

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2017

COUNCIL BILL NO. CB17-1152  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of the right of way near the intersection of**  
7 **Wynkoop Street and 40<sup>th</sup> 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-0000006-001:**

16 A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF  
17 THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

18 BEGINNING AT THE MOST WESTERLY CORNER OF BLOCK 27, ST. VINCENT ADDITION,  
19 SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY  
20 LINE OF BRIGHTON BOULEVARD AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF  
21 40TH STREET; THENCE S44°48'31"E ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY  
22 LINE OF 40TH STREET, 266.03 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT  
23 ALSO BEING THE MOST SOUTHERLY CORNER OF BLOCK 27, ST. VINCENT'S ADDITION;  
24 THENCE N44°58'33"E ALONG THE SOUTHEASTERLY OF BLOCK 27, 228.47 FEET TO A  
25 POINT ON THE EAST LINE OF BLOCK 27, ST. VINCENT'S ADDITION; THENCE S00°03'46"W  
26 ALONG AN EXTENSION OF THE EAST LINE OF SAID BLOCK 27, 113.31 FEET; THENCE  
27 S44°58'33"W ALONG THE NORTHWESTERLY LINE OF BLOCK 28, ST. VINCENT'S ADDITION,  
28 148.53 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 40TH  
29 STREET; THENCE N44°48'31"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF  
30 40TH STREET, 80.00 FEET TO THE TRUE POINT OF BEGINNING, CITY AND COUNTY OF  
31 DENVER, STATE OF COLORADO.

32 THE ABOVE DESCRIBED PARCEL CONTAINS 15,067 SQUARE FEET OR 0.3459 ACRES  
33 MORE OR LESS.

34 BASIS OF BEARINGS: AN ASSUMED BEARING OF S89°53'51"E BEING THE EAST-WEST  
35 CENTERLINE OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M.,

1 BETWEEN TWO FOUND MONUMENTS; ONE MONUMENT BEING A 3.25" DIAMETER  
2 ALUMINUM CAP STAMPED LS 24961 AT THE WEST CORNER OF SAID SECTION 23 AND  
3 THE OTHER BEING A 3.25" DIAMETER ALUMINUM CAP STAMPED LS 23521 IN A RANGE  
4 BOX BEING THE EAST CORNER OF SAID SECTION 23

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

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

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

22  
23 **REMAINDER OF PAGE INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: October 17, 2017 by Consent  
2 MAYOR-COUNCIL DATE: October 24, 2017  
3 PASSED BY THE COUNCIL: \_\_\_\_\_ November 6, 2017

4 Alan Banks - PRESIDENT

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

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: \_\_\_\_\_; \_\_\_\_\_

11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 26, 2017

12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
13 the 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 Kristin M. Bronson, Denver City Attorney

18 BY: Kristin J. Crawford, Assistant City Attorney DATE: Oct 26, 2017