

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0059
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating a portion of Quebec Street, near the Belleview Light Rail Station, with reservations.

WHEREAS, the Executive Director 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 Executive Director 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 # 2015-VACA-0031001:

A PORTION OF SOUTH QUEBEC STREET LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF LOT 1, BLOCK 5, BELLEVIEW STATION FILING NO. 2, RECORDED JULY 24, 2009 AT RECEPTION NUMBER 2009095677 AT THE CITY AND COUNTY OF DENVER CLERK AND RECORDER’S OFFICE, MONUMENTED AT THE NORTH END BY A YELLOW PLASTIC CAP STAMPED “LS 37948” AND ON THE SOUTH END BY A YELLOW PLASTIC CAP STAMPED “LS37948”, WITH THE LINE ASSUMED TO BEAR S00°16’41”E;

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 5, BELLEVIEW STATION FILING NO. 2;
THENCE S00°16’41”E, ALONG THE EAST LINE OF SAID LOT 1, BLOCK 5, A DISTANCE OF 126.88 FEET TO **THE POINT OF BEGINNING**;
THENCE DEPARTING THE EAST LINE OF SAID LOT 1, BLOCK 5, N90°00’00”E, A DISTANCE OF 17.40 FEET;
THENCE S00°16’41”E, A DISTANCE OF 41.85 FEET;
THENCE N90°00’00”W, A DISTANCE OF 17.40 FEET;
THENCE N00°16’41”W, A DISTANCE OF 41.85 FEET **THE POINT OF BEGINNING**.
CONTAINING A CALCULATED AREA OF 728 SQUARE FEET OR 0.017 ACRES.

TOGETHER WITH AN EASEMENT RESERVED BY THE CITY AND COUNTY OF DENVER, ITS SUCCESSORS AND ASSIGNS, OVER, UNDER AND ACROSS THE WESTERLY 5.00 FEET OF THE ABOVE DESCRIBED PROPERTY, FOR SIDEWALK PURPOSES.

CONTAINING A CALCULATED AREA OF 209.25 SQUARE FEET OR 0.005 ACRES.

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

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

16 COMMITTEE APPROVAL DATE: February 4, 2016 by Consent

17 MAYOR-COUNCIL DATE: February 9, 2016

18 PASSED BY THE COUNCIL: _____, 2016
19 _____ - PRESIDENT

20 APPROVED: _____ - MAYOR _____, 2016

21 ATTEST: _____ - CLERK AND RECORDER,
22 EX-OFFICIO CLERK OF THE
23 CITY AND COUNTY OF DENVER
24

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

26 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: February 11, 2016

27 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
28 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
29 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
30 § 3.2.6 of the Charter.
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32 D. Scott Martinez, Denver City Attorney

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34 BY: _____, Assistant City Attorney DATE: _____, 2016