

REQUEST FOR RESOLUTION FOR TIER III ENCROACHMENT PERMIT

TO: Caroline Martin, City Attorney’s Office

FROM: Matt Bryner
Director, Right of Way Services

ROW NO.: 2019-ENCROACHMENT-0000133

DATE: April 1, 2020

SUBJECT: Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Rino (Edens), LLC., their successors and assigns, to encroach into the right-of-way with two extensions of the existing raised walk platform one along 27th Street 3 ft. x 38.95 ft x 4.7 ft and one along Walnut Street 3 ft x 99.97 ft with varying widths at a maximum of 8.25 ft into the right-of-way at 2649 Walnut 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 Meg Verplanck of tres birds workshop dated November 18, 2019, on behalf of Rino (Edens), 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; Division of Disability Rights; Councilperson CdeBaca; 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 Rino (Edens) LLC., their successors and assigns, to encroach into the right-of-way with two extensions of the existing raised walk platform one along 27th Street 3 ft. x 38.95 ft x 4.7 ft and one along Walnut Street 3 ft x 99.97 ft with varying widths at a maximum of 8.25 ft into the right-of-way at 2649 Walnut Street.

INSERT PARCEL DESCRIPTION ROW 2019-ENCROACHMENT-0000133-001 HERE
INSERT PARCEL DESCRIPTION ROW 2019-ENCROACHMENT-0000133-002 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:

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services / Engineering & Regulatory
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/dotj
Phone: 720-865-3003

- (a) Permittee shall obtain a street occupancy permit from DOTI 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, 16361 Table Mountain Pkwy, Golden, Colorado, 80403 at 303.232.1991. Further, Permittee shall contact the Utility Notification Center, at 811 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 DOTI, 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 DOTI. 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 DOTI 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 DOTI.

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- (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

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policies shall be filed with the Manager of DOTI, 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 DOTI 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

- (p) None

A map of the area is attached hereto.

MB: dp

cc: Asset Management, Steve Wirth City Council Office, Zach Rothmier Councilperson and Aides Department of Law, Bradley Beck Department of Law, Deanne Durfee Department of Law, Maureen McGuire Department of Law, Martin Plate Department of Law, Caroline Martin DOTI, Alba Castro DOTI, Jason Gallardo Project File	Property Owner: Rino (Edens) LLC 2669 Larimer Street Denver, CO 80205	Agent: Meg Verplanck tres birds workshop 3821 Steele Street Denver, CO 80205
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ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo

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

Date of Request: April 1, 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: 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 a Resolution granting a revocable permit, subject to certain terms and conditions, to Rino (Edens), LLC., their successors and assigns, to encroach into the right-of-way with two extensions of the existing raised walk platform one along 27th Street 3 ft. x 38.95 ft x 4.7 ft and one along Walnut Street 3 ft x 99.97 ft with varying widths at a maximum of 8.25 ft into the right-of-way at 2649 Walnut Street.

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: Devin Price	Name: Jason Gallardo
Email: devin.price@denvergov.org	Email: Jason.Gallardo@denvergov.org

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

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

7. City Council District: Councilwoman CdeBaca, District 9

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

Key Contract Terms

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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 (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (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: _____



TIER III ENCROACHMENT 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: 2019-ENCROACHMENT-0000133 - Tier III 2649 Walnut St Elevated Walkways

Business name: Rino (Edens), LLC.,

Description of Encroachment: Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to Rino (Edens), LLC., their successors and assigns, to encroach into the right-of-way with two extensions of the existing raised walk platform one along 27th Street 3 ft. x 38.95 ft x 4.7 ft and one along Walnut Street 3 ft x 99.97 ft with varying widths at a maximum of 8.25 ft into the right-of-way at 2649 Walnut Street.

Explanation of why the Public Right of Way must be utilized for a private improvement: The raised walkway platforms are being upgraded to match the loading docks that already exist on the east side of Walnut.

Duration of the Encroachment: Permanent

Annual Fees: \$200

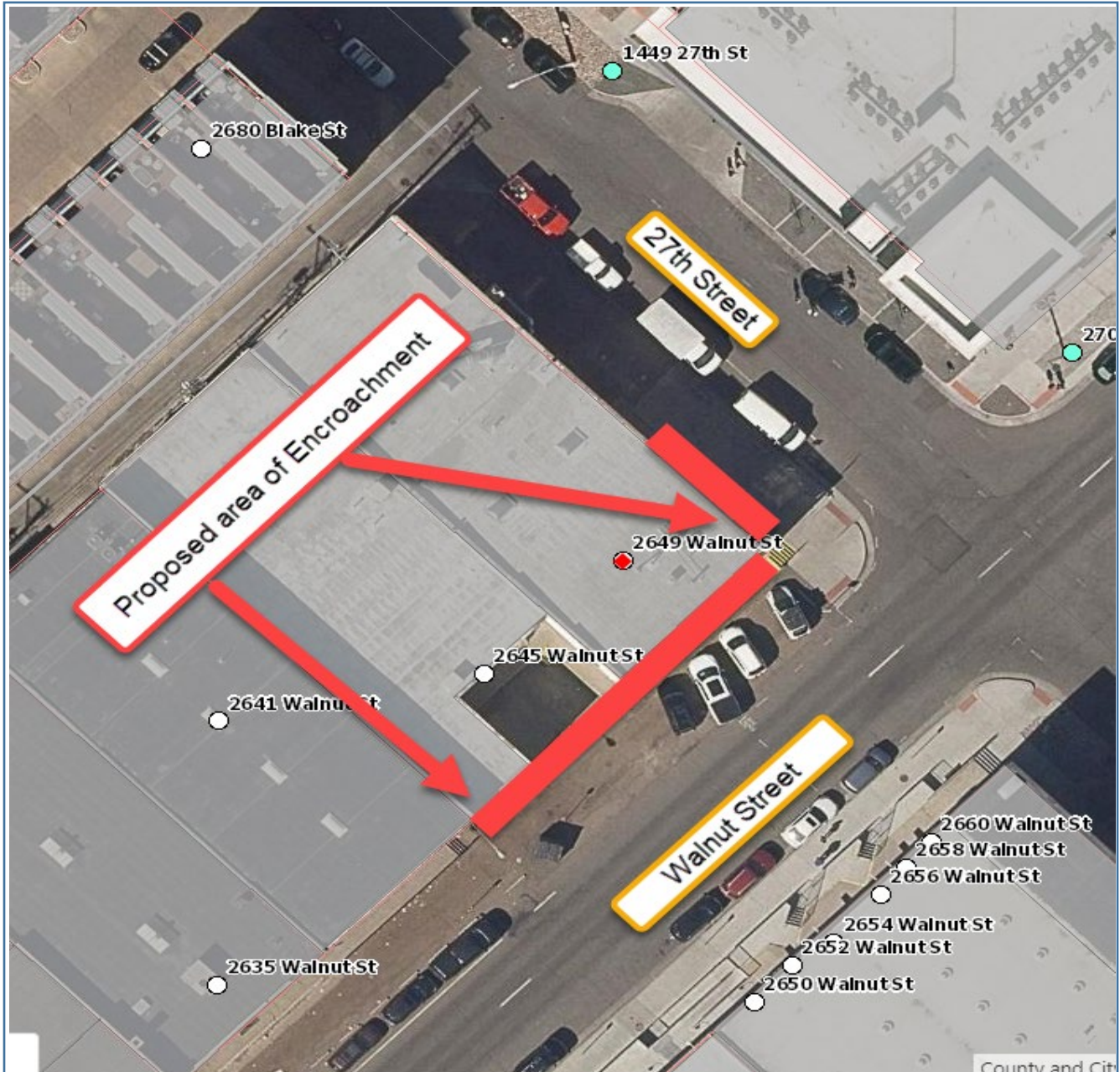
Additional Information:

Location Map: Continued on next page

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EXHIBIT "A"
PARCEL NO 1
EASEMENT AREA

LAND DESCRIPTION

BEARINGS USED HEREIN ARE BASED ON THE 20' RANGE LINE IN 27TH AVE. BETWEEN WALNUT STREET AND BLAKE STREET, BEING S45°01'58"E AS MEASURED USING THE CITY AND COUNTY OF DENVER COORDINATE SYSTEM, AND AS MONUMENTED ON THE NORTH BY A 3.25" ALUMINUM CAP STAMPED PLS 25384 IN DENVER RANGE BOX, AND AS MONUMENTED ON THE SOUTH BY A 2" ALUMINUM CAP STAMPED PLS 34977 IN DENVER RANGE BOX

A PORTION OF WALNUT STREET SITUATE IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERLY CORNER OF LOT 32, BLOCK 2, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 32, S45°01'52"W, 00.25 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 32, S45°00'52"W, 99.97 FEET;

THENCE S44°59'41"E, 8.25 FEET;

THENCE N45°00'19"E, 29.09 FEET;

THENCE N44°59'09"W, 3.75 FEET;

THENCE N45°00'51"E, 4.50 FEET;

THENCE S44°59'09"E, 3.75 FEET;

THENCE N45°00'51"E, 10.58 FEET;

THENCE N44°59'09"W, 2.83 FEET;

THENCE N45°00'51"E, 55.79 FEET;

THENCE N44°59'04"W, 5.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 650 SQUARE FEET OR 0.015 ACRES, MORE OR LESS.

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS H. ORT, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

DOUGLAS H. ORT III COLORADO PLS 37066 CFEDS 1306
WILSON & COMPANY
1675 BROADWAY, SUITE 200
DENVER, CO 80202
DHOrtIII@wilsonco.com
Ph 303-501-1221
Fax 303-297-2693



EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, T3S, R68W, OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO
PAGE 2 OF 2

BLAKE ST.
(80' R.O.W.)

FOUND DENVER RANGE
POINT IN MONUMENT BOX
3.25" ALUM CAP, PLS 25384

PUBLIC ALLEY
(16" ROW) N 44°58'40" E 400.58'

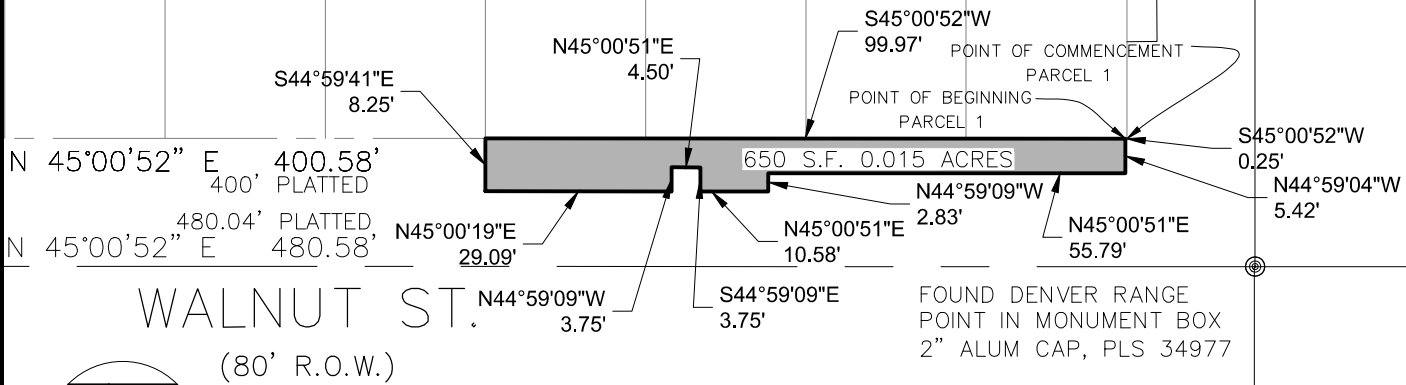
BLOCK 2
CASE AND EBERT'S ADDITION
TO THE CITY OF DENVER

LOT 26 LOT 27 LOT 28 LOT 29 LOT 30 LOT 31 LOT 32

S 45°01'58" E 125.00'
125' PLATTED

(BASIS OF BEARINGS) 20' RANGE LINE
S 45°01'58" E 346.02'
346' PLATTED

27TH ST.



WALNUT ST.
(80' R.O.W.)



SCALE: 1" = 30'
(US SURVEY FEET)

NOTE: THIS IS NOT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED AS A DEPICTION OF THE ATTACHED LEGAL DESCRIPTION.

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19-600-414

NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D
1	REVISIONS	DHO	01-10-20		
1	UPDATE LINE WORK	TJB	11-13-19		

SHT. NO:	2 OF 2
SCALE:	1" = 30'
DWN. BY:	TJB
DATE:	7-31-2019
CHK. BY:	
PROJ. MGR:	DHO
DATE:	7-31-2019
CLIENT APP:	

WILSON & COMPANY
1675 Broadway Suite 200
Denver, CO 80202
Phone: 303-297-2976
Fax: 303-297-2693

2661 WALNUT ST.
DENVER, CO 80205
CITY AND COUNTY OF DENVER
STATE OF COLORADO

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PARCEL NO 2
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COMMENCING AT THE EASTERLY CORNER OF LOT 32, BLOCK 2, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 32, N45°01'58"W, 15.15 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 32, N45°01'58"W, 38.88 FEET;

THENCE N43°49'02"E, 4.45 FEET;

THENCE S45°23'50"E, 38.95 FEET;

THENCE S44°43'04"W, 4.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 178 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS H. ORT, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

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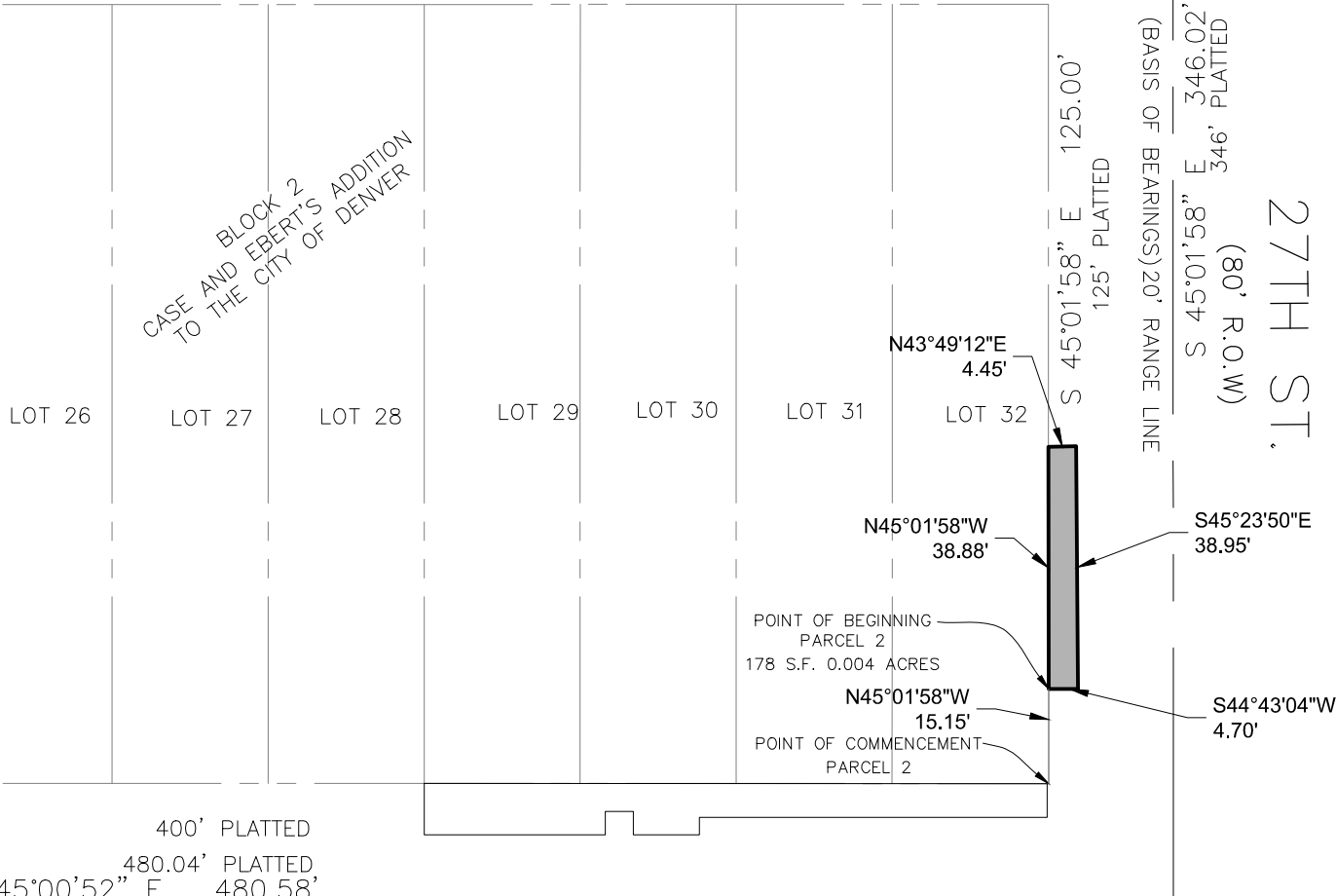
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LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, T3S, R68W, OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO
PAGE 2 OF 2

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(80' R.O.W.)

FOUND DENVER RANGE
POINT IN MONUMENT BOX
3.25" ALUM CAP, PLS 25384

PUBLIC ALLEY
(16" ROW) N 44°58'40" E 400.58'



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(80' R.O.W.)

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19-600-414

NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D
1	UPDATE LINE WORK	TJB	1-10-20		

SHT. NO:	2 OF 2
SCALE:	1" = 30'
DWN. BY:	TJB
DATE:	7-31-2019
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2661 WALNUT ST.
DENVER, CO 80205
CITY AND COUNTY OF DENVER
STATE OF COLORADO

M:\MSD\19-600-414-002 Disciplines\Survey\Drawings\19-600-414 WALNUT EASEMENTS.dwg Plotted on: Jan 10, 2020 - 10:25am By: DHOrill