

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0528
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

6 **A BILL**

7 **For an ordinance vacating a portion of 47th Avenue near 4696 Grove Street,**
8 **with reservations.**

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

14 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
15 **OF DENVER:**

16
17 **Section 1.** That the action of the Manager of Public Works in vacating the following
18 described right-of-way in the City and County of Denver, State of Colorado, to wit:

19
20 PARCEL DESCRIPTION ROW NO. 2013-0236-01-001

21
22 A PARCEL OF LAND LOCATED IN THE SE 1/4, NE 1/4, OF THE NW 1/4 OF
23 SECTION 20, T 3 S, R 68 W OF THE SIXTH PRINCIPAL MERICIAN, CITY AND
24 COUNTY OF DENVER, STATE OF COLORADO.

25
26 SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

27
28 THE SOUTH 14 FEET OF WEST 47TH AVENUE LYING ADJACENT TO LOT 1,
29 PARK VIEW ADDITION ACCORDING TO THE RECORDED PLAT THEREOF,
30 CITY AND COUNTY OF DENVER, STATE OF COLORADO.

31
32 SAID PARCEL CONTAINING 1,747.5 SQUARE FEET, MORE OR LESS.

33
34 be and the same is hereby approved and the described right-of-way is hereby vacated and
35 declared vacated;

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

37 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
38 successors and assigns, over, under, across, along, and through the vacated area for the
39 purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or
40 private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and
41 all appurtenances to said utilities. A hard surface shall be maintained by the property owner over

1 the entire vacated area. The City reserves the right to authorize the use of the reserved easement
2 by all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls,
3 landscaping or structures shall be allowed over, upon or under the vacated area. Any such
4 obstruction may be removed by the City or the utility provider at the property owner's expense.
5 The property owner shall not re-grade or alter the ground cover in the vacated area without
6 permission from the City and County of Denver. The property owner shall be liable for all damages
7 to such utilities, including their repair and replacement, at the property owner's sole expense. The
8 City and County of Denver, its successors, assigns, licensees, permittees and other authorized
9 users shall not be liable for any damage to property owner's property due to use of this reserved
10 easement.

11 COMMITTEE APPROVAL DATE: June 26, 2014 [by consent]

12 MAYOR-COUNCIL DATE: July 1, 2014

13 PASSED BY THE COUNCIL: _____, 2014
14 _____ - PRESIDENT

15 APPROVED: _____ - MAYOR _____, 2014

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER
19

20 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014

21 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: July 3, 2014

22 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
23 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
24 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to §
25 3.2.6 of the Charter.
26

27 D. Scott Martinez, Denver City Attorney

28 BY: _____, City Attorney DATE: _____, 2014