

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-1133
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating an alley bounded by Zuni Street, West Colfax Avenue and West 14th Avenue, 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-000014-001:

A PARCEL OF LAND BEING AN ALLEY DEDICATED BY THE PLAT OF YOUNG'S RE-SUBDIVISION OF LOTS 1, 2 AND 3 OF BLOCK 7 BAKER'S VILLA, SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE RANGE POINT AT THE INTERSECTION OF WEST COLFAX AVENUE AND ZUNI STREET; THENCE SOUTH 06°39'42" WEST, A DISTANCE OF 172.20 FEET TO THE NORTHEAST CORNER OF SAID ALLEY AND THE POINT OF BEGINNING;

THENCE ALONG THE PERIMETER OF SAID ALLEY THE FOLLOWING SIX (6) COURSES:

- 1) SOUTH 00°00'30" EAST, A DISTANCE OF 10.00 FEET;
- 2) SOUTH 89°59'30" WEST, A DISTANCE OF 125.00 FEET;
- 3) SOUTH 00°00'30" EAST, A DISTANCE OF 55.00 FEET;
- 4) SOUTH 89°59'30" WEST, A DISTANCE OF 25.00 FEET;
- 5) NORTH 00°00'30" WEST, A DISTANCE OF 65.00 FEET;
- 6) NORTH 89°59'30" EAST, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2,875 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE 20 FOOT RANGE LINE RUNNING NORTH AND SOUTH WITHIN ZUNI STREET BETWEEN WEST COLFAX AVENUE AND 14TH AVENUE ASSUMED TO BEAR NORTH 00°00'30" WEST.

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 over a

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

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17 **PARCEL DESCRIPTION ROW NO. 2016-VACA-0000014-002:**
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19 A PARCEL OF LAND BEING A PORTION OF THE ALLEY DEDICATED BY THE PLAT OF YOUNG'S RE-SUBDIVISION OF LOTS
20 1, 2 AND 3 OF BLOCK 7 BAKER'S VILLA, SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH,
21 RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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23 BEGINNING AT THE SOUTHEAST CORNER OF LOT A OF SAID SUBDIVISION;
24 THENCE SOUTH 00°00'30" EAST ALONG THE WEST LINE OF ZUNI STREET, A DISTANCE OF 10.00 FEET TO THE SOUTH
25 LINE OF SAID ALLEY;
26 THENCE SOUTH 89°59'30" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 73.57 FEET;
27 THENCE NORTH 00°00'30" WEST, A DISTANCE OF 10.00 FEET TO THE NORTH LINE OF SAID ALLEY;
28 THENCE NORTH 89°59'30" EAST ALONG SAID NORTH LINE, A DISTANCE OF 73.57 FEET TO THE POINT OF BEGINNING;
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30 SAID PARCEL CONTAINS 736 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.
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1 COMMITTEE APPROVAL DATE: November 17, 2016, by consent
2 MAYOR-COUNCIL DATE: November 22, 2016
3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

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: _____; _____

11 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: November 23, 2016

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 Kristin M. Bronson, Denver City Attorney

18 BY: _____, Assistant City Attorney DATE: _____