

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0935  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating an alley bounded by West 17th Avenue, West 18th**  
7 **Avenue, North King Street and North Julian Street, with reservations.**

8 **WHEREAS**, the Executive Director of Public Works of the City and County of Denver has  
9 found and determined that the public use, convenience and necessity no longer require that certain  
10 area in the system of thoroughfares of the municipality hereinafter described and, subject to approval  
11 by ordinance, has vacated the same with the reservations hereinafter set forth;

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

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

15 **PARCEL DESCRIPTION ROW NO. 2018-VACA-0000006-001:**

16 PARCEL SITUATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH,  
17 RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO,  
18 BEING A 12-FOOT WIDE PUBLIC ALLEY TO BE VACATED IN BLOCK 17, A.H. GLASPELLS'S  
19 RESUBDIVISION OF BLOCK 17, CHELTENHAM HEIGHTS.

20 **LEGAL DESCRIPTION:**

21 A PART OF BLOCK 17, A.H. GLASPELL'S RESUBDIVISION OF BLOCK 17, CHELTENHAM  
22 HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY  
23 DESCRIBED AS FOLLOWS:

24 BEGINNING AT THE SOUTHEAST CORNER OF LOT 35 OF SAID BLOCK 17; THENCE  
25 N89°55'02"W ALONG THE SOUTHERLY LINE OF SAID LOT 35 AND SAID LINE EXTENDED, 3.00  
26 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID ABOVE  
27 DESCRIBED COURSE, 76.81 FEET TO THE SOUTHWEST CORNER OF LOT 33 OF SAID  
28 BLOCK 17; THENCE S00°00'00"W ALONG THE WEST LINE OF SAID LOT 33 EXTENDED, 22.00  
29 FEET TO THE NORTHWEST CORNER OF LOT 36 OF SAID BLOCK 17; THENCE N45°02'29"E  
30 ALONG THE NORTHWESTERLY LINE OF SAID LOT 36, 14.13 FEET TO THE NORTHERLY LINE  
31 OF SAID LOT 36; THENCE S89°55'02"E ALONG SAID NORTHERLY LINE OF SAID LOT 36, 59.81  
32 FEET; THENCE S44°57'31"E, 9.91 FEET TO THE EAST LINE OF SAID LOT 36; THENCE  
33 N00°00'00"E ALONG SAID EAST LINE EXTENDED, 19.00 FEET TO THE POINT OF BEGINNING.  
34 THE ABOVE DESCRIBED PARCEL CONTAINS 996 SQUARE FEET OR 0.0229 ACRES MORE

1 OR LESS.

2 BASIS OF BEARINGS: AN ASSUMED BEARING OF S00°00'00"W BETWEEN TWO  
3 MONUMENTS 149.66 FEET APART BEING THE EAST LINE OF LOT 35, BLOCK 17, A.H.  
4 GLASPELL'S RESUBDIVISION OF BLOCK 17, CHELTENHAM HEIGHTS, ONE MONUMENT  
5 BEING A NO. 5 REBAR W/ 1.25" DIAMETER ORANGE CAP STAMPED P.E. & L.S. #9489 AT THE  
6 NORTHEAST CORNER OF LOT 35 OF SAID BLOCK 17 AND THE OTHER BEING A NO. 5 REBAR  
7 W/ 1.25" DIAMETER ORANGE CAP STAMPED P.E. & L.S. #9489 AT THE SOUTHEAST CORNER  
8 OF LOT 35 OF SAID BLOCK 17

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

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

12 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
13 successors and assigns, over, under, across, along and through the vacated area for the purposes  
14 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
15 including, without limitation, storm drainage, sanitary sewer, and water facilities and all  
16 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the  
17 entire easement area. The City reserves the right to authorize the use of the reserved easement by  
18 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,  
19 landscaping or structures shall be allowed over, upon or under the easement area. Any such  
20 obstruction may be removed by the City or the utility provider at the property owner's expense. The  
21 property owner shall not re-grade or alter the ground cover in the easement area without permission  
22 from the City and County of Denver. The property owner shall be liable for all damages to such  
23 utilities, including their repair and replacement, at the property owner's sole expense. The City and  
24 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall  
25 not be liable for any damage to property owner's property due to use of this reserved easement.

26  
27 **REMAINDER OF PAGE INTENTIONALL BLANK**

1 COMMITTEE APPROVAL DATE: August 28, 2018 by Consent  
2 MAYOR-COUNCIL DATE: September 4, 2018 by Consent  
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 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_  
10 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: September 6, 2018  
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
14 3.2.6 of the Charter.  
15  
16 Kristin M. Bronson, Denver City Attorney  
17  
18 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_