

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2010

COUNCIL BILL NO. 10-1097
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of land at the corner of E. Smith Rd. and Havana St., 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 area in the City and County of Denver and State of Colorado, to wit:

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26; THENCE S29°22'08"E, A DISTANCE OF 400.22 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SMITH ROAD AS RECORDED IN BOOK 7538, AT PAGE 476, CITY AND COUNTY OF DENVER RECORDS, SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

1. THENCE S43°55'29"W, ALONG THE NORTHWESTERLY LINE OF A PARCEL OF LAND AS RECORDED IN BOOK, 7491 AT PAGE 542, LESS AND EXCEPT BOOK 1709, AT PAGE 441, CITY AND COUNTY OF DENVER RECORDS, A DISTANCE OF 172.02 FEET;
2. THENCE N00°28'40"W, A DISTANCE OF 101.64 FEET;
3. THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 95°37'03", A RADIUS OF 30.00 FEET, AND AN ARC LENGTH OF 50.07 FEET;
4. THENCE S84°51'37"E, A DISTANCE OF 87.85 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE PARCEL CONTAINS 7,867 SQUARE FEET (0.181 ACRES) OF LAND, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M., BEING A GRID BEARING OF N 00°28'40" W (2647.81'), SAID WEST LINE BEING MONUMENTED AS SHOWN ON THE ATTACHED EXHIBIT. THE GRID BEARING WAS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE COLORADO HIGH ACCURACY REFERENCE NETWORK (CHARN). THE GRID BEARING IS NAD83(1992) - COLORADO STATE PLANE CENTRAL ZONE (502).

1 be and the same is hereby approved and the described area is hereby vacated and declared
2 vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations
3 covering the land described below:

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 in
10 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
15 replacement, at the property owner's sole expense. The City and County of Denver, its successors,
16 assigns, licensees, permittees and other authorized users shall not be liable for any damage to
17 property owner's property due to use of this reserved easement.

18 COMMITTEE APPROVAL DATE: December 7, 2010 by consent.

19 MAYOR-COUNCIL DATE: December 14, 2010

20 PASSED BY THE COUNCIL: _____, 2010

21 _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____, 2010

23 ATTEST: _____ - CLERK AND RECORDER,
24 EX-OFFICIO CLERK OF THE
25 CITY AND COUNTY OF DENVER

26 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010

27 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY DATE: December 15, 2010

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
29 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
30 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
31 3.2.6 of the Charter.

32 David R. Fine, City Attorney

33 BY: _____, Assistant City Attorney DATE: _____, 2010