

1 **BY AUTHORITY**

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

COUNCIL BILL NO. CB19-0461

3 SERIES OF 2019

COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance vacating the alley bounded by East 43rd Avenue, North Steele**  
7 **Street, East 42nd Avenue and North Milwaukee 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. 2019-VACA-0000001-01:**

16 **LAND DESCRIPTION:**

17 A PART OF THE NE1/4 OF THE SW1/4 OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 68  
18 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING  
19 THE PLATTED 16 FOOT ALLEY BETWEEN LOTS 10-15 AND 17-22, BLOCK 49, FIRST  
20 ADDITION TO SWANSEA, AS RECORDED AT BOOK 1, PAGE 29, NOVEMBER 13th, 1873,  
21 CITY AND COUNTY OF DENVER, STATE OF COLORADO,

22 **MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

23 COMMENCING AT FOUND 2 INCH ALLOY CAP IN THE RANGE BOX COMMON TO THE  
24 NORTH-SOUTH RANGE LINE IN STEELE STREET AND THE EAST-WEST RANGE LINE IN  
25 EAST 42nd AVENUE; THENCE N00°10'16"E COINCIDENT WITH SAID NORTH-SOUTH RANGE  
26 LINE, A DISTANCE OF 18.25 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF EAST  
27 42nd AVENUE; THENCE S89°49'33"W COINCIDENT WITH THE SAID NORTH RIGHT OF WAY  
28 LINE, A DISTANCE OF 153.00 FEET TO THE WEST LINE OF A 16 FOOT PLATTED ALLEY  
29 THE TRUE POINT OF BEGINNING; THENCE N00°11'44"E COINCIDENT TO SAID WEST LINE,  
30 A DISTANCE OF 152.30 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION  
31 PACIFIC RAILROAD RIGHT OF WAY; THENCE N85°53'50"E COINCIDENT WITH SAID  
32 SOUTHERLY RIGHT OF WAY, A DISTANCE OF 16.04 FEET TO THE EAST LINE OF A 16  
33 FOOT PLATTED ALLEY; THENCE S00°11'44"E COINCIDENT WITH SAID EAST LINE A  
34 DISTANCE OF 153.42 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST

1 42ND AVENUE, THENCE S89°49'33"W COINCIDENT WITH THE SAID NORTH RIGHT OF WAY  
2 LINE A DISTANCE OF 16.00 FEET AND THE POINT OF BEGINNING.

3 EXCEPT FOR RIGHTS OF WAY OF RECORD.

4 PARCEL CONTAINS 2443.24 SQ. FT. OR 0.056 ACRES, MORE OR LESS

5 BASIS OF BEARING EAST-WEST RANGE LINE IN E. 42nd AVE. WHICH BEARS  
6 S89°49'44"W BETWEEN THE FOUND 2" ALLOY CAP IN THE RANGE BOX COMMON  
7 TO THE NORTH-SOUTH RANGE LINE IN STEELE STREET AND THE EAST-WEST  
8 RANGE LINE IN EAST 42ND AVENUE AND THE FOUND 2" ALLOY CAP IN THE RANGE  
9 BOX COMMON TO THE NORTH-SOUTH RANGE LINE IN MILWAUKEE STREET AND  
10 THE EAST-WEST RANGE LINE IN EAST 42<sup>nd</sup> AVENUE

11  
12 be and the same is hereby approved and the described right-of-way is hereby vacated and  
13 declared vacated;

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

15 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
16 successors and assigns, over, under, across, along and through the vacated area for the purposes  
17 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
18 including, without limitation, storm drainage, sanitary sewer, and water facilities and all  
19 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the  
20 entire easement area. The City reserves the right to authorize the use of the reserved easement by  
21 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,  
22 landscaping or structures shall be allowed over, upon or under the easement area. Any such  
23 obstruction may be removed by the City or the utility provider at the property owner's expense. The  
24 property owner shall not re-grade or alter the ground cover in the easement area without permission  
25 from the City and County of Denver. The property owner shall be liable for all damages to such  
26 utilities, including their repair and replacement, at the property owner's sole expense. The City and  
27 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall  
28 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: May 14, 2019 by Consent  
2 MAYOR-COUNCIL DATE: May 21, 2019 by Consent  
3 PASSED BY THE COUNCIL: June 10, 2019

4 Steve Gilmore - PRESIDENT PRO-TEM

5 APPROVED: Mary F. Robertson II - MAYOR Jun 12, 2019

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: May 23, 2019

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the 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 Kristin M. Bronson, Denver City Attorney

17 BY: Kristin J. Crawford, Assistant City Attorney DATE: May 22, 2019  
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