

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2021

COUNCIL BILL NO. CB21-0913  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of right-of-way adjacent to 2845 Umatilla**  
7 **Street, with reservations.**

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

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

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

17 **PARCEL DESCRIPTION ROW NO. 2021-VACA-000002-001:**

18 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP  
19 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF  
20 DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

21  
22 THE SOUTH 10 FEET OF THE EAST 56 FEET OF LOT 27, BLOCK 8, CASEMENT'S ADDITION,  
23 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

24  
25 THE ABOVE DESCRIBED PARCEL CONTAINS 560 SQUARE FEET OR 0.0064 ACRES MORE  
26 OR LESS

27  
28 be and the same is hereby approved and the described right-of-way is hereby vacated and declared  
29 vacated;

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

31 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
32 successors and assigns, over, under, across, along and through the vacated area for the purposes  
33 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities

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

12 COMMITTEE APPROVAL DATE: August 17, 2021 by Consent

13 MAYOR-COUNCIL DATE: August 24, 2021

14 PASSED BY THE COUNCIL: \_\_\_\_\_

15 \_\_\_\_\_ - PRESIDENT

16 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

17 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
18 EX-OFFICIO CLERK OF THE  
19 CITY AND COUNTY OF DENVER

20 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_

21 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: August 26, 2021

22 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
23 City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
24 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
25 3.2.6 of the Charter.

26  
27 Kristin M. Bronson, Denver City Attorney

28  
29 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_