



Denver Public Works
Engineering Regulatory & Analytics

201 W Colfax Ave, Dept. 507
Denver, CO 80202
p: 720.865.2782
e: Denver.ROW@denvergov.org
www.denvergov.org/PWERA

REQUEST FOR REVOCATION OF MAJOR ENCUMBRANCE PERMIT

TO: Stan Lechman, City Attorney's Office

FROM: Robert J. Duncanson, P.E.
Director, PW Right of Way Services

ROW NO.: 1986-ENCROACHMENT-0006401

DATE: October 7, 2015

SUBJECT: Request for revocation of Ordinance #768, Series of 1986 which granted a revocable permit to Auraria Higher Education Center, their successors and assigns, to encroach into the right of way with steam line into a portion of Lawrence Street between 11th Street and 12th Street.

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

This office has investigated the request from Carl Meese, dated 10/7/2015, on behalf of Auraria Higher Education Center for revocation of the above subject permit because the right of way was vacated in 1989 via Ordinance 179.

This matter has been checked by this office and has been coordinated with DES Construction Engineering to ensure the encumbrance in question has been removed.

As a result of the investigations, it has been determined that there is no objection to revocation of the revocable permit.

Therefore, you are requested to initiate Council action for the revocation of a revocable permit granted by Ordinance # 768, Series of 1986.

RJD: acp

cc: Asset Management, Steve Wirth
City Council Office, Shelley Smith
Councilperson Brooks and Aides
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Shaun Sullivan
Department of Law, Caroline Martin
Department of Law, Adam Hernandez
City Attorney Office, Angela Garcia
Public Works, Alba Castro
Public Works, Angela Casias
Project File

Owner:
Auraria Higher Education Center
1525 Sherman St 7
Denver, CO 80203-1700

Agent:
Carl Meese
Auraria Higher Education Center
1056 9th Street Park
Denver, CO 80204
303-556-2189
Carl.meese@AHEC.edu

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm 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: 10/7/2015

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, contract amendment, municipal code change, supplemental request, etc.**)

Request for revocation of Ordinance #768, Series of 1986 which granted a revocable permit to Auraria Higher Education Center, their successors and assigns, to encroach into the right of way with steam line into a portion of Lawrence Street between 11th Street and 12th Street.

3. **Requesting Agency:** Public Works Engineering and Regulatory & Analytics

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

- **Name:** Adam Perkins
- **Phone:** 720-865-3036
- **Email:** Adam.Perkins@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:** Angela Casias
- **Phone:** 720-913-8529
- **Email:** angela.casias@denvergov.org

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

The area is no longer public right-of-way as it was vacated by Ordinance 179, series of 1989. Therefore the Ordinance #768, Series of 1986 which granted a revocable permit to Auraria Higher Education Center to encroach into the right of way with steam line into a portion of Lawrence Street between 11th Street and 12th Street needs to be revoked as it is no longer applicable.

****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 – please do not leave blank.)

- a. **Contract Control Number:** N/A
- b. **Contract Term:** Permanent
- c. **Location:** A portion of Lawrence Street between 11th Street and 12th Street
- d. **Affected Council District:** D9 Brooks
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

7. **Is there any controversy surrounding this ordinance?** (Groups or individuals who may have concerns about it?) **Please explain.**

None.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title: Revocation of 1986-ENCROACHMENT-0006401 Auraria Higher Education Center

Description of Proposed Project: Revocation of Ordinance #768, Series of 1986 which granted a revocable permit to Auraria Higher Education Center to encroach into the right of way with steam line into a portion of Lawrence Street between 11th Street and 12th Street.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The right-of-way was vacated by Ordinance 179, series of 1989 and is now private property. Therefore this ordinance granting a revocable permit is no longer required.

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: N/A

Will an easement be placed over a vacated area, and if so explain: N/A

Will an easement relinquishment be submitted at a later date: N/A

Additional information: N/A

BY AUTHORITY

ORDINANCE NO. 768

COUNCIL BILL NO. 799

SERIES OF 1986

COMMITTEE OF REFERENCE:

PUBLIC WORKS

A B I L L

FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE, SUBJECT TO CERTAIN TERMS AND CONDITIONS, TO AURARIA HIGHER EDUCATION CENTER, ITS SUCCESSORS AND ASSIGNS, TO ENCROACH INTO A PORTION OF LAWRENCE STREET BETWEEN 11TH STREET AND 12TH STREET WITH STEAM LINE.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the City and County of Denver hereby grants the Auraria Higher Education Center, its successors and assigns, a revocable permit or license to encroach with a steam line in the following described area:

That part of Lawrence Street, being 5 feet in width, and lying 2.50 feet on each side of a centerline more particularly described as follows:

Beginning at a point on the northwesterly line of Block 11, West Denver, said point being 120 feet northeasterly from the most westerly corner thereof; thence northwesterly and parallel with the southwesterly line of said Block 11 extended northwesterly 80 feet to a point on the southeasterly line of Block 10, West Denver, and a point of terminus.

Section 2. The Revocable Permit or license granted by this ordinance is expressly granted upon and subject to each and all of the following terms and conditions:

(a) All construction in, on or over the area of encroachment shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and specifications, governing the construction of said steam line, shall be approved by the Manager of Public Works and the Director of the Building Inspection Division prior to construction. Upon completion a reproducible copy of the exact location and dimensions of the encroachments shall be filed with the Manager of Public Works.

(b) The licensee shall pay all costs of construction and maintenance of said steam line and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said structure from the encroachment area and return the street to its original condition under the supervision of the City Engineer.

(c) This revocable permit or license shall not operate or be construed to abridge, limit or restrict the City and County of Denver in exercising its right to make full use of Lawrence Street as a public thoroughfare nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said street.

Any costs that are incurred relocating facilities for the utility companies during construction within the encroachment area will have to be borne by the licensee.

(d) The sidewalk and street over the encroachment area shall be capable of withstanding an HS-20 Loading in accordance with the latest AASHO Specifications. The installations within the said encroachment area shall be so constructed that the paved section of the street can be widened without requiring additional structural modifications.

The sidewalk shall be constructed so that it can be removed and replaced without affecting structures within the encroachment area.

(e) The licensee shall agree to indemnify and always save the City and County of Denver harmless to the extent allowed by law from all costs, claims or damages arising out of the rights and privileges granted by this permit.

(f) During the existence of said encroachment, the licensee or permittee shall provide a Certificate of Self Insurance to the City and County of Denver.

(g) The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter, both inside the area of encroachment and in the area of the street adjoining thereto, that become broken, damaged or unsightly during the course of construction without cost to the City.

In the future the licensee shall also remove, replace or repair any street paving, sidewalks and curb and gutter that become broken or damaged when in the opinion of the City Engineer the damage has been caused by the construction within the area of encroachment.

The work required to effect the said repairs shall be accomplished without cost to the City and under the supervision of the City Engineer.

(h) The licensee will make the necessary inspection of the subject steam line and furnish copies of the inspection reports to the City and County of Denver upon request.

Section 3. That the revocable permit or license hereby granted shall be revocable at any time that the Council of the City and County of Denver shall determine that the public convenience and necessity or the public health, safety or general welfare require such revocation, and the right to revoke the same is hereby expressly reserved to the City and County of Denver; provided however, at a reasonable time prior to Council action upon such revocation or proposed revocation, opportunity shall be afforded to licensee or permittee, its successors and assigns, to be present at a hearing to be conducted by the Council upon such matters and thereat to present its or their views and opinions thereof and to present for consideration action or actions alternative to the revocation of such license or permit.

Section 4. That this license or permit shall be of no force or effect until the following things have been done and performed:

(a) The licensee or permittee shall have filed with the Manager of Public Works a written acceptance of the terms and conditions of this ordinance together with a fee for filing with the Clerk and Recorder in and for the City and County of Denver; said acceptance shall be in substantially the following form:

Date: _____

We the undersigned do hereby accept all of the terms and conditions recited in Ordinance No. _____, Series of 19____.

Signed by: _____ (Permittee or Licensee)

By: _____ (Name of Officer)

(b) The licensee or permittee shall have filed with the Manager of Public Works all insurance policies and certificates herein recited; and

(c) The Manager of Public Works shall have certified in writing that the foregoing requirements have been performed.

PASSED By The Council November 10, 1986

William A. Schmitter - President

APPROVED: Adrian D. King - Mayor Nov 16 1986

ATTEST: [Signature] - Clerk and Recorder,
Ex-Officio Clerk of the
City and County of Denver

PUBLISHED IN The Daily Journal Nov. 7, 1986 Nov. 19, 1986

PREPARED By: Robert M. Kelly, Ass't. City Atty., 10/30/86

REVIEWED By: Patricia Wells - City Attorney 10/29 1986

SPONSORED By Council Member(s): _____

