



**DENVER**  
THE MILE HIGH CITY

**Department of Public Works**  
Permit Operations and Right of Way Enforcement  
201 W. Colfax Avenue, Dept. 507  
Denver, CO 80202  
P: 720-865-2782  
F: 720-865-3280  
www.denvergov.org/pwprs

**REQUEST FOR VACATION ORDINANCE**

**TO:** Esther Vargas, City Attorney's Office  
**FROM:** Robert J. Duncanson, P.E.,  
Manager 2, Development Engineering Services  
**ROW NO.:** 2006-0290-02  
**DATE:** July 25, 2011  
**SUBJECT:** Request for an Ordinance to vacate the alley and Lot 3, bounded by Broadway, 20<sup>th</sup> Street, and Welton Street with reservations.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of **John P. Dikeou**, on behalf of **Dikeou Realty and PJ Trust LLC** for granting of the above requested vacation. This matter has been field inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast Corporation; Commission for People with Disabilities; Community Planning & Development – Building Inspections, Planning and Zoning; Councilperson District # 8; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks & Recreation; Public Works – DES - Construction Engineering, DES Engineering – Transportation & Wastewater, DES Survey, IPP Infrastructure Engineering and Street Maintenance; Qwest Corporation; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

As a result of these investigations, hereby approved and the described area is hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

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

Therefore, you are requested to initiate Council action to vacate the following area:

**INSERT PARCEL DESCRIPTION ROW 2006-0290-001 HERE**  
**INSERT PARCEL DESCRIPTION ROW 2006-0290-002 HERE**



The following information, pertinent to this request action, is submitted:

1. The width of this area is 16 feet (alley), and 22.96 feet (Lot 3).
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is being used.
4. **0** buildings abut on said area.
5. The owner of the contiguous area would benefit by being able to make more effective use of their ground; the City would benefit by reduced maintenance responsibility.
6. Grades and drainage are not adversely affected by this action.
7. Replacement area will not be required.
8. The vacating notice **was** posted on 06/15/2011, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on 06/15/2011.
10. Protests, sustained by the Manager of Public Works have been filed, and were determined to have no technical merit.
11. Ordinance action by the City Council is considered to be necessary because the Council is the only City body authorized by the Charter to dispose of City property.

RJD: **LRA**

cc: Asset Management, Steve Wirth  
City Councilperson District # 8, Albus Brooks  
District # 8 Aides: Lynne Lombard-Hunt and  
Stephanie Cross  
City Council Staff, Gretchen Williams  
CPM, Mike Anderson,  
Department of Law, Arlene Dykstra  
Department of Law, Karen Aviles  
Department of Law, Esther Vargas  
Public Works, Manager's Office, Debra Baca  
Public Works, Manager's Office, Christine Downs  
Public Works Solid Waste, Mike Lutz  
Public Works Survey, Paul Rogalla  
Public Works Street Maint. William Kennedy,  
Project File #2006-0290-02

**Property Owner:**  
Dikeou Realty  
John P. Dikeou  
1615 California St., Ste. # 707  
Denver, CO 80202-3705

**Property Owner:**  
PJ Trust LLC  
Riisa S. Dikeou  
1615 California St., Ste # 707  
Denver, CO 80202-3706

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to Daelene Mix at [daelene.mix@denvergov.org](mailto:daelene.mix@denvergov.org) by **NOON on Monday**.

*\*All fields must be completed.\*  
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: July 25, 2011

Please mark one:  Bill Request or  Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes  No

If yes, please explain:

2. Title: (Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)

Request for an Ordinance to vacate the alley and Lot 3, bounded by Broadway, 20<sup>th</sup> Street, and Welton Street.

3. Requesting Agency: Public Works Right of Way Engineering Services

4. Contact Person: (With actual knowledge of proposed ordinance/resolution.)

- Name: Lisa R. Ayala
- Phone: 720-865-3153
- Email: [lisa.ayala@denvergov.org](mailto:lisa.ayala@denvergov.org)

5. Contact Person: (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)

- Name: Debra Baca
- Phone: 720-865-8712
- Email: [debra.baca@denvergov.org](mailto:debra.baca@denvergov.org)

6. General description of proposed ordinance including contract scope of work if applicable:

To vacate the alley and Lot 3, bounded by Broadway, 20<sup>th</sup> Street, and Welton Street.

**\*\*Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)

- a. Contract Control Number: N/A
- b. Duration: Permanent
- c. Location: Alley and Lot 3, bounded by Broadway, 20<sup>th</sup> Street, and Welton Street.
- d. Affected Council District # 8, Albus Brooks
- e. Benefits: N/A
- f. Costs: N/A

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain. None

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To be completed by Mayor's Legislative Team:

SIRE Tracking Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_



## EXECUTIVE SUMMARY

**DENVER**  
THE MILE HIGH CITY

**Project Title: 2006-0290-02 Alley and Lot 3 Vacation, 1990 Broadway and 1900 California Street.**

**Description of Proposed Project: Request for an Ordinance to vacate the alley and Lot 3, bounded by Broadway, 20<sup>th</sup> St., and Welton Street.**

**Explanation of why the public right-of-way must be utilized to accomplish the proposed project: Redevelopment of the entire block.**

**Has a Temp MEP been issued, and if so, what work is underway:N/A**

**What is the known duration of an MEP: N/A**

**Will land be dedicated to the City if the vacation goes through:NO**

**Will an easement be placed over a vacated area, and if so explain: Yes**

**Will an easement relinquishment be submitted at a later date:NO**

**Additional information:**

## PARCEL DESCRIPTION

THAT CERTAIN ALLEY SITUATED WITHIN BLOCK 158, CLEMENT'S ADDITION TO THE CITY OF DENVER, AND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 32 IN SAID BLOCK 158;  
 THENCE S 44°49'48" W ALONG THE NORTHWEST LINE OF LOTS 29 THROUGH 32 IN SAID BLOCK 158 A DISTANCE OF 88.97 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BROADWAY;

THENCE N 00°00'49" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 22.69 FEET TO THE SOUTHEASTERLY LINE OF LOT 3 IN SAID BLOCK 158;

THENCE N 44°49'48" E ALONG THE SOUTHEASTERLY LINE OF LOTS 1 THROUGH 3 IN SAID BLOCK 158 A DISTANCE OF 72.98 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 1;

THENCE S 44°50'10" E A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 1296 SQUARE FEET



<b>Project No. 06-1025</b>			<b>PARCEL DESCRIPTION</b>	
LAND SURVEY - BOOK 18 PAGE 87 LAND SURVEY - BOOK 9 PAGE 11			PREPARED BY: <b>MERIDIAN SURVEYING, INC.</b> 2345 S. FEDERAL BLVD., SUITE 195 DENVER, CO 80219 (303) 936-8807 FAX 936-9226	
DRAWN	DLF	05/15/06	PROJECT: <b>ALLEY VACATION</b> <i>Block 158, Clement's Addition To The City Of Denver</i>	
CHECKED			LOCATION: NE1/4, SEC. 34, T. 3 S., R. 68 W., 6TH P.M.	
REVISED			OWNERS <i>John P. Dikeau/Dikeau Realty/PJ Trust LLC</i>	
ACTION	BY	DATE	SHEET 1 OF 2	

2006-0290-001

California Street (80')

DECREE TO CITY NOV. 17, 1919 (100')  
ORD. 59-1909 & ORD. 57-1916

d w a y

20th Street

MOST NORTHERLY CORNER  
LOT 32, BLOCK 158  
POINT OF BEGINNING

(80')

Block 158, Clement's Addition To Denver, 1870  
Block A, Clement's Addition To Denver, 1870

Welton Street

(80')



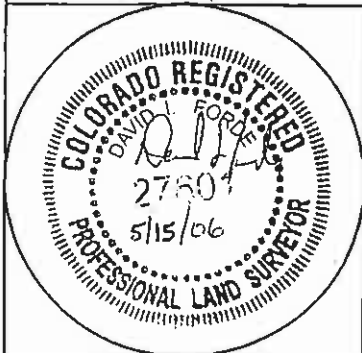
0 50 100



SCALE: 1"=50'

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.  
IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

Area = 1296 Square Feet



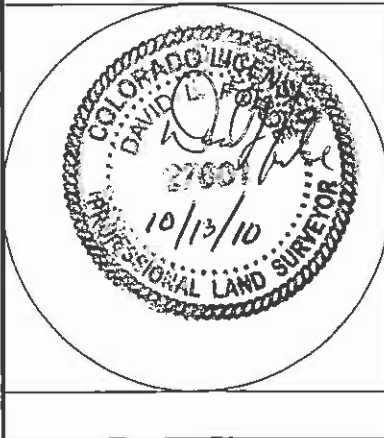
Project No. 08-1025			<b>EXHIBIT</b>	
LAND SURVEY - BOOK 18 PAGE 87 LAND SURVEY - BOOK 9 PAGE 11			PREPARED BY: <b>MERIDIAN SURVEYING, INC.</b> 2345 S. FEDERAL BLVD., SUITE 195 DENVER, CO 80219 (303) 936-8807 FAX 936-9226	
DRAWN	DLF	05/15/06	PROJECT: <b>ALLEY VACATION</b>	
CHECKED			<b>Block 158, Clement's Addition To The City Of Denver</b>	
REVISED			LOCATION: NE1/4, SEC. 34, T. 3 S., R. 68 W., 6TH P.M.	
ACTION	BY	DATE	OWNERS <b>John P. Dikeou/Dikeou Realty/PJ Trust LLC</b>	SHEET 2 OF 2

## PARCEL DESCRIPTION

A PORTION OF BROADWAY RIGHT-OF-WAY, AS ESTABLISHED BY ORDINANCE NO. 59, SERIES OF 1909 AND AMENDED BY ORDINANCE NO. 57, SERIES OF 1916, SITUATED WITHIN BLOCK 158, CLEMENT'S ADDITION TO THE CITY OF DENVER, AND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 3 IN SAID BLOCK 158;  
 THENCE S 44°49'48" W ALONG THE SOUTHEAST LINE OF SAID LOT 3 A DISTANCE OF 22.96 FEET TO A POINT 120 FEET EAST AT RIGHT ANGLES FROM THE NORTH-SOUTH CENTERLINE OF SAID SECTION 34;  
 THENCE N 00°00'49" W, PARALLEL WITH SAID NORTH-SOUTH CENTERLINE A DISTANCE OF 32.38 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 3;  
 THENCE S 45°09'50" E ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 22.84 FEET TO THE POINT OF BEGINNING.

CONTAINS 262 SQUARE FEET

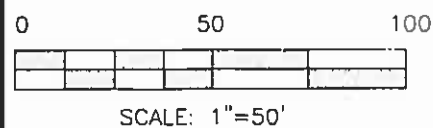
	<b>PROJECT No. 10-1284</b>		<b>PARCEL DESCRIPTION</b>		
	LAND SURVEY - BOOK 18 PAGE 87 LAND SURVEY - BOOK 9 PAGE 11		PREPARED BY: <b>MERIDIAN SURVEYING, INC.</b> 2345 S. FEDERAL BLVD., SUITE 195 DENVER, CO 80219 (303) 936-8807 FAX 936-9226		
	DRAWN	DLF	10/13/10	PROJECT: <b>RIGHT-OF-WAY VACATION - BROADWAY</b> <b>Block 158,</b> <b>Clement's Addition To The City Of Denver</b>	
	CHECKED				
	REVISED			LOCATION: NE1/4, SEC 34, T. 3 S., R 68 W., 6TH P.M.	
	ACTION	BY	DATE	OWNERS John P. Dikeou/Dikeou Realty/PJ Trust LLC	
			SHEET 1 OF 2		

2066-0290-002

NORTH-SOUTH CENTERLINE SECTION 34,  
TOWNSHIP 3 SOUTH, RANGE 68 WEST

N00°00'49"W  
20'

N00°00'49"W



DECREE TO CITY NOV. 17, 1919  
ORD. 59-1909 & ORD. 57-1916

California Street (80')

B r o a d w a y

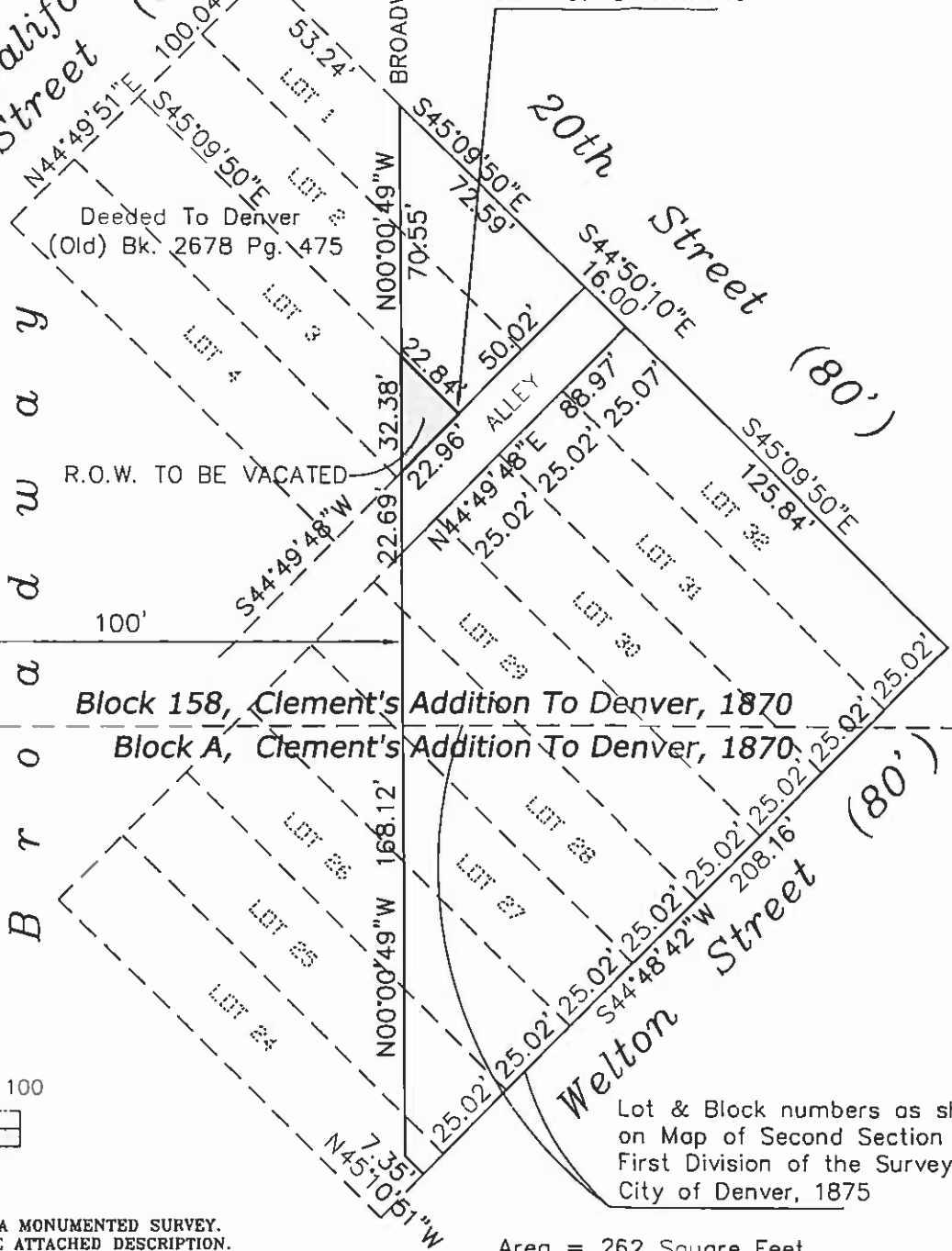
R.O.W. TO BE VACATED

Block 158, Clement's Addition To Denver, 1870

Block A, Clement's Addition To Denver, 1870

Welton Street (80')

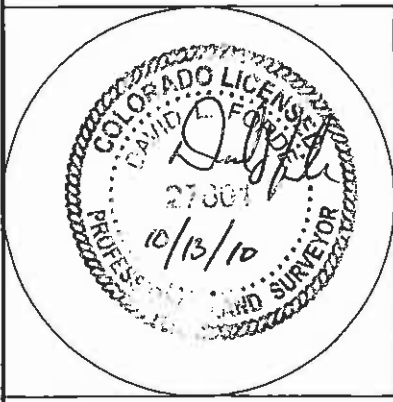
MOST EASTERLY CORNER  
LOT 3, BLOCK 158  
POINT OF BEGINNING



Lot & Block numbers as shown  
on Map of Second Section of the  
First Division of the Survey of the  
City of Denver, 1875

Area = 262 Square Feet

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.  
IT IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.



PROJECT No. 10-1284		
LAND SURVEY - BOOK 18 PAGE 87		
LAND SURVEY - BOOK 9 PAGE 11		
DRAWN	DLF	10/13/10
CHECKED		
REVISED		
ACTION	BY	DATE

<b>EXHIBIT</b>	
PREPARED BY: MERIDIAN SURVEYING, INC. 2345 S. FEDERAL BLVD., SUITE 195 DENVER, CO 80219 (303) 936-8807 FAX 936-9226	
PROJECT: RIGHT-OF-WAY VACATION - BROADWAY Block 158, Clement's Addition To The City Of Denver	
LOCATION: NE1/4, SEC. 34, T. 3 S., R. 68 W., 6TH P.M.	
OWNERS	
John P. Dikeou/Dikeou Realty/PJ Trust LLC	
SHEET 2 OF 2	

2006-0290-002