

### 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:

Karen Walton City Attorney's Office

FROM:

Manager 2, Development Engineering Services

**ROW NO.:** 

2013-0175-01

DATE:

May 21, 2013

**SUBJECT:** 

Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to The Lowry Foundation, their successors and assigns, to encroach into the right-of-way with four existing bus shelters and one existing community art

sculpture at various locations in Lowry.

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

This office has investigated the request from Sandra M Hittman of The Lowry Foundation dated 4/8/13, on behalf of The Lowry Foundation 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 Mary Beth Susman; 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 The Lowry Foundation, their successors and assigns, to encroach with four existing bus shelters and one existing community art sculpture at various locations into Lowry.

> **INSERT PARCEL DESCRIPTION ROW 2013-0175-01-001 HERE INSERT PARCEL DESCRIPTION ROW 2013-0175-01-002 HERE INSERT PARCEL DESCRIPTION ROW 2013-0175-01-003 HERE INSERT PARCEL DESCRIPTION ROW 2013-0175-01-005 HERE INSERT PARCEL DESCRIPTION ROW 2013-0175-01-006 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 3<sup>rd</sup> 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.
- (I) 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

(p) None

A map of the area is attached hereto.

RID: BV\$ X

cc: Asset Management, Steve Wirth
City Council Office, Gretchen Williams
Councilperson Mary Beth Susman and Aldes
CPM, Michael Anderson
Department of Law, Shaun Sullivan
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Public Works, Alba Castro
Public Works, Nancy Kuhn
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy
Project File # 2013-0175-01

Property Owner/Agent: The Lowry Foundation The Eisenhower Chapel at Lowry c/o Sandra M Hittman 293 Roselyn St Denver, CO 80230

## **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:	May 21, 2013	
Please mark one:		Bill Request	or	Resolution Requ	est		
1.	Has your agency submitted this request in the last 12 months?						
	☐ Yes	⊠ No					
	If yes, please e	explain:					
2.	Title: (Include a concise, one sentence description – please include <u>name of company or contractor</u> and <u>contract control number</u> - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)						
	Request for a Resolution granting a revocable permit, subject to certain terms and conditions, to The Lowry Foundation, their successors and assigns, to encroach into the right-of-way with four existing bus shelters and one existing community art sculpture at various locations in Lowry.						
3.	Requesting Agency	y: PW Right of Way Er	ngineering S	ervices			
4.	Contact Person: (With actual knowledge of proposed ordinance/resolution.)  Name: Beverly J. Van Slyke Phone: 720-865-3125 Email: Beverly.VanSlyke@denvergov.org						
5.	<ul><li>will be available for</li><li>Name: Nancy</li><li>Phone: 720-8</li></ul>	<ul> <li>ontact 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.)</li> <li>Name: Nancy Kuhn</li> <li>Phone: 720-865-8720</li> <li>Email: Nancy.Kuhn@denvergov.org</li> </ul>					
6.	General description of proposed ordinance including contract scope of work if applicable:						
	To encroach with four existing bus shelters and one existing community art sculpture at various locations into Lowry.						
	**Please complete enter N/A for that fi	the following fields: (In	scomplete fie	elds may result in a delay	in processing. If a field is	not applicable, please	
	<ul><li>a. Contract (</li><li>b. Duration:</li><li>c. Location:</li></ul>	Control Number: N/. Permanent Five various location					
				sman, District #5			
	e. Benefits: f. Costs: N	N/A //A					
7.	Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.						
	None						
		To t	he completed	d by Mayor's Legislative	 Team:		
SII	RE Tracking Number:				e Entered:		



### **EXECUTIVE SUMMARY**

Project Title: 2013-0175-01 MEP, Lowry Foundation, bus shelters/sculpture

Description of Proposed Project: The Lowry Foundation, their successors and assigns, to encroach into the right-of-way with four existing bus shelters and one existing community art sculpture at various locations in Lowry.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project: These structures were constructed in 2007 and this will bring these items into compliance with City and County of Denver Standards.

Has a Temp MEP been issued, and if so, what work is underway: No

What is the known duration of an MEP: Permanenent

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



# DESCRIPTION Shelter 1A

A part of Alameda Ave. as platted in Lowry Filing No. 1 as recorded at Reception Number 9700089555 in the Clerk and Recorder's Office of the City and County of Denver located in a part of the Southeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 9; thence North 63°48'17" East a distance of 236.74 feet to the POINT OF BEGINNING;

thence North 00°37'16" West a distance of 35.63 feet;

thence along the arc of a curve to the right having a radius of 413.00 feet, a central angle of 3°18'00", an arc length of 23.79 feet and whose chord bears South 86°44'17" East a distance of 23.78 feet;

thence South 01°44'23" West a distance of 34.38 feet;

thence North 89°45'37" West a distance of 22.32 feet to the POINT OF BEGINNING.

Containing 808 square feet or 0.019 acres, more or less.

BASIS OF BEARING: Bearings are based on the west line of the Southeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian as being North 00°04'03" East. The South Quarter Corner of said Section 9 is a found stone in range box. The Center Quarter Corner of said Section 9 is a found 3-1/4" Aluminum Cap in range box stamped: URS CORP PLS 20683.

A. Davielohnson, Professional Land Surveyor

Colorado B. 2.3 No. 206837

for and on the waif of the RS Corporation

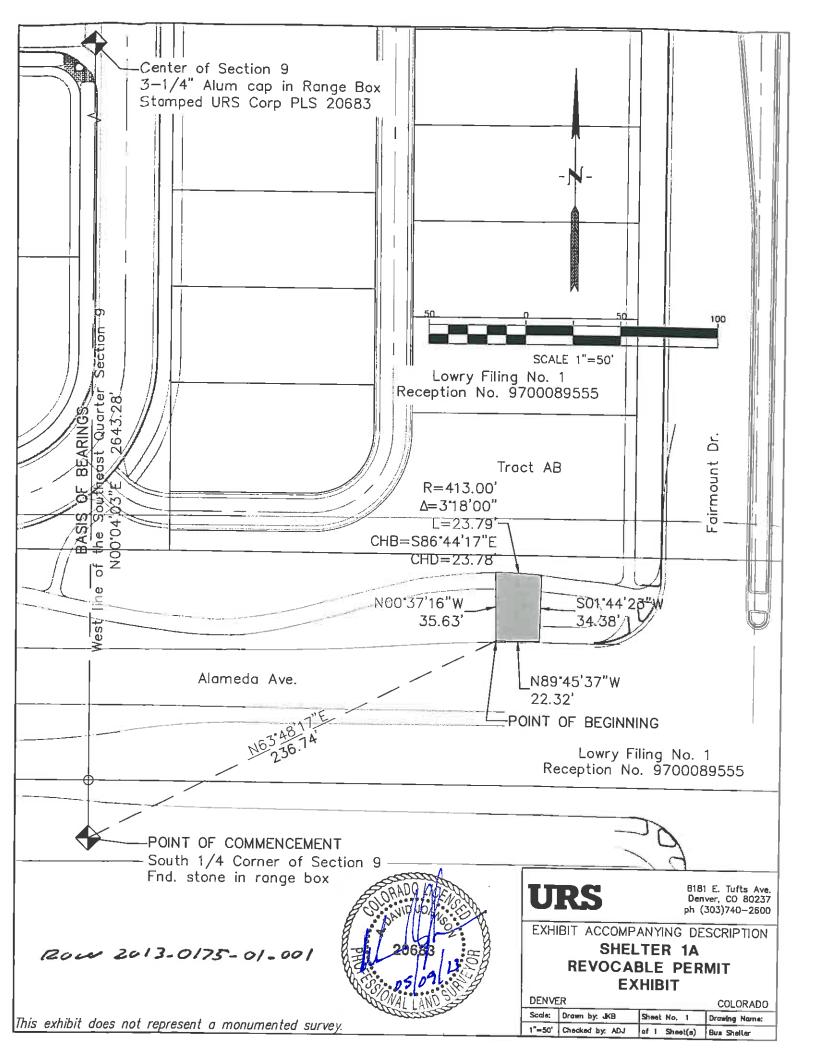
8181 E. Tufts Ave.,

Denver CO. 80237

Phone (303) 740-2647

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Row 2013-0175-01-001



# DESCRIPTION Shelter 5A

A part of the Northeast Quarter of Section 8 and a part of the Northwest Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

**COMMENCING** at the West Quarter Corner of said Section 9 thence North 03°55'54" West a distance of 129.30 feet to the **POINT OF BEGINNING**;

thence along the arc of a curve to the right having a radius of 556.81 feet, a central angle of 3°19'53", an arc length of 32.37 feet and whose chord bears North 02°23'47" East a distance of 32.37 feet;

thence North 90°00'00" East a distance of 8.05 feet:

thence South 06°02'52" West a distance of 1.31 feet to a point of non-tangent curvature; thence along the arc of a curve to the right having a radius of 10.50 feet, a central angle of 56°38'42", an arc length of 10.38 feet and whose chord bears South 71°10'45" East a distance of 9.96 feet to a point of non-tangent curvature;

thence along the arc of a curve to the right having a radius of 9.00 feet, a central angle of 58°45'59", an arc length of 9.23 feet and whose chord bears South 13°28'25" East a distance of 8.83 feet to a point of non-tangent curvature;

thence along the arc of a curve to the right having a radius of 27.00 feet, a central angle of 44°39'16", an arc length of 21.04 feet and whose chord bears South 38°14'13" West a distance of 20.51 feet;

thence South 00°59'50" West a distance of 3.13 feet;

thence North 90°00'00" West a distance of 8.01 feet to the POINT OF BEGINNING.

Containing 510 square feet or 0.012 acres, more or less.

BASIS OF BEARING: Bearings are based on the west line of the Northwest Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian as being North 00°10'10" East. The West Quarter Corner of said Section 9 is a found 3-1/4" Aluminum Cap in range box stamped: BRW INC PLS 20683. The Northwest Corner of said Section 9 is a found 3-1/4" Aluminum Cap in range box Stamped: BRW INC PLS 20683.

Row 2013-0175-01-002

A. David Johnson Brofessional Land Surveyor

Colorado Es. S No. 20683

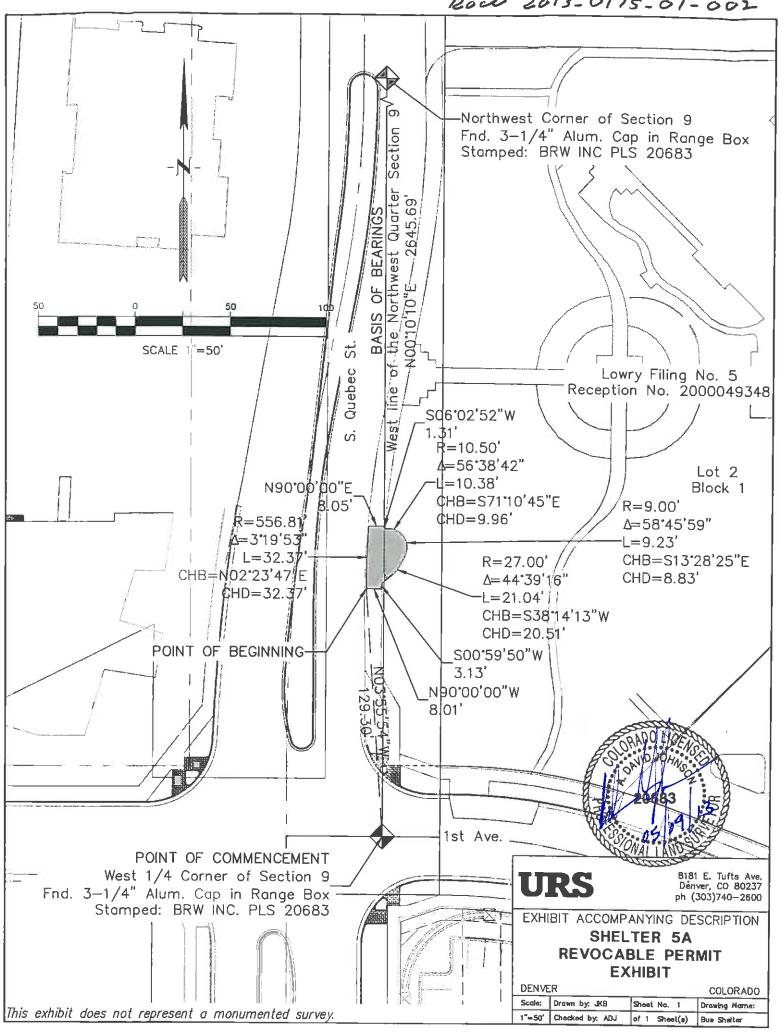
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# DESCRIPTION Shelter U1

A part of the Northeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

**COMMENCING** at the most northerly southeast corner of Lowry Filing No. 3 as recorded at Reception Number 9800190950 in the Clerk and Recorder's Office of the City and County of Denver, said most northerly southeast corner of Lowry Filing No. 3 is also a point on the northerly line of Proposed Lowry Blvd.;

thence North 53°27'42" East, along said northerly line of Proposed Lowry Blvd, a distance of 82.82 feet to the **POINT OF BEGINNING**;

thence North 53°27'42" East, along said northerly line of Proposed Lowry Blvd., a distance of 28.60 feet;

thence South 36°59'20" East a distance of 24.42 feet:

thence South 52°17'44" West a distance of 27.77 feet;

thence North 38°53'23" West a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 696 square feet or 0.016 acres, more or less.

BASIS OF BEARING: Bearings are based on the south line of the Northeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian as being South 89°44'38" East. The Center Quarter Corner of said Section 9 is a found 3-1/4" Aluminum Cap in range box stamped: URS CORP PLS 20683. The East Quarter Corner of said Section 9 is a found 3-1/4" Aluminum Cap flush with ground stamped: URS CORP PLS 20683.

A. David Johan Grofessional Land Surveyor

Colorada P.L.S.No 20683

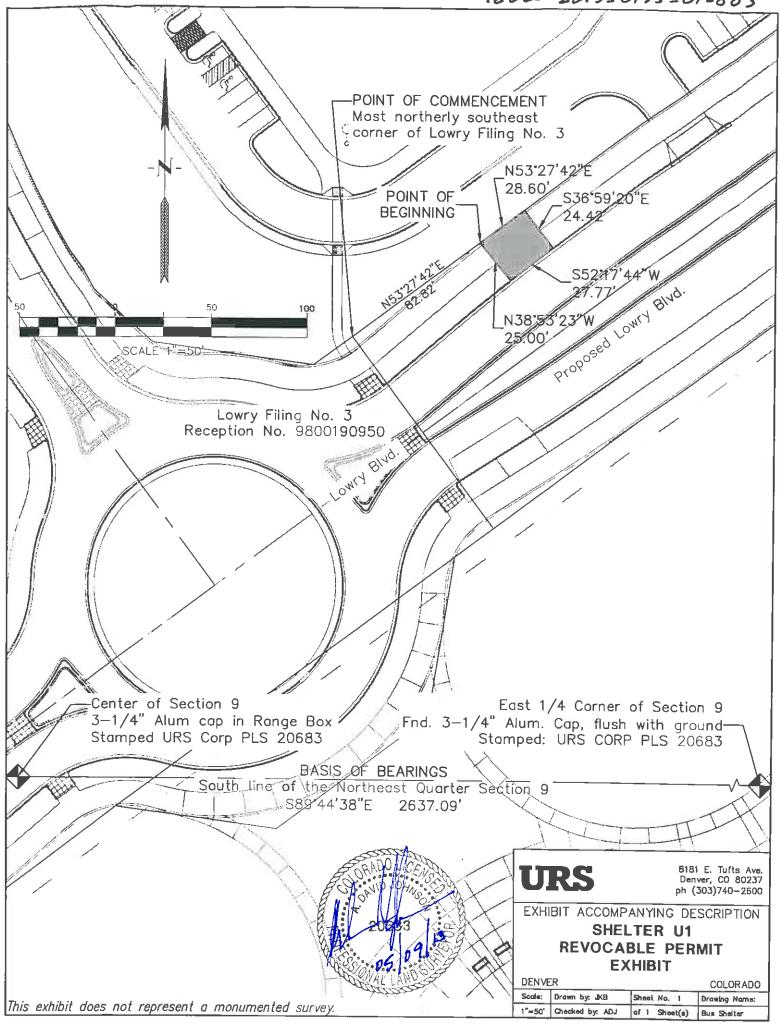
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Denver CO. 80237

Phone (303) 740-2647

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## DESCRIPTION Art 8A

A part of Tract A (Proposed 6<sup>th</sup> Ave.), Lowry Filing No. 8 as recorded at Reception Number 2001019061 in the Clerk and Recorder's Office of the City and County of Denver located in a part of the Southwest Quarter of Section 4, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

**COMMENCING** at the Southwest Corner of said Section 4;

thence South 89°57'23" East, along the southerly line of the Southwest Quarter of said Section 4, a distance of 581.62 feet to the **POINT OF BEGINNING**;

thence North 00°02'37" East a distance of 45.00 feet:

thence South 89°57'23" East a distance of 45.00 feet;

thence South 00°02'37" West a distance of 45.00 feet to said southerly line of the Southwest Quarter of said Section 4;

thence North 89°57'23" West, along said southerly line of the Southwest Quarter of Section 4, a distance of 45.00 feet to the **POINT OF BEGINNING**.

Containing 2,025 square feet or 0.046 acres, more or less.

BASIS OF BEARING: Bearings are based on the south line of the Southwest Quarter of Section 4, Township 4 South, Range 67 West of the Sixth Principal Meridian as being South 89°57'23" East. The South Quarter of said Section 4 is a found 3-1/4" Aluminum Cap in range box stamped: BRW INC PLS 20683. The Southwest Quarter corner of said Section 4 is a found 3-1/4" Aluminum Cap in range box stamped: BRW INC PLS 20683

A. David Linns of Gas fession Land Surveyor

Colorado El. S No. 20683

for and on ben and of the Corporation

8181 E. Tufts

Denver CO. 80237

Phone (303) 740-2647

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Row 2013-0175-01-605

Sheet No. 1

of 1 Sheet(s)

Checked by: ADJ

Drawing Name:

Bus Shelter

Lot 5

This exhibit does not represent a monumented survey.

# DESCRIPTION Shelter 14A

A part of Tract B (Proposed Lowry Blvd.), as platted in Lowry Filing No. 14 as recorded at Reception Number 2002098955 in the Clerk and Recorder's Office of the City and County of Denver located in a part of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

**COMMENCING** at the Northwest Corner of said Section 10;

thence South 89°51'45" East, along the north line of said Northwest Quarter of Section 10, a distance of 1124.29 feet to the northerly line of said Tract B (Proposed Lowry Blvd.);

thence along said northerly line of Tract B and along the arc of a curve to the left having a radius of 1062.00 feet, a central angle of 16°35'01", an arc length of 307.38 feet and whose chord bears South 63°40'05" West a distance of 306.31 feet to the **POINT OF BEGINNING**;

thence South 34°08'38" East a distance of 24.57 feet:

thence South 54°34'32" West a distance of 25.13 feet:

thence North 39°04'42" West a distance of 24.64 feet to said northerly line of Tract B and a point of non-tangent curvature;

thence along said northerly line of Tract B and along the arc of a curve to the right having a radius of 1062.00 feet, a central angle of 1°28'12", an arc length of 27.25 feet and whose chord bears North 54°38'28" East a distance of 27.25 feet to the **POINT OF BEGINNING**.

Containing 645 square feet or 0.015 acres, more or less.

BASIS OF BEARING: Bearings are based on the north line of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian as being South 89°51'45" East. The Northwest Corner of said Section 10 is a found 3-1/4" Aluminum Cap in range box stamped: URS CORP PLS 20683. The North Quarter Corner of said Section 10 is a found City of Aurora 3" Brass Cap in range box: Cap is unreadable.

A. Dwy Johnson, Professional Land Surveyor

Colorate P.L.S No/20

for and the Corporation

8181 E. Tillas

Denver CO. 80237 . Phone (303) 740-2647

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