

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2014

COUNCIL BILL NO. CB14-0202
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

6 **A BILL**

7 **For an ordinance vacating Beekman Place west of Nepal Street, with**
8 **reservations.**

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

14 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
15 **OF DENVER:**

16
17 **Section 1.** That the action of the Manager of Public Works in vacating the following
18 described right-of-way in the City and County of Denver and State of Colorado, to wit:

19
20 **PARCEL DESCRIPTION ROW NO. 2013-0153-01-001**

21
22 A PARCEL OF LAND BEING A PORTION OF "GREEN VALLEY RANCH
23 FILING NO. 35", A SUBDIVISION PLAT RECORDED AT RECEPTION
24 NUMBER 2002124141 CITY AND COUNTY OF DENVER RECORDS
25 LOCATED IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION
26 14, AND THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 23,
27 TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL
28 MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

29
30 THE VACATION OF BEEKMAN PL. WEST OF NEPAL ST. AS
31 RECORDED ON SAID "GREEN VALLEY RANCH FILING NO. 35". WITH
32 A RESERVATION FOR ACCESS AND UTILITIES.

33
34
35 be and the same is hereby approved and the described right-of-way is hereby vacated and
36 declared vacated;

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

38 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
39 successors and assigns, over, under, across, along, and through the vacated area for the
40 purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or
41 private utilities including, but not limited to, storm drainage, sanitary sewer, and water facilities and

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

12 COMMITTEE APPROVAL DATE: March 20, 2014 [by consent]

13 MAYOR-COUNCIL DATE: March 25, 2014

14 PASSED BY THE COUNCIL: _____, 2014

15 _____ - PRESIDENT

16 APPROVED: _____ - MAYOR _____, 2014

17 ATTEST: _____ - CLERK AND RECORDER,
18 EX-OFFICIO CLERK OF THE
19 CITY AND COUNTY OF DENVER
20

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2014; _____, 2014

22 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: March 27, 2014

23 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
24 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
26 3.2.6 of the Charter.
27

28 D. Scott Martinez, Denver City Attorney

29 BY: _____, City Attorney DATE: _____, 2014