

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2017

COUNCIL BILL NO. CB17-0470  
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating a portion of right-of-way near the intersection of East**  
7 **26<sup>th</sup> Avenue and Clarkson Street, with reservations.**

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

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

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

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

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

25  
26 CONSIDERING THE SOUTHEASTERLY LINE OF LOT 12, SAID BLOCK 78, TO BEAR NORTH  
27 44°44'20" EAST, A DISTANCE OF 22.52 FEET BETWEEN A FOUND 1" BRASS TAG SET IN A  
28 CHISELED CROSS "RPLS 26958" AT THE EASTERLY OF THE TWO SOUTH CORNERS OF  
29 SAID LOT 12 AND A FOUND 1" BRASS TAG SET IN A CHISELED CROSS "RPLS 26958", AT  
30 THE EASTERLY CORNER OF SAID LOT 12, WITH ALL BEARINGS CONTAINED HEREIN  
31 RELATIVE THERETO.

32  
33 BEGINNING AT THE EAST CORNER OF SAID LOT 12 AND A FOUND 1" BRASS TAG SET IN A  
34 CHISELED CROSS "RPLS 26958";  
35 THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 12 EXTENDED  
36 SOUTHEASTERLY, SOUTH 45°15'40" EAST, A DISTANCE OF 22.73 FEET TO A POINT ON  
37 THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 26TH AVENUE;

1 THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST 26TH AVENUE, NORTH  
2 90°00'00" WEST, A DISTANCE OF 31.99 FEET;

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

5 SAID PARCEL CONTAINING 256 SQ. FT. OR 0.006 ACRES, MORE OR LESS

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

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

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

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1 COMMITTEE APPROVAL DATE: April 25, 2017 by Consent  
2 MAYOR-COUNCIL DATE: May 2, 2017  
3 PASSED BY THE COUNCIL: May 22, 2017

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR May 23, 2017

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_;

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

12 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
15 3.2.6 of the Charter.

16  
17 Kristin M. Bronson, Denver City Attorney

18 BY: \_\_\_\_\_, Assistant City Attorney DATE: May 4, 2017