

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2014

COUNCIL BILL NO. CB14-0311  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

**A BILL**

**For an ordinance vacating the alley south of 3124 West 20<sup>th</sup> Avenue, 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 right-of-way in the City and County of Denver and State of Colorado, to wit:

**PARCEL DESCRIPTION ROW NO. 2013-0585-01-001**

A PARCEL OF LAND (ALLEY) SITUATED IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PART OF BLOCK 2, GRAHAM'S RESUBDIVISION OF BLOCK 2 CHELTENHAM HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 35 OF SAID BLOCK 2; THENCE N89°55'50"W ALONG THE SOUTH LINE OF SAID LOT 35, 3.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°55'50"W ALONG THE SOUTH LINE OF LOTS 33, 34, AND 35 OF SAID BLOCK 2, 74.00' TO A POINT 3.00 FEET EAST OF THE WEST LINE OF LOT 33 OF SAID BLOCK 2; THENCE S00°00'47"E, 17.00 FEET TO A POINT ON THE NORTH LINE OF LOT 36 OF SAID BLOCK 2; THENCE ALONG SAID NORTH LINE FOR THE FOLLOWING 3 COURSES; THENCE N45°04'10"E, 9.90 FEET; THENCE S89°55'50"E, 60.00 FEET; THENCE S44°55'50"E, 9.90 FEET; THENCE N00°00'47"W, 17.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 789 SQUARE FEET MORE OR LESS.

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

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

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its

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

15 COMMITTEE APPROVAL DATE: April 17, 2014 [by consent]

16 MAYOR-COUNCIL DATE: April 22, 2014

17 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014

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

19 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

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: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

25 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: April 24, 2014

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
27 the 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 D. Scott Martinez, Denver City Attorney

32 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2014