

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. CB23-0681

SERIES OF 2023

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance vacating the alley bounded by 33rd Street, Blake Street, 34th Street and Walnut Street, located at 3300 Blake 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-0000004-001:**

A PARCEL OF LAND BEING A PART OF BLOCK 3, H. WITTER'S ADDITION TO DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH-SOUTH RANGE LINE ON BLAKE STREET, BETWEEN 33RD STREET AND 34TH STREET, AS BEARING NORTH 45°08'13" EAST, WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO;

**COMMENCING** AT THE NORTHERLY CORNER OF SAID BLOCK 3, POINT ALSO BEING THE NORTH CORNER OF LOT 1, OF SAID BLOCK 3 WHICH IS SOUTH 21°52'21" EAST, A DISTANCE OF 65.17 FROM THE SAID RANGE POINT AT THE INTERSECTION OF BLAKE STREET AND 34TH STREET;

THENCE SOUTH 44°43'07" EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 AND BLOCK 3, A DISTANCE OF 124.89 FEET TO THE EASTERLY CORNER OF SAID LOT 1, POINT ALSO BEING THE NORTHERLY CORNER OF THE ALLEY IN SAID BLOCK 3, POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 44°43'07" EAST CONTINUING ALONG THE NORTHEASTERLY LINE OF

1 SAID BLOCK 3 AND SAID ALLEY, A DISTANCE OF 16.00 FEET TO THE EASTERLY CORNER  
2 OF SAID ALLEY, POINT ALSO BEING THE NORTHERLY CORNER OF LOT 32 OF SAID  
3 BLOCK 3;

4  
5 THENCE SOUTH 45°07'45" WEST ALONG THE NORTHWESTERLY LINE OF LOTS 17  
6 THROUGH 32 OF SAID BLOCK 3, LINE ALSO BEING THE SOUTHEASTERLY LINE OF SAID  
7 ALLEY, A DISTANCE OF 400.00 FEET TO THE SOUTHERLY CORNER OF SAID ALLEY, POINT  
8 ALSO BEING THE WESTERLY CORNER OF SAID LOT 17;

9  
10 THENCE NORTH 44°52'41" WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 3  
11 AND SAID ALLEY, A DISTANCE OF 16.00 FEET TO THE WESTERLY CORNER OF SAID  
12 ALLEY, POINT ALSO BEING THE SOUTHERLY CORNER OF LOT 16 OF SAID BLOCK 3;

13  
14 THENCE NORTH 45°07'45" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 1  
15 THROUGH 16, LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID ALLEY, A  
16 DISTANCE OF 400.04 FEET TO THE POINT OF BEGINNING.

17  
18 SAID PARCEL CONTAINS 6,400 SQUARE FEET OR 0.15 ACRES, MORE OR LESS

19 be and the same is hereby approved and the described right-of-way is hereby vacated and declared  
20 vacated;

21 PROVIDED, HOWEVER, said vacation shall be subject to the following reservation:

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

1 COMMITTEE APPROVAL DATE: June 6, 2023 by Consent  
2 MAYOR-COUNCIL DATE: June 13, 2023 by Consent  
3 PASSED BY THE COUNCIL: \_\_\_\_\_  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_  
10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: June 15, 2023  
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 § 3.2.6 of the Charter.  
15  
16 Kerry Tipper, Denver City Attorney  
17  
18 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_