

BY AUTHORITY

ORDINANCE NO. ORD 15-0310
SERIES OF 2015

COUNCIL BILL NO. CB15-0310
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance vacating the right-of-way between Lawrence Street, Arapahoe Street, 26th Street and 27th Street, with reservations.

WHEREAS, the Manager 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;

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

Section 1. That the action of the Manager 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. 2014-1126-01-001

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE 16 FOOT WIDE PUBLIC ALLEY COINCIDENT WITH BLOCK 86, CURTIS AND CLARKE'S ADDITION TO THE CITY OF DENVER, BLOCK 47, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, BLOCK 86, STORY AND APPLETON'S ADDITION TO DENVER AND BLOCK 86, GEO. W. BROWN'S ADDITION TO DENVER.

CONTAINING AN AREA OF 0.147 ACRES, (6,408 SQUARE FEET), 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 portion of the vacated area as described below ("Easement Area") for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including, but not limited to, storm drainage, sanitary sewer, and water 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 21, 2015 by consent

MAYOR-COUNCIL DATE: May 26, 2015

PASSED BY THE COUNCIL: June 8, 2015

Judy H. Montero - PRESIDENT PRO-TEM

APPROVED [Signature] - MAYOR June 9, 2015

ATTEST: [Signature] - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER
Deputy Clerk & Recorder

NOTICE PUBLISHED IN THE DAILY JOURNAL: JUN 4, 2015; JUN 12, 2015

PREPARED BY: Brent A. Eisen, Assistant City Attorney

DATE: May 28, 2015

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.

D. Scott Martinez, Denver City Attorney

BY: [Signature], Assistant City Attorney

DATE: 28 May, 2015

