

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. CB13-0533
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating portions of the alleys in the three blocks between South Lincoln Street, South Sherman Street, south of East Mississippi Avenue and north of East Arizona 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 ("Vacated Area"):

PARCEL DESCRIPTION ROW 2013-0133-01-001

VACATION LEGAL DESCRIPTION

A PORTION OF BLOCK 5, SHERMAN SUBDIVISION, RECORDED IN PLAT BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK & RECORDER; AS IT EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF COLORADO, FURTHER DESCRIBED AS:

FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE NORTH LINE OF SAID BLOCK 5 AS MONUMENTED ON BOTH ENDS BY A REBAR WITH YELLOW PLASTIC CAP (OR NAIL & TAG), LS24968 AND ASSUMED TO BEAR NORTH 89°54'07" EAST;

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 5, THENCE NORTH 89°54'07" EAST, ALONG THE NORTH LINE OF SAID BLOCK 5, FOR 125.09 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 89°54'07" EAST, FOR 12.00 FEET TO THE NW CORNER OF LOT 48;
THENCE SOUTH 00°05'59" EAST, FOR 60.71 FEET;
THENCE SOUTH 89°54'07" WEST, FOR 12.00 FEET;
THENCE NORTH 00°05'59" WEST, FOR 60.71 FEET TO THE TRUE POINT OF BEGINNING
CONTAINING 729 SF, (0.017 ACRES MORE OR LESS)

1 and

2 **PARCEL DESCRIPTION ROW 2013-0133-01-002**

3 VACATION LEGAL DESCRIPTION

4 A PORTION OF BLOCK 6, SHERMAN SUBDIVISION, RECORDED IN PLAT
5 BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK & RECORDER; AS IT
6 EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68
7 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF
8 COLORADO, FURTHER DESCRIBED AS:

9
10 FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE
11 NORTH LINE OF SAID BLOCK 5 AS MONUMENTED ON BOTH ENDS BY
12 A REBAR WITH YELLOW PLASTIC CAP (OR NAIL & TAG), LS24968 AND
13 ASSUMED TO BEAR NORTH 89°54'07" EAST;

14
15 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 6,
16 THENCE NORTH 89°54'07" EAST, ALONG THE NORTH LINE OF SAID
17 BLOCK 6, FOR 121.04 FEET TO THE TRUE POINT OF BEGINNING;
18 THENCE NORTH 89°54'07" EAST, FOR 12.00 FEET TO THE NW CORNER
19 OF LOT 48;
20 THENCE SOUTH 00°05'47" EAST, FOR 60.71 FEET;
21 THENCE SOUTH 89°54'07" WEST, FOR 12.00 FEET;
22 THENCE NORTH 00°05'47" WEST, FOR 60.71 FEET TO THE TRUE POINT
23 OF BEGINNING
24 CONTAINING 729 SF, (0.017 ACRES MORE OR LESS)

25 and

26 **PARCEL DESCRIPTION ROW 2013-0133-01-003**

27 VACATION LEGAL DESCRIPTION

28 A PORTION OF BLOCK 7, SHERMAN SUBDIVISION, RECORDED IN PLAT
29 BK 3, PG. 4 WITH THE ARAPAHOE COUNTY CLERK & RECORDER; AS IT
30 EXISTS IN THE NE1/4 of SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68
31 WEST of the 6th P.M., CITY and COUNTY OF DENVER, STATE OF
32 COLORADO, FURTHER DESCRIBED AS:

33
34 FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE
35 NORTH LINE OF SAID BLOCK 7 AS MONUMENTED ON BOTH ENDS BY
36 A REBAR WITH YELLOW PLASTIC CAP, LS24968 AND ASSUMED TO
37 BEAR NORTH 89°54'07" EAST;

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39 COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 7,
40 THENCE NORTH 89°54'07" EAST, ALONG THE NORTH LINE OF SAID
41 BLOCK 7, FOR 125.08 FEET TO THE TRUE POINT OF BEGINNING;
42 THENCE NORTH 89°54'07" EAST, FOR 12.00 FEET TO THE NW CORNER
43 OF LOT 48;
44 THENCE SOUTH 00°06'05" EAST, FOR 276.56 FEET;
45 THENCE SOUTH 89°54'07" WEST, FOR 12.00 FEET;
46 THENCE NORTH 00°06'05" WEST, FOR 276.56 FEET TO THE TRUE POINT
47 OF BEGINNING
48 CONTAINING 3,319 SF, (0.076 ACRES 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 Vacated Area. The City reserves the right to authorize the use of the reserved easement by
10 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.

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1 COMMITTEE APPROVAL DATE: August 8, 2013 [by consent]
2 MAYOR-COUNCIL DATE: August 13, 2013
3 PASSED BY THE COUNCIL: _____, 2013
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____, 2013
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9
10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2013; _____, 2013
11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: August 22, 2013
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.
16
17 Douglas J. Friednash, Denver City Attorney
18 BY: _____, City Attorney DATE: _____, 2013
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