

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0557
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

5 **A BILL**

6 **For an ordinance vacating the alley and lot bounded by Broadway, 20th Street and**
7 **Welton Street with reservations.**

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

13 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
14 **DENVER:**

15
16 **Section 1.** That the action of the Manager of Public Works in vacating the following
17 described area in the City and County of Denver and State of Colorado, to wit:

THAT CERTAIN ALLEY SITUATED WITHIN BLOCK 158, CLEMENT'S ADDITION TO THE CITY OF DENVER, AND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 32 IN SAID BLOCK 158;
THENCE S 44°49'48" W ALONG THE NORTHWEST LINE OF LOTS 29 THROUGH 32 IN SAID BLOCK 158 A DISTANCE OF 88.97 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BROADWAY;
THENCE N 00°00'49" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 22.69 FEET TO THE SOUTHEASTERLY LINE OF LOT 3 IN SAID BLOCK 158;
THENCE N 44°49'48" E ALONG THE SOUTHEASTERLY LINE OF LOTS 1 THROUGH 3 IN SAID BLOCK 158 A DISTANCE OF 72.98 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 1;
THENCE S 44°50'10" E A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 1296 SQUARE FEET

18
19 **AND**

A PORTION OF BROADWAY RIGHT-OF-WAY, AS ESTABLISHED BY ORDINANCE NO. 59, SERIES OF 1909 AND AMENDED BY ORDINANCE NO. 57, SERIES OF 1916, SITUATED WITHIN BLOCK 158, CLEMENT'S ADDITION TO THE CITY OF DENVER, AND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 3 IN SAID BLOCK 158; THENCE S 44°49'48" W ALONG THE SOUTHEAST LINE OF SAID LOT 3 A DISTANCE OF 22.96 FEET TO A POINT 120 FEET EAST AT RIGHT ANGLES FROM THE NORTH-SOUTH CENTERLINE OF SAID SECTION 34; THENCE N 00°00'49" W, PARALLEL WITH SAID NORTH-SOUTH CENTERLINE A DISTANCE OF 32.38 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 3; THENCE S 45°09'50" E ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 22.84 FEET TO THE POINT OF BEGINNING.

CONTAINS 262 SQUARE FEET

1
2 be and the same is hereby approved and the described area is hereby vacated and declared
3 vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations
4 covering the land described below:

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

19

1 COMMITTEE APPROVAL DATE: August 4, 2011 by consent
 2 MAYOR-COUNCIL DATE: August 9, 2011
 3 PASSED BY THE COUNCIL: _____, 2011
 4 _____ - PRESIDENT
 5 APPROVED: _____ - MAYOR _____, 2011
 6 ATTEST: _____ - CLERK AND RECORDER,
 7 EX-OFFICIO CLERK OF THE
 8 CITY AND COUNTY OF DENVER
 9
 10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011
 11 PREPARED BY: - KAREN A. AVILES, ASSISTANT CITY ATTORNEY – DATE: August 11, 2011
 12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
 13 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
 14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
 15 3.2.6 of the Charter.
 16
 17 David W. Broadwell, Denver City Attorney
 18 BY: _____, City Attorney DATE: _____, 2011