

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2012

COUNCIL BILL NO. CB12-0565  
COMMITTEE OF REFERENCE:  
Land Use, Transportation, and Infrastructure

**A BILL**

**For an ordinance vacating the alley bounded by W. 44<sup>th</sup> Avenue, W 43<sup>rd</sup> Avenue, Jason Street and Inca Street, 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 area in the City and County of Denver and State of Colorado, to wit:

**PARCEL DESCRIPTION ROW 2011-0100-17-001**

**That portion of the alley in Block 3, VIADUCT ADDITION lying between Lots 3 through 28, inclusive, as filed for record on October 8, 1887, located in the Southeast Quarter of Section 21, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado.**

**Containing 5,195 square feet, (0.119 Acres), more or less.**

be and the same is hereby approved and the described area is hereby vacated and declared vacated;

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

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the portion of the vacated area as described below ("Easement Area") for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire Easement Area. The City reserves the right to authorize the use of the Easement Area by all utility providers with existing facilities in the Easement Area. No trees, fences, retaining walls, landscaping or structures shall be allowed over,

1 upon or under the Easement Area. Any such obstruction may be removed by the City or the utility  
2 provider at the property owner's expense. The property owner shall not re-grade or alter the ground  
3 cover in the Easement Area without permission from the City and County of Denver. The property  
4 owner shall be liable for all damages to such utilities, including their repair and replacement, at the  
5 property owner's sole expense. The City and County of Denver, its successors, assigns, licensees,  
6 permittees and other authorized users shall not be liable for any damage to property owner's property  
7 due to use of this reserved easement.

8 COMMITTEE APPROVAL DATE: July 26, 2012 [by consent]

9 MAYOR-COUNCIL DATE: July 31, 2012

10 PASSED BY THE COUNCIL: \_\_\_\_\_, 2012

11 \_\_\_\_\_ - PRESIDENT

12 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2012

13 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
14 EX-OFFICIO CLERK OF THE  
15 CITY AND COUNTY OF DENVER  
16

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2012; \_\_\_\_\_, 2012

18 PREPARED BY: - Karen A. Aviles, Assistant City Attorney DATE: August 2, 2012

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
20 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
22 3.2.6 of the Charter.  
23

24 Douglas J. Friednash, Denver City Attorney

25 BY: \_\_\_\_\_, City Attorney DATE: \_\_\_\_\_, 2012