BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. CB17-0530

SERIES OF 2017 COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of the east/west alley bounded by North Julian Street, North Irving Street, West 18th Avenue and West 17th Avenue, 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-0000025-001:

COMMENCING AT A FOUND 3 IN ALUMINUM CAP IN RANGE BOX STAMPED LS 16406; BEING ON THE SOUTHWEST RANGE LINE CORNER OF WEST 17TH AVENUE (ELLSWORTH AVENUE) AND JULIAN STREET, BLOCK 16 AS NOTED IN "THE MAP OF OFFICIAL CITY SURVEY OF S.W. 1/4 SECTION 32, TOWNSHIP 3 SOUTH, RANGE 68 WEST, INCLUDING CHELTENHAM HEIGHTS AND RE-SUBDIVISION THEREOF", RECORDED IN BOOK 8B PAGE 43, ADOPTED OCTOBER 31, 1898.

THENCE N 20°34'04" E, A DISTANCE OF 172.84 FEET TO A FOUND NO. 4 REBAR (NO CAP) MARKING THE SOUTHWEST CORNER OF A PLATTED ALLEY IN SAID CHELTENHAM HEIGHTS MAP, ALSO BEING THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED HEREIN, AND BEING THE POINT OF BEGINNING;

THENCE S 89°56'41" E, A DISTANCE OF 130.13 FEET TO A POINT BEING THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED HEREIN;

THENCE N 00°01'11" E, A DISTANCE OF 10.00 FEET TO A POINT BEING THE NORTHEAST CORNER OF THE PARCEL DESCRIBED HEREIN;

THENCE N 89°56'41" W, A DISTANCE OF 130.12 FEET TO A POINT BEING THE NORTHWEST CORNER OF THE PARCEL DESCRIBED HEREIN;

THENCE S 00°02'20" W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;
SAID PARCEL OF ALLEY VACANCY BEING APPROXIMATELY 0.03 ACRES (1308.87 SQUARE FEET)

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.

COMMITTEE APPROVAL DATE: May 9, 2017 by Consent

MAYOR-COUNCIL DATE: May 16, 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 18, 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: _____