

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. CB17-0863

SERIES OF 2017

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance relinquishing a portion of a utility easement dedicated by the Vestals Sunset Terrace Filing No. 4 subdivision plat recorded with the Denver Clerk & Recorder on April 2, 1956 at Book 23, Page 5, located at 5405 East Bails Drive.**

**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 requires the easement in the area hereinafter described, and subject to approval by ordinance, has relinquished the same;

**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 relinquishing of the easement dedicated by the Vestals Sunset Terrace Filing No. 4 subdivision plat, in the following area:

**PARCEL DESCRIPTION ROW NO. 2017-RELINQ-0000006-001:**

A PORTION OF A 10 FOOT UTILITY EASEMENT DEDICATED BY THE PLAT OF VESTALS SUNSET TERRACE FILING NO. 4 AS RECORDED ON APRIL 2, 1956 AT BOOK 23, PAGE 5 AT THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE. SITUATED IN LOT 2 AND LOT 3, VESTALS SUNSET TERRACE FILING NO. 6 AS RECORDED ON FEBRUARY 4, 2016 AT RECEPTION NO. 2016013674 AT SAID CLERK AND RECORDER'S OFFICE, BEING A PART OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY MOST CORNER OF SAID LOT 2, WHENCE THE WEST LINE OF SAID LOTS 2 AND 3, ALSO BEING A PORTION OF THE WESTERLY LINE OF SAID VESTALS SUNSET TERRACE FILING NO. 6, BEARS NORTH 00°00'00" EAST AS SHOWN ON THE PLAT OF SAID VESTALS SUNSET TERRACE FILING NO. 6, SAID LINE BEING THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE ALONG A SOUTHERLY LINE OF SAID LOT 2, NORTH 89°59'53" EAST, A DISTANCE OF 17.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE THROUGH SAID LOTS 2 AND 3 AND PARALLEL WITH THE WESTERLY LINE OF

1 SAID LOTS 2 AND 3, NORTH 00°00'00" EAST, A DISTANCE OF 162.66 FEET TO A  
2 NORTHERLY LINE OF SAID LOT 3;

3 THENCE ALONG SAID NORTHERLY LINE OF LOT 3, NORTH 89°59'53" EAST, A DISTANCE  
4 OF 10.00 FEET TO THE COMMON CORNER OF SAID LOT 3 AND LOT 3 OF VESTALS  
5 SUNSET TERRACE FILING NO. 4;

6 THENCE THROUGH SAID LOTS 3 AND 2 OF SAID VESTALS SUNSET TERRACE FILING NO.  
7 6 AND PARALLEL WITH THE WESTERLY LINE OF SAID LOTS 3 AND 2, SOUTH 00°00'00"  
8 EAST, A DISTANCE 162.66 FEET TO THE COMMON CORNER OF SAID LOT 2 AND LOT 5 OF  
9 SAID VESTALS TERRACE FILING NO. 4;

10 THENCE ALONG A SOUTHERLY LINE OF SAID LOT 2, SOUTH 89°59'53" WEST, A DISTANCE  
11 OF 10.00 FEET TO THE TRUE POINT OF BEGINNING.

12 CONTAINING 1627 SQUARE FEET (0.04 ACRE), MORE OR LESS

13 be and the same is hereby approved and that the easement within the above-described area is  
14 hereby relinquished.

15 COMMITTEE APPROVAL DATE: August 8, 2017 by Consent

16 MAYOR-COUNCIL DATE: August 15, 2017

17 PASSED BY THE COUNCIL: August 28, 2017

18 [Signature] - PRESIDENT PRO-TEM

19 APPROVED: [Signature] - MAYOR Aug 29, 2017

20 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
21 EX-OFFICIO CLERK OF THE  
22 CITY AND COUNTY OF DENVER

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

24 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: August 17, 2017

25 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
26 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
27 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6  
28 of the Charter.

29 Kristin M. Bronson, Denver City Attorney

30 BY: [Signature], Assistant City Attorney DATE: Aug 16, 2017