

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2023

COUNCIL BILL NO. CB23-0497

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance relinquishing 1) a portion of the easement reserved in Ordinance No. 116, Series of 1947, recorded with Denver Clerk & Recorder at Reception No. R-92-0095493; and 2) the easement, in its entirety, reserved in Ordinance No. 115, Series of 1926, recorded with Denver Clerk & Recorder at Book 4880, Page 443, located at 725 West 39th Avenue.**

**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 requires a portion of the easement in Ordinance No. 116, Series of 1947, hereinafter described, and no longer requires the easement in Ordinance No. 115, Series of 1926, and subject to approval by ordinance, has relinquished the same;

**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 relinquishing a portion of the easement reserved in Ordinance No. 116, Series of 1947, recorded with Denver Clerk & Recorder at Reception No. R-92-0095493, in the following area:

**PARCEL DESCRIPTION ROW NO. 023-RELINQ-0000004-001:**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF GALAPAGO STREET AND WEST 39TH AVENUE, AS MONUMENTED BY A DENVER RANGE POINT BEING AN AXLE IN A RANGE BOX, WHENCE THE INTERSECTION OF ELATI STREET AND SAID 39TH AVENUE, AS MONUMENTED BY A DENVER RANGE POINT BEING A 3-1/4" ILLEGIBLE ALUMINUM CAP, BEARS S89°48'47"E, A DISTANCE OF 691.68 FEET ALONG THE 20' RANGE LINE OF SAID 39TH AVENUE, FORMING THE BASIS OF BEARINGS USED IN THIS DESCRIPTION;

THENCE N25°14'46"E, A DISTANCE OF 435.85 FEET TO A POINT BEING ON THE SOUTH LINE OF WEST 40<sup>TH</sup> AVENUE, AND THE NORTHEAST CORNER OF LOT 1, BLOCK 38 VIADUCT ADDITION TO DENVER RECORDED IN BOOK 4, PAGE 20 IN THE RECORDS OF CITY AND COUNTY OF DENVER, AND THE **POINT OF BEGINNING**;

1 THENCE ALONG SAID NORTH LINE OF SAID BLOCK 38 VIADUCT ADDITION TO DENVER,  
2 N89°54'38"W, A DISTANCE OF 124.70 FEET;  
3 THENCE DEPARTING SAID BLOCK 38, N00°11'56"E, A DISTANCE OF 80.00 FEET TO A  
4 POINT BEING THE SOUTHWEST CORNER OF LOT 15, BLOCK 27 VIADUCT ADDITION TO  
5 DENVER;  
6  
7 THENCE ALONG SAID SOUTH LINE OF SAID BLOCK 27 VIADUCT ADDITION TO DENVER,  
8 S89°54'38"E, A DISTANCE OF 124.59 FEET TO A POINT BEING THE SOUTHWEST CORNER  
9 OF LOT 15, BLOCK 27 VIADUCT ADDITION TO DENVER;  
10  
11 THENCE DEPARTING SAID BLOCK 27, S00°07'11"E, A DISTANCE OF 80.00 FEET TO THE  
12 **POINT OF BEGINNING.**  
13

14 CONTAINING AN AREA OF 9,972 SQ. FT. OR 0.229 ACRES, MORE OR LESS  
15 be and the same is hereby approved and that a portion of the easement within the above-described  
16 area is hereby relinquished.

17 **Section 2.** That the action of the Executive Director of the Department of Transportation  
18 and Infrastructure in relinquishing of the easement, in its entirety, reserved in Ordinance No. 115,  
19 Series of 1926, recorded with Denver Clerk & Recorder at Book 4880, Page 443, be and the same  
20 is hereby approved and that the easement in the above-described Ordinance is hereby relinquished.

21 COMMITTEE APPROVAL DATE: May 2, 2023 by Consent  
22 MAYOR-COUNCIL DATE: May 9, 2023  
23 PASSED BY THE COUNCIL: \_\_\_\_\_

24 \_\_\_\_\_ - PRESIDENT  
25 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
26 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
27 EX-OFFICIO CLERK OF THE  
28 CITY AND COUNTY OF DENVER

29 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_  
30 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: May 11, 2023

31 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the Office of the  
32 City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
33 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6  
34 of the Charter.  
35  
36 Kerry Tipper, Denver City Attorney

37  
38 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_