

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2009

COUNCIL BILL NO. 358
COMMITTEE OF REFERENCE:
PUBLIC WORKS

5 **A BILL**

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:

18 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 6th 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 6th 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.

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 replacement,
3 at the property owner's sole expense. The City and County of Denver, its successors, assigns,
4 licensees, permittees and other authorized users shall not be liable for any damage to property
5 owner's property due to use of this reserved easement. Said reserved easement shall apply to the
6 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.**

7
8 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: June 16, 2009
9 PASSED BY THE COUNCIL _____ 2009

10 _____ - PRESIDENT

11 APPROVED: _____ - MAYOR _____ 2009

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

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

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

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1 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
2 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: _____, 2009