1 BY AUTHORITY 2 ORDINANCE NO. _____ COUNCIL BILL NO. CB22-0141 3 SERIES OF 2022 COMMITTEE OF REFERENCE: 4 Land Use, Transportation & Infrastructure 5 A BILL 6 For an ordinance vacating a portion of the alley bounded by North Brighton Boulevard, 35th Street, Wynkoop Street and 36th Street, with reservations. 7 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; BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER: 13 14 That the action of the Executive Director of the Department of Transportation Section 1.

PARCEL DESCRIPTION ROW NO. 2021-VACA-0000007-001:

and Infrastructure in vacating the following described right-of-way in the City and County of Denver,

THAT PORTION OF THE 16-FOOT WIDE PUBLIC ALLEY IN BLOCK 6, FIRST ADDITION TO IRONTON, ADJACENT TO LOTS 13 THROUGH 16, INCLUSIVE AND LOTS 17 THROUGH 20, INCLUSIVE, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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State of Colorado, to wit:

BEGINNING AT THE SOUTHWESTERLY MOST CORNER OF SAID LOT 17, SAID POINT ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 35TH STREET, AN 80-FOOT WIDE PUBLIC RIGHT-OF-WAY;

- THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 45°26'37" WEST, A DISTANCE OF 16.00 FEET TO THE SOUTHEASTERLY MOST CORNER OF SAID LOT 16, SAME BEING A POINT ON THE NORTHWESTERLY LINE OF SAID PUBLIC ALLEY;
- 31 THENCE ALONG THE NORTHWESTERLY LINE OF SAID ALLEY AND THE SOUTHEASTERLY
- 32 LINES OF SAID LOTS 13 THROUGH 16, INCLUSIVE, NORTH 44°35'06" EAST, A DISTANCE OF
- 33 80.08 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 13;
- 34 THENCE SOUTH 45°26'19" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON THE
- 35 NORTHWESTERLY LINE OF SAID LOT 20, SAID POINT ALSO BEING ON THE
- 36 SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID PUBLIC ALLEY;

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THENCE ALONG SAID RIGHT-OF-WAY LINE AND THE NORTHWESTERLY LINE OF SAID LOTS 17 THROUGH 20, INCLUSIVE, SOUTH 44°35'06" WEST A DISTANCE OF 80.08 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,281 SQUARE FEET OR 0.029 ACRE OF LAND.

THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS BASED ON THE 15.75' RANGE LINE IN 35TH STREET BETWEEN BRIGHTON BOULEVARD AND WYNKOOP STREET AS MONUMENTED AT THE NORTHWEST END BY A 2-1/2" ALUMINUM CAP IN RANGE BOX STAMPED "LS 29425" AND AT THE SOUTHEAST END BY A YELLOW PLASTIC CAP MARKED "LS 16845". SAID LINE BEARS SOUTH 45°26'37" EAST

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

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1	COMMITTEE APPROVAL DATE: February 1, 2022 by Consent		
2	MAYOR-COUNCIL DATE: N/A		
3	PASSED BY THE COUNCIL:		
4		PRESIDENT	
5	APPROVED:	MAYOR	
6 7 8	ATTEST:	CLERK AND RECORDER, EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER	
9	NOTICE PUBLISHED IN THE DAILY JOURNAL:		· · · · · · · · · · · · · · · · · · ·
10	PREPARED BY: Martin A. Plate, Assistant City A	A. Plate, Assistant City Attorney	
11 12 13 14 15	Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.		
16 17	Kristin M. Bronson, Denver City Attorney		
18	BY: Jonathan Griffin , Assistant City Att	torney DATE	Feb 3, 2022