

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2020

COUNCIL BILL NO. CB20-0541  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating an alley bounded by 38th Street, 40th Street, Blake**  
7 **Street and Walnut Street, with reservations.**

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

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

14 **Section 1.** That the action of the Executive Director of the Department of Transportation  
15 and Infrastructure in vacating the following described right-of-way in the City and County of Denver,  
16 State of Colorado, to wit:

17 **PARCEL DESCRIPTION ROW NO. 2018-VACA-0000002-001:**

18 THAT PORTION OF AN ALLEY LYING ADJACENT TO LOTS 19 TO 22 AND LOTS 43 TO  
19 46, ALL IN BLOCK 24, RIVERSIDE ADDITION TO DENVER, LOCATED IN THE  
20 SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF  
21 THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO,  
22 DESCRIBED AS FOLLOWS:

23  
24 BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 46;

25  
26 THENCE SOUTHWESTERLY ALONG NORTHWESTERLY LINES OF LOTS 43 TO 46,  
27 100.00 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 43;

28  
29 THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 43  
30 AND SAID LINE EXTENDED, 16.00 FEET TO THE MOST SOUTHERLY CORNER OF  
31 SAID LOT 22;

32  
33 THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINES OF SAID LOTS 19  
34 TO 22, 84.79 FEET;

35  
36 THENCE NORTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15.00

1 FEET, A DISTANCE OF 23.77 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 19,  
2 SAID POINT BEING 109.79 FEET SOUTHEASTERLY FROM THE MOST NORTHERLY  
3 CORNER OF SAID LOT 19;

4  
5 THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE AND SAID LINE  
6 EXTENDED, 31.21 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 46 AND  
7 THE POINT OF BEGINNING

8  
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 INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: June 23, 2020 by Consent  
2 MAYOR-COUNCIL DATE: June 30, 2020  
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: Martin A. Plate, Assistant City Attorney DATE: July 2, 2020

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 BY:  \_\_\_\_\_, Assistant City Attorney DATE: Jul 1, 2020  
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