

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2015

COUNCIL BILL NO. CB15-0478  
COMMITTEE OF REFERENCE:  
Infrastructure & Culture

**A BILL**

**For an ordinance vacating the alley west of 1209 Perry Street, with reservations.**

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

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

**Section 1.** That the action of the Manager of Public Works in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

**PARCEL DESCRIPTION ROW 2014-VACA-0087001-001:**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO

That portion of the 15 foot wide alley in Block 5, West Villa Park abutting and West of Lots 25, 26, 27 and the South 9.00 feet of Lot 28, being 84 feet in length and 15 feet in width.

Containing 1260 square feet more or less

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

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

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the portion of the vacated area as described below (“Easement Area”) for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire Easement Area. The City reserves the

1 right to authorize the use of the reserved easement by all utility providers with existing facilities in  
2 the Easement Area. No trees, fences, retaining walls, landscaping or structures shall be allowed  
3 over, upon or under the Easement Area. Any such obstruction may be removed by the City or the  
4 utility provider at the property owner's expense. The property owner shall not re-grade or alter the  
5 ground cover in the Easement Area without permission from the City and County of Denver. The  
6 property owner shall be liable for all damages to such utilities, including their repair and  
7 replacement, at the property owner's sole expense. The City and County of Denver, its  
8 successors, assigns, licensees, permittees and other authorized users shall not be liable for any  
9 damage to property owner's property due to use of this reserved easement.

10 COMMITTEE APPROVAL DATE: July 16, 2015 by consent

11 MAYOR-COUNCIL DATE: July 21, 2015

12 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015

13 \_\_\_\_\_ - PRESIDENT

14 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2015

15 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
16 EX-OFFICIO CLERK OF THE  
17 CITY AND COUNTY OF DENVER  
18

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2015; \_\_\_\_\_, 2015

20 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: July 23, 2015

21 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
22 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
24 3.2.6 of the Charter.  
25

26 D. Scott Martinez, Denver City Attorney

27

28 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015