

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2018

COUNCIL BILL NO. CB18-0973

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance relinquishing the easement reserved in Ordinance No. 174, Series of 2006, recorded with Denver Clerk & Recorder at Reception No. 2006042919 and simultaneously replacing it with an alternate easement, located near 660 Bannock Street.**

**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 requires the easement reserved in Ordinance No. 174, Series of 2006, recorded with Denver Clerk & Recorder at Reception No. 2006042919, and subject to approval by ordinance, has relinquished the same (“Relinquished Easement”); and

**WHEREAS**, the Executive Director of Public Works of the City and County of Denver has determined that the public use, convenience and necessity is better served by replacing the Relinquished Easement with an alternate reserved easement (“Alternate Easement”) that is located within the boundaries of the Relinquished Easement and encompasses less area than the Relinquished Easement, in the areas hereinafter described, and subject to approval by ordinance, has reserved the same.

**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 relinquishing the easement reserved in Ordinance No.174, Series 2006, recorded with Denver Clerk & Recorder at Reception No. 2006042919, be and the same is hereby approved and that the easement is hereby relinquished.

**Section 2.** That the action of the Executive Director of Public Works in reserving the Alternate Easement located entirely within the boundaries of the Relinquished Easement, in the following areas:

**PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-001:**

A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15 AND 18, WHITSITT’S ADDITION TO DENVER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,

1 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY  
2 DESCRIBED AS FOLLOWS:

3  
4 COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 15, WHITSITT'S ADDITION  
5 TO DENVER, THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID VACATED  
6 7TH AVENUE, N89°11'51"E A DISTANCE OF 22.73 FEET TO THE POINT OF BEGINNING;  
7 THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N89°11'51"E A  
8 DISTANCE OF 110.00 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE,  
9 S00°51'50"E A DISTANCE OF 70.50 FEET; THENCE S89°11'51"W A DISTANCE OF 110.00  
10 FEET; THENCE N00°51'50"W A DISTANCE OF 70.50 FEET TO THE POINT OF BEGINNING.

11  
12 THE AREA HEREIN DESCRIBED SHALL FOREVER BE SUBJECT TO MAINTENANCE OF A 25  
13 FOOT CLEARANCE AS MEASURED FROM THE GROUND SURFACE TO THE UNDERSIDE OF  
14 THE PROPOSED STRUCTURE.

15  
16 SAID PARCEL CONTAINS 7,755 SQUARE FEET (0.178 ACRES), MORE OR LESS.

17  
18 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

19  
20 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH  
21 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"  
22 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

23  
24 and

25 **PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-002:**

26  
27 A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN  
28 BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE  
29 SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF  
30 THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF  
31 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

32  
33 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S  
34 ADDITION TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF  
35 SAID VACATED 7TH AVENUE, N89°11'51"E A DISTANCE OF 9.10 FEET; THENCE  
36 DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE N00°51'50"W A DISTANCE OF  
37 1.00 FEET TO THE POINT OF BEGINNING;  
38 THENCE N00°51'50"W A DISTANCE OF 8.50 FEET; THENCE N89°11'51"E A DISTANCE  
39 OF 137.00 FEET; THENCE S00°51'50"E A DISTANCE OF 8.50 FEET; THENCE  
40 S89°11'51"W A DISTANCE OF 54.81 FEET; THENCE N00°51'50"W A DISTANCE OF 4.00  
41 FEET; THENCE S89°11'51"W A DISTANCE OF 24.00 FEET; THENCE S00°51'50"E A  
42 DISTANCE OF 4.00 FEET; THENCE S89°11'51"W A DISTANCE OF 58.19 FEET TO THE  
43 POINT OF BEGINNING.

44  
45 THE AREA HEREIN DESCRIBED SHALL FOREVER BE SUBJECT TO MAINTENANCE  
46 OF A 13.5 FOOT CLEARANCE AS MEASURED FROM THE GROUND SURFACE TO THE  
47 UNDERSIDE OF THE PROPOSED STRUCTURE.

48  
49 SAID PARCEL CONTAINS 1,069 SQUARE FEET (0.025 ACRES), MORE OR LESS.

50

1 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

2  
3 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH  
4 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"  
5 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

6  
7 and

8 **PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-003:**

9  
10 A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN  
11 BLOCK 15 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE  
12 SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF  
13 THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF  
14 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

15  
16 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S  
17 ADDITION TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF  
18 SAID VACATED 7TH AVENUE N89°11'51"E A DISTANCE OF 9.10 FEET TO THE POINT  
19 OF BEGINNING; THENCE N00°51'50"W A DISTANCE OF 1.00 FEET; THENCE  
20 N89°11'51"E A DISTANCE OF 58.19 FEET; THENCE N00°51'50"W A DISTANCE OF 4.00  
21 FEET; THENCE N89°11'51"E A DISTANCE OF 24.00 FEET; THENCE S00°51'50"E A  
22 DISTANCE OF 4.00 FEET; N89°11'51"E A DISTANCE OF 54.81 FEET THENCE  
23 S00°51'50"E A DISTANCE OF 1.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT-  
24 OF-WAY LINE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, S89°11'51"W  
25 A DISTANCE OF 137.00 FEET TO THE POINT OF BEGINNING.

26  
27 SAID PARCEL CONTAINS 233 SQUARE FEET (0.005 ACRES), MORE OR LESS.

28  
29 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

30  
31 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH  
32 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"  
33 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

34  
35 and

36 **PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-004:**

37  
38 A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15  
39 AND 18, WHITSITT'S ADDITION TO DENVER, LOCATED IN THE SOUTHWEST QUARTER OF  
40 SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
41 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY  
42 DESCRIBED AS FOLLOWS:

43  
44 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION  
45 TO DENVER, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VACATED  
46 7TH AVENUE, N89°11'51"E A DISTANCE OF 146.10 FEET TO THE POINT OF BEGINNING;  
47 THENCE N00°51'50"W A DISTANCE OF 9.50 FEET; THENCE S89°11'51"W A DISTANCE OF  
48 13.37 FEET; THENCE N00°51'50"W A DISTANCE OF 70.50 FEET TO A POINT ON THE  
49 NORTHERLY LINE OF SAID VACATED 7<sup>TH</sup> AVENUE; THENCE ALONG SAID NORTHERLY  
50 LINE, N89°11'51"E A DISTANCE OF 148.98 FEET TO A POINT ON THE SOUTHWESTERLY

1 RIGHT-OF-WAY LINE OF SPEER BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY  
2 LINE, 49.71 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A  
3 RADIUS OF 1891.39 FEET, A CENTRAL ANGLE OF 01°30'21" AND A CHORD WHICH BEARS  
4 S51°21'14"E 49.71 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ACOMA  
5 STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE, S00°52'36"E A DISTANCE OF 48.42  
6 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION TO  
7 DENVER; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 7<sup>TH</sup> AVENUE,  
8 S89°11'51"W A DISTANCE OF 173.97 FEET TO THE POINT OF BEGINNING.

9  
10 SAID PARCEL CONTAINS 14,250 SQUARE FEET (0.327 ACRES), MORE OR LESS.

11  
12 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

13  
14 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH  
15 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"  
16 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

17 and

18 **PARCEL DESCRIPTION ROW NO. 2018-RELINQ-0000011-005:**

19  
20 A PARCEL OF LAND BEING A PORTION OF VACATED 7TH AVENUE BETWEEN BLOCK 15  
21 AND 18, WHITSITT'S ADDITION TO DENVER LOCATED IN THE SOUTHWEST QUARTER OF  
22 SECTION 3, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
23 CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY  
24 DESCRIBED AS FOLLOWS:

25  
26 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 18, WHITSITT'S ADDITION  
27 TO DENVER, POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BANNOCK  
28 STREET AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY  
29 LINE, N00°51'50"W A DISTANCE OF 80.00 FEET TO THE NORTHWEST CORNER OF  
30 VACATED 7<sup>TH</sup> AVENUE; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID  
31 VACATED 7<sup>TH</sup> AVENUE, N89°11'51"E A DISTANCE OF 22.73 FEET; THENCE S00°51'50"E A  
32 DISTANCE OF 70.50 FEET; THENCE S89°11'51"W A DISTANCE OF 13.63 FEET; THENCE  
33 S00°51'50"E A DISTANCE OF 9.50 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY  
34 LINE OF SAID 7<sup>TH</sup> AVENUE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE,  
35 S89°11'51"W A DISTANCE OF 9.10 FEET TO THE POINT OF BEGINNING.

36  
37 SAID PARCEL CONTAINS 1,689 SQUARE FEET (0.039 ACRES), MORE OR LESS.

38  
39 ALL LINEAL DIMENSIONS ARE IN US SURVEY FEET

40  
41 BEARINGS ARE BASED ON THE 20' RANGE LINE IN ACOMA ST BETWEEN WEST 6TH  
42 AVENUE A 1" DIAMETER IRON ROD IN RANGE BOX AND WEST 7TH AVENUE A 2"  
43 DIAMETER BRASS DISK WHICH BEARS S00°52'36"E A DISTANCE OF 605.62 FEET

44 be and the same is hereby approved and the above described Alternate Easement is hereby  
45 established as a perpetual, non-exclusive easement reserved by the City and County of Denver  
46 ("City"), its successors and assigns, over, under, across, along and through the Alternate

1 Easement for the purposes of constructing, operating, maintaining, repairing, upgrading and  
2 replacing public or private utilities including storm drainage, sanitary sewer, and water facilities and  
3 all appurtenances to said utilities. With the exception of any structures or improvements approved  
4 in writing by Public Works, a hard surface shall be maintained by the property owner over the  
5 entire Alternate Easement area. The City reserves the right to authorize the use of the Alternate  
6 Easement by all utility providers with existing facilities in the Alternate Easement area. With the  
7 exception of any structures or improvements approved in writing by Public Works, no trees, fences,  
8 retaining walls, landscaping or structures shall be allowed over, upon or under the Alternate  
9 Easement area. Any such obstruction may be removed by the City or the utility provider at the  
10 property owner's expense. The property owner shall not re-grade or alter the ground cover in the  
11 Alternate Easement area without permission from the City, except as allowed by an approved Site  
12 Development Plan. The property owner shall be liable for all damages to such utilities, including  
13 their repair and replacement, at the property owner's sole expense. The City, its successors,  
14 assigns, licensees, permittees and other authorized users shall not be liable for any damage to  
15 property owner's property due to use of this Alternate Easement.

16 COMMITTEE APPROVAL DATE: September 11, 2018 by Consent

17 MAYOR-COUNCIL DATE: N/A

18 PASSED BY THE COUNCIL: \_\_\_\_\_  
19 \_\_\_\_\_ - PRESIDENT

20 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

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

25 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 13, 2018

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
27 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
28 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6  
29 of the Charter.

30 Kristin M. Bronson, Denver City Attorney

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