

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2009

COUNCIL BILL NO. 357
COMMITTEE OF REFERENCE:
PUBLIC WORKS

A BILL

For an ordinance vacating the L-shaped alley bordered by 33rd Street, Walnut Street and Blake 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 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;

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 A 16 FOOT WIDE ALLEY LOCATED IN BLOCK 21, CASE AND EBERT'S ADDITION TO THE CITY AND COUNTY OF DENVER RECORDED APRIL 7, 1868 IN BOOK 1 PAGE 5, ARAPAHOE COUNTY RECORDS AND BLOCK 4, H. WITER'S ADDITION TO THE CITY AND COUNTY OF DENVER RECORDED MAY 25, 1869 IN BOOK 1 PAGE 10, ARAPAHOE COUNTY RECORDS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHWESTERLY LINE OF SAID BLOCK 21, CASE AND EBERT'S ADDITION TO BEAR NORTH 45°24'19" WEST WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

BEGINNING AT THE WESTERN MOST CORNER OF LOT 2 OF SAID BLOCK 21, CASE AND EBERT'S ADDITION; THENCE NORTH 44°35'41" EAST ALONG THE NORTHWESTERLY LINE OF LOTS 2 THROUGH 5 OF SAID BLOCK 21, CASE AND EBERT'S ADDITION AND LOTS 21 THROUGH 24 OF SAID BLOCK 4, H. WITER'S ADDITION A DISTANCE OF 195.60 FEET TO THE NORTHERN MOST CORNER OF SAID LOT 24; THENCE SOUTH 87°23'33" EAST A DISTANCE OF 13.45 FEET; THENCE SOUTH 45°24'19" EAST ALONG A LINE PARALLEL WITH AND 9 FEET NORTHEASTERLY OF THE NORTHEASTERLY LINE OF LOT 24 OF SAID BLOCK 4, H. WITER'S ADDITION A DISTANCE OF 115.00 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID BLOCK 4, H. WITER'S ADDITION; THENCE NORTH 44°35'41" EAST ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 16.00 FEET TO THE SOUTHERN MOST CORNER OF LOT 26 OF SAID BLOCK 4, H. WITER'S ADDITION; THENCE NORTH 45°24'19" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 26 A DISTANCE OF 125.00 FEET TO THE WESTERN MOST CORNER THEREOF; THENCE NORTH 44°35'41" EAST ALONG THE NORTHWESTERLY LINE OF LOTS 26 AND 27 OF SAID BLOCK 4, H. WITER'S ADDITION A DISTANCE OF 50.00 FEET TO THE NORTHERN MOST CORNER OF SAID LOT 27; THENCE NORTH 45°24'19" WEST A DISTANCE OF 16.00 FEET TO THE EASTERN MOST CORNER OF LOT 6 OF SAID BLOCK 4, H. WITER'S ADDITION; THENCE SOUTH 44°35'41" WEST ALONG THE SOUTHEASTERLY LINE OF LOTS 6 THROUGH 14 OF SAID BLOCK 4, H. WITER'S ADDITION AND LOT 1 OF SAID BLOCK 21, CASE AND EBERT'S ADDITION A DISTANCE OF 270.60 FEET TO THE SOUTHERN MOST CORNER OF SAID LOT 1, BLOCK 21, CASE AND EBERT'S ADDITION; THENCE SOUTH 45°24'19" EAST ALONG THE SOUTHWESTERLY LINE SAID BLOCK 21, CASE AND EBERT'S ADDITION A DISTANCE OF 16.00 FEET TO THE WESTERN MOST CORNER OF SAID LOT 2, BLOCK 21, CASE AND EBERT'S ADDITION AND TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 6,375 SQ. FT. OR 0.15 ACRES MORE OR LESS.

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

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

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19 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: June 16, 2009
20 PASSED BY THE COUNCIL _____ 2009

21 _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____ 2009

23 ATTEST: _____ - CLERK AND RECORDER,
24 EX-OFFICIO CLERK OF THE
25 CITY AND COUNTY OF DENVER
26

27 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2009; _____ 2009

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

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30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
31 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
32 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
33 3.2.6 of the Charter.
34

35 David R. Fine, City Attorney:

36 BY: _____, Assistant City Attorney DATE: _____, 2009