

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2017

COUNCIL BILL NO. CB17-0294
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating the alley bounded by East Pacific Place, East Evans**
7 **Avenue, South Hudson Street and South Holly 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-000020-001:**

16 BASIS OF BEARINGS: The following description is based on the assumed bearing of N
17 89°45'58" E along the north line and south line of the alley lying between South Hudson
18 Street and South Holly Street in WALKER'S RE-SUBDIVISION OF BLOCKS 12 & 13 IN
19 CHAMBERLIN'S UNIVERSITY TERRACE – EAST, City and County of Denver, State of Colorado.

20
21 The alley in WALKER'S RE-SUBDIVISION OF BLOCKS 12 & 13, in CHAMBERLIN'S UNIVERSITY
22 TERRACE – EAST SUBDIVISION, City and County of Denver, State of Colorado between
23 South Hudson Street and South Holly Street, more particularly described as:

24 Beginning at the southwest corner of Lot 49 of said Re-subdivision also being a point on
25 the east ROW line of South Hudson Street; thence along the north line of said alley N
26 89°45'58" E 400.00' to the southeast corner of Lot 64 of said Re-subdivision also being a
27 point on the west ROW line of South Holly Street; thence S 0°21'28" E, along said west ROW
28 line, 10.00' to the south line of said alley and the northeast corner of Lot 1, of said Re-
29 subdivision; thence S 89°45'58" W, along said south line, 399.98' to the northwest corner of
30 Lot 16 of said Re-subdivision also being a point on the east ROW line of South Hudson
31 Street; thence N 0°28'23" W, along said east ROW line, 10.00' to the Point of Beginning,
32 containing 4,000 Square Feet (0.092 Acres)

33 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
34 vacated;

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

1 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
2 successors and assigns, over, under, across, along and through the vacated area for the purposes
3 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
4 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard
5 surface shall be maintained by the property owner over the entire easement area. The City reserves
6 the right to authorize the use of the reserved easement by all utility providers with existing facilities
7 in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed
8 over, upon or under the easement area. Any such obstruction may be removed by the City or the
9 utility provider at the property owner's expense. The property owner shall not re-grade or alter the
10 ground cover in the easement area without permission from the City and County of Denver. The
11 property owner shall be liable for all damages to such utilities, including their repair and replacement,
12 at the property owner's sole expense. The City and County of Denver, its successors, assigns,
13 licensees, permittees and other authorized users shall not be liable for any damage to property
14 owner's property due to use of this reserved easement.

15 COMMITTEE APPROVAL DATE: March 7, 2017 by Consent

16 MAYOR-COUNCIL DATE: March 14, 2017

17 PASSED BY THE COUNCIL: _____

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____

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

24 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

25 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: March 16, 2017

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 not submitted to the City Council for approval pursuant to §
29 3.2.6 of the Charter.

30
31 Kristin M. Bronson, Denver City Attorney

32 BY: _____, Assistant City Attorney DATE: _____