

1 **BY AUTHORITY**

2 ORDINANCE NO.  
3 SERIES OF 2009

COUNCIL BILL NO. 671  
COMMITTEE OF REFERENCE:  
PUBLIC WORKS

4  
5 **A BILL**

6 **For an ordinance vacating a portion of South Osage Street and the alley**  
7 **between South Pecos Street and South Osage 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:

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A PARCEL OF LAND BEING PART OF MANCHESTER HEIGHTS A PLAT ON FILE AS  
RECORDED OCTOBER 24TH, 1891 IN THE ARAPAHOE COUNTY CLERK AND  
RECORDERS OFFICE IN BOOK 12 AT PAGE 3, LOCATED IN THE WEST HALF OF THE  
EAST HALF OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH  
P.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT PORTION OF THE 16.00 FOOT ALLEY LYING WEST OF AND ADJACENT  
TO LOTS 25 THROUGH 48 OF BLOCK 1, OF SAID MANCHESTER HEIGHTS, CITY AND  
COUNTY OF DENVER, STATE OF COLORADO.

and

**DRAINAGE EASEMENT "B-1"**

W 1/2 , E 1/2 SECTION 21,  
TOWNSHIP 4 SOUTH,  
RANGE 68 WEST, OF THE 6TH P.M.

1 A PARCEL OF LAND BEING PART OF MANCHESTER HEIGHTS A PLAT ON FILE AS  
2 RECORDED OCTOBER 24TH, 1891 IN THE ARAPAHOE COUNTY CLERK AND  
3 RECORDERS OFFICE IN BOOK 12 AT PAGE 3, LOCATED IN THE WEST HALF OF THE  
4 EAST HALF OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH  
5 P.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

6 ALL OF THAT PORTION OF THE 16.00 FOOT ALLEY LYING EAST OF AND ADJACENT  
7 TO LOTS 10 THROUGH 11 OF BLOCK 1, OF SAID MANCHESTER HEIGHTS, CITY AND  
8 COUNTY OF DENVER, STATE OF COLORADO.

9 and

**SANITARY SEWER EASEMENT "B-2"**

10 W 1/2 , E 1/2 SECTION 21,  
11 TOWNSHIP 4 SOUTH,  
12 RANGE 68 WEST, OF THE 6TH P.M.

13 A STRIP OF LAND BEING PART OF MANCHESTER HEIGHTS A PLAT ON FILE AS  
14 RECORDED OCTOBER 24TH, 1891 IN THE ARAPAHOE COUNTY CLERK AND  
15 RECORDERS OFFICE IN BOOK 12 AT PAGE 3, LOCATED IN THE WEST HALF OF THE  
16 EAST HALF OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH  
17 P.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

18 A STRIP OF LAND 10.00 FEET IN WIDTH LOCATED IN THE ALLEY OF BLOCK 1, OF  
19 SAID MANCHESTER HEIGHTS, THE CENTERLINE OF WHICH IS DESCRIBED AS  
20 BEGINNING AT THE SOUTHEAST CORNER OF LOT 9 OF BLOCK 1, OF SAID  
21 MANCHESTER HEIGHTS; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF  
22 SAID LOT 9, A DISTANCE OF 16.00 FEET TO THE POINT OF TERMINUS, SAID POINT  
23 BEING THE SOUTHWEST CORNER OF LOT 40, BLOCK 1 OF SAID MANCHESTER  
24 HEIGHTS. CITY AND COUNTY OF DENVER, STATE OF COLORADO. ✓

25 and

**STORM SEWER EASEMENT "B-3"**

26 W 1/2 , E 1/2 SECTION 21,  
27 TOWNSHIP 4 SOUTH,  
28 RANGE 68 WEST, OF THE 6TH P.M.

29 A PARCEL OF LAND BEING PART OF MANCHESTER HEIGHTS A PLAT ON FILE AS  
30 RECORDED OCTOBER 24TH, 1891 IN THE ARAPAHOE COUNTY CLERK AND  
31 RECORDERS OFFICE IN BOOK 12 AT PAGE 3, LOCATED IN THE WEST HALF OF THE  
32 EAST HALF OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH  
33 P.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 A PARCEL OF LAND LOCATED IN THE ALLEY OF BLOCK 1, OF SAID MANCHESTER  
2 HEIGHTS, BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 OF SAID BLOCK 1;  
3 THENCE NORTH ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 5.00  
4 FEET; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF SAID LOT 14, A  
5 DISTANCE OF 16.00 FEET TO A POINT ON THE WEST LINE OF LOT 35 OF SAID  
6 BLOCK 1; THENCE SOUTH ALONG THE WEST LINE OF LOT 35, 34, AND 33 OF  
7 SAID BLOCK 1, A DISTANCE OF 35.00 FEET; THENCE WEST AND PARALLEL WITH  
8 THE NORTH LINE OF SAID LOT 35, A DISTANCE OF 16.00 FEET TO A POINT ON  
THE EAST LINE OF LOT 16 OF SAID BLOCK 1; THENCE NORTH ALONG THE EAST  
LINE OF LOT 16, 15, AND 14 OF SAID BLOCK 1, A DISTANCE OF 30.00 FEET TO  
THE POINT OF BEGINNING.

and

W 1/2 , E 1/2 SECTION 21,  
TOWNSHIP 4 SOUTH,  
RANGE 68 WEST, OF THE 6TH P.M.

A PARCEL OF LAND BEING PART OF MANCHESTER HEIGHTS A PLAT ON FILE AS  
RECORDED OCTOBER 24TH, 1891 IN THE ARAPAHOE COUNTY CLERK AND  
RECORDERS OFFICE IN BOOK 12 AT PAGE 3, LOCATED IN THE WEST HALF OF THE  
EAST HALF OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH  
P.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT PORTION OF SOUTH OSAGE STREET LYING EAST OF AND ADJACENT  
TO LOTS 37 THROUGH 48 OF BLOCK 1, OF SAID MANCHESTER HEIGHTS, CITY AND  
COUNTY OF DENVER, STATE OF COLORADO.

and

**DRAINAGE EASEMENT "A-1"**

W 1/2 , E 1/2 SECTION 21,  
TOWNSHIP 4 SOUTH,  
RANGE 68 WEST, OF THE 6TH P.M.

A PARCEL OF LAND BEING PART OF MANCHESTER HEIGHTS A PLAT ON FILE AS  
RECORDED OCTOBER 24TH, 1891 IN THE ARAPAHOE COUNTY CLERK AND  
RECORDERS OFFICE IN BOOK 12 AT PAGE 3, LOCATED IN THE WEST HALF OF THE  
EAST HALF OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH  
P.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT PORTION OF SOUTH OSAGE STREET LYING EAST OF AND ADJACENT  
TO THE NORTH HALF OF LOT 37, LOT 38 AND THE SOUTH HALF OF LOT 39 OF  
BLOCK 1, OF SAID MANCHESTER HEIGHTS, CITY AND COUNTY OF DENVER, STATE  
OF COLORADO.

and

**SANITARY SEWER EASEMENT "A-2"**

W 1/2 , E 1/2 SECTION 21,  
TOWNSHIP 4 SOUTH,  
RANGE 68 WEST, OF THE 6TH P.M.

1

A STRIP OF LAND BEING PART OF MANCHESTER HEIGHTS A PLAT ON FILE AS RECORDED OCTOBER 24TH, 1891 IN THE ARAPAHOE COUNTY CLERK AND RECORDERS OFFICE IN BOOK 12 AT PAGE 3, LOCATED IN THE WEST HALF OF THE EAST HALF OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 10.00 FEET IN WIDTH BEING A PART OF SOUTH OSAGE STREET THE CENTERLINE OF WHICH IS DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF LOT 40 OF BLOCK 1, OF SAID MANCHESTER HEIGHTS; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 40, A DISTANCE OF 60.00 FEET TO THE POINT OF TERMINUS BEING THE SOUTHWEST CORNER OF LOT 9 OF BLOCK 2, OF SAID MANCHESTER HEIGHTS CITY AND COUNTY OF DENVER, STATE OF COLORADO.

2

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

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

20

21 COMMITTEE APPROVAL DATE: N/A                      MAYOR-COUNCIL DATE: November 10, 2009

22 PASSED BY THE COUNCIL \_\_\_\_\_ 2009

23 \_\_\_\_\_ - PRESIDENT

1 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2009

2 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
3 EX-OFFICIO CLERK OF THE  
4 CITY AND COUNTY OF DENVER  
5

6 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2009; \_\_\_\_\_ 2009

7 PREPARED BY: JO ANN WEINSTEIN, ASSISTANT CITY ATTORNEY, November 10, 2009

8  
9 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
10 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
11 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
12 3.2.6 of the Charter.  
13

14 David R. Fine, City Attorney:

15 BY: \_\_\_\_\_, Assistant City Attorney      DATE: \_\_\_\_\_, 2009