BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. CB22-0730

SERIES OF 2022 COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating the alley bounded by Larimer Street, 26th Street, Lawrence Street and 27th Street, with reservations.

WHEREAS, the Executive Director of the Department of Transportation and Infrastructure 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;

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

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

PARCEL DESCRIPTION ROW NO. 2022-VACA-0000002-001:

THE 16-FOOT ALLEY IN BLOCK 58, CURTIS AND CLARKE'S ADDITION TO DENVER, AND BLOCK 30, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER; SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF LOT 16, SAID BLOCK 58;
THENCE NORTHEASTERLY, ALONG THE NORTHWEST LINE OF SAID 16-FOOT ALLEY, 400.53 FEET TO THE EAST CORNER OF LOT 1, SAID BLOCK 30;
THENCE SOUTHEASTERLY ALONG THE SOUTHWEST RIGHT OF WAY LINE OF 27TH STREET, 16.00 FEET TO THE NORTH CORNER OF LOT 32, SAID BLOCK 30;
THENCE SOUTHWESTERLY, ALONG THE SOUTHEAST LINE OF SAID 16-FOOT ALLEY, 400.54 FEET TO THE WEST CORNER OF LOT 17, SAID BLOCK 58;
THENCE NORTHWESTERLY ALONG THE NORTHEAST RIGHT OF WAY LINE OF 26TH STREET, 16.00 FEET TO THE POINT OF BEGINNING

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.

COMMITTEE APPROVAL DATE: June 21, 2022 by Consent

MAYOR-COUNCIL DATE: June 28, 2022

PASSED BY THE COUNCIL: July 18, 2022

_____ - PRESIDENT

APPROVED: _____ - MAYOR Jul 19, 2022

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: June 30, 2022

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.

Kristin M. Bronson, Denver City Attorney

BY: Jonathan Griffin, Assistant City Attorney DATE: Jun 30, 2022