

BY AUTHORITY

1
2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-1405
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of the alley bounded by West 22nd Avenue,**
7 **Lowell Boulevard, West 23rd Avenue and King 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-0000011-001:**

16 BEGINNING AT THE NORTHEAST CORNER OF LOT 18, BLOCK 33, JOHN C. GALLUPS
17 RESUBDIVISION OF BLOCK 33, WITTER & COFIELDS SUBDIVISION,
18 THENCE N89°59'30"W A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF LOT
19 19;
20 THENCE N00°00'00"E A DISTANCE OF 13.00 FEET;
21 THENCE S89°59'30"E A DISTANCE OF 50.00 FEET;
22 THENCE S00°00'00"W A DISTANCE 13.00 FEET TO THE POINT OF BEGINNING,
23 CONTAINING 650 S.F.
24 CITY AND COUNTY OF DENVER,
25 STATE OF COLORADO

26 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
27 vacated;

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

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

15 COMMITTEE APPROVAL DATE: November 27, 2018 by Consent

16 MAYOR-COUNCIL DATE: December 4, 2018

17 PASSED BY THE COUNCIL: December 17, 2018 _____

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____

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

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

24 PREPARED BY: Bradley A. Beck, Assistant City Attorney DATE: December 6, 2018

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 Kristin M. Bronson, Denver City Attorney

30 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Dec 5, 2018
32 _____