

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2014

COUNCIL BILL NO. CB14-0349
COMMITTEE OF REFERENCE:
Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating an alley bounded by South Garfield Street, South Monroe Street, Dakota Avenue and Alameda Avenue, 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 right-of-way in the City and County of Denver and State of Colorado, to wit:

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PARCEL DESCRIPTION ROW NO. 2012-0295-02-001

A PARCEL OF LAND BEING A PORTION OF THE ALLEY AS DEDICATED BY PLAT IN BLOCK 4 OF BURNSDALE AS RECORDED IN BOOK 18 PAGE 45 TOGETHER WITH THAT PORTION OF ALLEY DEDICATED BY ORDINANCE 436 OF 1971 LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 68 WEST SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWESTERLY CORNER OF LOT 12 OF SAID BLOCK 4, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; THENCE N89°56'02"E A DISTANCE OF 125.07 FEET ALONG THE NORTHERLY LINE OF SAID LOT 12 TO A POINT ON THE EASTERLY LINE OF LOT 11; THENCE N00°02' 40"W, A DISTANCE OF 189.97 FEET ALONG THE EASTERLY LINE OF LOTS 4 THROUGH 11 TO A POINT THAT LIES 10.19' S00°02'40"E FROM THE SOUTHEASTERLY CORNER OF LOT 4; THENCE N89°56'07"E, A DISTANCE OF 15.00 FEET TO A POINT ON THE WESTERLY LINE OF LOT 47, BLOCK 4; THENCE S00°02'40"E, A DISTANCE OF 214.99 FEET ALONG THE WESTERLY LINE OF LOTS 39 THROUGH 47 TO THE SOUTHWESTERLY CORNER OF LOT 39; THENCE S89°56'02"W, A DISTANCE OF 15.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 12; THENCE S89°56'02"W, A DISTANCE OF 25.00 FEET ALONG THE SOUTHERLY LINE OF LOT 12; THENCE N59°09'44"W, A DISTANCE OF 17.56 FEET; THENCE S89°56'02"W, A DISTANCE OF 85.00 FEET TO A POINT ON THE WESTERLY LINE OF LOT 12, BLOCK 4; THENCE N00°02'40"W, A DISTANCE OF 16.00 ALONG THE WESTERLY LINE OF LOT 12 TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 5,520 SQUARE FEET (0.127 ACRES) MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON AN ASSUMED BEARING S00°02'40"E ALONG THE EASTERLY LINE BLOCK 4, BURNSDALE BETWEEN NORTHEAST CORNER OF LOT 50 AND THE NORTHEAST CORNER OF LOT 44 AND BEING MONUMENTED BY A FOUND 17 FOOT WITNESS CORNER BEING A CHISELED CROSS AT THE NORTHEAST CORNER OF LOT 50 AND A FOUND 17 FOOT WITNESS CORNER BEING A CHISELED CROSS AT THE NORTHEAST CORNER OF LOT 40.

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:

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 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: April 24, 2014 [by consent]

13 MAYOR-COUNCIL DATE: April 29, 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: May 1, 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