

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2025

COUNCIL BILL NO. CB25-0269
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of street right-of-way at the intersection of South Newport Street and East Union Avenue and a portion at the intersection of South Niagara Street and East Union Avenue, with reservations.

WHEREAS, the Executive Director of the Department of Transportation and Infrastructure 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;

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

Section 1. That the action of the Executive Director of the Department of Transportation and Infrastructure in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2024-VACA-0000002-001:

A PARCEL OF LAND BEING A PORTION OF EAST UNION AVENUE AND SOUTH NEWPORT STREET, ESTABLISHED BY ORDINANCE NO. 560, SERIES OF 1992 AND RESOLUTION NO. 76, SERIES OF 2009, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY TERMINUS OF THAT CERTAIN COURSE HAVING A BEARING AND DISTANCE OF "NORTH 73°04'21" EAST, 328.17 FEET" ALONG THE NORTH BOUNDARY OF LOT 1, BLOCK 1 AS SHOWN ON BELLEVIEW STATION FILING NO. 2, RECORDED AT RECEPTION NO. 2009095677 IN THE RECORDS OF THE DENVER COUNTY, COLORADO, CLERK AND RECORDER'S OFFICE, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 1, ALONG A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 85.50 FEET, THROUGH A CENTRAL ANGLE OF 15°13'22", AN ARC LENGTH OF 22.72 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTH BOUNDARY, NON-TANGENT TO SAID CURVE, NORTH

1 73°04'21" EAST, A DISTANCE OF 44.56 FEET;
2
3 THENCE SOUTH 80°39'29" EAST, A DISTANCE OF 8.09 FEET;
4
5 THENCE NORTH 74°35'57" EAST, A DISTANCE OF 7.61 FEET;
6
7 THENCE SOUTH 15°38'10" EAST, A DISTANCE OF 4.06 FEET;
8
9 THENCE SOUTH 35°01'24" EAST, A DISTANCE OF 12.13 FEET;
10
11 THENCE SOUTH 16°34'45" EAST, A DISTANCE OF 54.36 FEET TO THE NORTHEAST
12 BOUNDARY OF SAID LOT 1 AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE
13 SOUTHWESTERLY HAVING A RADIUS OF 100.00 FEET, THE RADIUS POINT OF SAID CURVE
14 BEARS SOUTH 64°41'12" WEST;
15
16 THENCE ALONG THE NORTHEAST BOUNDARY OF SAID LOT 1 THE FOLLOWING THREE (3)
17 COURSES:
18
19 1. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°19'01",
20 AN ARC LENGTH OF 2.30 FEET.
21
22 2. NORTH 26°37'49" WEST, A DISTANCE OF 3.44 FEET TO THE BEGINNING OF A NON-
23 TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 85.50 FEET, THE
24 RADIUS POINT OF SAID CURVE BEARS SOUTH 63°21'44" WEST;
25
26 3. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 65°04'01",
27 AN ARC LENGTH OF 97.10 FEET TO THE POINT OF BEGINNING;
28
29 CONTAINING AN AREA OF 0.029 ACRES, (1,258 SQUARE FEET), MORE OR LESS
30
31 AND

32 **PARCEL DESCRIPTION ROW NO. 2024-VACA-0000002-002:**

33 A PARCEL OF LAND BEING A PORTION OF EAST UNION AVENUE AND SOUTH NIAGARA
34 STREET, ESTABLISHED BY ORDINANCE NO. 560, SERIES OF 1992 AND RESOLUTION NO. 76,
35 SERIES OF 2009, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 5
36 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF
37 DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1
2 COMMENCING AT THE SOUTHWEST TERMINUS OF THAT CERTAIN COURSE HAVING A
3 BEARING AND DISTANCE OF "NORTH 73°04'21" EAST, 328.17 FEET" ALONG THE NORTH
4 BOUNDARY OF LOT 1, BLOCK 1 AS SHOWN ON BELLEVIEW STATION FILING NO. 2,
5 RECORDED AT RECEPTION NO. 2009095677 IN THE RECORDS OF THE DENVER COUNTY,
6 COLORADO, CLERK AND RECORDER'S OFFICE, WITH ALL BEARINGS CONTAINED HEREIN
7 RELATIVE THERETO;

8
9 THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 1 THE FOLLOWING TWO (2)
10 COURSES:

11
12 1. NORTH 16°55'38" WEST, A DISTANCE OF 1.33 FEET TO THE BEGINNING OF A NON-
13 TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 81.50, THE RADIUS
14 POINT OF SAID CURVE BEARS SOUTH 15°46'57" EAST;

15
16 2. THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
17 19°56'28", AND ARC LENGTH OF 28.37 FEET TO THE POINT OF BEGINNING;

18
19 THENCE CONTINUING ALONG SAID NORTH BOUNDARY, SOUTHWESTERLY ALONG SAID
20 CURVE THROUGH A CENTRAL ANGLE OF 56°36'06", AN ARC LENGTH OF 80.51 FEET TO THE
21 BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF
22 459.82 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 76°31'57" WEST;

23
24 THENCE DEPARTING SAID NORTH BOUNDARY, NORTHERLY ALONG SAID CURVE
25 THROUGH A CENTRAL ANGLE OF 07°03'28", AN ARC LENGTH OF 56.64 FEET;

26
27 THENCE NON-TANGENT TO SAID CURVE, NORTH 73°04'21" EAST, A DISTANCE OF 52.68
28 FEET TO THE POINT OF BEGINNING.

29
30 CONTAINING AN AREA OF 0.022 ACRES, (950 SQUARE FEET), MORE OR LESS
31 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
32 vacated;

33
34 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

35 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
36 successors and assigns, over, under, across, along and through the vacated area for the purposes
37 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
38 including, without limitation, storm drainage, sanitary sewer, and water facilities and all

1 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the
2 entire easement area. The City reserves the right to authorize the use of the reserved easement by
3 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,
4 landscaping or structures shall be allowed over, upon or under the easement area. Any such
5 obstruction may be removed by the City or the utility provider at the property owner's expense. The
6 property owner shall not re-grade or alter the ground cover in the easement area without permission
7 from the City and County of Denver. The property owner shall be liable for all damages to such
8 utilities, including their repair and replacement, at the property owner's sole expense. The City and
9 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall
10 not be liable for any damage to property owner's property due to use of this reserved easement.

11 COMMITTEE APPROVAL DATE: March 11, 2025 by Consent

12 MAYOR-COUNCIL DATE: March 18, 2025

13 PASSED BY THE COUNCIL: 04/01/2025

14 *Amund P. Sandora* - PRESIDENT

15 APPROVED: *Michael C. Johnston* - MAYOR 04/03/2025
Michael C. Johnston (Apr 3, 2025 11:08 MDT)

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

20 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: March 20, 2025

21 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
22 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
24 § 3.2.6 of the Charter.

25

26 Katie J. McLoughlin, Interim City Attorney

27

28 BY: *Anshul Bagga*, Assistant City Attorney DATE: Mar 19, 2025