

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0395
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating the alley bounded by West Conejos Place, West**
7 **Colfax Avenue, North Lowell Boulevard and North King Street, 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. 2017-VACA-0000009-001:**

16 A PARCEL OF LAND BEING THE ALLEY TO THE SOUTH OF THE SOUTH LINE OF LOTS 24,
17 25 & 26 AND TO THE NORTH LINE OF LOTS 36 & 37 OF RESUBDIVISION OF BLOCK 31
18 CHELTENHAM HEIGHTS, ALSO LYING WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF
19 THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68
20 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
21 COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22 BASIS OF BEARINGS: BEARINGS ARE BASED UPON A 20 FOOT RANGE LINE OF WEST
23 CONEJOS PLACE BETWEEN LOWEL BOULEVARD AND KING STREET, SAID LINE IS
24 ASSUMED TO BEAR SOUTH 89°53'09" EAST, A DISTANCE OF 390.01 FEET, MONUMENTED
25 AT THE INTERSECTION OF LOWELL BOULEVARD AND WEST CONEJOS PLACE BY A
26 FOUND 2.5" ALUMINUM CAP (IN RANGE BOX), STAMPED P.L.S #16116, AND AT THE
27 INTERSECTION OF KING STREET AND WEST CONEJOS PLACE BY A FOUND 2.5"
28 ALUMINUM CAP (IN RANGE BOX), STAMPED P.L.S #16116.

29 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24;

30 THENCE SOUTH 89°53'09" EAST, ALONG THE SOUTH LINE OF SAID LOTS 24, 25 AND 26, A
31 DISTANCE OF 74.98 FEET TO THE SOUTHEAST CORNER OF SAID LOT 26;

32 THENCE SOUTH 00°02'06" WEST, ALONG THE WEST LINE OF A 12.5' WIDE PUBLIC ALLEY,
33 A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 36;

1 THENCE NORTH 89°53'09" WEST, ALONG THE NORTH LINE OF SAID LOTS 36 AND 37, A
2 DISTANCE OF 74.98 FEET TO THE NORTHWEST CORNER OF SAID LOT 37;

3 THENCE NORTH 00°01'32" EAST, ALONG THE WEST LINE OF A 12.5' WIDE PUBLIC ALLEY,
4 A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

5 CONTAINING ±1,125 SQ FT OR ±0.026 ACRES.

6 be and the same is hereby approved and the described right-of-way is hereby vacated and declared
7 vacated.

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

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

24 **PARCEL DESCRIPTION ROW NO. 2017-VACA-0000009-002:**

25 AN EASEMENT BEING A PORTION OF THE 15 FOOT VACATED ALLEY WITHIN THE
26 RESUBDIVISION OF BLOCK 31 CHELTENHAM HEIGHTS, ALSO LYING WITHIN THE
27 SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION
28 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND
29 COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED
30 AS FOLLOWS:

31 BASIS OF BEARINGS: BEARINGS ARE BASED UPON A 20 FOOT RANGE LINE WITHIN WEST
32 CONEJOS PLACE BETWEEN LOWELL BOULEVARD AND KING STREET, SAID LINE IS
33 ASSUMED TO BEAR SOUTH 89°53'09" EAST, A DISTANCE OF 390.01 FEET, MONUMENTED
34 AT THE INTERSECTION OF LOWELL BOULEVARD AND WEST CONEJOS PLACE BY A

1 FOUND 2.5" ALUMINUM CAP (IN RANGE BOX), STAMPED P.L.S #16116, AND AT THE
2 INTERSECTION OF KING STREET AND WEST CONEJOS PLACE BY A FOUND 2.5"
3 ALUMINUM CAP (IN RANGE BOX), STAMPED P.L.S #16116.

4 COMMENCING AT SAID 2.5" ALUMINUM CAP STAMPED PLS #16116 FOUND AT THE
5 INTERSECTION OF KING STREET AND CONEJOS PLACE;

6 THENCE SOUTH 69°07'40" WEST A DISTANCE OF 167.53 TO THE NORTHEAST CORNER OF
7 LOT 26, RESUBDIVISION OF BLOCK 31 CHELTENHAM HEIGHTS;

8 THENCE SOUTH 00°02'06" WEST, ALONG THE EAST LINE OF SAID LOT 26, A DISTANCE OF
9 140.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 26 AND THE POINT OF
10 BEGINNING;

11 THENCE CONTINUING SOUTH 00°02'06" WEST, A DISTANCE OF 15.00 FEET TO THE
12 NORTHEAST CORNER OF LOT 36, RESUBDIVISION OF BLOCK 31 CHELTENHAM HEIGHTS;

13 THENCE NORTH 89°53'09" WEST, ALONG THE NORTH LINE OF SAID LOT 36, A DISTANCE
14 OF 3.00 FEET;

15 THENCE DEPARTING SAID NORTH LINE, NORTH 00°02'06" EAST, A DISTANCE OF 15.00
16 FEET TO THE SOUTH LINE OF SAID LOT 26;

17 THENCE SOUTH 89°53'09" EAST, ALONG THE SOUTH LINE OF SAID LOT 26, A DISTANCE
18 OF 3.00 FEET TO THE POINT OF BEGINNING.

19 CONTAINING ±45 SQ FT OR ±0.001 ACRES.

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2 COMMITTEE APPROVAL DATE: April 24, 2018 by Consent
3 MAYOR-COUNCIL DATE: May 1, 2018
4 PASSED BY THE COUNCIL: _____ May 14, 2018
5 _____ - PRESIDENT PRO-TEM
6 APPROVED: _____ - MAYOR _____
7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER
10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 3, 2018
12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.
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17 Kristin M. Bronson, Denver City Attorney
18 BY: Kristin M. Bronson, Assistant City Attorney DATE: May 3, 2018
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