




REQUEST FOR REVOCATION OF REVOCABLE ENCROACHMENT PERMIT

TO: Caroline Martin, City Attorney's Office

FROM: Matt R. Bryner, PE
Director, Right of Way Services 

ROW NO.: 2020-ENCROACHMENT-0000337

DATE: October 7, 2020

SUBJECT: Request for revocation of Ordinance No. 194 Series of 1983 which granted a revocable permit to Amoco Production Company, their successors and assigns, to encroach into the right of way with four-duct conduit system beneath portions of 17th Ave and Lincoln St, near 1670 Broadway.

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

This office has investigated the request from Cushman and Wakefield, dated October 10, 2017, for revocation of the above-subject permit. The revocation is requested due to the 2014 rules and regulations revisions for encroachments in the public right-of-way that now classify the duct work as a Tier I Encroachment.

This matter has been checked by this office to ensure the encroachment in question is considered a Tier I Encroachment and does not object to revocation of the revocable permit.

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 No. 194, Series of 1983.

MB: bw

cc: City Councilperson & Aides
City Council Staff – Zach Rothmier
Department of Law – Bradley Beck
Department of Law – Deanne Durfee
Department of Law – Maureen McGuire
Department of Law – Martin Plate
DOTI, Manager's Office – Alba Castro
DOTI, Legislative Services – Jason Gallardo
DOTI, Survey – Paul Rogalla

ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

at Jason.Gallardo@denvergov.org by **12:00pm on Monday**. Contact him with questions.

Date of Request: October 7, 2020

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
 Dedication/Vacation Appropriation/Supplemental DRMC Change
 Other: Revocation of Encroachment

2. **Title:** (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Request for revocation of Ordinance No. 194 Series of 1983 which granted a revocable permit to Amoco Production Company, their successors and assigns, to encroach into the right of way with four-duct conduit system beneath portions of 17th Ave and Lincoln St, near 1670 Broadway.

3. **Requesting Agency:** Department of Transportation and Infrastructure, Engineering and Regulatory

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Brianne White	Name: Jason Gallardo
Email: Brianne.white@denvergov.org	Email: Jason.Gallardo@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

Request for revocation of Ordinance No. 194 Series of 1983 which granted a revocable permit to Amoco Production Company, their successors and assigns, to encroach into the right of way with four-duct conduit system beneath portions of 17th Ave and Lincoln St, near 1670 Broadway.

6. **City Attorney assigned to this request (if applicable):** Martin Plate

7. **City Council District:** Councilman Hinds, District 10

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> <i>(A)</i>	<i>Additional Funds</i> <i>(B)</i>	<i>Total Contract Amount</i> <i>(A+B)</i>

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

ENCROACHMENT REVOCATION EXECUTIVE SUMMARY

What is an Encroachment: A privately owned improvement that is located in, or project over or under the public Right-of-Way.

Project Title: 2020-ENCROACHMENT-0000337 - 1670 Broadway Revocation (x-ref 1983-0004-01)

Business/Owner name: Cushman and Wakefield

Description of Encroachment: Four-duct conduit system

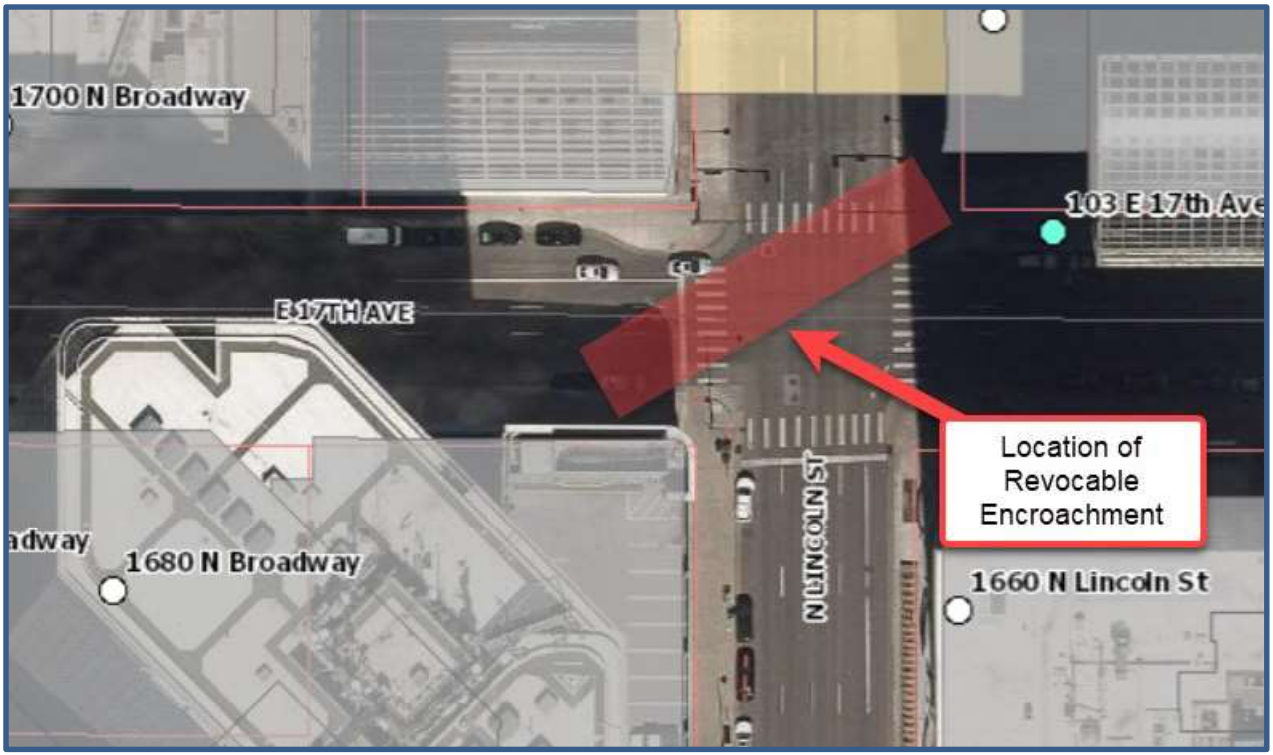
Explanation of why the Encroachment is no longer needed:

The current Rules and Regulation for Encroachments in the Public Right of Way adopted in 2014, after issuance of the subject revocable permit, now classify the described encroachment as a Tier I Encroachment. Tier I Encroachments do not require an Ordinance, so the property owner has requested that the subject Tier III Ordinance be revoked since it is no longer needed.

When was the Encroachment removed/abandoned: The encroachment will remain in place as a Tier I Encroachment.

Additional Information:

Location Map: Continued on next page.



BY AUTHORITY

ORDINANCE NO. 194

COUNCIL BILL NO. 201

SERIES OF 1983

INTRODUCED BY:

SANDOS, CRIDER, HACKWORTH,
SCHEITLER, HENTZELL

A B I L L

FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE TO AMOCO PRODUCTION COMPANY, ITS SUCCESSORS AND ASSIGNS, TO ENCROACH BENEATH PORTIONS OF 17TH AVENUE AND LINCOLN STREET WITH FOUR-DUCT CONDUIT SYSTEM. CONDUIT WILL RUN FROM SOUTHWEST CORNER OF INTERSECTION OF 17TH AVENUE AND LINCOLN STREET TO NORTHEAST CORNER OF SAID INTERSECTION, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

Section 1. That the City and County of Denver hereby grants to Amoco Production Company, its successors and assigns a revocable permit or license to encroach with four-duct conduit system in the following described area in the City and County of Denver and State of Colorado, to wit:

Those parts of 17th Avenue and Lincoln Street, being 3 feet wide, and lying 1.50 feet on each side of a centerline described as follows:

Beginning at a point on the north line of Block 4, H.C. Brown's Addition to Denver, Colorado, said point being 26 feet west of the northeast corner thereof; thence northerly and parallel with the westerly right-of-way line of Lincoln Street 46 feet to a point of curve; thence on a curve to the right having a radius of 15 feet and a central angle of 90°00'00" a distance of 23.56 feet to a point of tangency; thence easterly along said tangent 26.58 feet to a point of curve; thence along a curve to the left having a radius of 15 feet and a central angle of 45°00'00" a distance of 11.78 feet to a point of tangency; thence northeasterly along said tangent 51.22 feet to a point of curve; thence along a curve to the right having a radius of 15 feet and a central angle of 45°00'00" a distance of 11.78 feet to a point of tangency; thence easterly along said tangent 17 feet to a point on the easterly right-of-way line of Lincoln Street, said point being 26 feet north of the northeast corner of the intersection of 17th Avenue and Lincoln Street.

Section 2. The revocable license^{of} permit 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 conduit system, 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 encroachment shall be filed with the Manager of Public Works.

(b) The licensee shall pay all costs of construction and maintenance of said conduit system 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 streets to their 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 17th Avenue and Lincoln Street as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said streets.

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 streets over the encroachment area shall be capable of withstanding an HS-20 Loading in accordance with the latest AASHO Specifications.

(e) The licensee shall agree to indemnify and always save the City and County of Denver harmless 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, its successors and assigns, at its or their expense, and without cost to the City and County of Denver, shall procure and maintain a liability policy or include liability and property damage on an occurrence basis, covering the premises and operations with bodily injury limits of not less than \$50,000.00 as to any one person and \$250,000.00 as to any one occurrence and with the property damage limit of not less than \$25,000.00 for any one occurrence. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by a company or companies approved by the Manager of Public Works of the City and County of Denver and authorized to do business in the State of Colorado, a certified copy of all such insurance policies shall be filed with the said Manager of Public Works and each such policy shall contain a statement therein or endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County as beneficiary.

(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 areas of the streets 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 City and County of Denver reserves the right to make an inspection of the said conduit system and facilities contained within the confines of this encroachment for which an annual fee of \$50.00 shall be assessed.

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 _____.

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 March 28, 1983

William A. Schuttler -President PRO TEM

APPROVED [Signature] -Mayor 3-31 1983

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

PUBLISHED IN The Daily Journal Mar. 25 1983 and Apr. 6, 1983

PREPARED BY: [Signature] -City Attorney 3-16 1983



The Daily Journal

F.W. DODGE DIVISION
 McGraw-Hill Information Systems
 Company
 A Division of McGraw-Hill Inc.
Publisher's Affidavit
 STATE OF COLORADO
 City and County of Denver, ss.

Bertil Ljung

of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the legal editor of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit, that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver, that said The Daily Journal is printed and published except Saturdays, Sundays and legal holidays, that said The Daily Journal is a daily newspaper with the meaning of the act of the General Assembly of the State of Colorado approved April 7, 1921, and entitled "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act and as amended by an Act of said General Assembly, entitled, "An Act to Amend An Act Entitled "An Act Concerning Legal Notices, Advertisements and Publications and the Fees of Printers and Publishers Thereof and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act," approved March 30, 1923, and as amended by an act of said General Assembly, approved May 19, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements, which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements, to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935, and as amended by an act of said General Assembly entitled, "An Act Relating to Legal Notices and Advertisements and Amending Section 1 of Chapter 113, Session Laws of 1931," approved March 25, 1935, and "An Act to Amend and as Amended by the General Assembly concerning Rates for Legal Publications, 109-1-7 C.S. 1963 as amended, approved May 22, 1971, and effective January 1, 1972. That said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1919, or any amendments thereof, that said newspaper is printed and published as a public daily newspaper of general circulation in said City and County of Denver, uninterrupted and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

One _____ day, that the first publication of said legal notice and advertisement appeared in the regular edition of said

newspaper on the 6th _____ day of April _____ AD 19 83 _____, that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the

6th _____ day of

April _____ AD 19 83 _____ and that, therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado

Bertil Ljung
 Subscribed and sworn to before me, a Notary Public, this 6th _____ day of

April _____ AD 19 83 _____

Witness my hand and notarial seal

Carole A. Hussey
 Notary Public

101 University Blvd. #260
 Denver, Colorado 80206

of 23.56 feet to a point of tangency; thence easterly along said tangent 26.38 feet to a point of curve; thence along a curve to the left having a radius of 15 feet and a central angle of 45°00'00" a distance of 11.78 feet to a point of tangency; thence northeasterly along said tangent 51.52 feet to a point of curve; thence along a curve to the right having a radius of 15 feet and a central angle of 45°00'00" a distance of 11.78 feet to a point of tangency; thence easterly along said tangent 17 feet to a point on the westerly right-of-way line of Lincoln Street, said point being 26 feet north of the northeast corner of the intersection of 17th Avenue and Lincoln Street.

Section 2. The revocable license or permit 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 conduit system, 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 encroachment shall be filed with the Manager of Public Works.

(b) The licensee shall pay all costs of construction and maintenance of said conduit system and upon revocation of permit as provided herein or upon abandonment of the said structures from the encroachment area and return the streets to their 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 17th Avenue and Lincoln Street as public thoroughfares nor shall it operate to restrict the utility companies from exercising their rights to construct, remove, operate and maintain their installations within the said streets.

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 streets over the encroachment area shall be capable of withstanding an 8000 Lbs. load in accordance with the latest AASHTO Specifications.

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

(f) During the existence of said encroachments, the licensee or permittee, its successors and assigns, at its or their expense, and without notice to the City and County of Denver, shall procure and maintain in full force and effect, during the term and property damage on an occurrence basis, liability insurance coverage with bodily injury limits of not less than \$200,000.00 as to any one person and \$200,000.00 as to any one occurrence and with the property damage limit of not less than \$25,000.00 for any one occurrence. All coverage for those hazards normally identified as being covered by the insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and policy as approved by the Manager of Public Works of the City and County of Denver and authorized to do business in the State of Colorado. A certified copy of all such insurance policies shall be filed with the Manager of Public Works and each such policy shall contain a statement herein or endorsement thereon that it will not be cancelled or assigned without the written consent of at least thirty days prior written notice by registered mail to the Manager of Public Works at the time of the termination of the term; all such insurance policies shall be specifically endorsed to include all liability assumed by the licensee or permittee hereunder and shall name the City and County as beneficiary.

(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 areas 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 City and County of Denver reserves the right to make an inspection of the said conduit system and facilities contained within the confines of this encroachment for which an annual fee of \$50.00 shall be assessed.

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 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 to present its views and opinions thereon 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 1 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 set forth in Ordinance No. _____ Series of _____
 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 March 2 1983. WILLIAM A. SCHMITZ
 President Pro Tem, Approved: W. MCNICHOLES, Mayor, March 31, 1983. Attest: P. J. SEARFIN, Clerk of Recorder, Ex-Officio Clerk of City and County of Denver. (See Published in The Daily Journal Mar. 25, 1983 and Apr. 6, 1983. PREPARED BY: MAX F. ZALL, CU Attorney, By W.H.V., 2-16-83.

BY AUTHORITY OF ORDINANCE NO. 194
 COUNCIL BILL NO. 281, SERIES OF 1983, INTRODUCED BY SANDOS, CRIDEN, HACKWORTH, SCHEITLER AND HENTZELL.

FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE TO AMCOCC PRODUCTION COMPANY, ITS SUCCESSORS AND ASSIGNS, TO ENCRoACH BENEATH PORTIONS OF 17TH AVENUE AND LINCOLN STREET WITH FOUR-DUCT CONDUIT SYSTEM, COMBINED WITH RUN FROM SOUTHWEST CORNER OF INTERSECTION OF 17TH AVENUE AND LINCOLN STREET TO NORTHEAST CORNER OF SAID INTERSECTION, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

Section 1. That the City and County of Denver hereby grants to Amcocc Production Company, its successors and assigns a revocable permit or license to encroach with four-duct conduit system in the following described areas in the City and County of Denver and State of Colorado, to-wit:

Those parts of 17th Avenue and Lincoln Street, being 3 feet wide and lying 1.50 feet on each side of a centerline described as follows: Beginning at a point on the north line of Block 4, H.C. Brown's Addition to Denver, said point being 26 feet west of the northeast corner thereof; thence northerly and parallel with the westerly right-of-way line of Lincoln Street 46 feet to a point of curve; thence on a curve to the right having a radius of 15 feet and a central angle of 90°00'00" a distance

The Daily Journal

F.W. DODGE DIVISION
 McGraw-Hill Information Systems
 Company
 A Division of McGraw-Hill Inc.
 Publisher's Affidavit
 STATE OF COLORADO
 City and County of Denver

I, Bertil Ljung of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the legal editor of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit, that said The Daily Journal is a public daily newspaper of general circulation having its principal office and place of business situated in said City and County of Denver, that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays, that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act," and as amended by an act of said General Assembly, entitled, "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act,'" approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements, which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements, to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935, and as amended by an act of said General Assembly, entitled, "An Act Relating to Legal Notices and Advertisements and Amending Section 1 of Chapter 113, Session Laws of 1931, approved March 13, Session Laws of 1935, and An Act to Amend and as Amended by the General Assembly concerning Rates for Legal Publications, 109-1-7 C.R.S. 1963 as amended, approved May 22, 1971, and effective January 1, 1972. That said newspaper had prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein, that said newspaper has a general circulation in said City and County of Denver, uninterrupted and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue hereof containing the annexed legal notice and advertisement, that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for

One _____ day of _____ that the first legal notice and advertisement appeared in the regular edition of said newspaper on the 25th day of March, A.D. 1983, that the last publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 25th day of March, A.D. 1983, and that, therefore, said legal notice and advertisement was duly published in a newspaper daily qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado.

Bertil Ljung
 Subscribed and sworn to before me, a Notary Public, this 25th day of March, A.D. 1983.
 Witness my hand and notarial seal
Notarius Publicus
 Notary Public
 My Commission expires June 16, 1984

BY AUTHORITY
 COUNCIL BILL NO. 801, SERIES OF 1983, INTRODUCED BY: SANDOS, CRIDER, HACKETT, WORTH, SCHEITLER AND HENTZEL.
 A BILL
 FOR AN ORDINANCE GRANTING A REVOCABLE PERMIT OR LICENSE TO AMOCO PRODUCTION COMPANY, ITS SUCCESSORS AND ASSIGNS, TO ENCRATCH BENEATH PORTIONS OF 17TH AVENUE AND LINCOLN STREET WITH FOUR-DUCT CONDUIT SYSTEM, CONDUIT WILL RUN FROM SOUTHWEST CORNER OF INTERSECTION OF 17TH AVENUE AND LINCOLN STREET TO NORTHEAST CORNER OF SAID INTERSECTION, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:
 Section 1. That the City and County of Denver hereby grants to Amoco Production Company, its successors and assigns a revocable permit or license to encroach with four-duct conduit system in the following described area in the City and County of Denver and State of Colorado, to-wit:
 Those parts of 17th Avenue and Lincoln Street, being 3 feet wide, and lying 100 feet on each side of a centerline described as follows: Beginning at a point on the north line of Block 4, H.C. Brown's Addition to Denver, said point being 20 feet west of the northeast corner thereof, thence northerly and parallel with the westerly right-of-way line of said Street 48 feet to a point of curve; thence on a curve to the right having a radius of 15 feet and a central angle of 45°00'00" a distance of 11.78 feet to a point of tangency; thence easterly along said tangent 55.88 feet to a point of curve; thence along a curve to the left having a radius of 15 feet and a central angle of 45°00'00" a distance of 11.78 feet to a point of tangency; thence northeasterly along said tangent 51.32 feet to a point of curve; thence along a curve to the right having a radius of 15 feet and a central angle of 45°00'00" a distance of 11.78 feet to a point of tangency; thence easterly along said tangent 17 feet to a point on the easterly right-of-way line of Lincoln Street, said point being 26 feet north of the northeast corner of the intersection of 17th Avenue and Lincoln Street.
 Section 2. The revocable license or permit 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 conduit system, shall be approved by the Manager of Public Works and the Director of the Building Inspection Division prior to construction. Upon completion of construction, the exact location and dimensions of the encroachment shall be filed with the Manager of Public Works.
 (b) The licensee shall pay all costs of construction and maintenance of said conduit system and upon revocation of permit as provided herein or upon abandonment shall pay all costs of removing the said structures from the encroachment area and return the streets to their 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 17th Avenue and Lincoln Street as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their installations within the said streets.
 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 streets over the encroachment area shall be capable of withstanding an MS-500 loading in accordance with the latest AASHTO Specifications.
 (e) The licensee shall agree to indemnify and always save the City and County of Denver harmless 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, its successors and assigns, at its or their expense, and without cost to the City and County of Denver, shall procure and maintain a liability policy or include liability and property damage on an occurrence basis, covering the premises and operations with bodily injury limits of not less than \$50,000.00 as to any one person and \$250,000.00 as to any one occurrence and with the

property damage limit of not less than \$25,000.00 for any one occurrence. All coverages are to be arranged on the occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage hereinabove enumerated constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the licensee or permittee, its successors or assigns, under the terms of this revocable license or permit; all of the insurance coverage required herein shall be written in form and by company or companies approved by the Manager of Public Works of the City and County of Denver and authorized to do business in the State of Colorado, a certified copy of all such insurance policies shall be filed with the said Manager of Public Works and each such policy shall contain a statement therein of endorsement thereon that it will not be cancelled or materially changed or altered without at least thirty days prior written notice, by registered mail, to the said Manager of Public Works at least thirty days prior to the termination of the term; all such insurance policies shall be specifically identified to include the liability assumed by the licensee or permittee hereunder and shall name the City and County as beneficiary.
 (g) The licensee shall also remove and replace any and all street paving, sidewalks and curb and gutter adjoining the area of encroachment and in the areas of the street adjoining the area of encroachment, broken, damaged 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 City and County of Denver reserves the right to make an inspection of the said conduit system and facilities contained within the confines of this encroachment for which an annual fee of \$50.00 shall be assessed.

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 or 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 _____
 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.

Published in The Daily Journal
 March 25, 1983
 PREPARED BY: MAX P. ZALL, City Attorney, By W.H.P., 16-83



W. H. McNICHOLS, JR.
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW
MAX P. ZALL
CITY ATTORNEY

OFFICE OF CITY ATTORNEY
CITY AND COUNTY BUILDING
DENVER, COLORADO 80202
PHONE (303) 575-2665

March 16, 1983

MEMORANDUM

TO: Cathy Donohue
President
Denver City Council

FROM: Max P. Zall *in HC*
City Attorney

BY: Robert M. Kelly *Robert M. Kelly*
Assistant City Attorney

SUBJECT: Ordinance Granting a Revocable Permit or License
to Amoco Production Company.

Attached is a Bill for an Ordinance granting a revocable permit or license to Amoco Production Company, its successors and assigns, to encroach beneath portions of 17th Avenue and Lincoln Street with four-duct conduit system. Conduit will run from Southwest corner of intersection of 17th Avenue and Lincoln Street to Northeast corner of said intersection, subject to certain terms and conditions.

This Bill was prepared by this office at the request of the Department of Public Works. It was discussed and authorized for filing at the Mayor-Council meeting of Tuesday, March 15, 1983.

ej

Attachment

CITY COUNCIL
CITY & COUNTY OF DENVER
RECEIVED

MAR 17 1983

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Ordinance No. 194 Series 19 83

Councilman's Bill No. 201

Meeting Date 3-21, 19 83
Read in full to the Board of Councilmen and referred to the Committee on Public Works

Committee report adopted and bill ordered published.
Meeting Date 3-21, 19 83

Read by title and passed.
Meeting Date 3-28, 19 83

SCHELLING HEILSETZ
CITY CLERK
CITY & COUNTY OF DENVER

CITY COUNCIL
CITY & COUNTY OF DENVER
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