

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2017

COUNCIL BILL NO. CB17-0153  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of an alley bounded by 15<sup>th</sup> Street, Wynkoop**  
7 **Street, Wazee Street and the Cherry Creek, with reservations.**

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

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

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

15 **PARCEL DESCRIPTION ROW NO. 2016-VACA-0000013-001:**

16 THAT PORTION OF THE ALLEY ADJACENT TO LOTS 13 THROUGH 20, BLOCK 17, EAST DENVER,  
17 LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 68 WEST  
18 OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING  
19 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

20  
21 CONSIDERING THE NORTHWESTERLY LINE OF LOTS 17 THROUGH 20, BLOCK 17, TO BEAR  
22 N45°00'00"E, A DISTANCE OF 100.00 FEET BETWEEN A FOUND 2" ALUMINUM DISC WITH MAG NAIL  
23 "FLATIRONS SURVEYING LS 16406" AT THE WESTERLY MOST CORNER OF LOT 17 AND A FOUND  
24 3/4" BRASS TAG "FSI 16406" AT A 2.0' OFFSET TO THE NORTHERLY MOST CORNER OF LOT 20,  
25 WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

26  
27 BEGINNING AT SAID WESTERLY MOST CORNER OF LOT 17; THENCE N45°00'00"E, ALONG SAID  
28 NORTHWESTERLY LINE OF LOTS 17 THROUGH 20, A DISTANCE OF 100.00 FEET; THENCE  
29 N45°00'00"W, A DISTANCE OF 16.00 FEET TO THE EASTERLY MOST CORNER OF LOT 13; THENCE  
30 S45°00'00"W, ALONG THE SOUTHEASTERLY LINE OF LOTS 13 THROUGH 16, A DISTANCE OF  
31 100.00 FEET; THENCE S45°00'00"E, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING;

32  
33 SAID PORTION OF ALLEY CONTAINING 1,600 SQ. FT. OR 0.037 ACRES, MORE OR LESS

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

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

37 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its

1 successors and assigns, over, under, across, along and through the vacated area for the purposes  
2 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
3 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard  
4 surface shall be maintained by the property owner over the entire easement area. The City reserves  
5 the right to authorize the use of the reserved easement by all utility providers with existing facilities  
6 in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed  
7 over, upon or under the easement area. Any such obstruction may be removed by the City or the  
8 utility provider at the property owner's expense. The property owner shall not re-grade or alter the  
9 ground cover in the easement area without permission from the City and County of Denver. The  
10 property owner shall be liable for all damages to such utilities, including their repair and replacement,  
11 at the property owner's sole expense. The City and County of Denver, its successors, assigns,  
12 licensees, permittees and other authorized users shall not be liable for any damage to property  
13 owner's property due to use of this reserved easement.

14 COMMITTEE APPROVAL DATE: February 14 2017 by Consent

15 MAYOR-COUNCIL DATE: February 21, 2017

16 PASSED BY THE COUNCIL: \_\_\_\_\_

17 \_\_\_\_\_ - PRESIDENT

18 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

19 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
20 EX-OFFICIO CLERK OF THE  
21 CITY AND COUNTY OF DENVER  
22

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

24 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: February 23, 2017

25 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
26 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
28 3.2.6 of the Charter.

29  
30 Kristin M. Bronson, Denver City Attorney

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