

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB25-0151

SERIES OF 2025

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of Josephine Street and a portion of Columbine Street, adjacent to 4235 North Columbine Street, with reservations.

WHEREAS, the Executive Director of the Department of Transportation and Infrastructure 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 the Department of Transportation and Infrastructure in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2023-VACA-0000007-001:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, 40TH AND YORK STREET SUBDIVISION, BEING MONUMENTED BY A 5/8" X 18" REBAR WITH 1-1/4" DIAMETER RED PLASTIC CAP STAMPED "R&R ENG | PLS 34591" WHENCE THE SOUTH END OF THE EAST LINE OF SAID LOT 1, BEING MONUMENTED BY A 5/8" X 18" REBAR WITH 1-1/4" DIAMETER RED PLASTIC CAP STAMPED "R&R ENG | PLS 34591", IS ASSUMED TO BEAR SOUTH 00°09'01" WEST, A DISTANCE OF 252.78 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 27°36'55" EAST, A DISTANCE OF 130.09 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JOSEPHINE STREET, A 60-FOOT WIDE PUBLIC RIGHT-OF-WAY;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 00°09'01" WEST, A DISTANCE OF 350.16 FEET TO THE SOUTHERNMOST CORNER OF A PARCEL OF LAND DESCRIBED AT REC. NO. 2015111284;

1
2 THENCE DEPARTING SAID LINE, SOUTH 73°24'24" WEST, A DISTANCE OF 62.66 FEET TO
3 THE SOUTHEAST CORNER OF SAID LOT 1;
4
5 THENCE ALONG SAID EAST LINE OF LOT 1, NORTH 00°09'01" EAST, A DISTANCE OF 252.78
6 FEET TO THE POINT OF BEGINNING.
7
8 CONTAINING 18,089 SQUARE FEET OR 0.415 ACRE OF LAND
9
10 AND
11 **PARCEL DESCRIPTION ROW NO. 2023-VACA-0000007-002:**
12 A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3
13 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF
14 DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
15
16 BEGINNING AT THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AT REC. NO.
17 2015111284, ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF
18 COLUMBINE STREET AND THE SOUTH RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD,
19 BEING MONUMENTED BY A 5/8" X 18" REBAR WITH 1-1/4" DIAMETER RED PLASTIC CAP
20 STAMPED "R&R ENG | PLS 34591" WHENCE THE SOUTH END OF THE EAST LINE OF SAID
21 PARCEL BEING MONUMENTED BY A 5/8" X 18" REBAR WITH 1-1/4" DIAMETER RED PLASTIC
22 CAP STAMPED "R&R ENG | PLS 34591", IS ASSUMED TO BEAR SOUTH 00°08'47" WEST, A
23 DISTANCE OF 410.31 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE
24 THERETO;
25
26 THENCE NORTH 86°08'39" EAST, A DISTANCE OF 60.15 FEET TO THE NORTHWEST CORNER
27 OF PARCEL NO. EC-31R AS DESCRIBED AT REC. NO. 2012139155, ALSO BEING THE
28 INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID COLUMBINE STREET AND SAID
29 SOUTH RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD;
30 THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 00°08'47" WEST, A DISTANCE OF
31 206.92 FEET TO THE SOUTHWEST CORNER OF LAST SAID PARCEL;
32 THENCE SOUTH 16°16'05" WEST, A DISTANCE OF 216.08 FEET TO A POINT ON THE EAST
33 LINE OF SAID PARCEL OF LAND DESCRIBED AT REC. NO. 2015111284, ALSO BEING A POINT
34 ON SAID WEST RIGHT-OF-WAY LINE OF COLUMBINE STREET;
35 THENCE ALONG SAID LINE, NORTH 00°08'47" EAST, A DISTANCE OF 410.31 FEET TO THE
36 POINT OF BEGINNING.
37
38 CONTAINING 18,517 SQUARE FEET OR 0.425 ACRE OF LAND
39 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
40 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 vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, without limitation, 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 right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the easement area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver. The property owner shall be liable for all damages to such utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not be liable for any damage to property owner's property due to use of this reserved easement.

COMMITTEE APPROVAL DATE: February 11, 2025 by Consent

MAYOR-COUNCIL DATE: February 18, 2025

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: February 20, 2025

Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Katie J. McLoughlin, Interim City Attorney

BY: _____, Assistant City Attorney DATE: _____