

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2019

COUNCIL BILL NO. CB19-0590  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance vacating the alley bounded by 40th Street, Blake Street, 40th Avenue and Walnut Street, 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-0000002-01:**

**LAND DESCRIPTION:**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING A PORTION OF A DEDICATED ALLEY LOCATED IN BLOCK 23, RIVERSIDE ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 17, BLOCK 23, RIVERSIDE ADDITION TO DENVER: THENCE N44°33'37"E ALONG THE NORTHWESTERLY LINE OF SAID LOT 17, 10.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N33°29'35"W, 16.35 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 16, BLOCK 23, RIVERSIDE ADDITION TO DENVER BEING 13.60 FEET NORTHEASTERLY OF THE MOST SOUTHERLY CORNER OF SAID LOT 16; THENCE N44°33'37"E ALONG THE SOUTHEASTERLY LINE OF SAID LOT 16 AND SAID LINE EXTENDED, 192.66 FEET TO A POINT ON THE SOUTHERLY LINE OF 40TH AVENUE BEING THAT TRACT OF LAND DESCRIBED IN ORDINANCE NO. 47 OF SERIES 1956; THENCE N89°45'51"E ALONG SAID SOUTHERLY LINE, 22.55 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 25, BLOCK 23, RIVERSIDE ADDITION TO DENVER; THENCE S44°33'37"E ALONG SAID NORTHWESTERLY LINE OF SAID LOT 25 AND SAID LINE EXTENDED, 211.93 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 3,237 SQUARE FEET OR 0.0743 ACRES MORE

1 OR LESS.

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3 BASIS OF BEARINGS: AN ASSUMED BEARING OF S44°33'37"W BEING A 20' RANGE LINE  
4 LOCATED IN WALNUT STREET BETWEEN TWO FOUND RANGE POINT MONUMENTS 1048.50  
5 FEET APART; ONE BEING A 3.25" DIAMETER ALLOY CAP IN CONCRETE FOUND AT THE  
6 INTERSECTION OF 40TH AVENUE AND WALNUT STREET AND THE OTHER BEING AN AXLE  
7 IN A RANGE BOX AT THE INTERSECTION OF WALNUT STREET AND 38TH STREET

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9 be and the same is hereby approved and the described right-of-way is hereby vacated and declared  
10 vacated;

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

12 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
13 successors and assigns, over, under, across, along and through the vacated area for the purposes  
14 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
15 including, without limitation, storm drainage, sanitary sewer, and water facilities and all  
16 appurtenances to said utilities. A hard surface shall be maintained by the property owner over the  
17 entire easement area. The City reserves the right to authorize the use of the reserved easement by  
18 all utility providers with existing facilities in the easement area. No trees, fences, retaining walls,  
19 landscaping or structures shall be allowed over, upon or under the easement area. Any such  
20 obstruction may be removed by the City or the utility provider at the property owner's expense. The  
21 property owner shall not re-grade or alter the ground cover in the easement area without permission  
22 from the City and County of Denver. The property owner shall be liable for all damages to such  
23 utilities, including their repair and replacement, at the property owner's sole expense. The City and  
24 County of Denver, its successors, assigns, licensees, permittees and other authorized users shall  
25 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: June 18, 2019 by Consent  
2 MAYOR-COUNCIL DATE: June 25, 2019  
3 PASSED BY THE COUNCIL: July 15, 2019  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
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: June 27, 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  
18 BY: Kristin M. Bronson, Assistant City Attorney DATE: July 11, 2019