

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB20-0115

3 SERIES OF 2020

COMMITTEE OF REFERENCE:

4 DIRECT FILE - HERNDON

5 **A BILL**

6 **For an ordinance vacating two alleys bounded by East 36th Avenue, East 37th
7 Avenue, Lawrence Street, North Marion Street, and North Downing Street, with
8 reservations.**

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

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

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

18 **PARCEL DESCRIPTION ROW NO. 2019-VACA-0000003-001:**

19 **LAND DESCRIPTION PARCEL 1:**

20
21 THE 16 FOOT WIDE ALLEY ADJACENT TO LOTS 1 THRU 30, BLOCK 16, HYDE PARK
22 ADDITION, AS PER THE PLAT OF WHICH THAT WAS RECORDED IN PLAT BOOK 3 AT PAGE
23 42, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

24
25 THE ABOVE DESCRIBED PARCEL CONTAINS 6,004 SQ. FT. OR 0.1378 ACRES MORE OR
26 LESS.

27
28 and

29
30 **LAND DESCRIPTION PARCEL 2:**

31
32 AN 8 FOOT WIDE ALLEY, AS DEDICATED BY INSTRUMENT RECORDED IN BOOK 1488 AT
33 PAGE 225, BEING A PORTION OF LOTS 12 TO 15, BLOCK 16, HYDE PARK ADDITION, AS
34 PER THE PLAT OF WHICH THAT WAS RECORDED IN PLAT BOOK 3 AT PAGE 42, CITY AND
35 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
36 FOLLOWS:

1
2 THE WEST 8 FEET OF THE EAST 58 FEET OF LOTS 12, 13, 14 AND 15, BLOCK 16, HYDE
3 PARK ADDITION, AND THE NORTH 8 FEET OF THE EAST 50 FEET OF LOT 12, BLOCK 16,
4 HYDE PARK ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

5
6 THE ABOVE DESCRIBED PARCEL CONTAINS 1,309 SQ. FT. OR 0.0301 ACRES MORE OR
7 LESS.

8
9 BASIS OF BEARINGS FOR ALL PARCELS:

10
11 AN ASSUMED BEARING OF N89°59'55"E BEING A 4' OFFSET LINE TO THE SOUTH LINE OF
12 BLOCK 1, HYDE PARK ADDITION, BETWEEN TWO MONUMENTS 354.14 FEET APART; BOTH
13 MONUMENTS BEING CHISELED CROSSES IN THE CONCRETE CURB, ONE AT THE
14 NORTHEAST CORNER OF THE INTERSECTION OF DOWNING STREET AND 37TH AVENUE
15 AND THE OTHER AT THE NORTHEAST CORNER OF THE INTERSECTION OF MARION
16 STREET AND 37TH AVENUE

17
18 be and the same are hereby approved and the described rights-of-way are hereby vacated and
19 declared vacated;

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

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

1 COMMITTEE APPROVAL DATE: N/A
2 MAYOR-COUNCIL DATE: N/A
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: Martin A. Plate, Assistant City Attorney DATE: April 9, 2020
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
18 BY: , Assistant City Attorney DATE: Apr 9, 2020