

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB19-0623

3 SERIES OF 2019

COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of East Asbury Avenue between South High**
7 **Street, and South York Street, 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. 2018-VACA-0000012-001:**

16 A PARCEL OF LAND BEING A PORTION OF EAST ASBURY AVENUE RIGHT-OF-WAY,
17 ADJACENT TO BLOCKS 32, 33 AND UNIVERSITY PARK AMENDED MAP, VACATED SOUTH
18 GAYLORD STREET, VACATED SOUTH VINE STREET, VACATED SOUTH RACE STREET AND
19 VACATED ALLEYS WITHIN SAID BLOCKS 32 AND 33 AND FRATERNITY SUBDIVISION,
20 LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 68
21 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
22 COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

23
24 COMMENCING AT THE NORTHEAST CORNER OF LOT 8 OF SAID FRATERNITY
25 SUBDIVISION; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 8, S89°57'47"W A
26 DISTANCE OF 128.80 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE
27 NORTHERLY LINE OF SAID BLOCKS 31, 32, 33, FRATERNITY SUBDIVISION AND SAID
28 VACATED STREETS AND ALLEY, S89°57'47"W A DISTANCE OF 673.70 FEET; THENCE
29 N00°10'59"W A DISTANCE OF 20.00 FEET; THENCE ALONG A LINE THAT IS 20 FEET
30 NORTHERLY OF AND PARALLEL TO SAID EAST ASBURY AVENUE RIGHT-OF-WAY,
31 N89°57'47"E A DISTANCE OF 552.78 FEET; THENCE S86°13'12"E A DISTANCE OF 71.48
32 FEET; THENCE S40°01'42"E A DISTANCE OF 12.06 FEET; THENCE ALONG A LINE THAT IS 6
33 FEET NORTHERLY OF AND PARALLEL TO SAID EAST ASBURY AVENUE RIGHT-OF-WAY,
34 N89°57'47"E A DISTANCE OF 41.95 FEET; THENCE S00°24'14"W A DISTANCE OF 6.00 FEET
35 TO THE POINT OF BEGINNING;
36 SAID PARCEL CONTAINS 0.290 ACRES (12,646 SQUARE FEET), MORE OF LESS.
37 ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.
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1 BASIS OF BEARINGS AND COORDINATES:
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3 BEARINGS ARE BASED ON STATE PLANE COORDINATES FOR THE NAD 83(1996)
4 COLORADO CENTRAL ZONE BASED ON THE CITY AND COUNTY OF DENVER HORIZONTAL
5 CONTROL NETWORK. COORDINATES ARE MODIFIED TO GROUND LEVEL BY
6 MULTIPLYING THE STATE PLANE COORDINATES BY A COMBINED SCALE FACTOR OF
7 1.000267379 AND SUBTRACTING 1,000,000 FROM THE NORTHING AND 3,000,000 FROM
8 THE EASTING WITH A BEARING OF N89°57'47"E ALONG THE 20 FOOT RANGE LINE IN
9 EAST ASBURY AVENUE BETWEEN S. RACE ST. AND S. YORK ST. BEING MONUMENTED
10 BY A FOUND #4 REBAR IN RANGE BOX AT S, RACE ST. AND A FOUND 1 1/2" SQUARE ROD
11 PLS # 31158 IN RANGE BOX AT S. YORK ST.

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

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

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2 COMMITTEE APPROVAL DATE: July 2, 2019 by Consent
3 MAYOR-COUNCIL DATE: July 9, 2019 by Consent
4 PASSED BY THE COUNCIL: July 22, 2019
5 _____ - PRESIDENT
6 APPROVED: _____ - MAYOR Jul 23, 2019
7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER
10
11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
12 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: July 11, 2019
13 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
16 3.2.6 of the Charter.
17
18 Kristin M. Bronson, Denver City Attorney
19 BY: Kristin M. Bronson, Assistant City Attorney DATE: Jul 10, 2019