

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2016

COUNCIL BILL NO. CB16-0973  
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance vacating a portion of the sidewalk near 1530 South Pearl Street, with reservations.**

**WHEREAS**, the Executive Director 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;

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

**Section 1.** That the action of the Executive Director 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 NO. 2016-VACA-0000016-002:**

COMMENCING AT A RANGE POINT IN THE INTERSECTION OF SOUTH PEARL STREET AND EAST FLORIDA AVENUE FROM WHENCE A RANGE POINT IN THE INTERSECTION OF SOUTH WASHINGTON STREET AND EAST FLORIDA AVENUE BEARS NORTH 89°34'02" EAST, A DISTANCE OF 330.00', WITH ALL BEARINGS HEREIN RELATIVE THERETO.

THENCE SOUTH 13°03'39" EAST, A DISTANCE OF 192.52 FEET TO THE WEST LINE LOT 7, BLOCK 3, FLEMING'S SUBDIVISION, AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°09'02" WEST ALONG THE WEST LINE OF LOTS 7 THRU 11 SAID BLOCK 3, A DISTANCE OF 95.00 FEET;

THENCE NORTH 89°50'58" WEST, A DISTANCE OF 1.00 FEET;

THENCE NORTH 00°09'02" EAST, A DISTANCE OF 95.00 FEET;

THENCE SOUTH 89°50'58" EAST, A DISTANCE OF 1.00 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING: 95 SQ. FT., OR 0.002 ACRES OF LAND, 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 reserved easement for the

1 purposes of constructing, operating, maintaining, repairing, upgrading and replacing a sidewalk,  
2 including any installation of any right-of-way uses such as traffic control devices, street lights,  
3 landscaping, and any necessary appurtenances thereto ("Improvements"), upon, over, through and  
4 across the reserved easement, together with the right to remove trees, bushes, undergrowth and  
5 other obstructions interfering with the location, construction, use, and maintenance of said  
6 Improvements. Nothing herein shall require the City to construct, reconstruct, maintain, service or  
7 repair such Improvements. The City and County of Denver, its successors, assigns, licensees,  
8 permittees and other authorized users shall not be liable for any damage to property owner's property  
9 due to use of this reserved easement.

10 COMMITTEE APPROVAL DATE: October 20, 2016, by consent

11 MAYOR-COUNCIL DATE: October 25, 2016

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

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

14 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2016

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

20 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 27, 2016

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 Kristin M. Bronson, City Attorney for the City and County of Denver

27 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_