

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0471  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating the alley bounded by 32nd Street, 33rd Street, Blake**  
7 **Street and Walnut 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. 2017-VACA-0000013-001:**

16 A PARCEL OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION  
17 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; AND  
18 LOCATED IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO; BEING ALL OF  
19 THE ALLEY LOCATED IN BLOCK 20, CASE & EBERT’S ADDITION TO DENVER, AND BEING  
20 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

21  
22 BEGINNING AT THE SOUTHERLY CORNER OF LOT 16, BLOCK 20, CASE & EBERT’S  
23 ADDITION TO DENVER, ALSO BEING THE WESTERLYMOST CORNER OF THE ALLEY  
24 LOCATED IN SAID BLOCK 20 AND ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 32<sup>ND</sup>  
25 STREET;

26  
27 THENCE ALONG THE NORTHWESTERLY LINE OF SAID ALLEY N45°00'30"E, 400.00 FEET TO  
28 THE NORTHERLY MOST CORNER OF SAID ALLEY, ALSO BEING THE EASTERLY MOST  
29 CORNER OF LOT 1, OF SAID BLOCK 20;

30  
31 THENCE ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 33<sup>RD</sup> STREET  
32 S45°00'00"E, 16.00 FEET TO THE EASTERLY MOST CORNER OF SAID ALLEY;

33  
34 THENCE S45°00'30"W, 400.00 FEET TO THE SOUTHERLY MOST CORNER OF SAID ALLEY,  
35 ALSO BEING THE WESTERLY MOST CORNER OF LOT 17 OF SAID BLOCK 20 AND IN THE  
36 NORTHEASTERLY RIGHT-OF-WAY LINE OF 32<sup>ND</sup> STREET;

1 THENCE ALONG THE SOUTHWESTERLY LINE OF SAID ALLEY AND THE NORTHEASTERLY  
2 RIGHT-OF-WAY LINE OF SAID 32<sup>ND</sup> STREET N45°00'00"W, 16.00 FEET TO THE POINT OF  
3 BEGINNING.

4  
5 CONTAINING 6,400 SQUARE FEET OR 0.147 ACRES, MORE OR LESS.

6  
7 BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON SOUTHEASTERLY LINE  
8 OF LOTS 1-16, BLOCK 20, CASE & EBERT'S ADDITION TO DENVER, BEING  
9 N45°00'30"E AS MEASURED USING THE CITY AND COUNTY OF DENVER COORDINATE  
10 SYSTEM, BEING MONUMENTED ON THE SOUTHWEST BY A FOUND RED PLASTIC CAP  
11 STAMPED "HKS PLS 36082" AT THE SOUTH CORNER OF LOT 16 AND ON THE NORTHEAST  
12 BY A FOUND 2" ALUMINUM CAP STAMPED "LS 30830" AT THE EASTERLY CORNER OF LOT  
13 1 AS SHOWN HEREON. ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO  
14

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

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

18 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
19 successors and assigns, over, under, across, along and through the vacated area for the following  
20 purposes: public access; a dedicated fire and emergency access drive that is a minimum of sixteen  
21 (16) feet in width; and for constructing, operating, maintaining, repairing, upgrading and replacing  
22 public or private utilities including storm drainage and sanitary sewer, and water facilities and all  
23 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the  
24 entire easement area. The City reserves the right to authorize the use of the reserved easement by  
25 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,  
26 landscaping or structures shall be allowed over, upon or under the easement area. Any such  
27 obstruction may be removed by the City or the utility provider at the property owner's expense. The  
28 property owner shall not re-grade or alter the ground cover in the easement area without permission  
29 from the City and County of Denver. The property owner shall be liable for all damages to such  
30 utilities, including their repair and replacement, at the property owner's sole expense. The City and  
31 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall  
32 not be liable for any damage to property owner's property due to use of this reserved easement.

33  
34 **REMAINDER OF PAGE INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: May 8, 2018 by Consent  
2 MAYOR-COUNCIL DATE: May 15, 2018  
3 PASSED BY THE COUNCIL: \_\_\_\_\_

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

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

10 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 17, 2018

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
14 3.2.6 of the Charter.

15  
16 Kristin M. Bronson, Denver City Attorney

17 BY:  \_\_\_\_\_, Assistant City Attorney DATE: May 17, 2018  
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