BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. CB17-0470

SERIES OF 2017 COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of right-of-way near the intersection of East 26th Avenue and Clarkson Street, with reservations.

WHEREAS, the Executive Director 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;

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

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

PARCEL DESCRIPTION ROW NO. 2016-VACA-0000028-001:

A PARCEL OF LAND BEING A PORTION OF A 16' WIDE PLATTED ALLEY LYING SOUTHEASTERLY AND ADJACENT TO LOT 12, BLOCK 78, CASE & EBERT'S ADDITION TO THE CITY OF DENVER RESURVEY AS DESCRIBED IN THE RECORDS OF THE CITY AND COUNTY OF DENVER IN PLAT BOOK 6 AT PAGE 63, AND A PORTION OF ORDINANCE NUMBER 104 OF SERIES 1998 AS DESCRIBED IN THE RECORDS OF THE CITY AND COUNTY OF DENVER ON FEBRUARY 17, 1998, LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHEASTERLY LINE OF LOT 12, SAID BLOCK 78, TO BEAR NORTH 44°44'20" EAST, A DISTANCE OF 22.52 FEET BETWEEN A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958" AT THE EASTERLY OF THE TWO SOUTH CORNERS OF SAID LOT 12 AND A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958", AT THE EASTERLY CORNER OF SAID LOT 12, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE EAST CORNER OF SAID LOT 12 AND A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958";
THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 12 EXTENDED SOUTHEASTERLY, SOUTH 45°15'40" EAST, A DISTANCE OF 22.73 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 26TH AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST 26TH AVENUE, NORTH 90°00'00" WEST, A DISTANCE OF 31.99 FEET;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 12, NORTH 44°44'20" EAST, A DISTANCE OF 22.52 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 256 SQ. FT. OR 0.006 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 storm drainage and sanitary sewer 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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COMMITTEE APPROVAL DATE: April 25, 2017 by Consent

MAYOR-COUNCIL DATE: May 2, 2017

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: May 4, 2017

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.

Kristin M. Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____