

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. CB15-0357
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating a portion of West Wells Place, 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 NO. 2009-0424-02-001

A portion of W. Wells Pl. right-of-way lying in Knox Addition to Denver Subdivision and Pleasant Hill Subdivision located in the SE1/4 of the NW1/4 of Section 6, Township 4 South, Range 68 West of the 6TH Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at the Northwest corner of Lot 7, Block 1, of said Knox Addition to Denver Subdivision; Thence N89°39'12"W, along a Westerly extension of the North line of said Block 1, a distance of 23.18 feet to a point of intersection with the Southerly extension of the West line of Block 2, of said Pleasant Hill Subdivision; Thence N0°20'48"E, along said Southerly extension, a distance of 30.02 feet to a point of intersection with the South line of said Pleasant Hill Subdivision; Thence S89°38'57"E, along said South line, a distance of 250.05 feet to a point of intersection with the Southerly extension of the East line of said Block 2; Thence N0°24'09"W, along said Southerly extension, a distance of 7.97 feet to the Southeast corner of said Block 2; Thence S89°39'12"E, a distance of 60.00 feet to the Southwest corner of Block 1, Pleasant Hill Subdivision; Thence S89°39'12"E, along the South line of said Block 1, a distance of 106.50 feet to the East line of said Block 1; Thence S0°23'50"E, along a Southerly extension of said East line of Block 1, a distance of 60.00 feet to a point of intersection with an Easterly extension of the South right-of-way line of W. Wells Pl. as described in Ordinance No. 123 of 1961; Thence N89°39'12"W, along said Easterly extension, a distance of 166.49 feet to the

[continued on next page]

1 East line of Parcel V- 38 as described in Ordinance No. 681 of 2009; Thence
2 N0°24'09"W, along said East line, a distance of 22.00 feet to a point on the North line
3 of said Block 1, Knox addition to Denver Subdivision; Thence N89°39'12"W, along
4 said North line, a distance of 227.26 feet to the Point of Beginning.

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

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

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

26
27 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: May 21, 2015 by consent
2 MAYOR-COUNCIL DATE: May 26, 2015
3 PASSED BY THE COUNCIL: _____, 2015
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2015
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: _____, 2015; _____, 2015
11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 28, 2015
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 D. Scott Martinez, Denver City Attorney
18
19 BY: _____, Assistant City Attorney DATE: _____, 2015