

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013

COUNCIL BILL NO. CB13-0711  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

**A BILL**

**For an ordinance vacating a portion of North Hazel Court between West 6<sup>th</sup> Avenue and West 8<sup>th</sup> Avenue, 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 and State of Colorado, to wit:

**PARCEL DESCRIPTION ROW 2012-0350-01-001**

A PORTION OF HAZEL COURT RIGHT-OF-WAY, SITUATE IN THE SE1/4 OF SECTION 5, T.4.S., R.68.W. OF THE SIXTH P.M., CITY & COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT NW CORNER OF PARCEL 9800063564; THENCE S00°14'04"E, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF HAZEL COURT, A DISTANCE OF 194.64 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF W 6TH AVENUE HIGHWAY; THENCE S37°15'58"W, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 16.24 FEET TO A POINT ON THE PROPOSED EAST RIGHT-OF-WAY LINE OF HAZEL COURT; THENCE N00°07'52"W, ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 207.56 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF PARCEL 9800063564; THENCE S89°57'19"E, ALONG SAID LINE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1,949 SQUARE FEET OR 0.04 ACRES, +/-.

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

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

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated portion for the purposes

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

13 COMMITTEE APPROVAL DATE: October 17, 2013 [by consent]

14 MAYOR-COUNCIL DATE: October 22, 2013

15 PASSED BY THE COUNCIL: \_\_\_\_\_, 2013

16 \_\_\_\_\_ - PRESIDENT

17 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013

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

21  
22 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2013; \_\_\_\_\_, 2013

23 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 24, 2013

24 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
25 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
26 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
27 3.2.6 of the Charter.

28  
29 Douglas J. Friednash, Denver City Attorney

30 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2013