

BY AUTHORITY

1  
2 ORDINANCE NO. 381  
3 SERIES OF 2009  
4

COUNCIL BILL NO.: 358  
COMMITTEE OF REFERENCE:

**Public Works**

A BILL

5  
6 **For an ordinance vacating the portion of Boundary Place between South Dexter**  
7 **Street and South Dahlia Street, with reservations.**  
8

9 **WHEREAS**, the Manager of Public Works of the City and County of Denver has found and  
10 determined that the public use, convenience and necessity no longer require that certain area in the  
11 system of thoroughfares of the municipality hereinafter described and, subject to approval by  
12 ordinance, has vacated the same with the reservations hereinafter set forth;

13 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
14 **DENVER:**  
15

16 **Section 1.** That the action of the Manager of Public Works in vacating the following described  
17 area in the City and County of Denver and State of Colorado, to wit:

That portion of Boundary Place, previously known as Boundary Avenue, adjacent to the north line of Block 25, South University Place, First Addition, as originally platted on April 6<sup>th</sup> 1889, County of Arapahoe now in the City and County of Denver, State of Colorado, lying in the Southwest Quarter of Section 31, Township 4 South, Range 67 West, of the 6<sup>th</sup> P.M., said portion of Boundary Avenue being bounded on the west by the east line extended of S. Dexter St. previously known as Fayette Street, and on the east by the west line extended of S. Dahlia St. previously known as Morse Avenue.

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19 be and the same is hereby approved and the described area is hereby vacated and declared  
20 vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations  
21 covering the land described below:

22 A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its  
23 successors and assigns, over, under, across, along, and through the vacated area for the purposes  
24 of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities  
25 including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard  
26 surface shall be maintained by the property owner over the entire easement area. The City reserves  
27 the right to authorize the use of the reserved easement by all utility providers with existing facilities in  
28 the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed  
29 over, upon or under the easement area. Any such obstruction may be removed by the City or the  
30 utility provider at the property owner's expense. The property owner shall not re-grade or alter the

1 ground cover in the easement area without permission from the City and County of Denver. The  
2 property owner shall be liable for all damages to such utilities, including their repair and  
3 replacement, at the property owner's sole expense. The City and County of Denver, its successors,  
4 assigns, licensees, permittees and other authorized users shall not be liable for any damage to  
5 property owner's property due to use of this reserved easement. Said reserved easement shall  
6 apply to the following area only:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 31,  
TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING A PORTION OF  
BOUNDARY PLACE AS SHOWN ON THE PLAT OF SOUTH UNIVERSITY PLACE  
FIRST ADDITION, RECORDED IN BOOK 7 AT PAGE 29 IN ARAPAHOE  
COUNTY, NOW CITY AND COUNTY OF DENVER, AT RECEPTION NO. 191224,  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 25 OF SAID  
SOUTH UNIVERSITY PLACE FIRST ADDITION WHENCE THE SOUTHWEST  
CORNER OF SAID BLOCK 25 BEARS S00°02'16"W; THENCE N00°02'16"E,  
ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 2, A  
DISTANCE OF 5.40 FEET TO THE POINT OF BEGINNING; THENCE  
CONTINUING N00°02'16"E, ALONG SAID NORTHERLY EXTENSION, A  
DISTANCE OF 21.58 FEET; THENCE N67°56'51"E, A DISTANCE OF 148.77  
FEET; THENCE S22°03'09"E, A DISTANCE OF 11.95 FEET; THENCE  
S00°02'06"W, A DISTANCE OF 14.08 FEET TO A POINT ON THE  
SOUTHERLY RIGHT-OF-WAY LINE OF SAID BOUNDARY PLACE; THENCE  
S67°56'51"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE  
OF 21.58 FEET; THENCE N00°02'06"E, A DISTANCE OF 5.40 FEET;  
THENCE S67°56'51"W, A DISTANCE OF 132.04 FEET TO THE POINT OF  
BEGINNING. CONTAINING 3151 SQUARE FEET OR 0.072 ACRES MORE OR  
LESS.

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8 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: June 16, 2009  
9 PASSED BY THE COUNCIL June 29 2009

10 James J. Tobin - PRESIDENT

11 APPROVED: William Hall ACTING MAYOR June 30, 2009

12 ATTEST: Stephanie Wilcox - CLERK AND RECORDER,  
13 EX-OFFICIO CLERK OF THE  
14 CITY AND COUNTY OF DENVER  
15

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

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

1 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
2 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
3 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
4 3.2.6 of the Charter.  
5

6 David R. Fine, City Attorney:

7 BY: , Assistant City Attorney      DATE: 17 June, 2009

