

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0582
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of 39th Street at its intersection with Wynkoop Street; vacating all of the alley near the intersection of Wynkoop and 38th Streets; and vacating all of the alley near the intersection of Wynkoop and 40th Streets, without reservations.

WHEREAS, the Manager 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 portions of certain areas in the system of thoroughfares of the municipality hereinafter described and, subject to approval by ordinance, has vacated the same, without reservations;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the action of the Manager of Public Works in vacating the following described right of ways in the City and County of Denver and State of Colorado, to wit:

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LEGAL DESCRIPTION ROW 2011-0170-04-001

39th Street Vacation of the RTD East Corridor Commuter Rail Project, being the portion of 39th Street in ST VINCENT'S ADDITION SECOND FILING recorded April 2, 1890 in the City and County of Denver Clerk and Recorder's Office lying southeasterly of the southeast line of the Wynkoop Street right-of-way, located in the Southwest Quarter of Section 23, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, more particularly described as follows:

COMMENCING at the 20 foot by 20 foot Range Point at 39th Street and Wynkoop Street (a found #8 rebar) WHENCE the 20 foot by 20 foot Range Point at 38th Street and Wynkoop Street (a 2-12" aluminum rock cap, LS 24942) bears S44°54'49"W a distance of 397.18 feet (basis of bearing - assumed);

THENCE S00°01 '52E a distance of 84.93 feet to the northerly corner of Tax Deed 3091 recorded May 9, 1938 in the City and County of Denver Clerk and Recorder's Office and the POINT OF BEGINNING;

THENCE the following two (2) courses coincident with the southeasterly line of the Wynkoop Street right-of-way:

1) N44 °54'49"E a distance of 60.18 feet;

2) N44°47'57"E a distance of 19.82 feet;

THENCE the following two (2) courses coincident with the northeasterly and southerly lines of said ST VINCENT'S ADDITION SECOND FILING:

1) S44°58'33"E a distance of 89.76 feet;

2) N89°56'43"W a distance of 113.20 feet;

THENCE N44°58'33"W coincident with the northeasterly line of said Tax Deed a distance of 9.47 feet to the POINT OF BEGINNING.

Containing 3,968 square feet, (0.091 Acres), more or less.

and

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LEGAL DESCRIPTION ROW 2011-0170-04-002

Alley Vacation 1 of the RTD East Corridor Commuter Rail Project, being all of the alley in Block 1, Ironton recorded January 10, 1880 in the City and County of Denver Clerk and Recorder's Office located in the Southwest Quarter of Section 23, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being additionally described as follows:

COMMENCING at the 20 foot by 20 foot Range Point at 38th Street and Wynkoop Street (a 2 ½" aluminum rock cap, LS 24942) WHENCE a three foot witness cap to the 20 foot Range Point at 38th Street and the railroad right of way (a 2 ½" aluminum rock cap, LS 24942) bears S45°06'57"E a distance of 403.25 feet (basis of bearing - assumed); THENCE S51°17'00"E a distance of 186.15 feet to the south corner of Lot 16 of said Block 1 and the POINT OF BEGINNING;

THENCE N44°54'13"E coincident with the southeasterly line of Lots 16 through 8 inclusive of said Block 1 a distance of 205.59 feet;
THENCE S00°01'48"W coincident with the easterly line of said Ironton a distance of 22.68 feet;
THENCE S44°54'13"W coincident with the northwesterly line of Lots 24 through 17 inclusive of said Block 1 a distance of 189.51 feet;
THENCE N45°06'57"W coincident with the northeasterly line of the 38th Street right-of-way a distance of 16.00 feet to the POINT OF BEGINNING.
Containing 3,161 square feet, (0.073 Acres), more or less.

and

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LEGAL DESCRIPTION ROW 2011-0170-04-003

Alley Vacation 2 of the RTD East Corridor Commuter Rail Project, being all of the alley in Block 29, St Vincent's Addition, recorded May 23, 1874 in the City and County of Denver Clerk and Recorder's Office, located in the Southwest Quarter of Section 23, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being additionally described as follows:

COMMENCING at the 20 foot by 20 foot Range Point at 39th Street and Wynkoop Street (a #8 rebar) WHENCE the 20 foot by 20 foot Range Point at 40th Street and Wynkoop Street (a #8 rebar) bears N44°47'57"E a distance of 479.82 feet (basis of bearing - assumed);

THENCE S64°27'09"E a distance of 212.91 feet to the west corner of Lot 19 of said Block 29 and the POINT OF BEGINNING;

THENCE N89°56'43"W coincident with the southerly line of said St Vincent's Addition a distance of 22.53 feet;

THENCE N44°47'57"E coincident with the southeasterly line of Lots 15 through 1 inclusive of said Block 29 a distance of 364.75 feet;

THENCE S44°58'33"E coincident with the southwesterly line of the 40th Street right-of-way vacated by Ordinance 187-1927 a distance of 16.00 feet;

THENCE S44°47'57"W coincident with the northwesterly line of Lots 32 through 19 inclusive of said Block 29 a distance of 348.83 feet to the POINT OF BEGINNING.

Containing 5,709 square feet, (0.131 Acres), more or less.

be and the same are hereby approved and the described areas are hereby vacated and declared vacated, without reservations.

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1 COMMITTEE APPROVAL DATE: August 29, 2013 [by consent]
2 MAYOR-COUNCIL DATE: September 3, 2013
3 PASSED BY THE COUNCIL: _____, 2013
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2013
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: _____, 2013; _____, 2013
11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 5, 2013
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 Douglas J. Friednash, Denver City Attorney
18 BY: _____, City Attorney DATE: _____, 2013
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