

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2009

COUNCIL BILL NO. 640
COMMITTEE OF REFERENCE:
PUBLIC WORKS

5 **A BILL**

6 **For an ordinance vacating the 1000 block of Gaylord, at 11th Avenue and**
7 **Gaylord 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:

A PARCEL OF LAND BEING A PORTION OF GAYLORD STREET (PLATTED AS GREEN STREET) ADJACENT TO BLOCKS
67 AND 68, E.F. HALLACK'S SECOND ADDITION TO DENVER, RECORDED IN BOOK 4 AT PAGE 34 OF THE RECORDS
OF THE ARAPAHOE COUNTY CLERK AND RECORDER, SITUATED IN THE NORTHEAST QUARTER OF SECTION 2,
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF
COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 68;
THENCE NORTH 89°57'35" EAST ALONG THE NORTH LINE OF SAID BLOCK 68 EXTENDED EASTERLY, A DISTANCE OF
80.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 67;
THENCE SOUTH 00°02'25" EAST ALONG THE WEST LINE OF SAID BLOCK 67, A DISTANCE OF 181.62 FEET TO THE
SOUTHWEST CORNER OF SAID BLOCK 67;
THENCE SOUTH 89°36'24" WEST ALONG THE SOUTH LINE OF SAID BLOCK 68 EXTENDED EASTERLY, A DISTANCE OF
80.00 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 68;
THENCE NORTH 00°02'25" WEST ALONG THE EAST LINE OF SAID BLOCK 68, A DISTANCE OF 182.11 FEET TO THE
POINT OF BEGINNING.

SAID PARCEL CONTAINS 14,549 SQUARE FEET OR 0.33 ACRES, MORE OR LESS.

BASIS OF BEARING IS THE NORTH LINE OF E.F. HALLACK'S SECOND ADDITION TO DENVER, ASSUMED TO BEAR
NORTH 89°57'35" EAST.

18
19 and

A PARCEL OF LAND BEING A PORTION OF GAYLORD STREET (PLATTED AS GREEN STREET) SITUATED ADJACENT TO
BLOCKS 67 AND 68, E.F. HALLACK'S SECOND ADDITION TO DENVER, RECORDED IN BOOK 4 AT PAGE 34 OF THE
RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, SITUATED IN THE NORTHEAST QUARTER OF SECTION
2, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE
OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 68, E.F. HALLACK'S SECOND ADDITION TO DENVER, THENCE NORTH 89°57'35" EAST, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 68, A DISTANCE OF 25.54 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 89°57'35" EAST CONTINUING ALONG SAID LINE EXTENDED, A DISTANCE OF 35.00 FEET;
THENCE SOUTH 00°02'25" EAST, A DISTANCE OF 126.31 FEET;
THENCE NORTH 89°57'35" EAST, A DISTANCE OF 10.00 FEET;
THENCE SOUTH 00°02'25" EAST, A DISTANCE OF 10.00 FEET;
THENCE SOUTH 89°57'35" WEST, A DISTANCE OF 10.00 FEET;
THENCE SOUTH 00°02'25" EAST, A DISTANCE OF 45.43 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 68;
THENCE SOUTH 89°36'24" WEST ALONG SAID LINE EXTENDED, A DISTANCE OF 60.54 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 68;
THENCE NORTH 00°02'25" WEST ALONG THE EAST LINE OF SAID BLOCK 68, A DISTANCE OF 20.00 FEET;
THENCE NORTH 89°36'24" EAST, A DISTANCE OF 25.54 FEET;
THENCE NORTH 00°02'25" WEST, A DISTANCE OF 161.96 FEET TO THE POINT OF BEGINNING.

SAID CONTAINS 6,975 SQUARE FEET OR 0.16 ACRES, MORE OR LESS.

1 BASIS OF BEARING: FOR THE PURPOSE OF THIS DESCRIPTION THE BASIS OF BEARINGS IS THE NORTH LINE OF E.F. HALLACK'S SECOND ADDITION TO DENVER IS ASSUMED TO BEAR NORTH 89°57'35" EAST.

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

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

20 COMMITTEE APPROVAL DATE: N/A MAYOR-COUNCIL DATE: November 3, 2009

1 PASSED BY THE COUNCIL _____ 2009

2 _____ - PRESIDENT

3 APPROVED: _____ - MAYOR _____ 2009

4 ATTEST: _____ - CLERK AND RECORDER,
5 EX-OFFICIO CLERK OF THE
6 CITY AND COUNTY OF DENVER
7

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

9 PREPARED BY: Jo ANN WEINSTEIN, ASSISTANT CITY ATTORNEY, October 30, 2009

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11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15

16 David R. Fine, City Attorney:

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