

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2012

COUNCIL BILL NO. CB12-0076  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

**A BILL**

**For an ordinance vacating the alley bounded by W. Colfax Avenue, W. 14<sup>th</sup> Avenue, Quitman Street and Perry Street, 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:

**PARCEL DESCRIPTION ROW 2010-0510-06-001**

A PARCEL OF LAND SITUATED IN THE SE ¼ OF SECTION 34, T.3S., R.68W., OF THE 6<sup>TH</sup> P.M., BEING A PART OF A 15' ALLEY LOCATED IN BLOCK 1, WEST COLFAX SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, SAID BLOCK 1, WEST COLFAX SUBDIVISION; THENCE S00°12'31"E ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 6.00 FEET TO A POINT LYING ON THE SOUTHERLY R.O.W. LINE OF WEST COLFAX AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE N89°59'47"E ALONG SAID SOUTHERLY R.O.W. LINE A DISTANCE OF 15.00 FEET TO A POINT ON THE WEST LINE OF LOT 48, SAID BLOCK 1; THENCE S00°12'31"E ALONG THE WEST LINE OF LOTS 44 THROUGH 48, SAID BLOCK 1 A DISTANCE OF 99.98 FEET; THENCE S89°48'16"W A DISTANCE OF 15.00 FEET TO THE EAST LINE OF LOT 5, SAID BLOCK 1; THENCE N00°12'31"W ALONG THE EAST LINE OF LOTS 1 THROUGH 5, SAID BLOCK 1 A DISTANCE OF 100.03 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (1,500 SQUARE FEET) 0.0344 ACRES.

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

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

15 COMMITTEE APPROVAL DATE: February 2, 2012 [by consent]

16 MAYOR-COUNCIL DATE: February 7, 2012

17 PASSED BY THE COUNCIL: \_\_\_\_\_, 2012

18 \_\_\_\_\_ - PRESIDENT

19 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2012

20 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
21 EX-OFFICIO CLERK OF THE  
22 CITY AND COUNTY OF DENVER  
23

24 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2012; \_\_\_\_\_, 2012

25 PREPARED BY: - Karen A. Aviles, Assistant City Attorney DATE: February 9, 2012

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

31 Douglas J. Friednash, Denver City Attorney

32 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2012