

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2017

COUNCIL BILL NO. CB16-1320
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure]

A BILL

For an ordinance vacating the alley bounded by 26th Street, 27th Street, Walnut Street and Larimer Street, 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;

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 NO. 2016-VACA-0000011-001:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A 16 FOOT ALLEY LOCATED IN BLOCK 28 OF CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 32, BLOCK 28 OF SAID CASE AND EBERT'S ADDITION TO THE CITY OF DENVER WHENCE THE RANGE POINT IN THE INTERSECTION OF 27TH STREET AND LARIMER STREET BEARS S52°51'07"E;

THENCE S45°00'05"W ALONG THE SOUTHEASTERLY LINE OF SAID 16 FOOT ALLEY, A DISTANCE OF 400.48 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF 26TH STREET;

THENCE N44°59'55"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID 26TH STREET, A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 16; BLOCK 28 OF SAID CASE AND EBERT'S ADDITION TO THE CITY OF DENVER;

THENCE N45°00'05"E ALONG THE NORTHWESTERLY LINE OF SAID 16 FOOT ALLEY, A DISTANCE OF 400.48 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF 27TH STREET;

THENCE S44°59'55"E, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID 27TH STREET, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE 20 FOOT RANGE LINE ON LARIMER STREET, BETWEEN 26TH STREET AND 27TH STREET, BEING S45°00'05"W USING THE CITY AND COUNTY OF DENVER CONTROL COORDINATES, AS MONUMENTED AT THE SOUTHWEST AT 26TH STREET AND LARIMER STREET BY A FOUND RANGE POINT IN MONUMENT BOX AND MONUMENTED AT THE NORTHEAST AT 27TH STREET AND LARIMER STREET BY A FOUND RANGE POINT IN MONUMENT BOX.

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

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

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

18 **REMAINDER OF PAGE INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: December 20, 2016 by Consent
2 MAYOR-COUNCIL DATE: December 27, 2016
3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: December 29, 2016

12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.

16
17 Kristin M. Bronson, Denver City Attorney

18 BY: _____, Assistant City Attorney DATE: _____