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BY AUTHORITY

ORDINANCE NO. 237

COUNCIL BILL NO. CB14-0294

SERIES OF 2014

COMMITTEE OF REFERENCE:

Land Use, Transportation, and Infrastructure

A BILL

For an ordinance vacating a portion of the alley bounded by Colfax Avenue, 14th Avenue, Downing Street and Corona Street, with reservations.

WHEREAS, the Manager of Public Works 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;

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

Section 1. That the action of the Manager of Public Works in vacating the following described right-of-way in the City and County of Denver and State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2013-0123-05-001

A PARCEL OF LAND BEING A PORTION OF THE 10-FOOT ALLEY IN BLOCK 104, BREWER'S ADDITION TO THE CITY OF DENVER LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, 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 SOUTHWEST CORNER OF LOT 1, SAID BLOCK 104, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID 10-FOOT ALLEY;
THENCE SOUTH 89°16'23" EAST ALONG SAID NORTH LINE, A DISTANCE OF 125.17 FEET TO THE SOUTHEAST CORNER OF LOT 5, SAID BLOCK 104;
THENCE SOUTH 00°12'36" WEST, A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF LOT 6, SAID BLOCK 104, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 10-FOOT ALLEY;
THENCE NORTH 89°16'23" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 125.16 FEET TO THE NORTHWEST CORNER OF SAID LOT 6;
THENCE NORTH 00°10'37" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,252 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

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

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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 portion for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, 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 vacated area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the vacated area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the vacated 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 vacated 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: April 10, 2014 [by consent]

MAYOR-COUNCIL DATE: April 15, 2014

PASSED BY THE COUNCIL: April 28, 2014

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2014

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: April 25, 2014; MAY 2, 2014

PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: April 17, 2014

Pursuant to section 13-12, 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.

D. Scott Martinez, Denver City Attorney

BY: _____, City Attorney DATE: 17 Apr, 2014