

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013

COUNCIL BILL NO. CB13-0098  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

**A BILL**

**For an ordinance vacating the alley bounded by S. Kalamath Street, S. Sante Fe Drive, W. Cedar Avenue and W. Byers Place, 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 2012-0507-01-001**

A PARCEL OF LAND BEING THAT PARCEL OF LAND AS DEDICATED AS AN ALLEY WITHIN BLOCK 2, NORWOOD ADDITION AS RECORDED APRIL 13, 1888 IN BOOK 5 AT PAGE 29 IN THE OFFICES OF THE ARAPAHOE COUNTY CLERK AND RECORDERS, ALSO PER THE OFFICIAL CITY SURVEY OF NORWOOD ADDITION BY ORDINANCE 112 SERIES 1941, ALSO BEING A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF LOT 22, BLOCK 2, NORWOOD ADDITION, SAID POINT ALSO BEING A POINT OF THE SOUTHERLY RIGHT OF WAY LINE OF WEST CEDAR AVENUE; THENCE ALONG THE EASTERLY LINE OF LOTS 22 THROUGH 39, BLOCK 2, NORWOOD ADDITION, A DISTANCE OF 450.06 FEET TO THE SOUTHEASTERLY MOST CORNER OF LOT 39, BLOCK 2, NORWOOD ADDITION, SAID POINT ALSO BEING A POINT OF THE NORTHERLY RIGHT OF WAY LINE OF WEST BYERS PLACE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF WEST BYERS PLACE A DISTANCE OF 15.00 FEET, THENCE ON A LINE BEING 15.00 FEET EASTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOTS 22 THROUGH 39, BLOCK 2, NORWOOD ADDITION, SAID LINE ALSO BEING THE WESTERLY LINE OF LOTS 40 THROUGH 43, BLOCK 2 NORWOOD ADDITION, A DISTANCE OF 100.01 FEET TO A LINE COMMON WITH LOTS 43 AND 44, BLOCK 2 NORWOOD ADDITION; THENCE EASTERLY ALONG SAID COMMON LINE A DISTANCE OF 0.50 FEET TO A POINT ON THE EASTERLY LINE OF AN ALLEY DEDICATION, PER RECEPTION NUMBER 2009085403; THENCE ALONG SAID EASTERLY LINE OF SAID ALLEY DEDICATION AND ON A LINE BEING 15.50 FEET EASTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOTS 22 THROUGH 39, BLOCK 2, NORWOOD ADDITION, A DISTANCE OF 341.57 FEET TO A POINT ON THE SOUTHERLY LINE OF THE WEST CEDAR AVENUE RIGHT OF WAY DEDICATION PER RECEPTION NUMBER 2009085403; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID WEST CEDAR AVENUE, 17.66 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND TO BE VACATED CONTAINING 6,860.3 SQ.FT. / 0.16 ACRES 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 alley bounded by S. Kalamath  
2 Street, S. Sante Fe Drive, W. Cedar Avenue and W. Byers Place, with reservations.  
3 for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or  
4 private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and all  
5 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the  
6 entire vacated area. The City reserves the right to authorize the use of the reserved easement by all  
7 utility providers with existing facilities in the vacated area. No trees, fences, retaining walls,  
8 landscaping or structures shall be allowed over, upon or under the vacated area. Any such  
9 obstruction may be removed by the City or the utility provider at the property owner's expense. The  
10 property owner shall not re-grade or alter the ground cover in the vacated area without permission  
11 from the City and County of Denver. The property owner shall be liable for all damages to such  
12 utilities, including their repair and replacement, at the property owner's sole expense. The City and  
13 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not  
14 be liable for any damage to property owner's property due to use of this reserved easement.

15 COMMITTEE APPROVAL DATE: February 14, 2013 [by consent]

16 MAYOR-COUNCIL DATE: February 19, 2013

17 PASSED BY THE COUNCIL: \_\_\_\_\_, 2013

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

19 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2013

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: \_\_\_\_\_, 2013; \_\_\_\_\_, 2013

25 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: February 21, 2013

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

32 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2013