 OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE
22 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR
23 S00°08'15"W AND BEING MONUMENTED BY A FOUND #6 REBAR WITH 2"
24 ALUMINUM CAP IN RANGE BOX PLS #14112 AT THE SOUTHEAST CORNER OF
25 THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND A FOUND 6"
26 SQUARE SAND STONE WITH A CROSS CHISELED IN THE TOP SET IN RANGE
27 BOX AT THE EAST QUARTER CORNER.

28
29 be and the same is hereby approved and the described right-of-way is hereby vacated and
30 declared vacated;

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

32 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
33 successors and assigns, over, under, across, along, and through the vacated area as described
34 below ("Easement Area") for the purposes of constructing, operating, maintaining, repairing,
35 upgrading and replacing public or private utilities including, but not limited to, storm drainage,
36 sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be
37 maintained by the property owner over the entire Easement Area. The City reserves the right to
38 authorize the use of the reserved easement by all utility providers with existing facilities in the
39 Easement Area. No trees, fences, retaining walls, landscaping or structures shall be allowed over,
40 upon or under the Easement Area. Any such obstruction may be removed by the City or the utility
41 provider at the property owner's expense. The property owner shall not re-grade or alter the
42 ground cover in the Easement Area without permission from the City and County of Denver. The
43 property owner shall be liable for all damages to such utilities, including their repair and

1 replacement, at the property owner's sole expense. The City and County of Denver, its
2 successors, assigns, licensees, permittees and other authorized users shall not be liable for any
3 damage to property owner's property due to use of this reserved easement.

4 COMMITTEE APPROVAL DATE: March 12, 2015 by consent

5 MAYOR-COUNCIL DATE: March 17, 2015

6 PASSED BY THE COUNCIL: _____, 2015

7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____, 2015

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER
12

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

14 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: March 19, 2015

15 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
16 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
18 3.2.6 of the Charter.
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20 D. Scott Martinez, Denver City Attorney

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