

**BY AUTHORITY**

1  
2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2023

COUNCIL BILL NO. CB22-1651  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of right-of-way located near East Mississippi**  
7 **Drive and South Parker Road, with reservations.**

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

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

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

17 **PARCEL DESCRIPTION ROW NO. 2022-VACA-0000005-001:**

18 Land Description:

19  
20 A parcel of land being a portion of South Rosemary Way (formerly known as Edith Lane) conveyed  
21 as public Right-of-Way, Second Addition to Hughes Mountain View Subdivision recorded in  
22 Arapahoe County, Colorado Recorder's Office at Reception Number 415775 and annexed to the  
23 City and County of Denver, Colorado, Ordinance Number 105, Series of 1964 and Ordinance  
24 Number 285 of Series 1970, situated in the Southwest 1/4 of Section 16 and a part of the  
25 Northwest 1/4 of Section 21, Township 4 South, Range 67 West of the 6th Principal Meridian, City  
26 and County of Denver, State of Colorado, described as follows:

- 27
- 28 Commencing at the Northwest Corner of said Section 21;
- 29 Thence N89°52'58"E along the North Line of the Northwest 1/4 of said Section 21, a distance of
- 30 1258.37 feet to a point on the Northwesterly Right-Of-Way (R.O.W.) Line of South Rosemary Way
- 31 and the Point of Beginning;
- 32
- 33 Thence N25°03'21"E along said Northwesterly R.O.W. Line of South Rosemary Way, a distance of
- 34 38.52 feet;
- 35
- 36 Thence S64°56'39"E along the Northeasterly R.O.W. Line of South Rosemary Way, a distance of
- 37 338.65 feet;

1  
2 Thence S33°00'38"E continuing along said Northeasterly R.O.W. Line, a distance of 28.70 feet to  
3 the Northwesterly R.O.W. Line of East Mississippi Drive described in Resolution Number CR21-  
4 0150 Series of 2021, extended Northeasterly;  
5  
6 Thence S56°59'22"W along said Northwesterly R.O.W. Line extended Northeasterly, a distance of  
7 60.00 feet to a point on the Southwesterly R.O.W. Line of South Rosemary Way;  
8  
9 Thence N33°00'38"W along said Southwesterly R.O.W. Line and along a portion of the  
10 Northeasterly Line of Plot 6, Second Amendment to Hughes Mountain View Subdivision, a  
11 distance of 30.43 feet;  
12  
13 Thence N64°56'39"W along said Southwesterly R.O.W. and the Northeasterly Line of said Plot 6  
14 and along the Northeasterly Line of Vacated Mississippi Drive (Ordinance No. 192, Series 1996)  
15 and along the Northeasterly Line of Plot 5 of said Second Amendment to Hughes Mountain View  
16 Subdivision, a distance of 305.43 feet;  
17  
18 Thence N25°03'21"E along the Northwesterly R.O.W. Line of South Rosemary Way, a distance of  
19 11.48 feet to the Point of Beginning.  
20  
21 Parcel Contains (17,876 Square Feet) 0.4104 Acres, more or less.  
22  
23 All lineal distances are represented in U.S. Survey Feet.  
24  
25 Bearings are based on the North Line of the Northwest 1/4 of Section 21, Township 4 South,  
26 Range 67 West of the 6th Principal Meridian having an assumed bearing of N89°52'58"E and  
27 bounded by a 3" Brass Cap monument stamped "DWD, LS 16398, 1988" found in a Range Box at  
28 the Northwest Corner of said Section 21 and a 3-1/4" Aluminum Cap on #6 Rebar stamped "LS  
29 29036, 1996" found in a Range Box at the North 1/4 Corner of said Section 21  
30 be and the same is hereby approved and the described right-of-way is hereby vacated and declared  
31 vacated;  
32         PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:  
33 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
34 successors and assigns, over, under, across, along and through the vacated area for the purposes  
35 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
36 including, without limitation, storm drainage, sanitary sewer, and water facilities and all  
37 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the  
38 entire easement area. The City reserves the right to authorize the use of the reserved easement by  
39 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,  
40 landscaping or structures shall be allowed over, upon or under the easement area. Any such  
41 obstruction may be removed by the City or the utility provider at the property owner's expense. The  
42 property owner shall not re-grade or alter the ground cover in the easement area without permission

1 from the City and County of Denver. The property owner shall be liable for all damages to such  
2 utilities, including their repair and replacement, at the property owner's sole expense. The City and  
3 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall  
4 not be liable for any damage to property owner's property due to use of this reserved easement.

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6

7 COMMITTEE APPROVAL DATE: December 20, 2022 by Consent

8 MAYOR-COUNCIL DATE: December 27, 2022 by Consent

9 PASSED BY THE COUNCIL: \_\_\_\_\_  
10 \_\_\_\_\_ - PRESIDENT

11 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

12 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
13 EX-OFFICIO CLERK OF THE  
14 CITY AND COUNTY OF DENVER

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_

16 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: December 29, 2022

17 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
18 City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
20 § 3.2.6 of the Charter.

21  
22 Kerry Tipper, Denver City Attorney

23  
24 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_