



Denver Public Works
Engineering Regulatory & Analytics
201 W Colfax Ave, Dept. 507
Denver, CO 80202
p: 720.865.3003
e: Denver.PWERA@denvergov.org
www.denvergov.org/PWERA

**REQUEST TO *AMEND* EXISTING RESOLUTION FOR TIER III
ENCROACHMENT PERMIT**


TO: Caroline Martin, City Attorney's Office

FROM: Ted Christianson
Director, PW Right of Way Services

ROW NO.: 2016-Encroachment-0000045

DATE: May 18, 2017

SUBJECT: Request to amend an existing Encroachment Resolution No. 20161076, Series of 2016 granted for a pedestrian bridge, to include the additional 4 feet of dedicated Right of Way on each side of the alley, bounded by South Broadway Street, Lincoln Street, Arizona Avenue, and Mississippi Ave.

MATT R. BRYNER
SR. ENGR. MGR., PW ROWS


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

This office has investigated the request from John Stafford of Harris Kocher Smith dated April 7, 2017, on behalf of Kathy Binford 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 Jolon Clark; 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 to amend an existing Encroachment Resolution No. 20161076, Series of 2016 granted for a pedestrian bridge, to include the additional 4 feet of dedicated Right of Way on each side of the alley, bounded by South Broadway Street, Lincoln Street, Arizona Avenue, and Mississippi Ave.

INSERT PARCEL DESCRIPTION ROW 2016-ENCROACHMENT-0000045-002 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:

- (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

- (p) none

A map of the area is attached hereto.

TC: vw

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

Property Owner:
Kathy Binford
Hanover R.S Limited
Partnership
5847 San Felipe
Suite 3600
Houston, Tx 77057

Agent:
John Stafford
Harris Kocher Smith
1120 Lincoln St
Suite 1000
Denver, CO 80203

ORDINANCE/RESOLUTION REQUEST

Please email requests to Angela Casias
at angela.casias@DenverGov.org by **12:00 pm on Monday**.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: May 18, 2017

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: This is an amendment to the existing Encroachment Resolution No. 20161076, recordation 2016164484. This is to include the 4 feet on each side of the alley that was recently dedicated

2. Title: *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)*

Request to amend an existing Encroachment Resolution No. 20161076, Series of 2016 granted for a pedestrian bridge, to include the additional 4 feet of dedicated Right of Way on each side of the alley, bounded by South Broadway Street, Lincoln Street, Arizona Avenue, and Mississippi Ave.

3. Requesting Agency: PW Right of Way Services
Agency Division: Engineering, Regulatory & Analytics

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

- **Name:** Vanessa West
- **Phone:** 720-913-0719
- **Email:** vanessa.west@denvergov.org

5. Contact Person: *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

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

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

To amend an existing Encroachment Resolution No. 20161076, Series of 2016 granted for a pedestrian bridge, to include the additional 4 feet of dedicated Right of Way on each side of the alley

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field – please do not leave blank.)*

- a. **Contract Control Number:** N/A
- b. **Contract Term:** N/A
- c. **Location:** Alley bounded by South Broadway Street, Lincoln Street, Arizona Avenue, and Mississippi Ave
- d. **Affected Council District:** Dist # 7, Clark
- e. **Benefits:** N/A
- f. **Contract Amount (indicate amended amount and new contract total):** N/A

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

None

To be completed by Mayor’s Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



DENVER
THE MILE HIGH CITY

TIER III ENCROACHMENT EXECUTIVE SUMMARY

Denver Public Works
Right-of-Way Engineering Services
Engineering, Regulatory & Analytics Office

201 W Colfax Ave, Dept. 507
Denver, CO 80202
720-865-3003
www.denvergov.org

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

Project Title: 2016-ENCROACHMENT-0000045 **AMENDMENT** Tier III Pedestrian Bridge over alley bound Broadway, Lincoln and Arizona, Mississippi

Business name: Hanover R.S. Limited Partnership

Description of Encroachment: This amendment is to include the additional 4 feet on each side of the alley that was recently dedication as public Right of way. To accommodate the pedestrian bridge crossing the alley bound by Broadway, Lincoln and Arizona, Mississippi. The crossing will be at the 3rd floor through the 6th floor.

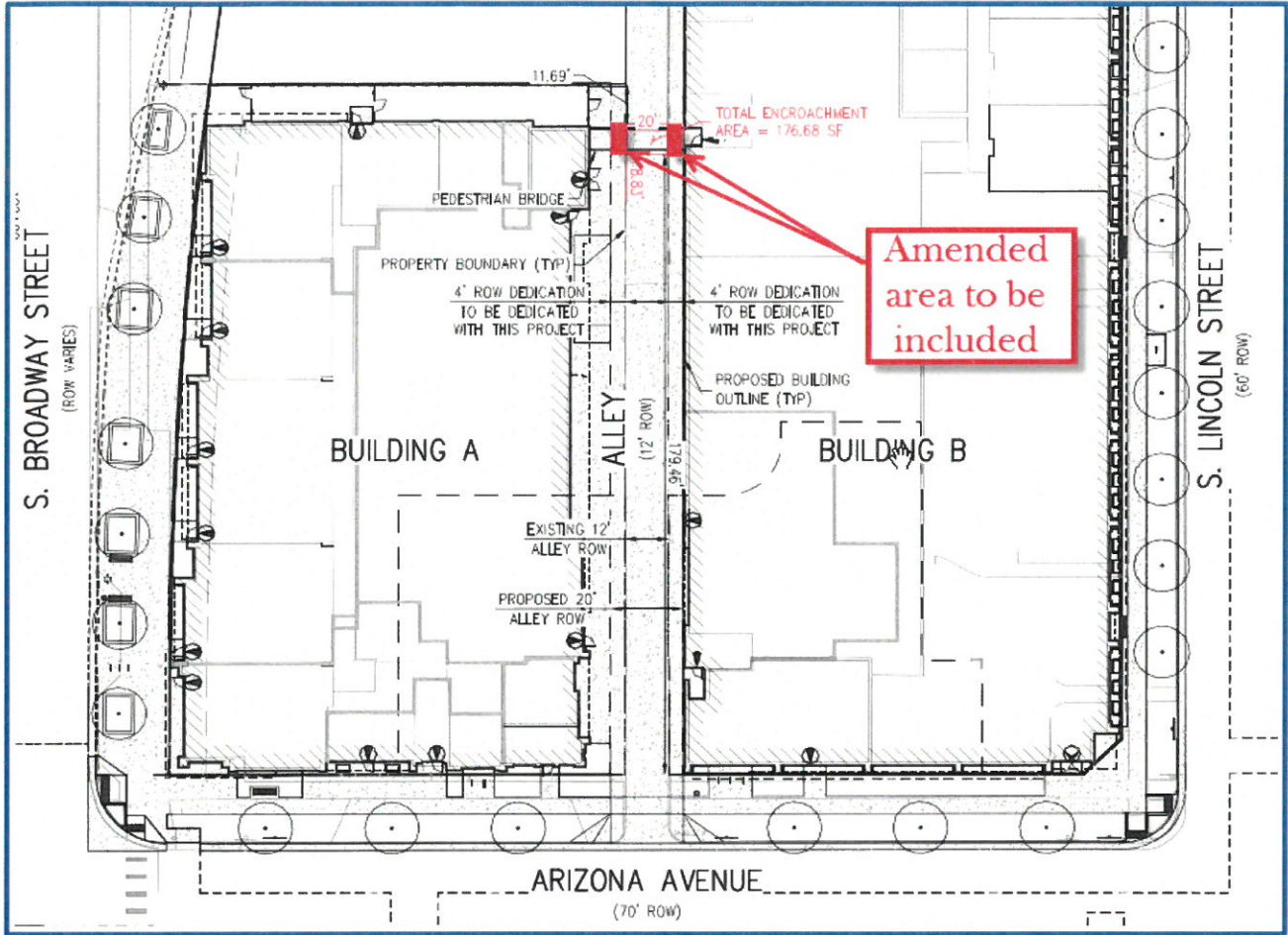
Explanation of why the Public Right of Way must be utilized for a private improvement: New development

Duration of the Encroachment: Permanent

Annual Fees: \$200.00 /year

Additional Information: This amendment is to include the additional 4 feet on each side of the alley that was recently dedication as public Right of way

Location Map: (see next page)



DESCRIPTION

SITUATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PART OF LOT 17 AND LOT 32, BLOCK 8, SHERMAN SUBDIVISION AND THE ALLEY ADJACENT THERETO, SITUATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 17;
THENCE SOUTH 00°04'20" EAST ALONG THE WEST LINE OF SAID ALLEY, A DISTANCE OF 11.69 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 89°55'40" EAST, A DISTANCE OF 16.00 FEET;
THENCE SOUTH 00°04'20" EAST, A DISTANCE OF 8.83 FEET;
THENCE SOUTH 89°55'40" WEST, A DISTANCE OF 20.00 FEET;
THENCE NORTH 00°04'20" WEST, A DISTANCE OF 8.83 FEET;
THENCE NORTH 89°55'40" EAST, A DISTANCE OF 4.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 177 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE 16.00 FOOT RANGE LINE IN SOUTH LINCOLN STREET BETWEEN MISSISSIPPI AVENUE AND ARIZONA AVENUE ASSUMED TO BEAR SOUTH 00°04'20" EAST.

PREPARED BY: AARON MURPHY, PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300



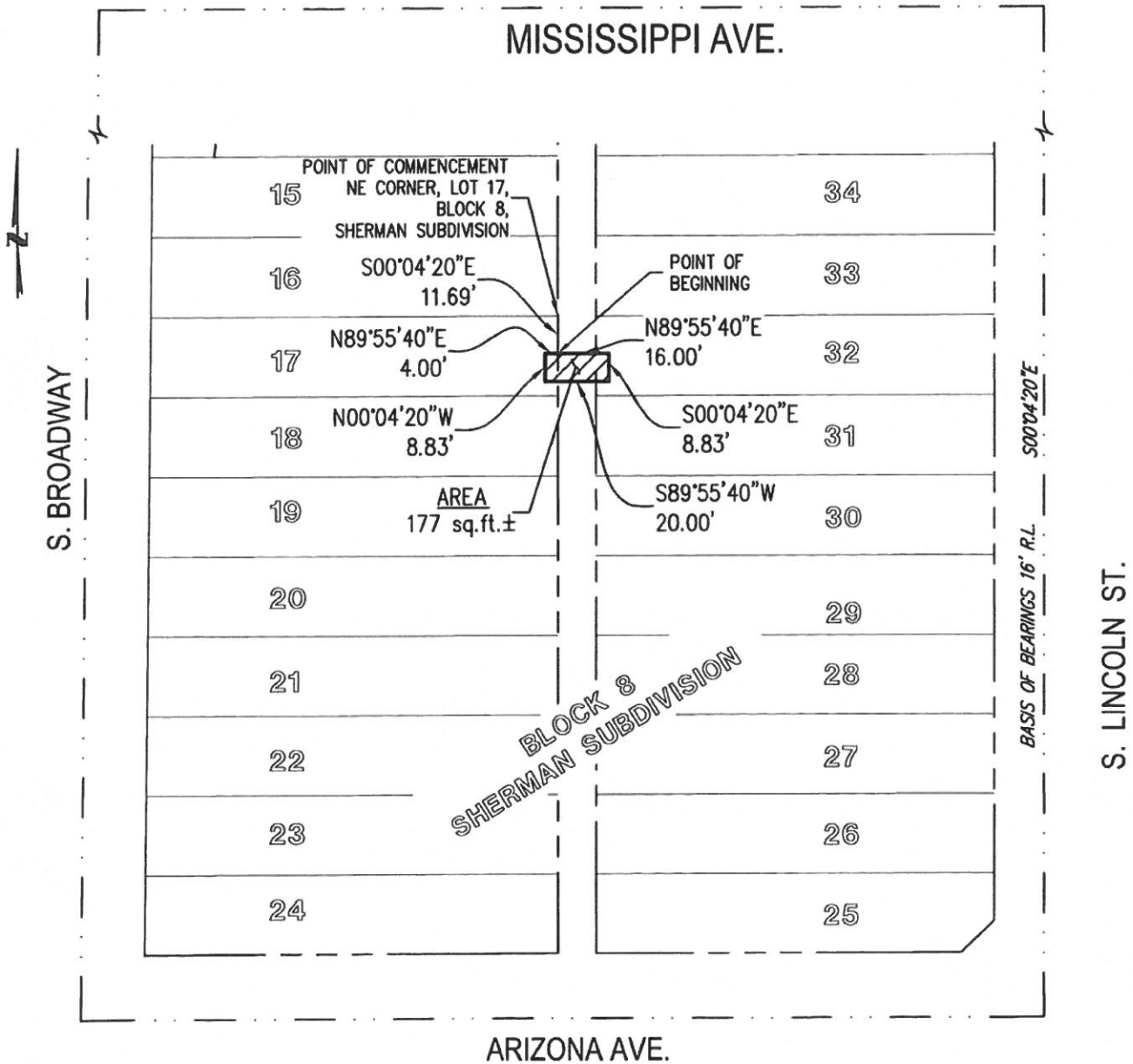
TEMPLATE: P:\160306\160306-REVISED LAYOUT.DWG
PLOTTER: PLOT 03/31/17 8:26:41A BY: APMC WOLTERDAKE

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

ISSUE DATE: 6-24-2016	PROJECT #: 160306	HANOVER	TIER III ENCROACHMENT DESCRIPTION	HKS	HARRIS KOCHER SMITH	CHKD BY: AWM DRAWN BY: KDW
DATE	REVISION COMMENTS			<small>1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303.623.6300 F: 303.623.6311 HarrisKocherSmith.com</small>		<small>SHEET NO</small>
9-30-16	REV PARCEL CONFIG					1
03-31-2017	REVISED TO 20 FEET WIDE					<small>1 OF 3</small>

EXHIBIT

SITUATED IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 4 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO.



SCALE: 1" = 50'

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

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH

FILED IN: P:\150306\150306-REVISED LAYOUT.dwg
PLOTTER: PLOT07.DWG
PLOTTER: PLOT07.DWG

DATE	REVISION COMMENTS	PROJECT #:
6-24-2016		160306
9-30-16	REV PARCEL CONFIG	
03-31-2017	REVISED TO 20 FEET WIDE	

HANOVER

TIER III ENCROACHMENT
EXHIBIT

HKS HARRIS
KOCHER
SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

CHKD BY: AWM
DRAWN BY: KDW

SHEET NO

2

2 OF 3

1 CC RES 20161076

BY AUTHORITY

2 RESOLUTION NO. CR16-1076

COMMITTEE OF REFERENCE:

3 SERIES OF 2016

Land Use, Transportation & Infrastructure

4 **A RESOLUTION**

5 **Granting a revocable permit to Hanover R.S. Limited Partnership, to encroach**
6 **into the alley bounded by South Broadway Street, Lincoln Street, Arizona**
7 **Avenue and Mississippi Avenue.**

8 **BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

9 **Section 1.** The City and County of Denver ("City") hereby grants to Hanover R.S. Limited
10 Partnership and its successors and assigns ("Permittee"), a revocable permit to encroach into the
11 right-of-way with a pedestrian bridge ("Encroachments") in the following described area
12 ("Encroachment Area"):

13 **PARCEL DESCRIPTION ROW NO. 2016-ENCROACHMENT-0000045-001:**

14 A PARCEL OF LAND BEING A PART OF THE ALLEY ADJACENT TO LOT 17 AND LOT 32,
15 BLOCK 8, SHERMAN SUBDIVISION, SITUATED IN THE NORTHEAST QUARTER OF SECTION
16 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND
17 COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
18 FOLLOWS:

19 COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 17;

20 THENCE SOUTH 00°04'20" EAST ALONG THE WEST LINE OF SAID ALLEY, A DISTANCE OF
21 11.69 FEET TO THE POINT OF BEGINNING;

22 THENCE NORTH 89°55'40" EAST, A DISTANCE OF 12.00 FEET TO A POINT ON THE EAST LINE
23 OF SAID ALLEY;

24 THENCE SOUTH 00°04'20" EAST ALONG SAID EAST LINE, A DISTANCE OF 8.83 FEET;

25 THENCE SOUTH 89°55'40" WEST, A DISTANCE OF 12.00 FEET TO A POINT ON THE WEST LINE
26 OF SAID ALLEY;

27 THENCE NORTH 00°04'20" WEST ALONG SAID WEST LINE, A DISTANCE OF 8.83 FEET TO THE
28 POINT OF BEGINNING.

29 PARCEL CONTAINS 106 SQUARE FEET, MORE OR LESS.

30 BEARINGS ARE BASED ON THE 16.00 FOOT RANGE LINE IN SOUTH LINCOLN STREET
31 BETWEEN MISSISSIPPI AVENUE AND ARIZONA AVENUE ASSUMED TO BEAR SOUTH
32 00°04'20" EAST.



11/23/2016 04:43 PM

R \$0.00

Page: 1 of 5

D \$0.00

1 **Section 2.** The revocable permit (“Permit”) granted by this Resolution is expressly granted
2 upon and subject to each and all of the following terms and conditions:

3 (a) Permittee shall obtain a street occupancy permit from City’s Public Works Permit
4 Operations at 2000 West 3rd Avenue, 303-446-3759, prior to commencing construction.

5 (b) Permittee shall be responsible for obtaining all other permits and shall pay all costs
6 that are necessary for installation and construction of items permitted herein.

7 (c) If the Permittee intends to install any underground facilities in or near a public road,
8 street, alley, right-of-way or utility easement, the Permittee shall join the Statewide Notification
9 Association of Owners and Operators of Underground Facilities by contacting the Utility Notification
10 Center of Colorado, 12600 West Colfax Avenue, Suite B-310, Lakewood, Colorado 80215, at 303-
11 232-1991. Further, Permittee shall contact the Utility Notification Center at 1-800-922-1987 to
12 locate underground facilities prior to commencing any work under this Permit.

13 (d) Permittee is fully responsible for any and all damages incurred to facilities of the Water
14 Department and/or drainage facilities for water and sewage of the City due to activities authorized
15 by the Permit. Should the relocation or replacement of any drainage facilities for water and sewage
16 of the City become necessary as determined by the City’s Executive Director of Public Works
17 (“Executive Director”), in the Executive Director’s sole and absolute discretion, Permittee shall pay
18 all cost and expense of the portion of the sewer affected by the permitted structure. The extent of
19 the affected portion to be replaced or relocated by Permittee shall be determined by the Executive
20 Director. Any and all replacement or repair of facilities of the Denver Water and/or drainage facilities
21 for water and sewage of the City attributed to the Permittee shall be made by the Denver Water
22 and/or the City at the sole expense of the Permittee. In the event Permittee’s facilities are damaged
23 or destroyed due to the Denver Water or the City’s repair, replacement and/or operation of its
24 facilities, repairs will be made by the Permittee at its sole expense. Permittee agrees to defend,
25 indemnify and save the City harmless and to repair or pay for the repair of any and all damages to
26 said sanitary sewer, or those damages resulting from the failure of the sewer to properly function
27 as a result of the permitted structure.

28 (e) Permittee shall comply with all requirements of affected utility companies and pay for
29 all costs of removal, relocation, replacement or rearrangement of utility company facilities. Existing
30 telephone facilities shall not be utilized, obstructed or disturbed.

31 (f) All construction in, under, on or over the Encroachment Area shall be accomplished
32 in accordance with the Building Code of the City. Plans and specifications governing the
33 construction of the Encroachments shall be approved by the Executive Director and the Director of

1 Building Inspection Division prior to construction. Upon completion, a reproducible copy of the exact
2 location and dimensions of the Encroachments shall be filed with the Executive Director.

3 (g) The sidewalk and street/alley over the Encroachment Area shall be capable of
4 withstanding an HS-20 loading in accordance with the latest AASHTO Specifications. The
5 installations within the Encroachment Area shall be constructed so that the paved section of the
6 street/alley can be widened without requiring additional structural modifications. The sidewalk shall
7 be constructed so that it can be removed and replaced without affecting structures within the
8 Encroachment Area.

9 (h) Permittee shall pay all costs of construction and maintenance of the Encroachments.
10 Upon revocation of the permit or upon abandonment, Permittee shall pay all costs of removing the
11 Encroachments from the Encroachment Area and return the Encroachment Area to its original
12 condition under the supervision of the City Engineer.

13 (i) Permittee shall remove and replace any and all street/alley paving, sidewalks, and
14 curb and gutter, both inside the Encroachment Area and in the rights-of-way adjacent thereto, that
15 become broken, damaged or unsightly during the course of construction. In the future, Permittee
16 shall also remove, replace or repair any street/alley paving, sidewalks, and curb and gutter that
17 become broken or damaged when, in the opinion of the City Engineer, the damage has been caused
18 by the activity of the Permittee within the Encroachment Area. All repair work shall be accomplished
19 without cost to the City and under the supervision of the City Engineer.

20 (j) The City reserves the right to make an inspection of the Encroachments contained
21 within the Encroachment Area. An annual fee, subject to change, of \$200.00 shall be assessed.

22 (k) This revocable Permit shall not operate or be construed to abridge, limit or restrict the
23 City in exercising its right to make full use of the Encroachment Area and adjacent rights-of-way as
24 public thoroughfares nor shall it operate to restrict the utility companies in exercising their rights to
25 construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent
26 rights-of-way.

27 (l) During the existence of the Encroachments and this Permit, Permittee, its successors
28 and assigns, at its expense, and without cost to the City, shall procure and maintain a single limit
29 comprehensive general liability insurance policy with a limit of not less than \$500,000.00. All
30 coverages are to be arranged on an occurrence basis and include coverage for those hazards
31 normally identified as X.C.U. during construction. The insurance coverage required herein
32 constitutes a minimum requirement and such enumeration shall in no way be deemed to limit or
33 lessen the liability of the Permittee, its successors or assigns, under the terms of this Permit. All

1 insurance coverage required herein shall be written in a form and by a company or companies
2 approved by the Risk Manager of the City and authorized to do business in the State of Colorado.
3 A certified copy of all such insurance policies shall be filed with the Executive Director, and each
4 such policy shall contain a statement therein or endorsement thereon that it will not be canceled or
5 materially changed without written notice, by registered mail, to the Executive Director at least thirty
6 (30) days prior to the effective date of the cancellation or material change. All such insurance
7 policies shall be specifically endorsed to include all liability assumed by the Permittee hereunder
8 and shall name the City as an additional insured.

9 (m) Permittee shall comply with the provisions of Article IV (Prohibition of Discrimination
10 in Employment, Housing and Commercial Space, Public Accommodations, Educational Institutions
11 and Health and Welfare Services) of Chapter 28 (Human Rights) of the Revised Municipal Code of
12 the City and County of Denver. The failure to comply with any such provision shall be a proper
13 basis for revocation of this Permit.

14 (n) The right to revoke this Permit is expressly reserved to the City.

15 (o) Permittee shall agree to indemnify and always save the City harmless from all costs,
16 claims or damages arising, either directly or indirectly, out of the rights and privileges granted by
17 this Permit.

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

26 **REMAINDER OF PAGE INTENTIONALLY BLANK**

27

1 COMMITTEE APPROVAL DATE: November 10, 2016, by consent

2 MAYOR-COUNCIL DATE: November 15, 2016

3 PASSED BY THE COUNCIL: November 21, 2016

4 Al Bock - PRESIDENT

5 ATTEST: Juan Garcia DEPUTY CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER

8 PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: November 17, 2016

9 Pursuant to section 14-12, D.R.M.C., this proposed resolution has been reviewed by the office of
10 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
11 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to §
12 3.2.6 of the Charter.

13 Kristin M. Bronson, Denver City Attorney

14 BY: Brent A. Eisen, Assistant City Attorney DATE: Nov 17, 2016

