

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013

COUNCIL BILL NO. CB13-0534  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

**A BILL**

**For an ordinance vacating a portion of the alley in the block bounded by West 19<sup>th</sup> Avenue, West 18<sup>th</sup> Avenue, North Grove Street and North Hooker Street, located in Block 11 of Kittredge’s Resubdivision in Cheltenham Heights near 3120 West 19<sup>th</sup> Avenue, with 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 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 Manager of Public Works in vacating the following described right-of-way in the City and County of Denver and State of Colorado, to wit:

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**PARCEL DESCRIPTION ROW 2013-0133-03-001**

LEGAL.DESCRIP1ION

A PARCEL OF LAND LOCATED IN KITTREDGE'S RESUBDIVISION OF BLOCK 11, CHELTENHAM HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 33, KITTREDGE'S RESUBDIVISION OF BLOCK 11, CHELTENHAM HEIGHTS AND CONSIDERING THE NORTH LINE OF SAID KITTREDGES RESUBDIVISION OF

BLOCK 11 TO BEAR NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST. WITH ALL BEARINGS

CONTAINED HEREIN BEING RELATIVE THERETO; THENCE SOUTH 00 DEGREES 02 MINUTES 06 SECONDS

EAST ALONG THE WEST LINE OF SAID LOT 33, AN AS MEASURED DISTANCE OF 145.06 FEET TO

THE SOUTHWEST CORNER OF SAID LOT 33 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 02 MINUTES 06 SECONDS EAST, A DISTANCE OF 25.00 FEET

TO A POINT ON THE WEST LINE OF LOT 36 OF SAID KITTREDGE'S RESUBDIVISION OF BLOCK 11;

THENCE NORTH 44 DEGREES 59 MINUTES 05 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF

SAID LOT 36, A DISTANCE OF 14.14 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 36;

THENCE SOUTH 89 DEGREES 59 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 36,

A DISTANCE OF 60.09 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 36; THENCE

SOUTH 45 DEGREES 00 MINUTES 28 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 36,

A DISTANCE OF 14.15 FEET TO A POINT ON THE EAST LINE OF SAID LOT 36; THENCE NORTH 00

DEGREES 01 MINUTES 13 SECONDS WEST AND PARALLEL WITH THE EAST LINE OF SAID LOT 36, A

DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF LOT 35, KITIREOGE'S RESUBDIVISION OF

BLOCK 11, CHELTENHAM HEIGHTS; THENCE NORTH 89 DEGREES 59 MINUTES 43 SECONDS WEST ALONG

THE SOUTH LINE OF LOTS 35, 34 AND 33, KITTREDGE'S RESUBDIVISION OF BLOCK 11. CHELTENHAM

HEIGHTS, A DISTANCE OF 80.09 FEET TO THE POINT OR BEGINNING.

(CONTAINING 1,301 SQUARE FEET MORE OR LESS)

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

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1           **Section 2.**   PROVIDED, HOWEVER, said vacation shall be subject to a reservation in  
2 the following described area:

3                                   **PARCEL DESCRIPTION ROW 2013-0133-03-002**

4                                   LEGAL DESCRIPTION

5                                   THE EAST 3.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:  
6 A PARCEL OF LAND LOCATED IN KITTREDGE'S RESUBDIVISION OF BLOCK 11,  
7 CHELTENHAM HEIGHTS.  
8 CITY AND COUNTY OF DENVER, STATE OF COLORADO. MORE PARTICULARLY  
9 DESCRIBED AS FOLLOWS:

10                                  COMMENCING AT THE NORTHWEST CORNER OF LOT 33, KITTREDGE'S  
11 RESUBDIVISION OF BLOCK 11,  
12 CHELTENHAM HEIGHTS AND CONSIDERING THE NORTH LINE OF SAID KITTREDGE'S  
13 RESUBDIVISION OF  
14 BLOCK 11 TO BEAR NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST. WITH ALL  
15 BEARINGS  
16 CONTAINED HEREIN BEING RELATIVE THERETO; THENCE SOUTH 00 DEGREES 02  
17 MINUTES 06 SECONDS  
18 EAST ALONG THE WEST LINE OF SAID LOT 33, AN AS MEASURED DISTANCE OF  
19 145.06 FEET TO  
20 THE SOUTHWEST CORNER OF SAID LOT 33 AND THE POINT OF BEGINNING;

21                                  THENCE CONTINUING SOUTH 00 DEGREES 02 MINUTES 06 SECONDS EAST, A  
22 DISTANCE OF 25.00 FEET  
23 TO A POINT ON THE WEST LINE OF LOT 36 OF SAID KITTREDGE'S RESUBDIVISION  
24 OF BLOCK 11;  
25 THENCE NORTH 44 DEGREES 59 MINUTES 05 SECONDS EAST ALONG THE  
26 NORTHWESTERLY LINE OF  
27 SAID LOT 36, A DISTANCE OF 14.14 FEET TO A POINT ON THE NORTH LINE OF SAID  
28 LOT 36;  
29 THENCE SOUTH 89 DEGREES 59 MINUTES 04 SECONDS EAST ALONG THE NORTH  
30 LINE OF SAID LOT 36,  
31 A DISTANCE OF 60.09 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT  
32 36; THENCE  
33 SOUTH 45 DEGREES 00 MINUTES 28 SECONDS EAST ALONG THE NORTHEASTERLY  
34 LINE OF SAID LOT 36,  
35 A DISTANCE OF 14.15 FEET TO A POINT ON THE EAST LINE OF SAID LOT 36; THENCE  
36 NORTH 00  
37 DEGREES 01 MINUTES 13 SECONDS WEST AND PARALLEL WITH THE EAST LINE OF  
38 SAID LOT 36, A  
39 DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF LOT 35, KITIREDDGE'S  
40 RESUBDIVISION OF  
41 BLOCK 11, CHELTENHAM HEIGHTS; THENCE NORTH 89 DEGREES 59 MINUTES 43  
42 SECONDS WEST ALONG  
43 THE SOUTH LINE OF LOTS 35, 34 AND 33, KITTREDGE'S RESUBDIVISION OF BLOCK  
44 11, CHELTENHAM  
45 HEIGHTS, A DISTANCE OF 80.09 FEET TO THE POINT OR BEGINNING.

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

10 COMMITTEE APPROVAL DATE: August 8, 2013 [by consent]

11 MAYOR-COUNCIL DATE: August 13, 2013

12 PASSED BY THE COUNCIL: \_\_\_\_\_, 2013  
13 \_\_\_\_\_ - PRESIDENT

14 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013

15 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
16 EX-OFFICIO CLERK OF THE  
17 CITY AND COUNTY OF DENVER  
18

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2013; \_\_\_\_\_, 2013

20 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: August 15, 2013

21 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
22 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
24 3.2.6 of the Charter.  
25

26 Douglas J. Friednash, Denver City Attorney

27 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2013