

**BY AUTHORITY**

ORDINANCE NO. 20191064

COUNCIL BILL NO. CB19-1064

SERIES OF 2019

COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance vacating a portion of South Cherry Street near the intersection of East Warren Avenue and South Cherry Street to the southbound Interstate-25 ramp, 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. 2019-VACA-0000006-001:**

A PORTION OF SOUTH CHERRY STREET RIGHT-OF-WAY LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST-WEST CENTERLINE OF SAID SECTION 30 TO BEAR NORTH 89°32'22" EAST, A DISTANCE OF 2550.37 FEET BETWEEN A FOUND 3 1/4" ALUMINUM CAP STAMPED "COLORADO DEPARTMENT OF HIGHWAYS T4S 1/4 R68W R67W S25 S30 1991 PLS 11434" IN A RANGE BOX AT THE WEST QUARTER CORNER OF SAID SECTION 30 AND A FOUND 2 1/2" ALUMINUM CAP STAMPED "P.W.S.I. T4S R67W C1/4 S30 2002 LS 28669" IN A RANGE BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 30, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID WEST QUARTER CORNER OF SECTION 30; THENCE NORTH 68°40'06" EAST, A DISTANCE OF 1939.24 FEET TO THE SOUTHEASTERLY CORNER OF LOT 25, BLOCK 6, WARREN'S UNIVERSITY HEIGHTS, AND THE POINT OF BEGINNING; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK 6, NORTH 00°23'08" WEST, A DISTANCE OF 497.39 FEET TO A POINT ON THE EASTERLY LINE OF LOT 44, SAID BLOCK 6; THENCE SOUTH 50°23'15" EAST, A DISTANCE OF 78.32 FEET TO A POINT ON THE WESTERLY LINE OF LOT 7, BLOCK 7, SAID WARREN'S UNIVERSITY HEIGHTS; THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 7, SOUTH 00°23'08" EAST, A DISTANCE OF 446.94 FEET

1 TO THE SOUTHWESTERLY CORNER OF LOT 24, SAID BLOCK 7; THENCE SOUTH 89°30'55"  
2 WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

3  
4 SAID PARCEL CONTAINING 28,330 SQ. FT. OR 0.65 ACRES, MORE OR LESS

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

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

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

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23 **REMAINDER OF PAGE INTENTIONALLY BLANK**

1 COMMITTEE APPROVAL DATE: October 15, 2019 by Consent

2 MAYOR-COUNCIL DATE: October 22, 2019

3 PASSED BY THE COUNCIL: November 4, 2019

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

5 APPROVED: \_\_\_\_\_ - MAYOR Nov 5, 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: October 31, 2019 ; November 7, 2019

10 PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: October 24, 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.

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16 Kristin M. Bronson, Denver City Attorney

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18 BY: \_\_\_\_\_, Assistant City Attorney

DATE: Oct 24, 2019

