

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2010

COUNCIL BILL NO. 713  
COMMITTEE OF REFERENCE:  
LAND USE, TRANSPORTATION  
AND INFRASTRUCTURE

**A BILL**

**For an ordinance vacating the alley bounded by Alcott St. and Speer Blvd., 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:

A 16 FOOT ALLEY LOCATED WITHIN BLOCK 5, EMERY'S SUBDIVISION OF BLOCKS 5, 6, 7, 14, 15, AND 16, HIGHLAND, AS ORIGINALLY RECORDED IN BOOK 4 AT PAGE 8 IN THE CLERK AND RECORDER'S OFFICE OF ARAPAHOE COUNTY, NOW CLERK AND RECORDER'S OFFICE OF THE CITY AND COUNTY OF DENVER, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9, OF BLOCK 5, POINT BEING THE POINT OF BEGINNING; THENCE N00°05'21"W A DISTANCE OF 16.00 FEET TO A POINT LOCATED ON THE SOUTHWEST CORNER OF LOT 1, SAID BLOCK 5; THENCE ALONG THE SOUTHERLY LINE OF LOTS 1 TO 8 INCLUSIVE, SAID BLOCK 5, S89°59'47"E A DISTANCE OF 260.55 FEET TO A POINT ON THE SOUTHEASTERLY CORNER OF LOT 8 AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SPEER BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SPEER BOULEVARD S64°42'34"E A DISTANCE OF 37.46 FEET TO A POINT ON THE NORTHERLY LINE OF LOTS 9 TO 20 INCLUSIVE, SAID BLOCK 5; THENCE ALONG SAID NORTHERLY LOT LINE N89°59'47"W A DISTANCE OF 294.39 FEET TO A POINT ON THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 5 ALSO BEING THE POINT OF BEGINNING

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 covering the land described below:

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 vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities

1 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard  
2 surface shall be maintained by the property owner over the entire easement area. The City reserves  
3 the right to authorize the use of the reserved easement by all utility providers with existing facilities in  
4 the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed  
5 over, upon or under the easement area. Any such obstruction may be removed by the City or the  
6 utility provider at the property owner's expense. The property owner shall not re-grade or alter the  
7 ground cover in the easement area without permission from the City and County of Denver. The  
8 property owner shall be liable for all damages to such utilities, including their repair and  
9 replacement, at the property owner's sole expense. The City and County of Denver, its successors,  
10 assigns, licensees, permittees and other authorized users shall not be liable for any damage to  
11 property owner's property due to use of this reserved easement.

12 COMMITTEE APPROVAL DATE: N/A

13 MAYOR-COUNCIL DATE: August 17, 2010

14 PASSED BY THE COUNCIL: \_\_\_\_\_, 2010

15 \_\_\_\_\_ - PRESIDENT

16 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2010

17 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
18 EX-OFFICIO CLERK OF THE  
19 CITY AND COUNTY OF DENVER

20 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2010; \_\_\_\_\_, 2010

21 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY, August 19, 2010

22 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
23 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
24 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
25 3.2.6 of the Charter.

26 David R. Fine, City Attorney

27 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2010