

**BY AUTHORITY**

1  
2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2020

COUNCIL BILL NO. CB20-0115  
COMMITTEE OF REFERENCE:  
DIRECT FILE - HERNDON

**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.

35

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 BY:  \_\_\_\_\_, Assistant City Attorney DATE: Apr 9, 2020  
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