

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. 13-0044
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating the East/West alley adjacent to 2727 West 33rd 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 2012-0092-01-001

A PARCEL OF LAND BEING A PORTION OF BLOCK 28, RAE'S RE-SUBDIVISION OF BLOCKS 28, 29 AND 30 OF POTTER HIGHLANDS PER PLAT RECORDED IN BOOK 5, PAGE 6 ON JANUARY 18, 1888 IN THE OFFICE OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO AND LYING IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 17, SAID RAE'S RE-SUBDIVISION, WHENCE THE NORTH BOUNDARY OF SAID LOT 17, BEARS, NORTH 89°32'53" EAST, AND ALL BEARINGS ARE MADE AS A REFERENCE HEREON;

THENCE ALONG SAID NORTH BOUNDARY, NORTH 89°32'53" EAST, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTH BOUNDARY, NORTH 00°20'49" WEST, A DISTANCE OF 22.00 FEET TO THE SOUTHWEST CORNER OF LOT 21, SAID RAE'S RE-SUBDIVISION;

THENCE ALONG THE SOUTH BOUNDARIES OF LOTS 21 AND 22 AND THE EASTERLY PROLONGATION OF SAID LOT 22, NORTH 89°32'53" EAST, A DISTANCE OF 84.02 FEET;

THENCE SOUTH 00°20'49" EAST, A DISTANCE OF 22.00 FEET TO THE NORTH BOUNDARY OF LOT 20, SAID RAE'S RE-SUBDIVISION;

THENCE ALONG THE NORTH BOUNDARY OF LOTS 20 THROUGH 17, SAID RAE'S RE-SUBDIVISION, SOUTH 89°32'53" WEST, A DISTANCE OF 84.02 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.042 ACRES (1,848 SQ. FT.), MORE OR LESS.

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

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

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

19 COMMITTEE APPROVAL DATE: January 24, 2013 [by consent]

20 MAYOR-COUNCIL DATE: January 29, 2013

21 PASSED BY THE COUNCIL: _____, 2013

22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____, 2013

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER
27

28 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013

29 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: January 31, 2013

30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
31 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
33 3.2.6 of the Charter.
34

35 Douglas J. Friednash, Denver City Attorney

36 BY: _____, City Attorney DATE: _____, 2013