

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2017

COUNCIL BILL NO. CB16-1315
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of right-of-way at the intersection of Blake Street and Downing Street, with reservations.

WHEREAS, the Executive Director 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;

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the action of the Executive Director of Public Works in vacating the following described right-of-way in the City and County of Denver, State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2016-VACA-0000008-001:

A PORTION OF LOTS 8 TO 15, INCLUSIVE, BLOCK 25, RIVERSIDE ADDITION TO DENVER, ALSO BEING A PORTION OF DOWNING STREET RIGHT-OF-WAY DESCRIBED AS PARCEL 2 IN ORDINANCE 127 SERIES 2010, BEING IN THE SOUTHWEST ONE QUARETER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF LOT 8 WHICH IS 16 FEET SOUTHWESTERLY OF THE NORTHERN MOST CORNER OF LOT 8, THENCE ALONG SAID PARCEL 2 OF ORDINANCE 127, SERIES 2010 THE FOLLOWING SEVEN (7) COURSES:

1. SOUTHWESTERLY TO A POINT 3 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 8;
2. SOUTHWESTERLY TO A POINT 11.5 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 9;
3. SOUTHWESTERLY TO A POINT 22.5 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 10;
4. SOUTHERLY TO A POINT 37 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 11;
5. SOUTHERLY TO A POINT 56 FEET SOUTHEASTERLY OF THE WEST CORNER OF LOT 12;
6. SOUTHERLY TO A POINT 45 FEET NORTHWESTERLY FROM THE MOST EASTERLY CORNER OF LOT 14;
7. SOUTHERLY TO A POINT ON THE NORTHWESTERLY LINE OF ALLEY AND 8 FEET SOUTHWESTERLY FROM THE EAST CORNER OF LOT 15,

THENCE SOUTHWESTERLY ALONG SAID ALLEY LINE TO A POINT 10.5' NORTHEASTERLY FROM THE SOUTHERLY CORNER OF LOT 15; THENCE NORTHERLY TO A POINT 60 FEET NORTHWESTERLY FROM THE EASTERLY CORNER OF LOT 14, THENCE NORTHWESTERLY TO A POINT 4.2 FEET SOUTHWESTERLY FROM THE NORTHERLY CORNER OF LOT 13, THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID BLOCK 25 TO THE POINT OF BEGINNING.

CONTAINING 3,993 S.F. (0.092 ACRES) MORE OR LESS

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

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

16
17 COMMITTEE APPROVAL DATE: December 20, 2016, by consent

18 MAYOR-COUNCIL DATE: December 27, 2016

19 PASSED BY THE COUNCIL: _____

20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____

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

26 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

27 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: December 29, 2016

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

32
33 Kristin M. Bronson, Denver City Attorney

34 BY: _____, Assistant City Attorney DATE: _____