BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. CB20-0396

SERIES OF 2020 COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance vacating a portion of right-of-way directly under Interstate 70 and adjacent to 4665 North Fox Street, without reservations.

WHEREAS, the Executive Director of the Department of Transportation and Infrastructure of the City and County of Denver has found and determined that the public use, convenience and necessity no longer require that certain portion of that certain area in the system of thoroughfares of the municipality hereinafter described and, subject to approval by ordinance, has vacated the same, without reservations;

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

Section 1. That the action of the Executive Director of the Department of Transportation and Infrastructure in vacating the following described right-of-way in the City and County of Denver and State of Colorado, to wit:

PARCEL DESCRIPTION ROW NO. 2018-VACA-0000017-001:

A parcel of land being a portion of City and County of Denver Right of Way as described in a Special Warranty Deed recorded at Reception No. 604668, also in Book 6495 at Page 376, recorded January 19, 1949, lying in the Northwest Quarter of the Northwest Quarter of Section 22, Township 3 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, being that portion and only that portion of the following described parcel lying above elevation 5206.97 feet (NAVD88) and below elevation 5240.47 feet (NAVD88), said parcel described as follows:

COMMENCING at the Northwest Corner of said Section 22 (as witnessed by a found 3-1/4" aluminum cap stamped "T3S R68W S16 S15 S21 S22 WC15FT 2000 PLS 34173");

WHENCE the West Sixteenth Corner of said Section 15 and said Section 22 (a found 3" aluminum cap stamped "WESTERN STATES SURVEYING INC. T3S R68W W1/16 S15 S22 2008 PLS 23516") bears S89°54'01"E a distance of 1320.82 feet (basis of bearing – assumed);

THENCE S04°45'02"E a distance of 483.19 feet to the northerly line of said City and County of Denver Right of Way, being the POINT OF BEGINNING;

THENCE S70°18'00"E, coincident with said northerly Right of Way line, a distance of 16.16 feet;

THENCE S32°11'16"W a distance of 12.52 feet to the westerly line of the I-70 Bridge structure;

THENCE coincident with said westerly line the following five (5) courses:

1) S35°35'19"E, non-tangent with the following described curve, a distance of 12.81 feet;

2) Along the arc of a curve to the left, having a central angle of 6°03'17", a radius of 759.34 feet, a chord bearing of S03°23'27"W a distance of 80.21 feet, and an arc distance of 80.24 feet;

3) S00°54'40"E, non-tangent with the last described curve, a distance of 36.48 feet;

4) S01°44'07"E a distance of 140.57 feet;

5) S38°53'33"E a distance of 32.06 feet to the southerly line of said City and County of Denver Right of Way;

THENCE N68°55'34"W, coincident with said southerly Right of Way line, a distance of 67.03 feet to the easterly Right of Way line of the Burlington Northern Railroad Company;

THENCE coincident with said easterly Right of Way line the following two (2) courses:

1) N00°05'57"E a distance of 212.55 feet;

2) N19°52'37"E a distance of 76.36 feet to the POINT OF BEGINNING.

Each plane contains 10,736 square feet, (0.246 Acres), more or less. The volume of the parcel contains 359,656 cubic feet, more or less.

BASIS OF ELEVATIONS: The lower plane elevation for this parcel has an elevation of 5206.97 feet based on CCD benchmark 598, having a published CCD elevation of 5164.48 feet NAVD88. The lower plane elevation is 10.00 feet lower than the top of the BNSF rail elevation located at the south side of the I-70 Highway bridge. The upper plane, being the same shape and directly overhead the lower plane, has an elevation of 5240.47 feet

be and the same is hereby approved and the described portion of right-of-way is hereby vacated and declared vacated, without reservations.

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COMMITTEE APPROVAL DATE: May 5, 2020 by Consent

MAYOR-COUNCIL DATE: May 12, 2020 by Consent

PASSED BY THE COUNCIL: June 4, 2020

_____ - PRESIDENT

APPROVED: _____ - MAYOR Jun 8, 2020

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

PREPARED BY: Martin A. Plate, Assistant City Attorney DATE: May 14, 2020

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.

Kristin M. Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: May 13, 2020