

BY AUTHORITY

1
2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. CB21-1423
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating four (4) portions of right-of-way near West Ohio**
7 **Avenue and South Cherokee Street: two (2) areas located along South Cherokee**
8 **Street; one (1) area located along West Ohio Avenue; and, one (1) area located**
9 **along South Elati Street, with reservations.**

10 **WHEREAS**, the Executive Director of the Department of Transportation and Infrastructure of
11 the City and County of Denver has found and determined that the public use, convenience and
12 necessity no longer require those certain areas in the system of thoroughfares of the municipality
13 hereinafter described and, subject to approval by ordinance, has vacated the same with the
14 reservations hereinafter set forth;

15 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

16 **Section 1.** That the action of the Executive Director of the Department of Transportation
17 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,
18 State of Colorado, to wit:

19 **PARCEL DESCRIPTION ROW NO. 2020-VACA-0000016-001:**

20 PARTS OF S. CHEROKEE STREET, W. OHIO AVENUE AND S. ELATI STREET, RECORDED IN
21 VANDERBILT PARK AT ENGINEERING BOOK 19 AT PAGE 36, RECORDS OF THE CITY AND
22 COUNTY OF DENVER, STATE OF COLORADO, BEING LOCATED IN THE SOUTHWEST ONE-
23 QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL
24 MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE
25 PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE EAST
26 LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 4 SOUTH, RANGE
27 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED ON THE NORTH END
28 BY A FOUND ORIGINAL NOTCHED STONE IN A RANGE BOX AND ON THE SOUTH END BY A
29 FOUND 3-1/4" ALUMINUM CAP ON A NO. 6 REBAR 6" DEEP IN RANGE BOX STAMPED "JF
30 SATO & ASSOC., 1/4, S15/S22, T4N R68W, PLS 37056, 2017" AND IS ASSUMED TO BEAR
31 NORTH 00°44'36" WEST, 2647.74 FEET.

32
33 **PARCEL "A" (S. CHEROKEE STREET)**

34
35 **COMMENCING** AT THE SOUTH END OF SAID EAST LINE; THENCE NORTH 47°35'42" WEST,
36 A DISTANCE OF 1,819.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF

1 SOUTH SANTA FE DRIVE, SAID POINT BEING THE **POINT OF BEGINNING**; SAID POINT
2 BEING ALSO THE BEGINNING OF A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT
3 BEARS SOUTH 65°20'25" WEST, A RADIAL DISTANCE OF 1,943.49 FEET;
4
5 THENCE NORTHWESTERLY ON SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY LINE
6 OF SOUTH SANTA FE DRIVE, THROUGH A CENTRAL ANGLE OF 01°10'21", AN ARC
7 DISTANCE OF 39.78 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY
8 LINE WITH THE WEST RIGHT-OF-WAY LINE OF SAID S. CHEROKEE STREET;
9
10 THENCE NORTH 00°30'29" WEST, ON SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF
11 736.41 FEET TO **POINT "A"**;
12
13 THENCE SOUTH 09°27'08" EAST, A DISTANCE OF 88.94 FEET;
14
15 THENCE NORTH 80°32'52" EAST, A DISTANCE OF 14.38 FEET TO **POINT "B"**, BEING ALSO A
16 POINT ON SAID EAST RIGHT-OF-WAY LINE OF S. CHEROKEE STREET;
17
18 THENCE SOUTH 00°37'46" EAST, ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF
19 680.14 FEET;
20
21 THENCE SOUTH 61°41'14" WEST, A DISTANCE OF 14.50 FEET TO THE **POINT OF**
22 **BEGINNING**.

23
24 THE ABOVE PARCEL DESCRIPTION CONTAINS A CALCULATED AREA OF 19,970 SQUARE
25 FEET OR (0.45844 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED
26 GRAPHICAL EXHIBIT FOR REFERENCE.
27

28 **PARCEL "B" (S. CHEROKEE STREET)**

29
30 **COMMENCING** AT THE PREVIOUSLY MENTIONED **POINT "B"**; THENCE NORTH 00°37'46"
31 WEST, ON SAID EAST RIGHT-OF-WAY LINE OF S. CHEROKEE STREET, A DISTANCE OF
32 362.63 FEET TO THE **POINT OF BEGINNING**;
33 THENCE NORTH 09°27'08" WEST, A DISTANCE OF 89.00 FEET TO A 166.00 FOOT RADIUS
34 NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 11°32'50" WEST;
35
36 THENCE EASTERLY ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°09'48", AN ARC
37 DISTANCE OF 0.47 FEET;
38
39 THENCE SOUTH 78°17'23" EAST, A DISTANCE OF 13.50 FEET TO SAID EAST RIGHT-OF-
40 WAY LINE OF S. CHEROKEE STREET;
41
42 THENCE SOUTH 00°37'46" EAST, ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF
43 84.96 FEET TO THE **POINT OF BEGINNING**.

44
45 THE ABOVE PARCEL DESCRIPTION CONTAINS A CALCULATED AREA OF 580 SQUARE
46 FEET OR (0.01331 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED
47 GRAPHICAL EXHIBIT FOR REFERENCE.
48
49

1 **PARCEL "C" (W. OHIO AVENUE)**

2
3 **BEGINNING** AT THE PREVIOUSLY MENTIONED **POINT "A"**;

4
5 THENCE SOUTH 00°30'29" EAST, ON SAID WEST RIGHT-OF-WAY LINE OF S. CHEROKEE
6 STREET, A DISTANCE OF 32.20 FEET TO THE INTERSECTION OF SAID WEST RIGHT-OF-
7 WAY LINE WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID W. OHIO AVENUE;

8
9 THENCE SOUTH 89°23'58" WEST, ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF
10 427.02 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID SOUTH SANTA FE DRIVE;

11
12 THENCE NORTH 32°45'00" WEST, ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE
13 OF 61.45 FEET TO THE INTERSECTION OF THE SAID EASTERLY RIGHT-OF-WAY LINE OF
14 SOUTH SANTA FE DRIVE AND THE EASTERLY RIGHT-OF-WAY LINE OF A PARCEL OF
15 LAND DESCRIBED AS UNIT 5 IN ORDINANCE 3, SERIES 1962 OF SAID RECORDS;

16
17 THENCE NORTH 00°37'16" WEST, ON SAID EASTERLY RIGHT-OF-WAY LINE OF UNIT 5 IN
18 ORDINANCE 3, SERIES 1962, A DISTANCE OF 7.98 FEET TO THE INTERSECTION OF SAID
19 EASTERLY RIGHT-OF-WAY LINE WITH THE NORTH RIGHT-OF-WAY LINE OF SAID W. OHIO
20 AVENUE;

21
22 THENCE NORTH 89°23'58" EAST, ON SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF
23 135.00 FEET TO **POINT "C"**, BEING ALSO THE INTERSECTION OF SAID NORTH RIGHT-OF-
24 WAY LINE WITH THE WEST RIGHT-OF-WAY LINE OF SAID S. ELATI STREET;

25
26 THENCE CONTINUE NORTH 89°23'58" EAST, ON SAID NORTH RIGHT-OF-WAY LINE, A
27 DISTANCE OF 324.82 FEET TO SAID WEST RIGHT-OF-WAY LINE OF S. CHEROKEE
28 STREET;

29
30 THENCE SOUTH 00°30'29" EAST ON SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF
31 27.80 FEET TO THE **POINT OF BEGINNING**.

32
33 THE ABOVE PARCEL DESCRIPTION CONTAINS A CALCULATED AREA OF 26,739 SQUARE
34 FEET OR (0.61384 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED
35 GRAPHICAL EXHIBIT FOR REFERENCE.

36
37 **PARCEL "D" (S. ELATI STREET)**

38
39 **BEGINNING** AT THE PREVIOUSLY MENTIONED **POINT "C"**;

40
41 THENCE ON THE WEST, NORTH AND EAST RIGHT-OF-WAY LINES OF S. ELATI STREET
42 THE FOLLOWING (3) THREE COURSES:

- 43
44 1. THENCE NORTH 00°37'16" WEST, A DISTANCE OF 94.95 FEET;
- 45 2. THENCE NORTH 89°49'47" EAST, A DISTANCE OF 60.00 FEET;
- 46 3. THENCE SOUTH 00°37'16" EAST, A DISTANCE OF 94.50 FEET TO THE
47 INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE WITH SAID NORTH RIGHT-OF-
48 WAY LINE OF W. OHIO AVENUE;

1 THENCE SOUTH 89°23'58" WEST, A DISTANCE OF 60.00 FEET TO THE **POINT OF**
2 **BEGINNING.**

3
4 THE ABOVE PARCEL DESCRIPTION CONTAINS A CALCULATED AREA OF 5,683 SQUARE
5 FEET OR (0.13047 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED
6 GRAPHICAL EXHIBIT FOR REFERENCE

7
8 be and the same is hereby approved and the described rights-of-way are hereby vacated and
9 declared vacated;

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

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

25
26 **REMAINDER OF PAGE INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: November 23, 2021 by Consent
2 MAYOR-COUNCIL DATE: November 30, 2021
3 PASSED BY THE COUNCIL: December 13, 2021
4  - PRESIDENT Pro-Tem
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: December 2, 2021
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15
16 Kristin M. Bronson, Denver City Attorney
17
18 BY: , Assistant City Attorney DATE: Dec 1, 2021