

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2025

COUNCIL BILL NO. CB24-1848
COMMITTEE OF REFERENCE:
South Platte River

5 **A BILL**

6 **For an ordinance vacating a portion of the alley at 3715 Chestnut Place, with**
7 **reservations.**

8 **WHEREAS**, the Executive Director of the Department of Transportation and Infrastructure of
9 the City and County of Denver has found and determined that the public use, convenience and
10 necessity no longer require that certain area in the system of thoroughfares of the municipality
11 hereinafter described and, subject to approval by ordinance, has vacated the same with the
12 reservations hereinafter set forth;

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

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

17 **PARCEL DESCRIPTION ROW NO. 2023-VACA-0000012-001:**

18 A PORTION OF THE ALLEY THROUGH BLOCK 18, FIRST ADDITION TO IRONTON AND BLOCK
19 42, ST. VINCENT'S ADDITION SECOND FILING, LOCATED IN THE SOUTHEAST QUARTER OF
20 SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH,
21 RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO,
22 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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24 CONSIDERING THE NORTHEASTERLY LINE OF LOT 40, BLOCK 18, FIRST ADDITION TO
25 IRONTON TO BEAR SOUTH 45°01'37" EAST, A DISTANCE OF 124.74 FEET BETWEEN A
26 FOUND 1.5" YELLOW PLASTIC CAP STAMPED "PLS 37929" ON #5 REBAR AT THE
27 NORTHERLY CORNER OF SAID LOT 40 AND A FOUND 1.25" RED PLASTIC CAP STAMPED
28 "26958" ON #5 REBAR AT THE EASTERLY CORNER OF SAID LOT 40, WITH ALL BEARINGS
29 CONTAINED HEREIN RELATIVE THERETO.

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31 COMMENCING AT THE NORTHERLY CORNER OF LOT 40, BLOCK 18, FIRST ADDITION TO
32 IRONTON ALSO BEING A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF ARKINS
33 COURT PER ORDINANCE NO. 1895-2; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-
34 WAY LINE, NORTH 31°30'56" EAST, A DISTANCE OF 1.14 FEET TO A POINT ON THE
35 SOUTHEASTERLY LINE OF THE 16 FOOT ALLEY THROUGH BLOCK 18, FIRST ADDITION TO
36 IRONTON AND BLOCK 42, ST. VINCENT'S ADDITION SECOND FILING AND THE POINT OF
37 BEGINNING;

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THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF ARKINS COURT, NORTH 31°30'56" EAST, A DISTANCE OF 69.20 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID 16 FOOT ALLEY; THENCE ALONG SAID NORTHWESTERLY LINE, NORTH 44°53'00" EAST, A DISTANCE OF 411.42 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 5, SAID BLOCK 42 BEING 20.00 FEET SOUTHWESTERLY OF THE EASTERLY CORNER OF SAID LOT; THENCE SOUTH 45°04'53" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID 16 FOOT ALLEY; THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 44°53'00" WEST, A DISTANCE OF 478.74 FEET TO THE POINT OF BEGINNING;

CONTAINING 7,121 SQUARE FEET OR 0.16 ACRES, MORE OR LESS

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.

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1 COMMITTEE APPROVAL DATE: January 1, 2025 by Consent
2 MAYOR-COUNCIL DATE: January 7, 2025
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: January 9, 2025

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

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18 BY: _____, Assistant City Attorney DATE: _____