

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB19-0731

3 SERIES OF 2019

COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a subsurface portion of both Argonne Street and**
7 **Biscay Street, adjacent to 64th Avenue, with reservations.**

8 **WHEREAS**, the Executive Director of Public Works of the City and County of Denver has
9 found and determined that the public use, convenience and necessity no longer require that certain
10 area in the system of thoroughfares of the municipality hereinafter described and, subject to approval
11 by ordinance, has vacated the same with the reservations hereinafter set forth;

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

13 **Section 1.** That the action of the Executive Director of Public Works in vacating the
14 following described right-of-way in the City and County of Denver, State of Colorado, to wit:

15 **PARCEL DESCRIPTION ROW NO. 2019-VACA-000002-001:**

16 ALL THAT REAL PROPERTY LYING BETWEEN 5351.15 FEET, SAID ELEVATION BEING 2 FEET
17 BELOW FINISHED GRADE OF THE ROADWAY, AND 5333.15 FEET SAID ELEVATION BEING
18 20 FEET BELOW FINISHED GRADE; ALL LYING WITHIN THE FOLLOWING DESCRIBED
19 PARCEL OF LAND. BEING A PORTION OF ARGONNE STREET RIGHT-OF-WAY, HIGH POINT
20 SUBDIVISION FILING NO.1, AS RECORDED AT RECEPTION NO. 2008085984, SITUATED IN
21 THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE
22 SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

24
25 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3, THENCE ALONG THE
26 SOUTHERLY LINE OF SAID SOUTHWEST QUARTER, N89°25'17"E A DISTANCE OF 593.98
27 FEET; THENCE N00°34'43"W A DISTANCE OF 84.00 FEET TO THE INTERSECTION OF THE
28 WESTERLY RIGHT-OF WAY LINE OF SAID ARGONNE STREET AND THE NORTHERLY RIGHT-
29 OF-WAY LINE OF 64TH AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;
30 THENCE ALONG SAID WESTERLY RIGHT-OF WAY LINE THE FOLLOWING TWO (2)
31 CONSECUTIVE COURSES: 1) 46.39 FEET ALONG A NON-TANGENT CURVE TO THE LEFT
32 HAVING A CENTRAL ANGLE OF 88°35'36", A RADIUS OF 30.00 FEET AND A CHORD WHICH
33 BEARS N45°07'29"E A DISTANCE OF 41.90 FEET; 2) THENCE N00°49'41"E A DISTANCE OF
34 10.74 FEET; THENCE N89°25'17"E A DISTANCE OF 80.02 FEET TO THE EASTERLY RIGHT-OF
35 WAY LINE OF SAID ARGONNE STREET; THENCE ALONG SAID EASTERLY RIGHT-OF WAY
36 LINE, THE FOLLOWING TWO (2) CONSECUTIVE COURSES: 1) S00°49'41"W A DISTANCE OF
37 9.27 FEET TO A POINT OF CURVATURE; 2) THENCE 47.86 FEET ALONG A CURVE TO THE
38 LEFT HAVING A CENTRAL ANGLE OF 91°24'24", A RADIUS OF 30.00 FEET AND A CHORD

1 WHICH BEARS S44°52'31"E A DISTANCE OF 42.94 FEET TO A POINT ON THE NORTHERLY
2 RIGHT-OF-WAY LINE OF 64TH AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY
3 LINE, S89°25'17"W A DISTANCE OF 140.04 FEET TO THE POINT OF BEGINNING;

4
5 SAID PARCEL CONTAINS 0.082 ACRES, (3,588 SQUARE FEET), MORE OR LESS.

6
7 ALL LINEAR DIMENSIONS ARE IN U.S. SURVEY FEET.

8 BASIS OF BEARING

9 BEARINGS ARE BASED UPON THE ASSUMPTION THAT THE SOUTH LINE OF THE
10 SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE
11 SIXTH PRINCIPAL MERIDIAN BEARS N89°25'17"E BETWEEN FOUND MONUMENTS AT THE
12 SOUTHWEST CORNER OF SECTION 3, A 3 ¼" ALUMINUM CAP IN RANGE BOX LS #27278
13 AND THE SOUTH ONE QUARTER CORNER OF SECTION 3, A 3 ¼" ALUMINUM CAP IN RANGE
14 BOX LS #27278.

15
16 BENCHMARK:

17
18 THE ELEVATIONS SHOWN HEREON ARE BASED UPON COLORADO BENCH MARK
19 "DVX H", ELEVATION = 5425.25 FEET (NAVD 1988), LOCATED IN THE NORTHWEST QUARTER
20 OF SECTION 2, T3S, R66W, 6TH P.M.

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

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

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

38 **Section 2.** That the action of the Executive Director of Public Works in vacating the
39 following described right-of-way in the City and County of Denver, State of Colorado, to wit:

1 **PARCEL DESCRIPTION ROW NO. 2019-VACA-0000002-002:**

2 ALL THAT REAL PROPERTY LYING BETWEEN 5357.10 FEET, SAID ELEVATION BEING 2 FEET
3 BELOW FINISHED GRADE OF THE ROADWAY, AND 5339.10 FEET SAID ELEVATION BEING
4 20 FEET BELOW FINISHED GRADE; ALL LYING WITHIN THE FOLLOWING DESCRIBED
5 PARCEL OF LAND. BEING A PORTION OF BISCAY STREET RIGHT-OF-WAY, HIGH POINT
6 SUBDIVISION FILING NO.1, AS RECORDED AT RECEPTION NO. 2008085984, SITUATED IN
7 THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE
8 SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,
9 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10
11 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3, THENCE ALONG THE
12 SOUTHERLY LINE OF SAID SOUTHWEST QUARTER, N89°25'17"E A DISTANCE OF 1257.88
13 FEET; THENCE N00°34'43"W A DISTANCE OF 72.00 FEET TO THE INTERSECTION OF THE
14 WESTERLY RIGHT-OF WAY LINE OF SAID BISCAY STREET AND THE NORTHERLY RIGHT-
15 OF-WAY LINE OF 64TH AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;
16 THENCE ALONG SAID WESTERLY RIGHT-OF WAY LINE THE FOLLOWING TWO (2)
17 CONSECUTIVE COURSES: 1) 46.39 FEET ALONG A NON-TANGENT CURVE TO THE LEFT
18 HAVING A CENTRAL ANGLE OF 88°35'36", A RADIUS OF 30.00 FEET AND A CHORD WHICH
19 BEARS N45°07'29"E A DISTANCE OF 41.90 FEET; 2) THENCE N00°49'41"E A DISTANCE OF
20 10.74 FEET; THENCE N89°25'17"E A DISTANCE OF 70.02 FEET TO THE EASTERLY RIGHT-OF
21 WAY LINE OF SAID BISCAY STREET; THENCE ALONG SAID EASTERLY RIGHT-OF WAY LINE,
22 THE FOLLOWING TWO (2) CONSECUTIVE COURSES: 1) S00°49'41"W A DISTANCE OF 9.27
23 FEET TO A POINT OF CURVATURE; 2) THENCE 47.86 FEET ALONG A CURVE TO THE LEFT
24 HAVING A CENTRAL ANGLE OF 91°24'24", A RADIUS OF 30.00 FEET AND A CHORD WHICH
25 BEARS S44°52'31"E A DISTANCE OF 42.94 FEET TO A POINT ON THE NORTHERLY RIGHT-
26 OF-WAY LINE OF 64TH AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE,
27 S89°25'17"W A DISTANCE OF 130.04 FEET TO THE POINT OF BEGINNING;

28
29 SAID PARCEL CONTAINS 0.073 ACRES, (3,188 SQUARE FEET), MORE OR LESS.

30
31 ALL LINEAR DIMENSIONS ARE IN U.S. SURVEY FEET.

32 BASIS OF BEARING

33 BEARINGS ARE BASED UPON THE ASSUMPTION THAT THE SOUTH LINE OF THE
34 SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE
35 SIXTH PRINCIPAL MERIDIAN BEARS N89°25'17"E BETWEEN FOUND MONUMENTS AT THE
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40 BENCHMARK:

41 THE ELEVATIONS SHOWN HEREON ARE BASED UPON COLORADO BENCH MARK "DVX H",
42 ELEVATION = 5425.25 FEET (NAVD 1988), LOCATED IN THE NORTHWEST QUARTER OF
43 SECTION 2, T3S, R66W, 6TH P.M.

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

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

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
3 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
4 including, without limitation, storm drainage, sanitary sewer, and water facilities and all
5 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the
6 entire easement area. The City reserves the right to authorize the use of the reserved easement by
7 all utility providers. 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
16 COMMITTEE APPROVAL DATE: July 23, 2019 by Consent

17 MAYOR-COUNCIL DATE: July 30, 2019

18 PASSED BY THE COUNCIL: _____
19 _____ - PRESIDENT

20 APPROVED: _____ - MAYOR _____

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

25 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

26 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: August 1, 2019

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

31
32 Kristin M. Bronson, Denver City Attorney

33 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Jul 30, 2019