

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB23-0674

SERIES OF 2023

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of North Bannock Street right-of-way located between West 14th Avenue and West Colfax Avenue, 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-0000012-001:

A parcel of land being a portion of Bannock Street as platted in the recorded subdivision plat of Evans Addition to the City of Denver, being located in the Northwest Quarter of Section 3, Township 4 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 Southeast corner of Block 9 in said subdivision plat of Evans Addition to the City of Denver; Thence N0°04'18"E, along the East line of said Block 9, a distance of 500.50 feet to the Northeast corner of said Block 9; Thence S89°47'42"E, departing said East line, a distance of 80.00 feet to the Northwest corner of Block 8 in said subdivision; Thence S0°04'18"W, along the West line of said Block 8, a distance of 501.00 feet to the Southwest corner of said Block 8; Thence N89°26'13"W, departing said West line, a distance of 80.00 feet to the Point of Beginning.

Said parcel contains 40,060 square feet or 0.92 acres more or less

Bearings are based on the East line of Block 9 assumed to be N0°04'18"E

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:

1 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its
2 successors and assigns, over, under, across, along and through the vacated area for the purposes
3 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities
4 including, without limitation, storm drainage, sanitary sewer, and water facilities and all
5 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the
6 entire easement area. The City reserves the right to authorize the use of the reserved easement by
7 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,
8 landscaping or structures shall be allowed over, upon or under the easement area. Any such
9 obstruction may be removed by the City or the utility provider at the property owner's expense. The
10 property owner shall not re-grade or alter the ground cover in the easement area without permission
11 from the City and County of Denver. The property owner shall be liable for all damages to such
12 utilities, including their repair and replacement, at the property owner's sole expense. The City and
13 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall
14 not be liable for any damage to property owner's property due to use of this reserved easement.

15 COMMITTEE APPROVAL DATE: June 6, 2023 by Consent

16 MAYOR-COUNCIL DATE: June 13, 2023 by Consent

17 PASSED BY THE COUNCIL: _____

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____

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

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

24 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: June 15, 2023

25 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
26 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
28 § 3.2.6 of the Charter.

29
30 Kerry Tipper, Denver City Attorney

31
32 BY: _____, Assistant City Attorney DATE: _____