

BY AUTHORITY

ORDINANCE NO. 379
SERIES OF 2009

COUNCIL BILL NO. 356
COMMITTEE OF REFERENCE:
Public Works

A BILL

For an ordinance vacating portions of an alley between West 34th Avenue, West 35th Avenue, North Tejon Street, and North Shoshone 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 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 with reservations;

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 area in the City and County of Denver and State of Colorado, to wit:

A PARCEL OF LAND BEING A PORTION OF THE ALLEY CONVEYED IN BOOK 609 PAGE 316 AND BOOK 609 PAGE 317 AS RECORDED IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE, SITUATED IN A PORTION OF LOT NUMBER TWO (2) AND A PORTION OF LOT NUMBER THREE (3), BLOCK FIFTEEN (15) OF H. WITTER'S NORTH DENVER ADDITION, AS FILED FOR RECORD IN COUNTY OF ARAPAHOE RECORDS IN THE BOOK OF PLATS ON PAGE 32, LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2;
THENCE SOUTH 89°56'24" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF WEST 34TH AVENUE A DISTANCE OF 125.00 FEET TO SOUTHWEST CORNER OF SAID ALLEY AND THE POINT OF BEGINNING;
THENCE NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID ALLEY A DISTANCE OF 200.37 FEET;
THENCE SOUTH 35°28'24" EAST A DISTANCE OF 16.56 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2;
THENCE SOUTH 89°57'07" EAST ALONG SAID NORTH LINE OF SAID LOT 2, A DISTANCE OF 5.14 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY;
THENCE SOUTH 00°00'00" WEST ALONG SAID EAST LINE, A DISTANCE OF 186.89 FEET TO THE SOUTH LINE OF SAID LOT 2 AND THE NORTH RIGHT OF WAY LINE OF WEST 34TH AVENUE;
THENCE NORTH 89°56'24" WEST ALONG SAID LINE A DISTANCE OF 14.75 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 2,821 SQUARE FEET OR 0.065 ACRES, MORE OR LESS.

BASIS OF BEARING IS THE SOUTH LINE OF BLOCK 15, H. WITTER'S NORTH DENVER ADDITION BEARING NORTH 89°56'24" WEST.

be and the same is hereby approved and the described portion of that certain alley is hereby vacated and declared vacated with reservations; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its

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

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16 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: June 16, 2009

17 PASSED BY THE COUNCIL June 29 2009

18 Joanne Fido - PRESIDENT

19 APPROVED: Hubert Hall ACTING MAYOR: June 30, 2009

20
21 ATTEST: Stephanie Wilkey - CLERK AND RECORDER,
22 EX-OFFICIO CLERK OF THE
23 CITY AND COUNTY OF DENVER

24 NOTICE PUBLISHED IN THE DAILY JOURNAL June 26, 2009; July 2, 2009

25 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY, June 16, 2009

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office
27 of the City Attorney. We find no irregularity as to form, and have no legal objection to the
28 proposed ordinance. The proposed ordinance is not submitted to the City Council for approval
29 pursuant to § 3.2.6 of the Charter.

30 David R. Fine, City Attorney

31 BY: David R. Fine, Assistant City Attorney, DATE: 17 June, 2009

