

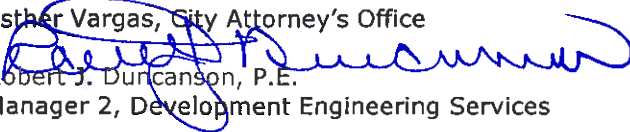


DENVER
THE MILE HIGH CITY

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 RESOLUTION FOR MAJOR ENCUMBRANCE PERMIT

TO: Esther Vargas, City Attorney's Office

FROM: 
Robert J. Duncanson, P.E.
Manager 2, Development Engineering Services

ROW NO.: 2010-0532-02

DATE: July 21, 2011

SUBJECT: Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to MMD of Colorado LLC, their successors and assigns, to encroach into the right-of-way with existing building rear wall, existing multiple entry/exit doors, existing alley doorway in alley, a new dock with stairs, guardrail and handicap ramp. Located at 2601 Walnut St. including the alley area directly behind the building.

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

This office has investigated the request from Josh Comfort of Josh Comfort Development Services dated 02/03/2011, on behalf of MMD of Colorado LLC for the granting of the above-subject permit.

This matter has been checked by this office and has been coordinated with Asset Management; Colorado Department of Transportation (if required); Comcast Corporation; Commission For People With Disabilities; Councilperson Montero; CPD: Building & Construction Services, Planning Services, and Zoning & Development Review; Denver Water Board; Environmental Services (if required); Fire Department (if required); Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks and Recreation; Public Works: City Engineer, DES Construction Engineering, DES Engineering, DES Survey, IPP Infrastructure Engineering, and Street Maintenance; Qwest Corporation; Regional Transportation District; and Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

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

Therefore, you are requested to initiate Council action for the granting of a revocable permit, subject to certain terms and conditions, to MMD of Colorado LLC, their successors and assigns, to encroach with doors, a dock and the building facade into 2601 Walnut St.

INSERT PARCEL DESCRIPTION ROW 2010-0532-02 HERE

STANDARD PROVISIONS

The revocable permit ("Permit") granted by this resolution is expressly granted upon and subject to each and all of the following terms and conditions:

- (a) Permittee shall obtain a street occupancy permit from Public Works Permit Operations at 2000 West 3rd Avenue, 303.446.3759, and prior to commencing construction.
- (b) Permittee shall be responsible for obtaining all other permits and shall pay all costs that are necessary for installation and construction of items permitted herein.
- (c) If the Permittee intends to install any underground facilities in or near a public road, street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification Association of Owners and Operators of Underground Facilities by contacting the Utility Notification Center of Colorado, 12600 West Colfax Ave, Suite B-310, Lakewood, Colorado, 80215 at 303.232.1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to locate underground facilities prior to commencing any work under this permit.
- (d) Permittee is fully responsible for any and all damages incurred to facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the permit. Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the Manager of Public Works, in the Manager's sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the sewer affected by the permitted structure. The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Manager of Public Works. Any and all replacement or repair of facilities of the Water Department and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by the Water Department and/or the City and County of Denver at the sole expense of the Permittee. In the event Permittee's facilities are damaged or destroyed due to the Water Department's or the City and County of Denver's repair, replacement and/or operation of its facilities, repairs will be made by Permittee at its sole expense. Permittee agrees to defend, indemnify and save the City harmless and to repair or pay for the repair of any and all damages to said sanitary sewer, or those damages resulting from the failure of the sewer to properly function as a result of the permitted structure.
- (e) Permittee shall comply with all requirements of affected utility companies and pay for all costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing telephone facilities shall not be utilized, obstructed or disturbed.
- (f) All construction in, under, on or over the Encroachment Area shall be accomplished in accordance with the Building Code of the City and County of Denver. Plans and Specifications governing the construction of the Encroachments 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.

- (g) The sidewalk and street/alley over the Encroachment Area shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The installations within the Encroachment Area shall be constructed so that the paved section of the street/alley 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.
- (h) Permittee shall pay all costs of construction and maintenance of the Encroachment. Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the Encroachment from the Encroachment Area, and return the Encroachment Area to its original condition under the supervision of the City Engineer.
- (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that become broken, damaged or unsightly during the course of construction. In the future, Permittee shall also remove, replace or repair any street/alley 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 activity of the Permittee within the Encroachment Area. All repair work shall be accomplished without cost to the City and under the supervision of the City Engineer.
- (j) The City reserves the right to make an inspection of the Encroachments contained within the Encroachment Area. An annual fee, subject to change, of \$200.00 shall be assessed.
- (k) This revocable permit 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 the Encroachment Area and adjacent rights-of-way as public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent rights-of-way.
- (l) During the existence of the Encroachments and this permit, Permittee, its successors and assigns, at its expense, and without cost to the City and County of Denver, shall procure and maintain a single limit comprehensive general liability insurance policy with a limit of not less than \$500,000.00. All coverage's are to be arranged on an occurrence basis and include coverage for those hazards normally identified as X.C.U. during construction. The insurance coverage required herein constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or lessen the liability of the Permittee, its successors or assigns, under the terms of this permit. All insurance coverage required herein shall be written in a form and by a company or companies approved by the Risk Manager 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 therein or endorsement thereon that it will not be canceled or materially changed without written notice, by registered mail, to the Manager of Public Works at least thirty (30) days prior to the effective date of the cancellation or material change. All such insurance policies shall be specifically endorsed to include all liability assumed by the Permittee hereunder and shall name the City and County of Denver as an additional insured.

- (m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of the City and County of Denver. The failure to comply with any such provision shall be a proper basis for revocation of this permit.
- (n) The right to revoke this permit is expressly reserved to the City and County of Denver.
- (o) Permittee shall agree to indemnify and always save the City and County of Denver harmless from all costs, claims or damages arising, either directly or indirectly, out of the rights and privileges granted by this permit.

SPECIAL CONDITIONS FOR THIS PERMIT

A map of the area is attached hereto.

RJD: as

cc: Asset Management, Steve Wirth
City Council Office, Gretchen Williams
Councilperson Montero and Aides
Department of Law, Karen Aviles
Department of Law, Arlene Dykstra
Department of Law, Esther Vargas
Public Works, Christine Downs
Public Works, Debra Baca
Project File # 2010-0532-02

Property Owner:
MMD of Colorado LLC
C/O Ken Wolf
2660 Walnut St
Denver, CO 80205

Agent:
John Comfort
Josh Comfort Development
Services
678 Lafayette St
Denver, CO 80218

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at 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 21, 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.)*

To encroach into the right-of-way with new and existing entry/exit doors, existing alley doors a dock, stairway, guardrail and handrails, handicap ramp and the rear wall of building façade.

3. **Requesting Agency:** PWDES

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

- **Name:** Ava Simmons
- **Phone:** 720-865-3036
- **Email:** ava.simmons@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:** 720-913-1611
- **Email:** debra.baca@denvergov.org

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

Encroaching into the right-of-way, in the alley or street-side of building, with new and existing items (doors, ramp, dock, building façade)

****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:** 2601 Walnut St
- d. **Affected Council District:** District 9, Judy Montero
- 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

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

EXECUTIVE SUMMARY

Project Title:2010-0532-02

Description of Proposed Project: Request for a Major Encumbrance Permit, consisting of: an existing dock (to be rebuild), doors, building facade, stairs, along with new items to be constructed including a handicap ramp, stairs and guardrail.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: The existing structure (building façade, dock and several doorways) was built into the right-of way. Without an MEP the existing items would need to be removed.

Has a Temp MEP been issued, and if so, what work is underway: Yes.

As of today no work has begun. Other City agencies still have this project under review.

What is the known duration of an MEP:Permanent

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:No

Will an easement relinquishment be submitted at a later date:No

Additional information:This MEP will provide updated items to be constructed in the ROW and will bring the building into compliance with ADA and the Rules and Regulations of the City of Denver.



Integral Surveying

EXHIBIT A

JULY 11, 2011


LEGAL DESCRIPTION


A PORTION OF BLOCK 2, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 17, SAID BLOCK 2; THENCE N45°22'51"W ALONG THE WEST LINE OF SAID LOT 17 EXTENDED A DISTANCE OF 0.20 FEET; THENCE N44°37'09"E PARALLEL WITH AND 0.20 FEET DISTANT AS MEASURED AT A RIGHT ANGLE FROM THE SOUTHERLY RIGHT OF WAY LINE OF THE ALLEY IN SAID BLOCK 2 A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST LINE OF LOT 20, SAID BLOCK 2 EXTENDED; THENCE S45°20'27"E ALONG SAID EAST LINE EXTENDED A DISTANCE OF 0.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 20; THENCE S44°37'09"W ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE ALLEY IN SAID BLOCK 2 A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 20 SQUARE FEET OR 0.0005 ACRES, MORE OR LESS

BASIS OF BEARINGS: N44°37'09"E ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE ALLEY IN BLOCK 2, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER.


I. JEFFREY NADING, PLS 37885
PRINCIPAL, INTEGRAL SURVEYING, INC.

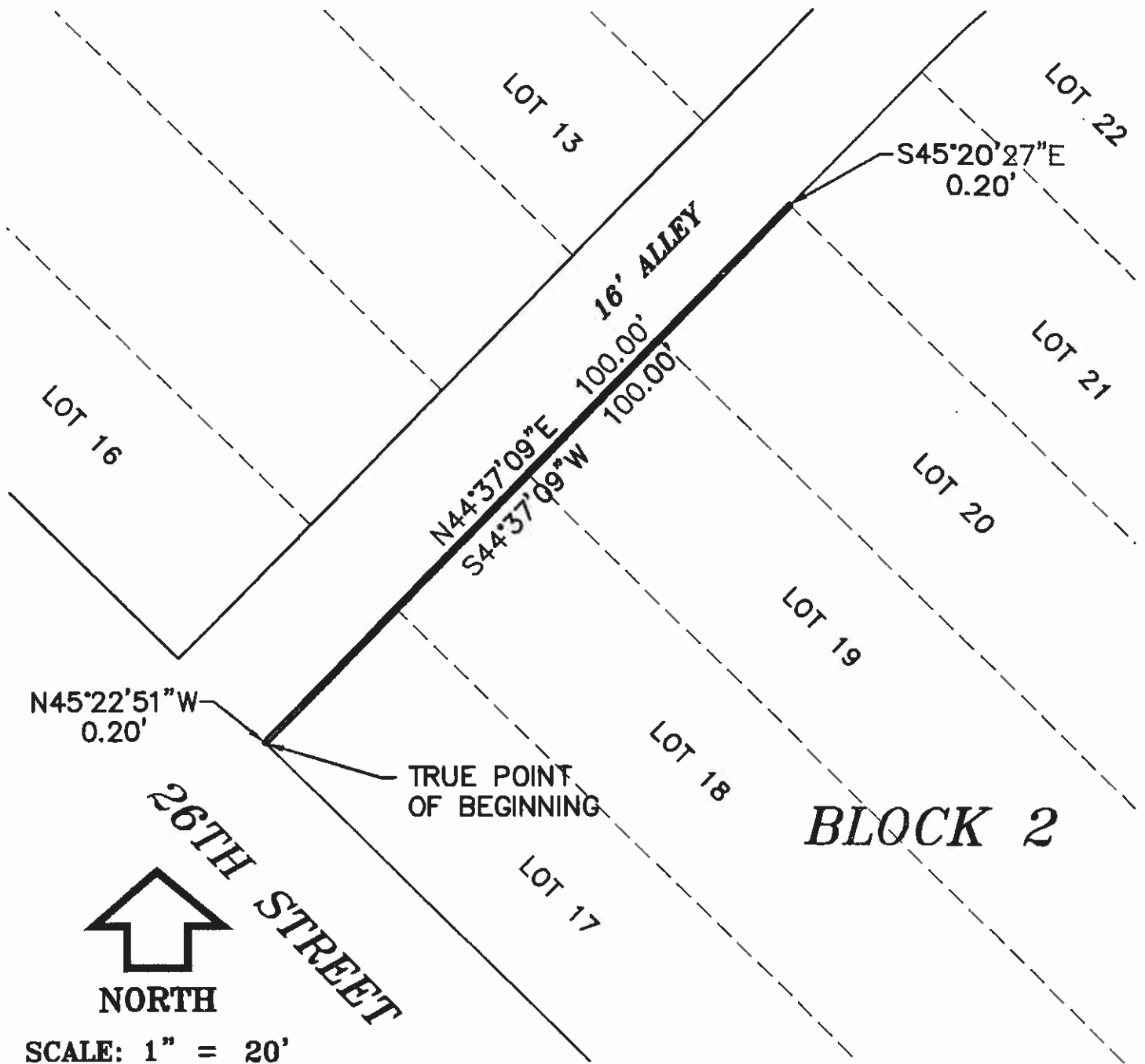


Mapping the Future

OFFICE: 303-828-3340 - FAX: 303-828-2938 P.O. Box 930 - Erie, Colorado 80516
www.integralsurveying.com

2010-0532-02

EXHIBIT A

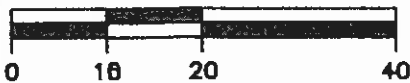


N45°22'51"W
0.20'

TRUE POINT
OF BEGINNING



SCALE: 1" = 20'



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



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(303) 828-3340 • FAX: (303) 828-2938
www.integralsurveying.com www.coloradoalta.com

CITY OF DENVER
SITUATED IN THE SE 1/4 OF SEC. 27,
T3S, R68W OF THE 6TH P.M.
CITY & COUNTY OF DENVER, COLORADO.

DATE:	SCALE	JOB NO.:	DRAWN:	CHECKED:
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2010-6532-02



Integral Surveying

EXHIBIT A

JULY 11, 2011

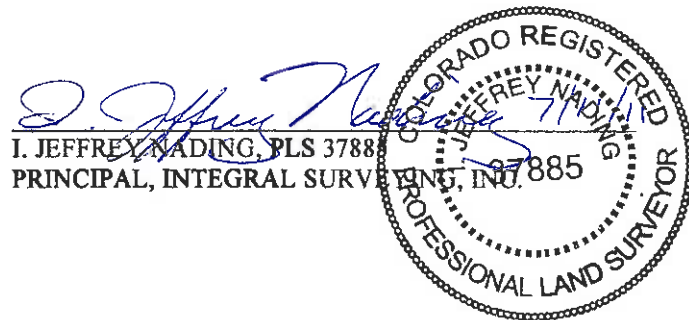
LEGAL DESCRIPTION

A PORTION OF THE WALNUT STREET RIGHT OF WAY ADJOINING BLOCK 2, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 17, SAID BLOCK 2; THENCE N44°39'47"E ALONG THE NORTHERLY RIGHT OF WAY LINE OF WALNUT STREET A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF LOT 20, SAID BLOCK 2; THENCE S45°20'27"E ALONG THE EAST LINE OF SAID LOT 20 EXTENDED A DISTANCE OF 5.30 FEET; THENCE S44°39'47"W PARALLEL WITH AND 5.30 FEET DISTANCE AS MEASURED AT A RIGHT ANGLE FROM THE NORTHERLY RIGHT OF WAY LINE OF WALNUT STREET A DISTANCE OF 100.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 17 EXTENDED; THENCE N45°20'13"W ALONG SAID WEST LINE EXTENDED A DISTANCE OF 5.30 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 530 SQUARE FEET OR 0.012 ACRES, MORE OR LESS

BASIS OF BEARINGS: N44°39'47"E ALONG THE NORTHERLY RIGHT OF WAY LINE OF WALNUT STREET.



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www.integralsurveying.com

2010-0532-02

EXHIBIT A

BLOCK 2

LOT 20

LOT 19

LOT 18

LOT 17

S45°20'27"E
5.30'

N44°39'47"E 100.00'

S44°39'47"W 100.00'

N45°20'13"W
5.30'

TRUE POINT
OF BEGINNING

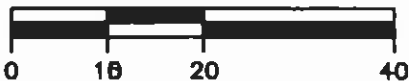
WALNUT STREET

26TH STREET



NORTH

SCALE: 1" = 20'



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



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CITY OF DENVER
SITUATED IN THE SE 1/4 OF SEC. 27,
T3S, R68W OF THE 6TH P.M.
CITY & COUNTY OF DENVER, COLORADO.

DATE:	SCALE	JOB NO.:	DRAWN:	CHECKED:
7/11/11	1"=20'	S105130	LIN	LIN

2010-0532-02